

# Australia's aid response to CoVID-19 vaccine equity

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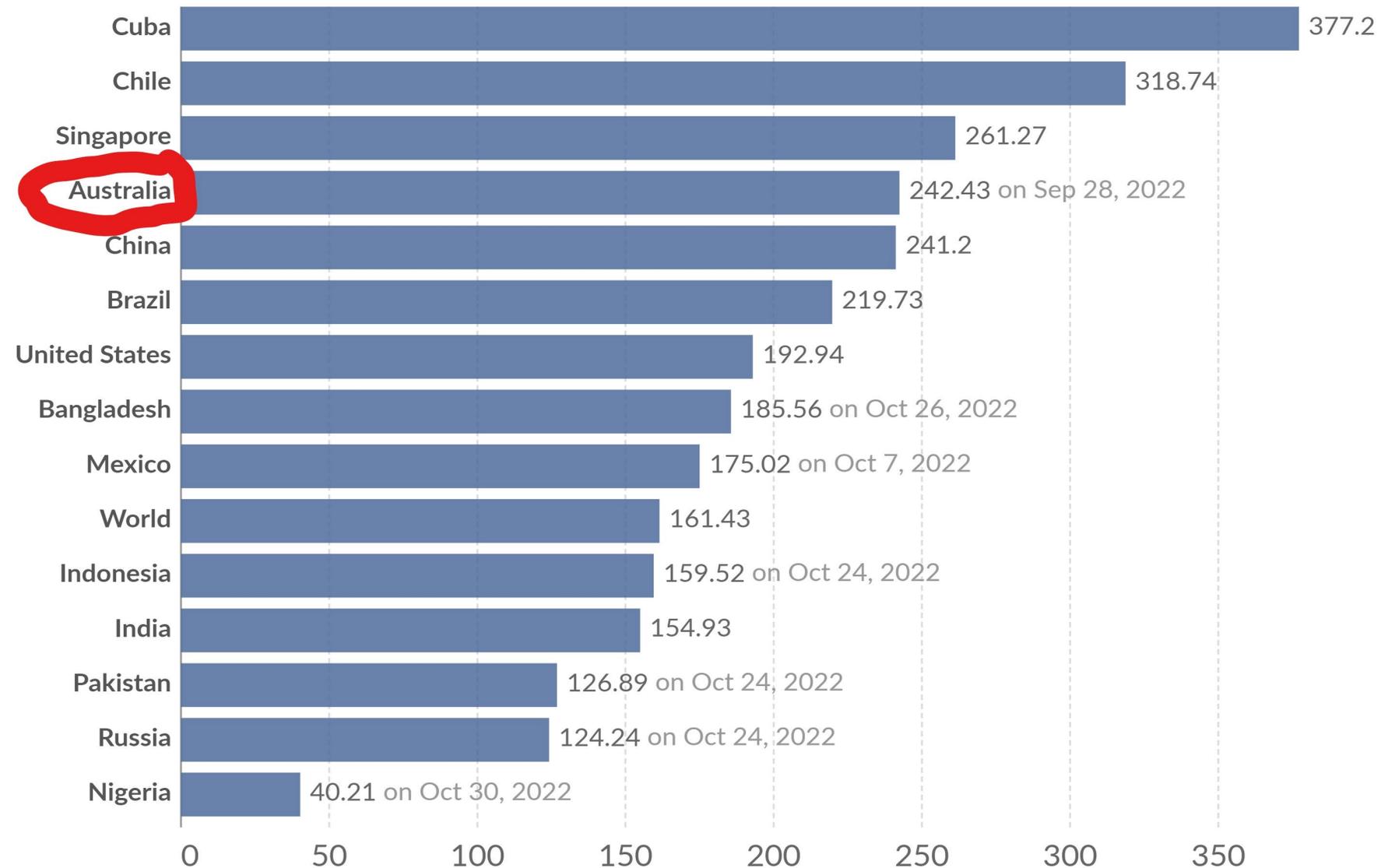
29<sup>th</sup> November 2022

Acknowledgements:

Associate Professor Deborah Gleeson

# Total COVID-19 vaccine doses administered per 100 people, Oct 25, 2022

All doses, including boosters, are counted individually.



# Australia's vaccine donations

## Bilateral commitments:

- 60 million doses to be shared with Asia Pacific
- \$523 million for regional Vaccine Access and Health Security Initiative
- \$100 million contribution to Quad vaccine partnership (with US, India & Japan)

## Donations promised to COVAX

- \$130 million to COVAX AMC
- Additional \$85 million in pledged in May 2020 budget + 1 million doses\*



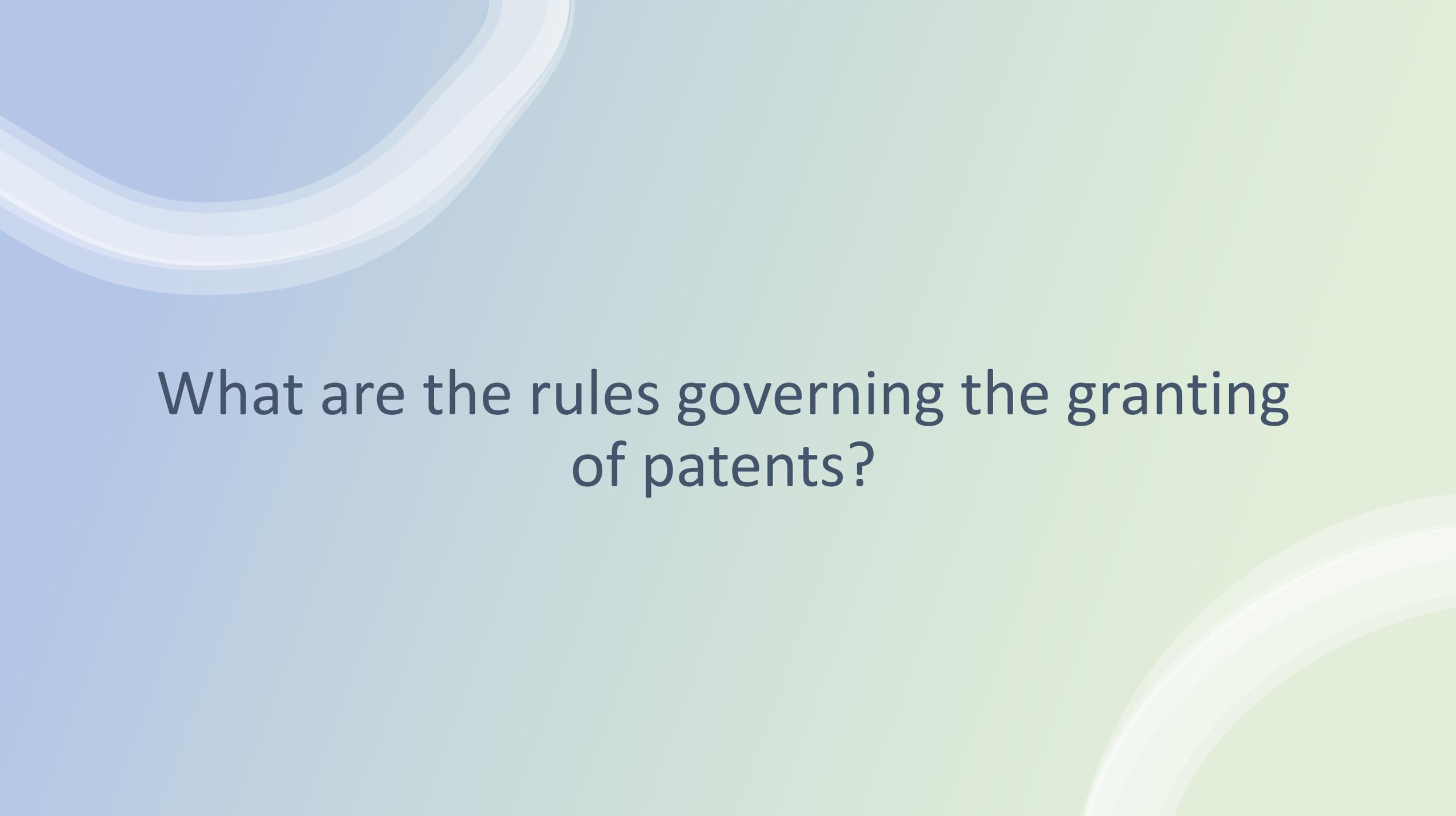
Total shared doses

**51,050,310**

\*No doses yet delivered through COVAX

Country	Doses	Country	Doses
Global	114,400	Solomon Islands	618,200
Cambodia	2,830,530	The Philippines	7,132,080
Fiji	1,515,920	Timor-Leste	1,190,040
Indonesia	8,395,000	Thailand	452,790
Laos	1,504,780	Tonga	73,990
Nauru	19,300	Tuvalu	20,500
Kiribati	50,500	Vanuatu	160,000
Papua New Guinea	335,270	Vietnam	26,461,860
Samoa	175,150		

Table: COVID-19 vaccine doses shared from Australia's supply, procured by Australia, for partner countries or distributed through the COVAX Facility as at 25 October 2022.



What are the rules governing the granting  
of patents?

# World Trade Organization (WTO)



- WTO is the only global international organization dealing with the rules of trade between nations
- The WTO was established on 1 January 1995, but its trading system has been in operation since 1948.
- The General Agreement on Tariffs and Trade (GATT) provided the rules for this system.
- Australia has been a member of WTO since its inception in 1995

# WTO- TRIPS agreement

- The last and largest GATT round, was the Uruguay Round which lasted from 1986 to 1994 and led to the WTO's creation.
- GATT had mainly dealt with trade in goods. The WTO and its agreements now cover trade in services, and in traded inventions, creations and designs (intellectual property).
- The WTO sets the rules that its Members must obey.
- These rules include minimum standards of intellectual property protection. These intellectual property rules are in the Agreement on **Trade-Related Aspects of Intellectual Property Rights (TRIPs)**.
- TRIPs also have some safeguards that can be used to protect health

# TRIPS agreement

- Developing countries that are not least-developed countries had to apply the TRIPS Agreement's provisions by 1 January 2000.
- Least developed countries (LDC) have ***until 2033*** to apply the TRIPS Agreement's provisions for pharmaceutical patents.
- This has been extended twice- most recently in 2015
- In the WTO, LDC members are those recognised as LDCs by the United Nations.
- There are currently 47 LDCs of which 36 are members of the WTO.

# TRIPS safeguards

- The Agreement also allows Members to authorize use by third parties (**compulsory licences**) or for public non-commercial purposes (**government use**) without the authorization of the patent owner.
- Unlike what was sought by *some countries* in the negotiations, the grounds on which this can be done are not limited by the Agreement, but the Agreement contains a number of conditions that have to be met in order to safeguard the legitimate interests of the patent owner.

# Doha Declaration 2001

- This declaration reaffirmed the flexibility of TRIPS member states in circumventing patent rights for better access to essential medicines.
- It was designed to respond to concerns about the possible implications of the TRIPS Agreement for access to medicines.
- The Doha Declaration recognised that patents and prices can be an obstacle to accessing medicines.

# TRIPS Waiver

- South Africa and India submitted a WTO proposal in October 2020 to waive all IP under TRIPS for Covid products
- Over 100 of the 164 WTO Member countries supported this but it faced opposition from HIC such as EU, UK, Switzerland, Germany and Japan.
- In a welcome and surprising development, the Biden Administration expressed support for a TRIPS waiver for COVID vaccines in May 2021.
- Australia was a late supporter of waiver

# TRIPS Waiver

- Member countries finally achieved a consensus on the proposal at the WTO in June 2022.
- Original proposal compromised to the extent that it is largely unworkable and fails to include the breadth of IP rights originally proposed.
- It provides very little additional benefit than the existing TRIPS safeguards and does not apply to all countries.
- Activists and supporters of the original text said it would do little to increase access to medicines and vaccines to those most in need.

# Outcome of TRIPS waiver negotiations

- Limited to vaccines (at least for the first 6 months), and to patents
- Only waives TRIPS Art. 31(f) which makes it easier for vaccines made using its provisions to be exported from the country of manufacture to a second developing country
- Developing countries with existing capacity to manufacture COVID-19 vaccines encouraged to make binding commitment to opt out
- Procedurally onerous

# TRIPS waiver

- Decision on treatments and diagnostics due by December 17<sup>th</sup>
- Very little progress or consensus