



Commonwealth Human Rights Initiative

New Delhi, India. London, UK. Accra, Ghana

New Delhi, India. London, UK. Accra, Ghana

NGO with Special Consultative Status with the Economic & Social Council of the United Nations

International Director
Sanjoy Hazarika

Senior Advisor
Maja Daruwala

International Advisory Commission
Alison Duxbury - Chairperson
Wajahat Habibullah
Joanna Ewart-James
Sam Okudzeto
Sanjoy Hazarika

Executive Committee (India)
Wajahat Habibullah - Chairperson
B. K. Chandrashekar
Kishore Bhargav
Jayanto Choudhury
Maja Daruwala
Nitin Desai
Kamal Kumar
Madan B. Lokur
Poonam Muttreja
Jacob Punnoose
Vineeta Rai
A P Shah
Sanjoy Hazarika

Executive Committee (Ghana)
Sam Okudzeto – Chairperson
Akoto Ampaw
Kofi Quashigah
Juliette Tuakli
Sanjoy Hazarika

Director, Africa Office
Wilhelmina Mensah

Executive Committee (UK)
Joanna Ewart-James – Chairperson
Prab Barua
Owen Tudor
Emma Kerr
Sanjoy Hazarika

Director, UK Office
Sneh Aurora

To

H.E. Mme. Patricia Scotland, PC, QC

Commonwealth Secretary-General

Commonwealth Secretariat

Marlborough House

London

November 30, 2020

Subject: Requesting Commonwealth States to commit to equitable access and distribution of the impending COVID-19 vaccine

Excellency:

Kindly accept my salutations and good wishes.

We hope you and your colleagues are well in these difficult times.

Excellency, all of us have been deeply concerned about the COVID-19 pandemic and how it has hugely and adversely impacted the lives of millions of people across the world — including the Commonwealth — especially the marginalised and most vulnerable. We are aware that civil society and Governments have been working relentlessly to bring succour to these groups, often at great risk to themselves.

In this light, it is heartening to hear of the progress made towards the development of COVID-19 vaccines in several countries. However, it is most distressing to note that States such as Canada, Australia and the UK, along with some other European Union (EU) States, are among the WTO members seeking to block efforts by several Commonwealth Members States to secure a TRIPS waiver for COVID-19 vaccines, so that there is equitable access for all across the globe. India and South Africa, with support from Kenya, Eswatini, Pakistan, and Mozambique, have raised this issue.

As we are aware, since the birth of the World Trade Organization (WTO) in 1995, most Member States have had to abide by the Agreement on Trade Related Intellectual Property Rights (TRIPS), which protects patents and copyrights including those applicable to new diagnostics, vaccines, medicines and medical supplies.

Clearly, the front-line warriors against the disease — health workers, police and sanitation workers as well as those distributing food and providing care to people at risk — must be priority recipients.

It is our view that marginalised and most vulnerable groups must also be on the priority list of recipients in all Commonwealth countries, irrespective of age, gender, race, religion or nationality. But it is distressing to note the move by some countries to block efforts by several Commonwealth Member States to secure the waiver for COVID-19 vaccines.

According to an article in The Conversation, "... the waiver proposal is important. It upends the government/pharma backroom bargaining for one-off deals, which are justly criticized for their lack of transparency. The waiver simply and openly says: Intellectual Property (IP) rules concerning COVID-19 are off limits until the WHO confirms the pandemic is over."

Meanwhile, we also note that a UK media report revealed that, concerned about these developments, "dozens of (UK) MPs and peers have written to ministers asking them to join a global agreement to suspend international law on the protection of patents, trademarks and copyright when it comes to vital coronavirus-fighting drugs and equipment."

We have reviewed the webpage of the Commonwealth Secretariat dedicated to the COVID-19 crisis. However, we find no view on this critical issue. There are numerous interviews given by Your Excellency and links to some resources that are as early as May 2020, but nothing with regard to the Secretariat's position on this issue.

We request you and the Commonwealth Secretariat to take a lead in this matter and urge equitable access and distribution of the vaccine — especially to poor and developing countries — when production and rollout begins, on the basis of the equality of humanity and not power, price or profit.

We look forward to hearing from you.

Assuring you of our highest regards.

Yours truly,

A handwritten signature in blue ink, consisting of stylized, overlapping loops and a final dot, representing the name Sanjoy Hazarika.

Sanjoy Hazarika
International Director (CHRI)