

NATIONS PROTECTING PHARMA FIRMS THREATEN GLOBAL COVID-19 RECOVERY

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The European Union (EU), United Kingdom, Japan and Australia are holding the world hostage by refusing to support a waiver of COVID-19 vaccine patents for the world to recover from the pandemic. The World Trade Organization (WTO) remains at an impasse for one year.

Then, India and South Africa applied for approval of a waiver over Intellectual Property Rights (IPR) for COVID-19 vaccines so that they could produce the vaccines – especially Pfizer and Moderna’s mRNA vaccines – to help their countries as well as many developing countries to recover faster from the pandemic.

But Australia and other countries supporting the continuation of the IPRs question whether such a waiver could be effective in delivering a greater number of vaccines to the global population. The United States initially had this view, but later President Biden announced that the US will support a temporary lifting of the IPRs on COVID-19 vaccines. Lately Australia also seems to be coming around to that position.

On October 2, 2020, India and South Africa co-authored a proposal requesting that certain obligations in the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) be waived with respect to the prevention, containment or treatment of COVID-19.

Issuing a statement to mark the first anniversary of this proposal submitted to the WTO, Amnesty International (AI) pointed out that since then a staggering 3.5 million people have died from COVID-19. “How many more people must die needlessly before countries do the right thing and support the lifting of patent restrictions, so COVID-19 vaccines, tests and treatments can be produced worldwide?” asked AI.

“It is simply shameful that a handful of wealthy governments continue to monopolize vaccine supply while consistently



A demonstration in support of the TRIPS waiver.

opposing attempts to free up intellectual property rights that would enable other states to fulfill their obligations to protect their people,” noted AI’s Secretary General Agnes Callamard.

“Pharma companies have also behaved shamefully – pushing up prices, monopolizing intellectual property, blocking technology transfers, and lobbying aggressively against measures that would expand global manufacturing to line their pockets,” she argued, adding, “greed is triumphing over human life and human rights.”

On May 21, 2021, a number of countries (including India and South Africa) issued a revised proposal requesting that certain obligations in the TRIPS Agreement “be waived in relation to health products and technologies including diagnostics, therapeutics, vaccines, medical devices, personal protective equipment, their materials or components, and their methods and means of manufacture for the prevention, treatment or containment of COVID-19.”

But the very countries that love to lecture others on human rights including EU members Norway, Switzerland and Germany have opposed such a move.

Recently, the Geneva-based South Centre – a think tank for the Global South – organized a working session on the issue. During the session, Dr. Dean Baker from the Washington-based Center for Economic Policy and Research noted that the COVID-19 vaccines were largely funded by public resources:



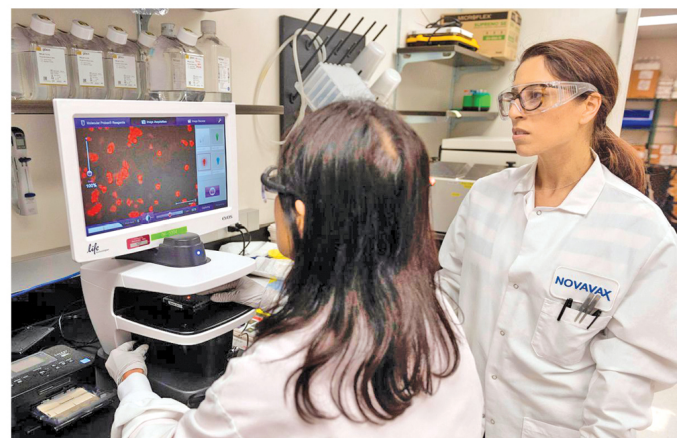
Most developed countries have inoculated the majority of their populations.

Moderna received US\$ 450 million for the research to develop the vaccine and then US\$ 450 million for clinical trials, as well as Advance Purchase Agreements (similar to Pfizer).

Oxford/AstraZeneca had over 90 percent of public sector financing. He pointed out that this highlights the fact that IP (Intellectual Property) as a necessity for innovation is factually untrue.

“With IP, all decisions rely on IP holders, leading to the almost obscene situation we are in: a disproportionate share of vaccines which went to Europe and USA and boosters to healthy people being inoculated before frontline workers in developing countries,” noted Dr. Baker.

Prof. Carlos Correa, Executive Director of the South Centre, speaking in the same session, pointed out that the proponents of



Pharma companies received millions of Dollars from Governments for vaccine research.

the TRIPS Agreement had argued that it will bring about benefits to developing countries in terms of innovation, technology transfer and foreign direct investment (FDI).

“Such promises were not fulfilled. Empirical evidence shows that increased standards of IP protection over 40 years in developing countries have not led to more innovation,” he said. “In relation to transfer of technology, IP has actually provided more room for technology holders not to share, instead of facilitating it – the mRNA COVID-19 vaccines are an example in that regard.”

Since there is no evidence that increased levels of IP protection attracted FDI, Dr. Correa argues, “we need rethinking of the arguments concerning TRIPS and its alleged role in supporting transfer of technology and FDI.”

Another speaker at the South Centre session was Dr. Yuanqiong Hu, of the Geneva-based MSF Access Campaign, who said that from the experience of his organisation barriers generated by IP has concentrated power in the hands of pharmaceutical companies.

“This is a systemic issue since all outcomes related to COVID-19 vaccines are based on the power exerted by such companies, including the management of the supply chains,” argues Dr. Hu, who believes that mRNA vaccines by Pfizer and Moderna can be replicated quickly, at low-cost, and many developing countries could produce them, “and yet no deep technology transfer agreements have been signed.”

Currently, WTO’s TRIPS Council remains engaged in “text-based discussions”, where

countries meet in smaller groups to discuss various texts in order to develop a draft proposal to be taken to the WTO Ministerial Council (as a decision on a waiver will require consensus of the Ministerial Council or, if it were to go to a vote, a three-fourths majority in accordance with Article IX of the WTO Agreement).

Following the July meeting of the TRIPS Council, countries have agreed to continue to discuss the two proposals, but positions remain divergent. If the waiver proposal were to go to a vote, 123 countries would be required to support the waiver and the next Ministerial Council is not scheduled till November 30 to December 3 this year.

Meanwhile, the International Monetary Fund (IMF), World Bank Group, World Health Organization (WHO) and WTO have joined forces to accelerate access to COVID-19 vaccines, therapeutics and diagnostics for low- and middle-income countries.

The aim is to vaccinate at least 40 percent of people in every country by the end of 2021, and at least 60 percent by mid-2022. This task force is mobilizing critical financing, with a focus on grants and concessional lending; and is calling on countries to share at least one billion vaccine doses with developing countries during 2021.

The world is already miles off track from these targets, argues AI’s Agnes Callamard. “Many countries continue to grapple with over-run hospitals and lack of medical supplies, including vaccines which is what has kept millions of people out of hospitals in wealthy countries that have a steady supply,” she notes. “We don’t have the luxury of time. Rich states must act now. Countless lives depend on it.” (IDN-InDepthNews)



The WHO COVAX vaccine distribution scheme has been hampered by the hoarding of vaccines by rich countries.