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WORLD TRADE ORGANIZATION: EMERGENCE OF OMICRON VARIANT UNDERSCORES THE URGENT NEED TO AGREE A COMPREHENSIVE TRIPS WAIVER FOR COVID-19 HEALTH TOOLS

Following the news of the postponement of the World Trade Organization's 12th Ministerial Conference in Geneva due to travel restrictions imposed by the Swiss authorities in response to the news of discovery of a new Covid-19 variant, Omicron, Amnesty International reiterates its call for all WTO members to immediately agree the proposed TRIPS waiver for Covid-19 health products.

The emergence of a new variant, with multiple mutations, is sadly all too predictable given the immense and unabated vaccine inequality created by wealthy nations and pharmaceutical companies. Countries in Southern Africa, a region where access to Covid-19 vaccines largely remains unacceptably low, are further facing isolation and travel bans for fulfilling their responsibilities under the International Health Regulations of identifying and reporting the variant early. This injustice and the continuing threat of the emergence of new Covid-19 variants that risk prolonging the pandemic are perfect illustrations of why a comprehensive temporary waiver should have been approved a year ago and is still needed as a matter of urgency. Such a waiver of intellectual property rights including patents, industrial design, copyright and trade secrets, as proposed by South Africa and India, would enable more companies to start manufacturing relevant products.

Had the waiver proposal been agreed when it was first proposed over a year ago, the supply of vaccines for all countries would not have been so constrained and millions of lives could have been saved. The fact of the matter remains that vaccine hoarding and existing restrictions on access to and production of Covid-19 vaccines remains the main challenge to ensuring access to vaccines across the world, not vaccine hesitancy¹ in less wealthy countries, as claimed by some, including by UK's Prime Minister Boris Johnson.² For instance, Botswana, one of the countries that first detected the Omicron variant, not only paid a higher price for the 500,000 doses of the Moderna vaccine than more wealthy countries,³ but only received its first shipment - of less than 10% of the total ordered - in October,⁴ after expecting them in August.⁵ In Mid-November 2021, the country was experiencing shortages, causing a temporary halt to its vaccine rollout.⁶

A TRIPS waiver can be agreed by the WTO General Council, after agreement by the TRIPS Council, at any time. The TRIPS Council is continuing negotiations on the waiver. A recent legal opinion, to which Amnesty International contributed, and which has been endorsed by prominent international lawyers and experts, including Amnesty's Secretary General and Senior Director for Research, Policy and Advocacy, has outlined that at the very least, states

¹ Vaccine hesitancy is a challenge not limited to less wealthy countries but in Africa, [delays in promised supplies](#), causing shortages and in some cases the use of different vaccines for second doses, have fuelled mistrust and [vaccine hesitancy and apathy](#).

² Politico, *PM wrong to blame developing nations' vaccination rates on hesitancy, says expert*, 29 November 2021, www.politics.co.uk/news-in-brief/pm-wrong-to-blame-developing-nations-vaccination-rates-on-hesitancy-says-expert/

³ New York Times, *Moderna, Racing for Profits, Keeps Covid Vaccine Out of Reach of Poor*, 9 October 2021, <https://www.nytimes.com/2021/10/09/business/moderna-covid-vaccine.html>

⁴ Ministry of Health and Wellbeing, *Public Notice: Botswana receives Moderna vaccine*, 14 October 2021, <https://twitter.com/BWGovernment/status/1448642779760967684/photo/1>

⁵ Ministry of Health and Wellbeing, *Press Release: No vaccine manufacturing company has withdrawn from an agreement with Botswana for supply of Covid-19 vaccines*, 30 July 2021, <https://twitter.com/BWGovernment/status/1421101745334259722/photo/1>

⁶ District Health Management Team, *Public Notice: First dose vaccines finished in Greater Gabarone DHMT*, 14 November 2021, <https://twitter.com/BWGovernment/status/1459838698955096073/photo/1>

must not oppose the TRIPS waiver, and would be positively meeting their human rights obligations to provide international cooperation and assistance if they support it.⁷

Amnesty International is calling on WTO member states to take the action the world is looking for and to agree the waiver proposal in the TRIPS Council as a matter of the utmost urgency.

BACKGROUND

Amnesty International has been campaigning for the agreement of the TRIPS waiver proposal since December 2020. In September 2021, the organization also launched a 100 Days Countdown campaign,⁸ calling on states and pharmaceutical companies to share vaccines with low and lower middle income countries, in order to reach the World Health Organization's target of vaccinating at least 40% of all countries' populations by the end of 2021. However, as of 29 November, although 54.7% of the world's population has been vaccinated, only 5.8 % of people in low-income countries had received at least one dose,⁹ and only one in four health workers in Africa have been vaccinated.¹⁰

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⁷ ICJ, *Global jurists call for waiver of global intellectual property rights for COVID-19 vaccines and therapeutics*, 8 November 2021, www.icj.org/global-jurists-call-for-waiver-of-global-intellectual-property-rights-for-covid-19-vaccines-and-therapeutics/

⁸ Amnesty International, *2 Billion Vaccines Now!* www.amnesty.org/en/latest/campaigns/2021/10/100daycountdown/

⁹ Our World in Data, *Coronavirus (Covid-19) Vaccinations*, 29 November 2021, ourworldindata.org/covid-vaccinations

¹⁰ World Health Organization, *Only 1 in 4 African health workers fully vaccinated against COVID-19*, 25 November 2021, www.afro.who.int/news/only-1-4-african-health-workers-fully-vaccinated-against-covid-19