A Pandemic Response Lacking Moral Leadership

In October 2020, eight months after COVID-19 was declared a pandemic, India and South Africa submitted a proposal for a temporary waiver on certain articles of the World Trade Organization's (WTO) TRIPS Agreement. This so-called TRIPS waiver would cover patents, trademarks, and other intellectual property (IP) protection elements of COVID-19-related health technologies, including vaccines. The idea has since been welcomed and supported by many governments at WTO (57 are now co-sponsors), civil society from across the world, and other stakeholders, such as researchers and economists. Yet it has been met with a mixture of incredulity and hostility from pharma and a small group of countries, who have spared no effort to stifle any debate on the merits of the proposal.

While those opposing it have touted their contributions to the COVAX facility and, in some cases, their support for the World Health Organization (WHO) COVID-19 Technologies Access Pool (C-TAP) as evidence of their commitment to a universal and equitable response to the pandemic, their actual record is more nuanced. The COVAX facility is struggling to procure vaccines for developing countries due, in part, to the limited manufacturing capabilities of patent-holder pharmaceutical companies, the same pharmaceutical companies who have scorned C-TAP without any of the governments who pledged support intervening or calling them out.

Member States Failing to Speak-up

It is very unfortunate that European Union (EU) Member States have not raised their voices or expressed dissatisfaction with the role played by the European Commission, which continues to block the TRIPS waiver. What is more, it is of serious concern that the EU Council has purportedly neither discussed nor addressed the substantive issues of the proposal. In any case, it will be a matter of historical record how two of the institutional pillars of the EU did not heed the calls from the third, the European Parliament, whose democratically elected Members have repeatedly voiced support for the waiver and raised concerns about the lack of accountability throughout the EU Executive's entire management of the response to the pandemic.

Diversionary tactics and misleading statements from governments opposed to the waiver have not contributed to the meaningful dialogue needed to find common, mutually satisfying, ground. Instead, precious time has been wasted while thousands have died. The fact that those countries opposing the waiver are the very same countries that have hoarded enough vaccine doses to immunise their own citizens many times over while healthcare workers and at-risk groups in the Global South are waiting for surplus or discarded doses to trickle down is, frankly,

grotesque. And it cannot be excused nor be forgotten.

It is not too late for the EU to amend a misguided policy position and restore at least part of the moral leadership lost in the contradiction between hefty words of solidarity and global public goods and the cold facts of EU-first vaccinations and export controls. The EU can and should do better.