

12 October 2021

Acting High Commissioner Adam Bye
British High Commission to the Republic of South Africa
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Fulfilling the commitment: COVID-19 IP waiver for all medical tools

Your Excellency,

We write to you as civil society organisations and affected community members working on access to medicines and social justice in South Africa to request that the government of the United Kingdom (UK) immediately stop blocking the negotiation of the temporary waiver under the World Trade Organization's (WTO) Agreement on Trade-Related Intellectual Property Rights (TRIPS) to enable its rapid adoption at the 12th Ministerial Conference of the WTO.¹

We continue to experience the unacceptable inequity of access to COVID-19 vaccines, treatments, diagnostics and other lifesaving medical tools in South Africa and note similar challenges reported by many other low- and middle-income countries (LMICs). Vaccine nationalism and hoarding by high-income countries (HICs) have jeopardised global solidarity and deepened inequity. Limited voluntary actions of pharmaceutical companies continue to exclude millions of people from securing reliable access to lifesaving medical tools. The temporary global mechanism for access to COVID-19 medical tools, namely the Access to COVID-19 Tools Accelerator (ACT-A), has failed to ensure equitable access and falls short of good governance, transparency and accountability in its operation.

Patents and other intellectual property held by companies such as Roche, Regeneron, Sanofi and Merck have created access blockages and restrictions to effective treatments recommended by the World Health Organization (WHO) or showing positive clinical trial results.² A major diagnostics company, Cepheid, chooses to charge high prices for their GeneXpert diagnostics system in LMICs and refuses to share or license their proprietary technologies to enable local manufacturers to produce these systems.³ South Africa has established the first mRNA vaccine technology transfer hub in collaboration with WHO to facilitate wider production and supply of COVID-19

¹ WTO, [IP/C/W/669 Rev.](#)

mRNA vaccines by and for LMICs.⁴ Unfortunately, none of the major mRNA vaccine developers have joined this initiative, and patents on mRNA vaccines secured by these developers are hindering prospective local production. Moderna has not applied for registration to supply its vaccine in South Africa but has already obtained South African patents related to the vaccine.

People in LMICs have contributed to breakthroughs in biomedical science during this pandemic. In addition to South Africa's supportive public policies and funding, thousands of South Africans have supported and participated in critical clinical trials leading to eventual medical innovations that can save lives around the world. However, these contributions have not ensured equitable and reliable access to the resulting COVID-19 medical tools. Instead we are forced to rely on HIC donations and major companies' minimal and delayed deliveries. Our right to produce and supply these urgently needed medical tools is denied. This is injustice. We demand change, not charity. We call on the UK government to join waiver-supporting countries to make the TRIPS waiver a reality, enabling greater self-reliance for South Africa and other LMICs.

We are deeply concerned by the UK government's lack of solidarity and bad faith engagement in the TRIPS waiver negotiation process. The government's calls for global solidarity are undermined by its actions to the contrary in international fora. The waiver proposal has been officially sponsored by 64 countries, with many more countries supporting the waiver and demanding its rapid adoption. Yet the UK remains one of a small number of HICs that continue to oppose the proposal. The UK is at the same time among the top ten HICs who have hoarded excess COVID-19 vaccine doses.² The UK government has repeatedly denied increasing evidence of how intellectual property creates barriers for access to medical tools in the pandemic and the need for the waiver as a temporary, expeditious option to overcome the limitations of existing international rules.

The waiver negotiation has been delayed for over a year while the pandemic continues to affect millions of people, with more concerning variants of the virus putting even greater strain on already overburdened public health systems. The world is watching now as the WTO Ministerial Conference is fast approaching. The waiver should be adopted with coverage for all lifesaving medical tools, not only vaccines, and with a duration that is sufficient to enable more production and supply to improve the pandemic response. The UK has an undeniable responsibility to act in true solidarity and stop blocking other countries' proposal which could save more lives.

Ahead of the TRIPS Council formal meeting tomorrow, we sincerely request that the UK government stop blocking the negotiation and adoption of the TRIPS waiver.

² <https://healthpolicy-watch.org/msf-870-million-vaccine-doses-being-hoarded-by-10-rich-countries-tragedy-in-the-making-for-those-deprived-of-jabs/>

Sincerely, 

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Sign-ons:

Cancer Alliance

Section 27

Africa Alliance

Peoples Health Movement - South Africa

Treatment Action Campaign

Health Justice initiative