

Access to COVID-19 vaccines as a global public good: A co-ordinated global response based on equality, justice and solidarity is key

The COVID-19 pandemic has exposed the extreme selfishness of many of the globe's rich countries who, in this unprecedented crisis, have entirely disregarded the global nature of the problem – a problem that calls for a co-ordinated global response founded on unity and solidarity. As of 31 March 2021, South Africa (SA) had recorded 1 548 487 positive cases, 52 846 deaths and 263 878 vaccines administered to healthcare workers through the Sisonke Phase 3B trial.^[1] Globally, 559 million doses have been administered, with 10% of the world's economies accounting for 77% of the total number vaccinated thus far (personal communication (bulk email), Dr Tedros Adhanom Ghebreyesus, 1 April 2021). This is clear evidence that we are steeped in unfairness globally, and that the right to health for all is once again being denied. As with other crises, we witness exacerbations of pre-existing inequalities across the world, with the most vulnerable being affected the most. The United Nations (UN) asserts that vaccine equity affirms human rights, and that vaccine nationalism denies them. It goes on further to state that vaccines must be a global public good, accessible and affordable to all.^[2]

In the midst of the shopping spree and bidding war for COVID-19 vaccines, what does global public good mean, and why should this apply to the COVID-19 vaccines? Generally, a global public health good is understood as a good whose impacts are equitably spread across the globe without causing division.^[3] The benefits of these goods cannot be priced, and hence the principle of exclusion cannot be applied to these goods. The use of such goods by one individual cannot be allowed to reduce their availability to others.^[4] The good and its benefits must be available at negligible or zero cost to all in the global village, hence they are not marketable.^[4] In summary, there are two criteria that determine a public good: being non-rival in consumption, and being non-excludable. In terms of non-rivalry, consumption by one person must not interfere with the good being available to others equally.^[4] If a good is to be non-excludable, then suppliers cannot deny it to those who are unable to pay its market price. International co-operation is being drawn upon more frequently in the arena of public goods and costs. An often-quoted example is climate change, which is usually caused by unsustainable practices of the richest countries, but impacts all regions and in particular, the poorest. Most public goods have trans-boundary implications, hence necessitating international co-operation and action.^[3]

With this brief theoretical perspective on public goods, a reflection on what we have witnessed with COVID-19 vaccines reveals that those who have had the means and power to procure vaccines have hurriedly clinched the 'me first' deals, leaving behind the poorest and most vulnerable in the world. By mid-January, while more than 39 million doses had been administered in 49 higher-income countries, there were almost no vaccines administered in

low-income countries. Last year, nearly 5 billion vaccine doses were collectively reserved by high- and upper-middle-income countries through advance market commitments.^[5] Consumption by some countries has interfered with the vaccines being equally available in poorer countries. In the words of the Director General of the World Health Organization (WHO), there has been a 'catastrophic moral failure' in the sharing of COVID-19 vaccines.^[5] The impact of this approach is that harms to public health and the global economy are perpetuated. It has been shown that twice as many deaths could otherwise be averted, and it could cost the global economy up to USD1.2 trillion in gross domestic product (GDP) if this vaccine inequity continues, and low- and middle-income countries (LMICs) are not granted equitable access to this public good.^[5] The virus continues to disrupt global supply chains and economies the world over as LMICs struggle to procure vaccines and protect their populations. It is of concern that high-income countries (HICs) seem slow to understand that poor vaccine acquisition and rapidly replicating viruses are the perfect ingredients in a recipe for the development of mutations and variants, and that global herd immunity will not be attainable if vaccine supply to LMICs lags behind. Moreover, viruses ignore national boundaries, and it is important to remember that the current half-open border policies remain porous to the virus during the pandemic.

A further impediment to the notion of COVID-19 vaccines as a public health good is the 'business as usual' implementation of intellectual property rights (IPR) by vaccine manufacturers, with huge resistance from several HICs to the application lodged by SA and India to the World Trade Organization (WTO) for a temporary waiver of IPR for COVID-19 vaccines during the pandemic.^[6] A waiver, coupled with technology transfer and building of infrastructure, would go a long way toward ensuring fair and equitable access to the much-needed public good. With manufacturers resilient to sharing, and this resilience backed by HICs, the non-excludable criterion for the vaccine being a public good is impeded. Manufacturers and HICs ought to take into consideration the many calls made by the UN and WHO for global equitable access to the vaccines, in addition to the UN Educational, Scientific and Cultural Organization (UNESCO)'s statement on global vaccine equity and solidarity,^[7] which refers to the COVID-19 vaccines as a 'global common good' (article 3). The statement firmly rejects vaccine nationalism as a 'predatory rush', raises ethical concerns on the current regulation of patenting and ownership rights and stresses that responses to the pandemic need to be built on equality, justice and solidarity. For true equity in global access to the vaccines, a shared understanding of health as a global common good without territorial limits, and new global legal instruments for economic and political treaties, are required. The statement further highlights that the Agreement on

Trade Related Aspects of Intellectual Property Rights (TRIPS) and the agreements of the WTO were not designed to manage situations such as pandemics.⁷¹

Of note, despite the global risks of vaccine nationalism, the erosion of global public health principles and calls being made by several international bodies, no international law makes legal provision for the implementation of interventions, even in a pandemic, as a global public good. International solidarity, fairness and multilateral support are critical if we are to win the COVID-19 war.

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