

Make COVID-19 medicines, diagnostics and vaccines free and accessible for all!

A call to UN agencies and WHO and member nations

The pandemic of COVID-19 continues to take numerous lives of people across the globe and paralyzes economies of many nations. Most worrisome are the impacts on low and middle income nations and the poor in high income countries. Among the issues that will specifically impact on poor people and poor countries is the issue of access to medical products – vaccines, drugs, diagnostics, medical devices and PPE –for the prevention and treatment of COVID-19. The disruptions in the global supply chain associated with increased demand and the measures to control the spread have resulted in lack of access to these products in many World Health Organization (WHO) Member States and especially developing countries. We appreciate the efforts of WHO along with other UN agencies to ensure supply of the critical products. However, dependence on a few production hubs alone cannot ensure supply of these products. In this regard WHO along with other UN agencies including UNDP, UNIDO, UNCTAD should promote the local /regional production of these products by facilitating free sharing of technology and know-how.

Intellectual Property Rights (IPR) constitute another important barrier. IPR and any other forms of exclusive rights should not be allowed to create barriers to accessing medical products. We have already witnessed some action towards that goal. A number of countries have either issued or taken regulatory steps to towards compulsory licences. We urge WHO to show global leadership by advocating for the use of flexibilities in the Trade Related Aspects of Intellectual Property (TRIPS) and where necessary go beyond these, to ensure the availability of affordable medical products.

There have been previous instances when wealthier countries have procured and hoarded vaccines and other medical products to ensure access for their own populations while making them inaccessible for those who need it the most. We saw this during Ebola where despite the presence of stockpiles of vaccines, the worst affected countries could not get vaccines for their citizens. We call upon WHO along with other UN agencies to obtain legally binding commitments from the manufacturers (and their host countries) for the guaranteed supply of existing and future medical products, especially diagnostics, therapeutics and vaccines to low and middle income countries at an affordable price.

We also demand that scientific research findings relating to the development of vaccines, therapeutics, diagnostics and other medical products to enable product development to happen as soon as possible. The sharing of the genome sequence of SARS-CoV2 virus had been important for the research community to accelerate the research on vaccine development, diagnostic kits etc. However, the sharing of virus should be reciprocated with the benefit sharing requirements under the Convention on Biodiversity (CBD) and its supplementary agreement, the Nagoya Protocol. These are

legally binding international agreements that mandate fair and equitable sharing of the benefits arising from the use of genetic resources. As trans-national corporations and industrialized nation rush to develop testkits, vaccines and medicines, these agreements need to be invoked to ensure that the resulting products can be accessed as entitlements of the entire global community. WHO should take a lead in the coordination, direction and prioritisation of R&D by establishing a platform for open innovation. This would expedite product development.

The spirit of solidarity should continue to guide not just the research, but also manufacturing of medical products. Technology required by the producers must be made available. Last year, the WHO adopted a resolution on transparency whereby all relevant information including data of R&D throughout the value chain is to be made available to national governments. It is time to put a robust mechanism in place to achieve goals of public health in a transparent manner.

We welcome the 20th April joint statement by WTO Director-General Roberto Azevêdo and WHO Director-General Tedros Adhanom Ghebreyesus which calls for initiatives such as ensuring open access to clinical test results, the sharing of relevant intellectual property rights, increasing manufacturing capacity, open and transparent procurement regimes. We note that when dealing with trans-national corporations voluntary commitments are never enough and to ensure compliance there must be both the legal framework and the political to enforce these commitments. Against this background, we call up on the UN and WHO to:

- Establish a mechanism or make use of an existing platform like UN Technology Bank for sharing of technologies, know-how, designs specifications, etc. to promote the local manufacturing of medical products
- Consult with Member States and impose legally binding commitments on manufacturers of vaccines, medicines, diagnostic kits and other relevant medical products to ensure supply to low and middle income countries
- Ensure that IP barriers do not hamper the availability of medical products when and where they are needed the most, and national governments and international institutions are empowered to build on or create such legal frameworks as are required to provide universal access to essential medical products
- To establish an open innovation platform to facilitate sharing of the research findings, posting knowledge gaps, open peer reviewing, coordination and direction of R&D. This platform should also publish the clinical trial data .so that producers in different countries can register their product and manufacture it for meeting the local as well as global demand
- Ensure that benefit sharing principles of the Convention on Biodiversity and the Nagoya Protocol are implemented with respect to access for all medical products that have been developed using the viral genomic information
- WHO should examine the current pathways of regulation and quality assurance for new products in an independent and transparent manner with involvement of scientists who are free from conflict of interest, and ensure that these are compatible with and prioritize public health needs