

**Open Letter on Extension of Least Developed Country Transition Period**  
**25<sup>th</sup> May 2021**

Ambassador Dagfinn Sørli,  
Chair of Council for TRIPS

Ambassador Katherine Tai,  
United States Trade Representative

Commissioner Valdis Dombrovskis  
European Commission

Dear Ambassador Sørli, Ambassador Tai and Commissioner Dombrovskis,

We are writing to express our serious concern with attempts to weaken and undermine the duly motivated request of Least Developed Countries (LDCs) to the TRIPS Council of the World Trade Organization (IP/C/W/668) and the lack of progress on the request.

Presently LDCs are facing the worst economic crisis seen in the past 30 years as a result of COVID-19 according to UNCTAD's LDC Report 2020, which also forecasts falling income levels, widespread employment losses and widening fiscal deficits. At least 50% of the world's extremely poor live in LDCs, and the current COVID crisis is expected to push at least 32 million more people into poverty in 2020. The report informs that "at least 43 out of the 47 LDCs will likely experience a fall in their average income" and that "the current account deficit of LDCs is forecast to widen from \$41 billion (or 3.8% of their collective GDP) in 2019 to \$61 billion (or 5.6% of their GDP) in 2020, the highest value ever".<sup>1</sup>

Shockingly the 2021 Financing for Sustainable Development Report (FSDR) of the UN Inter-agency Task Force on Financing for Development has found that "COVID-19 could lead to a lost decade for development - one most pronounced in the Least Developed Countries (LDCs)".

LDCs' situation is very alarming. At this moment LDCs need maximum policy flexibility. Even before the Covid crisis LDCs faced severe constraints, such as limited availability of skilled labour, productive capacities, access to secondary education, electricity, and internet access. The basic conditions to benefit from full TRIPS implementation are mostly absent in LDCs.

Covid 19 has worsened the situation. Even the limited progress made towards Sustainable Development Goals are expected to be reversed. According to a UN Study "The COVID-19 pandemic not only threatens to throw LDCs back many years in achieving SDGs on poverty, hunger, health and education, but it also exacerbates inequalities, further jeopardizing the achievement of SDG5 on gender equality and women's empowerment and SDG10 on reducing inequalities."<sup>2</sup>

It also stresses that the "financial situation in LDCs has become more challenging, with a fall in FDI and remittances, and almost half of LDCs are at high risk of, or already in, debt distress. Limited fiscal space has meant that the fiscal response to the pandemic of most LDCs has been inadequate".

**In such a situation, how can the WTO's TRIPS Council, and especially the US and EU continue bullying the LDCs.** It is absolutely unconscionable especially given the fact that Art. 66.1 grants LDCs an automatic right to transition period following a duly motivated request by LDCs for it states the

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<sup>1</sup> <https://unctad.org/press-material/least-developed-countries-report-2020productive-capacities-new-decade>

<sup>2</sup> Comprehensive Study on the Impact of COVID-19 on the Least Developed Country Category, APRIL 2021

“Council for TRIPS *shall*, upon duly motivated request by a least-developed country Member, *accord* extensions of this period.”

However, it is appalling that more than 6 months since the request was made, at a time of a global unprecedented crisis, with the most vulnerable bearing the worst impact, the WTO TRIPS Council has yet to grant the LDCs’ request.

Short transition periods granted in the past have proven to be inadequate. And it is clear, now more than ever LDCs will require the transition period to continue post-graduation as the exceptional developmental challenges LDCs are facing will continue even after graduation. We also recall that the international community through UN resolutions 59/209 of 20 December 2004 and 67/221 of 21 December 2012, have called for the continuation of existing special and differential measures post-graduation.

**We call on the US and EU to urgently and unequivocally support the LDCs’ request and for the WTO TRIPS Council to adopt the proposed decision text in IP/C/W/668.**

cc. David Bisbee  
Charge d'affaires a.i.  
U.S. Mission to the World Trade Organization

cc: Mr. João Aguiar Machado  
Ambassador, Permanent Representative of the European Union to the World Trade Organization

Signed,

**BAKI Landry**, Université Joseph KI ZERBO/ Ouagadougou, Burkina Faso  
**BAKI Cyrille**, MAAHM Burkina, Burkina Faso  
**BANCE Benjamin**, MROD/BF, Burkina Faso  
**BANDRE Estelle**, Université Joseph Ki Zerbo, Burkina Faso  
**BANHORO Bienvenu Yalabola**, Université Joseph Ki ZERBO/Club des Etudiants en Pharmacie du Burkina Faso, Burkina Faso  
**BEN BARKA Najim**, IPSF/FAPH/AEP, Mali  
**BIKIENGA Jeannette**, Université Joseph KI ZERBO, Burkina Faso  
**BOINA Alida**, Etudiant en pharmacie, Burkina Faso  
**BONKOUNGOU Dakiswende Djamila Octavie**, Université Joseph Ki Zerbo, Burkina faso  
**CAMARA Moussa**, FESPAO, Côte d’Ivoire  
**COMPAORE Elisabeth**, Association Shalom pour le monde (ASham), Burkina Faso  
**COULIBALY Yaya**, Direction de la Pharmacie et du Médicament, Mali  
**DABIRE Azaymbor Frédéric**, JEC Dano, Burkina Faso  
**DAH Mambora Gwladys**, CEPHARM-BF/ Université Joseph Ki Zerbo/Burkina Faso  
**FIAGAN David**, IPSF Togo  
**GUEMBRE Adama**, Gouvernement jeunesse Burkina, Burkina Faso  
**ILBOUDO Rodrigue**, Usta, Burkina Faso  
**KANGAMBEGA Serge**, Etat de Ouagadougou, Burkina Faso  
**KAGONE Ada Yasmine**, Nazi Boni, Burkina Faso

**KARAMA Wanhamä Ibrahim**, Mouvement de Réflexion sur les Opportunités de Développement du Burkina Faso, Burkina Faso

**KERE Abdou Shahid**, Université Joseph Ki Zerbo, Burkina Faso

**KIENDREBEOGO Aziiza**, AEP.Sn, Senegal

**KOUMBANTHY DORY Fatimè Zara**, USTA, Tchad

**MEL Claudia Armande**, Université félix houphouet boigny abidjan, Côte d'Ivoire

**NACOULMA Eric**, MROD-BF, Burkina Faso

**NIANDE Karim**, Service de la santé, Burkina Faso

**NIKIEMA V. Anaëlle**, Université Joseph Ki Zerbo, Burkina Faso

**NIKIEMA Samiatou**, MROD-BF, Burkina Faso

**NIKIEMA W Bruno**, Faculté de pharmacie, Burkina Faso

**NOALI Boama Ezéchiël**, Mouvement de Réflexion sur les Opportunités de Développement du Burkina Faso (MROD-BF), Burkina Faso

**NOALI Prosper**, AJRAM-BF, Burkina Faso

**OUANGRAOUA Djaminatou**, Gouvernement jeunesse burkinabè/ université Joseph Ki Zerbo, Burkina Faso

**OUEDRAOGO Frank Lyonel Ouindyam**, Université Joseph Ki Zerbo, Burkina Faso

**SAMADOULOUGOU Délwendé René Séverin**, Université Joseph Ki-Zerbo, Burkina Faso

**SEGUEDA Salamata Aude bertille**, MROD-BF, Burkina Faso

**SANOU Zeïnab**, AIESEC in Burkina Faso, Burkina Faso

**SANWIDI Adeline**, Université Joseph Ki Zerbo, Burkina Faso

**SAWADOGO Téné**, Université Joseph Ki Zerbo, Burkina Faso

**SAWADOGO Loetitia Flavie**, Université Joseph Ki Zerbo, Burkina Faso

**SAWADOGO Bibata**, Faculté de Pharmacie, Burkina Faso

**SIMPORE Abdoul karim**, Central d'Achat des Médicaments Essentiels Génériques, Burkina Faso

**SIMPORE Safiatou**, Yolse, Santé Publique et Innovation, Afrique francophone de l'Ouest et du Centre

**SINARE Ousmane**, WEDDINE EXPERTISE, Burkina Faso

**SY Assetou Mansour**, Université des sciences techniques et technologiques de Bamako, Mali

**SYLLA Ahmed**, Université Norbert Zongo, Burkina Faso

**TAPSOBA Djamilia**, Gouvernement Jeunesse Burkina, Burkina Faso

**TERI Mariam**, Université de Ouagadougou, Burkina Faso

**TRAORE Ibrahim**, Université Joseph Ki Zerbo, Burkina Faso

**WANGRAWA Abdel-Aziz**, Université de Ouagadougou, Burkina Faso

**ZANGA Yascine**, MROD-BF, Burkina Faso

**ZONGO P Salifou**, Ministère de la santé, Burkina Faso

**ZONGO Abdoul kader**, Miki fashion, Burkina

**ZOMA Laeticia**, Université de Ouagadougou, Burkina Faso

**ZORE Benjamin**, MROD-BF, Burkina Faso