

**WHA 73**  
**United States of America**  
**Explanation of Position**  
**“COVID-19 Response” Resolution**

**Written Statement**

The United States thanks the European Union and the other co-sponsors for their leadership in preparing the COVID-19 Response resolution for adoption at the virtual 73rd World Health Assembly (WHA). That we are meeting in virtual session, at a time when more than 300,000 people have lost their lives and the global economy has been deeply affected, is a testament to the need to come together in response to this pandemic. This resolution makes an important contribution to that global response, immediately calling for whole-of-government and whole-of-society approaches to fighting the pandemic with the best available evidence, and by urging the international community to come together around all aspects of the response.

Most importantly, the terms of this resolution take the first critical steps necessary to ensure that, when we face the next pandemic, we will have a World Health Organization (WHO) and an international system capable of responding effectively and decisively to save lives and protect the vulnerable. We applaud the call for an impartial, independent, and comprehensive review of the WHO’s response, to be undertaken in consultation with Member States, and we urge that work to begin now. This will help ensure we have a complete and transparent understanding of the source of the virus, timeline of events, early discussions, and the decision-making process for the WHO’s response to the COVID-19 pandemic. We must reform the WHO and supporting entities to be fully capable of fulfilling their core and crucial mission moving forward. We further appreciate the mandate given by the resolution to the WHO to investigate the origins of the virus, and we are confident that through this knowledge, researchers and medical practitioners around the world will be empowered in the pursuit of vaccines and other countermeasures.

Finally, we wholeheartedly endorse the call in the resolution for all Member States to provide the WHO with timely, accurate, and sufficiently-detailed public health information related to the COVID-19 pandemic, as required by the International Health Regulations (IHR 2005). We stand ready to work with all partners to implement this resolution. If we are to fully realize the promise contained in the IHRs of a safer world for everyone, changes must be made within the WHO to

hold Member State accountable to address and reduce risks that threaten public health.

Unfortunately, despite our best efforts at working toward consensus language in all areas of this resolution, we regret that the United States must disassociate itself from a few paragraphs due to the following issues:

The United States dissociates from operative paragraphs 7.5 and 9.4. The United States strongly supports women reaching the highest attainable outcomes for health, life, dignity, and well-being throughout their lives. We champion access to high-quality health care for women and girls across the lifespan. However, we do not accept references to “sexual and reproductive health,” or other language that suggests or explicitly states that access to abortion is included in the provision of population and individual level health services. The United States believes in legal protections for the unborn, and rejects any interpretation of international human rights (such as General Comment 36 on the International Covenant on Civil and Political Rights) to require any State Party to provide access to abortion. As President Trump has stated, “Americans will never tire of defending innocent life.” Each nation has the sovereign right to implement related programs and activities consistent with their laws and policies, free from external pressure. There is no international right to abortion, nor is there any duty on the part of States to finance or facilitate abortion. Further, consistent with the 1994 International Conference on Population and Development Programme of Action and the 1995 Beijing Declaration and Platform for Action, we do not recognize abortion as a method of family planning, nor do we support abortion in our global health assistance.

The United States must also disassociate from operative paragraphs 4, 8.2 and 9.8 because the language in these operative paragraphs does not adequately capture all of the carefully negotiated, and balanced, language in the World Trade Organization (WTO) Agreement on Trade-Related Aspects of Intellectual Property (TRIPS) and the Doha Declaration of 2001 and instead presents an unbalanced and incomplete picture of that language at a time where all actors need to come together to produce vaccines and other critical health products. The United States recognizes the importance of access to affordable, safe, high-quality, and effective health products and the critical role that intellectual property plays in incentivizing the development of new and improved health products. However, as currently drafted, paragraphs 4, 8.2 and 9.8 send the wrong message to innovators who will be essential to the solutions the whole world needs.

We are concerned that a misinterpretation of international trade obligations in non-WTO multilateral fora may negatively affect countries' abilities to incentivize new drug development and expand access to medicines. We would also like to clarify our understanding of the reference in 8.2 to "existing mechanisms for voluntary pooling ... of patents." The United States interprets this reference as limited to voluntary mechanisms existing before the COVID-19 pandemic, not new or proposed "patent pooling" mechanisms created in response to the pandemic. It is critical that any such voluntary mechanisms as applied to COVID-19 related technologies be narrowly tailored in scope and duration to the medical needs of the current crisis, and that the World Intellectual Property Organization (WIPO), as the UN agency with technical expertise on intellectual property issues, play an appropriate role in their operation and evolution.

The United States is leading global efforts for the development of vaccines, for therapies and treatments for COVID-19, including providing significant funding and leading other initiatives to accelerate innovation in this space, for example the ACTIV Partnership recently unveiled by the United States National Institutes of Health. We applaud other global efforts as well and are committed to supporting a collaborative approach to ensuring that all efforts support one another and that we are truly accelerating progress toward a vaccine.

Going forward, given the need for innovation incentives in the development of new health products, the U.S. Government encourages member states to engage with innovators to find mutually-acceptable solutions that achieve increased access to affordable, safe, effective, and high-quality COVID-19 health products. By taking an unbalanced and incomplete approach to the issue of access to medicines and TRIPS, this resolution misses an opportunity to galvanize the world, beyond bureaucracy and UN bodies, toward the critical goal of accelerating research, development, distribution and access to affordable, safe, quality and effective COVID-19-related products. We remain committed to working with all partners toward that goal.