

# NO ONE IS SAFE UNTIL WE'RE ALL SAFE

Why the world needs a TRIPS waiver now

September 2021





# Q&A ON GLOBAL ACCESS TO COVID-19 VACCINES, TREATMENTS AND DIAGNOSTICS



Whilst the richest countries have been vaccinating one person per second and are now rolling out booster shots, over 98% of people in low-income countries have yet to receive a single dose.<sup>1</sup> The result is a deadly surge in the pandemic in the Global South.

On 10 June alone, India officially recorded 6,148 new deaths from coronavirus, and a total death count of 400,000 by the end of that month, with experts warning the real numbers could be ten times that.<sup>2</sup> In Brazil, the total death toll has tragically surpassed half a million.<sup>3</sup> Globally, as of 19 August 2021, there have been over 200 million confirmed cases of COVID-19, and over 4.4 million people have lost their lives.<sup>4</sup> Transport workers have been among the hardest hit by the pandemic, and yet many of the women and men who keep our world moving remain without protection against Covid-19.

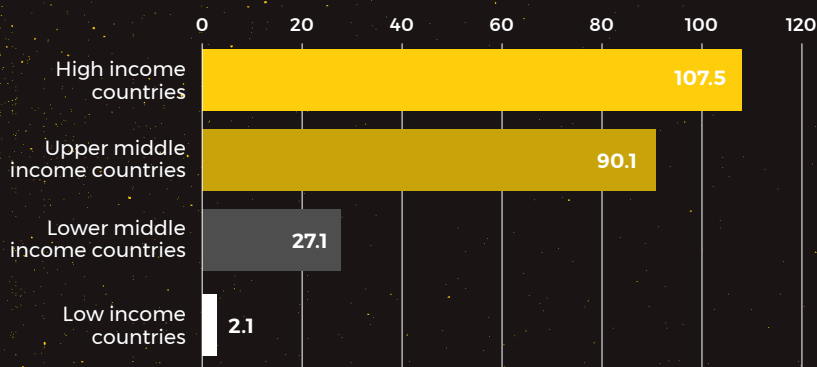
Instead of being distributed according to need, the vast bulk of the 4.5 billion doses administered so far have gone to the wealthiest countries, leaving the rest of the world exposed to the ravages of the pandemic.<sup>5</sup> At the same time, more deadly and transmissible variants are spreading creating new risks for us all.

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Photo: © Hindustan Times, Getty Images

# TOTAL VACCINE DOSES PER 100 PEOPLE

Data as of 17 August 2021



**NOTE: World Bank country per capita income classification:**

High income countries include: France, South Korea, USA.

Upper middle income countries include: Botswana, Mexico, Thailand. Lower middle income countries include: Egypt, India; Ukraine.

Low income countries include: Mali, Syria, Uganda.

**We need urgent action to get populations across the world vaccinated, and infections diagnosed and treated, as quickly as possible. No one is safe until we are all safe. An important step to help achieve this is the TRIPS waiver.**

## WHAT IS TRIPS?

TRIPS refers to a World Trade Organization (WTO) agreement which protects patents and other intellectual property internationally. When, for example, a company like Pfizer or Moderna produces a vaccine, TRIPS blocks anyone else from using, adapting, manufacturing, scaling up or supplying that vaccine.<sup>6</sup>

Similarly, TRIPS can be used to protect any other health products and technologies companies develop in response to the pandemic, including drugs, diagnostics, masks, ventilators and any related research and know-how.<sup>7</sup> It prevents any actions which could undercut the developer company's ability to profit from these tools. Effectively, this means that a handful of companies decide who does and does not get protection from Covid-19, and on what terms.

## WHAT IS THE TRIPS WAIVER?

In October 2020, South Africa and India submitted a proposal to the WTO asking for a temporary waiver on key intellectual property protections.<sup>8</sup> While there was widespread support for the TRIPS waiver proposal, nine WTO members blocked it at that time.<sup>9</sup>

A new push to back the TRIPS waiver is underway, and South Africa and India have revised their proposal, asking for the waiver to be in place for at least three years, with a new decision to be made after that. Over 60 WTO members are co-sponsoring the proposal.<sup>10</sup>

More and more of the countries which originally stood against the TRIPS waiver have shifted. Key countries and blocs now blocking the waiver are: Germany and the EU, Switzerland and the United Kingdom.<sup>11</sup> They are backing an alternative proposal, led by the EU, which tries to use existing mechanisms, while leaving intellectual property protections in place.<sup>12</sup> However, the EU proposal has been criticized, and should be seen as a supplement to, not a substitute for, the TRIPS waiver.<sup>13</sup>

Besides the countries blocking the waiver, a number of countries are not opposing it and support text-based negotiations, but are not yet supporting it either or have requested clarifications. According to Geneva-based sources, as of 21 June, these were: Australia, Brazil, Canada, China, New Zealand, Norway, Japan and the United States, although Australia has since shifted, declaring public support for the waiver.<sup>14</sup> Per the same sources, second group, comprising Turkey, Chile, Singapore, Russia, El Salvador, Hong Kong and Mexico, have said they are happy to engage in the TRIPS waiver proposal, but have requested various clarifications.<sup>15</sup>

A series of meetings were then set up for countries to try and agree a way forward, and talks are set to continue over the coming months.<sup>16</sup>





Mass cremation of COVID-19 victims in India.

## WHY IS THE TRIPS WAIVER IMPORTANT?

Right now, the world is not manufacturing and supplying enough vaccines to go around. Countries are also running out of life saving supplies of PPE, medication, therapeutics, diagnostics and other products, leading to countless avoidable deaths. In many cases, it is not Covid-19 but the inability to offer timely care that is leading to high death rates, especially in the Global South. This was the situation in March last year in countries like Italy where doctors were forced to make heartbreaking choices about which patients to treat, and in the UK where nurses and doctors were made to treat patients with inadequate PPE. Intellectual property restrictions are a big part of the problem.<sup>17</sup>

The TRIPS waiver would help to address this in two ways:

- Opening up access to vaccines:** Instead of production being limited by the capacity of the pharmaceutical company and those it chooses to license; the waiver would enable vaccines to be manufactured more widely. Sharing data, such as clinical trials, could support innovation too, including the development of lower cost vaccines.
- Lifting restrictions on treatment, production and supply:** Vaccines are just part of the problem. Protections over patents, copyright, trade secrets and design are also blocking and restricting access to diagnostic tools, medical equipment and treatment, and the technology and know-how to manufacture, transport and manage vaccines. Lifting these restrictions is crucial if we are to scale up the number of people being vaccinated, tested and treated across the world.

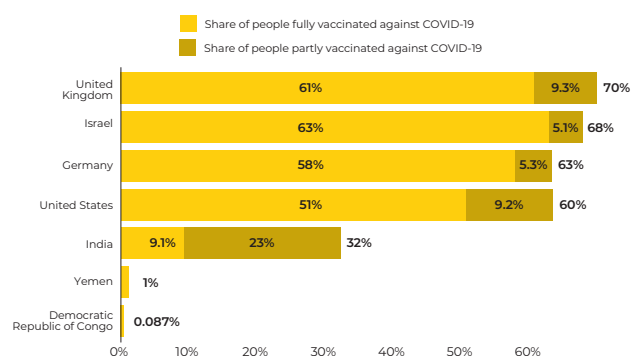
## HOW WILL IT SAVE LIVES?

The TRIPS waiver would remove a major block to ramping up production and supply of Covid-19 vaccines. And that's desperately needed.

The World Health Organization has called out the "shocking imbalance in the distribution of vaccines".<sup>18</sup>

As the chart below shows, as of August 2021, wealthy countries like the US, UK, Germany and Israel have fully vaccinated over half of the populations.<sup>19</sup> By contrast, in India over two-thirds await vaccination. And in countries like the Democratic Republic of Congo and Yemen, 99% of people have yet to receive a single dose. We have seen an explosion in cases in countries from Asia to Latin America where vaccination rates are low, putting health systems under risk of collapse, and the emergence of more deadly or contagious variants.<sup>20</sup>

### Share of people vaccinated against COVID-19. (August 19, 2021)



Making more vaccines accessible to more people quickly is essential to saving lives world-wide.

The only way to eliminate Covid-19 is to do it globally and simultaneously. To do this we must remove all barriers to the production, distribution and access to vaccines, treatments and diagnostics.



# CAN'T WE JUST SUPPORT THE COVAX SCHEME?

The COVAX programme was supposed to support fair access to Covid-19, but it has fundamental flaws and has run into serious obstacles.

It was envisaged as a single clearing house for all the world's vaccines, but, almost immediately, rich- and middle-income nations began doing their own deals, pre-ordering doses and taking up the bulk of manufacturing capacity. That cut the doses available for the COVAX pot drastically.

Export bans have also limited vaccine supply for the COVAX scheme. For example, as the pandemic surged in India, it brought in an export ban which meant that the biggest provider to COVAX, India's Serum Institute, diverted vaccines from the scheme to the national population.<sup>21</sup>

On top of issues with vaccine supply, COVAX's capacity was already limited, aiming to vaccinate just a fifth of people in the countries it covered by the end of 2021.<sup>22</sup> But now UNICEF is warning that it will be short nearly 190 million doses by June, so will not even reach that low target.<sup>23</sup> Not only does this leave much of the world exposed to the pandemic, but it risks further deadly or contagious variants emerging that threaten us all.

By tackling restrictions which limit manufacturing and supply of vaccines, the TRIPS waiver would help to address vaccine shortages in the longer term.



UK government media on the London Underground encourages citizens to be vaccinated against Covid 19. Photo © John Cameron/Unsplash

# WHAT ACTION DO WE NEED ALONGSIDE THE TRIPS WAIVER?

Alongside the TRIPS waiver, it is important that we recognise and push for a wider set of actions needed if the world is to move past the pandemic.

Lifting intellectual property restrictions would open space for knowledge sharing, manufacturing and supply of vaccines and other drugs, diagnostics, PPE and know-how that will help fight the virus.

But it will take time for this to translate to more vaccines, treatments and protection reaching people on the ground. The push for the waiver should be alongside other actions to speed up and expand vaccine access to the people who need it most globally.

Such actions include:

- Tackling the hoarding of vaccines as well as the ingredients and materials to make vaccines by the richest countries at the rest of the world's expense.
- Creating technology transfer hubs across the Global South as Vietnam has already requested.
- Addressing concerns over how COVAX strikes deals and at what cost.<sup>24</sup>
- Looking at what is needed across the supply chain to get more vaccines to people.
- Interim measures to make progress while the TRIPS waiver is agreed.

One supplementary measure is the Covid-19 Technology Access Pool (C-TAP), which was launched in May 2020 by the World Health Organization as a mechanism to pool data and knowledge, and then license production and technology transfer.<sup>25</sup> While it stalled then, it is now being re-launched with further backing and could be part of the way forward.<sup>26</sup>

## WHY IS THE TRIPS WAIVER IMPORTANT FOR TRANSPORT UNIONS?

Covid-19 has put the lives, health and welfare of transport workers in particular danger. If the world is to move past the pandemic, it is crucial that the women and men who keep the world moving are vaccinated as quickly as possible. The TRIPS waiver is key to achieving that protection.

### GLOBALLY, WE HAVE SEEN THAT TRANSPORT WORKERS ARE AT A HEIGHTENED RISK OF COVID-19 INFECTION AND DEATH.

A study in South East Asia found that transport workers and drivers accounted for nearly a fifth of cases.<sup>27</sup> European research has also demonstrated heightened risk, including one study showing transport workers are twice as likely to suffer severe infection as non-essential workers, and another showing workers were nearly three times more likely to die of Covid-19.<sup>28</sup> Similarly, research in Latin America has shown that transportation and market workers accounted for 40-50% of confirmed Covid-19 cases.<sup>29</sup> The nature of the transportation work can make it a vehicle for transmission. One early outbreak in China, for example, was traced to a single individual on a bus, who infected 23 of 67 passengers.<sup>30</sup>

Beyond the health risks, the crew change crisis demonstrated the harmful impacts on the welfare of key transport workers travelling across international borders. At the start of the year an estimated 400,000 seafarers were left stranded working on ships, long past the expiry of their contracts and unable to be repatriated.<sup>31</sup> While the number has declined to around 200,000, the UN has warned that the numbers could rise again and called for rapid vaccination of seafarers to assist in resolving the crisis.<sup>32</sup>

The continuing risks to transport workers have wider impacts for our communities, the wider population and the global economy. Global supply chains depend on the seafarers and aircrew who can transport the goods we all need. And a single vessel moving such goods can have, for example, German, South African and Russian workers on it together. Without equitable access, we cannot make the global supply chains we depend on for food and daily living safe. Similarly, it is crucial to vaccinate those transporting people in our cities and the skies.

TRIPS is a major obstacle to achieving the equitable and speedy access to vaccines, diagnosis and treatment that transport workers need. To tackle this, the TRIPS waiver would be a major step forward, helping the world move past the pandemic for all our sakes.

## WHAT DOES A LACK OF GLOBAL VACCINE ACCESS MEAN FOR RECOVERY, JOBS AND LIVELIHOODS?

A slow, uneven rollout of vaccines is not just a humanitarian and moral disaster but risks keeping the world in an extended slump and hurting workers in every country. The chief economist of the United Nations has called the unequal distribution of vaccines a “significant risk to an already uneven and fragile global recovery.”<sup>33</sup> Similarly, in its latest economic outlook, the OECD forecasts that lack of vaccines could lower global growth by 1% in 2021 and 1.25% in 2022, increasing the long-lasting economic costs of the pandemic.<sup>34</sup> And, the Economist Intelligence Unit has estimated that the cost of a slow vaccine rollout at \$2.3 trillion in lost GDP for the countries being left behind.<sup>35</sup> Vaccine inequity is among the greatest global risks to jobs and livelihoods as the world looks to exit the pandemic.

We live in a globalised world. The web of supply chain, trade, tourism and other links between countries means that we depend on one another for our livelihoods. This connectedness also allows for new variants or mutations of the Covid-19 virus to spread between nations, between the Global North and South.

Despite countries' best attempts to limit spread of new variants through the implementation of border closures and restrictions, variants originating in the UK, South Africa, Brazil and India have spread across all continents, causing some nations to reimpose border closures and restrictions, and even lockdowns. As of late May 2021, people from the UK were once again facing restrictions or entry bans from many countries in Europe, including Germany and France. An outbreak of the same variant in Melbourne, Australia, has seen lockdown return. Even those lucky enough to live in countries in the Global North that have high vaccine supply are not safe until everyone is safe.

A TRIPS waiver would not only end the moral and economic disaster of the unequal vaccine rollout, it would also allow the world to more quickly create and distribute boosters and new vaccines to counter emerging variants.

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