



Monday, 1st March 2021
[Nairobi, Kenya]

Dr Ngozi Okonjo-Iweala
Director General of the World Trade Organization
Geneva
Switzerland

Dear Dr Ngozi,

REF: OPEN LETTER
A PEOPLE'S VACCINE TO REBUILD OUR ECONOMY

We begin this letter by conveying our hearty congratulations on your incumbency as the Director General of the World Trade Organization.

The People's Vaccine Kenya is a grassroots campaign that seeks to advocate for the equitable distribution of a safe, free and accessible vaccine in Kenya and concurrently joining the efforts of the global campaign to ensure the realization of these goals. We also believe that the COVID-19 vaccine should be treated as a nationwide public good and access should be in the interests of all people everywhere, not just those who can afford it, and therefore to ensure this we aim to achieve and demand sustainable and substantive legislation, people-centred and data-driven research to guide and shape our demands and findings and finally engage our communities in education and dismissal of misinformation regarding the vaccine.

As you are aware, as a global nation we are facing a plethora of crises, the most persistent and critical as relating to public health and the global economy is the COVID-19 pandemic, the resulting economic recession and the deepening of global inequality.

To deal with all these other issues we must first collectively endeavour to contain the deadly COVID-19 pandemic and the solution in sight is a vaccine. We as the global population, are seeking three imperatives to ensure the vaccine reaches us all and we can now begin dealing with rebuilding the economy. The best and most fore-front solution to this is the provision of a safe, free and globally accessible vaccine to all with no restrictions whatsoever.

As a people, we need immediate and sustained intervention to protect the health of the people and their collective socio-economic wellbeing. In this regard, we are informed by an ethical issue



that leads us to ensure a critical focus on low-income countries. To deal with all these other issues we must first collectively and in solidarity, endeavour to contain the deadly COVID-19 pandemic and the most fore-front solution is equitable access to the vaccine.

Our goal is to ensure the global provision of a safe, free and accessible vaccine to all, with no restriction or conditionalities.

To achieve this, we have three requests for your consideration:

1. Support the Trade Related Aspects of Intellectual Property Rights (TRIPS) waiver

The Doha declaration affirms that countries can and should interpret the Agreement on the Trade Related Aspects of Intellectual Property Rights (TRIPS) in a manner that protects and upholds public health, including ensuring access to essential medicines for all, especially in low income and developing countries. In this case, the vaccine is a critical commodity to help global nations prevent and contain the COVID-19 spread and minimize the rate of infections.

However, we have realized that some of the stronger countries and members of the World Trade Organization are reluctant to support this waiver. With the waiver granted, members of the World Trade Organization would be granted - on a per-country basis - the opportunity to suspend granting and enforcing of Intellectual property and other patent laws consolidated under the TRIPS agreement on all vaccine-related explorations, diagnostics, findings and technologies.

The waiver is important because together with state licensing measures, it offers an accelerated and open global solution that will save lives by increasing access to COVID-19 medical products and technologies which would thereby assist countries to better respond to the pandemic. With the waiver, there will be lower vaccine production costs, since there will be no regulatory barrier costs aimed at limiting competition amongst vaccine manufacturers. This will also allow and influence greater information sharing, development strategies and innovation which will enhance the efficacy and access of a more effective and efficient vaccine and other COVID-19 containment tools and solutions.

It is imperative that the waiver be supported as it will ensure that governments and their people have a chance to access the vaccine and enhance development.



Without the waiver, many states will be forced to rely on the leniency of pharmaceutical companies and wealthy states who may not decide to share “their” surplus vaccines with them. We must understand, the suspension of the TRIPS waiver is not just a moral imperative, but more so an economic and social responsibility for all members of the World Trade Organization.

2. Publicly urge against any actions and efforts of vaccine nationalism

We concur and applaud you for your efforts to warn against any elements of vaccine nationalism. However, we in the global south feel that this isn't enough. We request that you publicly urge for the cessation of any actions or intentions of vaccine nationalism and vaccine protectionism by any members of the World Trade Organization. As a first step, we would like you to garner consensus for the World Trade Organization members to repeal national law regimes authorizing restrictive and/or inequitable vaccine licenses. With intentions of vaccine nationalism, there is visible self-prioritization of states that excludes many others and further deepens the inaccessibility gap. According to available data, the United States, United Kingdom and European Union member states account for about half of the total vaccines (200 million) administered globally, while more than one hundred and thirty countries globally have not received a single dose of the vaccine. With the growing visibilities and actions of vaccine nationalism, the longer it takes to contain the virus globally and enhance the chances of the mutation of the virus which may limit the efficacy of the vaccines.

3. Support the provision of a free vaccine to all populations

We must understand that the need for a people's vaccine is not just a moral obligation but also an economic imperative. In this specific case, the vaccine must be prioritized not just like any other consumer good but also treated with the utmost insistence on its accessibility with no barriers.

We associate ourselves with the sentiments of the Committee on Economic, Social and Cultural Rights that inasmuch as companies ought to receive reasonable compensation for their investment and research, intellectual property is not a human right. It is a social product, having a social function and, therefore, the intellectual property and the patent legal regime should not undermine the right to a universally accessible vaccine.

The special nature of the vaccine as a health imperative makes this a justifiable decisive factor to ensure the vaccine is free for all. At this point, lack of access to the COVID-19 vaccine can be more likely more harmful due to the continuation of the mass disruption the pandemic has caused and will continue to cause if the vaccine is excluded from populations. A price-tag to the



vaccine will likely act as a potential obstacle to this ‘return to normal’, especially in low-income countries.

We must remember that none of us is safe until we all are.

This is a unique opportunity to enhance internationalist ties and accelerate the right public policies that can institute precedent for the further development and efficient drug distribution, fair treatment and equitable benefit sharing of imperative health-related tools within the foreseeable future that will also minimize the cataclysmic probability if there might be another public health crisis.

In essence, we collectively call for balancing of state protections under the World Trade Organization intellectual property regime with state obligations under the United Nations Human Rights regime.

We are confident and in high belief that the implementation of the above will go a long way in ensuring the containment of the COVID-19 virus and the equitable access of the vaccine and COVID-19 combatting tools and equipment.

Only solidarity can yield solid outcomes for all.

We look forward to your action.

Sincerely,

People’s Vaccine Kenya

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