

HAI Statement on Tentative Agreement on TRIPS and COVID-19

Following reports that agreement has been reached on the proposal for a waiver on certain dispositions of the agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS) in relation to COVID-19 health technologies, Health Action International Senior Policy Advisor, Jaume Vidal, made this statement:

We welcome what appears to be a breakthrough in negotiations on the TRIPS waiver, following 17 months of deadlock. It comes after over a year of discussions to enact an emergency measure in the midst of a pandemic, with delays mostly attributable to opposition to the waiver from a few countries.

While we wait for the official announcement, and bearing in mind that this agreement still needs to be endorsed by EU Member States as well as the TRIPS waiver proposal co-sponsors, we would like to commend the quad members for apparently having finally identified commonly acceptable measures to improve access to some COVID-19 health technologies. It is also important to acknowledge the leading role played by South Africa and India in building a coalition of over 60 countries and recognise the contribution of organisations in the Global South to a global movement of public interest civil society that have advocated for the waiver with national and regional lawmakers, and Heads of Government.

The fact that it took a pandemic for the international community to realise the dependency of many countries with no pharmaceutical manufacturing capabilities and no effective access to pharmaceutical markets, says a lot about the general state of global health and the inequalities. The inertia that has led to this moment will not stop today. For HAI, the waiver was never a goal of itself, but a means to show that access to all health technologies is possible, despite the constraints of intellectual property and trade rules. Whatever the final agreement looks like, there will be challenges in implementation and in how to make it work for those in need; we intend to continue to engage with a wide range of stakeholders to ensure that access to medicines, vaccines and therapeutics is considered by governments and institutions as at least as important as enforcing patents or securing profits.

Recent developments in global health involving technology transfer, non-enforcement of patents or non-exclusives licensing agreements would not have been possible without the political pressure of a TRIPS waiver. A political pressure to which we are proud to have contributed and on which we will continue to build to bring about the necessary changes. We cannot and must not wait for the next pandemic to change the global intellectual property landscape. Only then can we ensure that access to all health technologies does not depend on wealth or border.