**Eswatini’s statement at the TRIPS Council meeting of 10th December 2020.**

Madam Chair,

We would like to reiterate what we stated in our previous statement about the unprecedented exceptional situation presented by the COVID 19 pandemic which requires decisive actions by governments. We continue to emphasize the important role of the WTO regarding prioritisation of improved and easier access to products and technologies necessary to expeditiously respond to the negative effects of the virus, including expansion of capacity to produce and distribute globally with the necessary quality and quantity. To this extent, the proposed waiver aims to ensure that IP rights do not become a barrier to accessing vaccines, medicines and other treatments and technologies required in the global fight against COVID-19. In our view the waiver whose basis is on Article IX.3 of the Marrakesh Agreement will allow for a **temporary** suspension of the application and enforcement of certain IP rights attached to COVID-19 related technologies and products, and if granted by the General Council, this will be beneficial to all WTO Members, including developing Members, least developed Members as well as developed Members.

As already mentioned by other members, the Compulsory Licensing mechanism stated in Article 31bis and its terms of application as elaborated in paragraph 2 of the Annex to the TRIPS Agreement are cumbersome and do not offer an urgent solution to the challenges paused by the COVID 19 pandemic. In the same vein, though providing policy space, we do not consider TRIPS flexibilities to be sufficient to address a pandemic of this nature and magnitude.

Madame Chair,

**Some delegations (US, Swiss, Japan) have argued that the IP system provides the necessary incentives for development and commercialization of the products.**

We have addressed this point in significant detail during the informal discussions.

It is a fact that R&D for emerging infectious diseases has typically depended on public funding and not the IP system. And COVID-19 is not different. Billions of public money has been spent on R&D and manufacture of the vaccines. For instance, in the case of Pfizer/BioNtech vaccine, there has been $546 million of public investment[[1]](#footnote-1), and more than $6billion has been spent on supply deals. It is also reported that Moderna’s R&D is mostly publicly funded and it has received commitments of over $1 billion for purchase of the vaccine.[[2]](#footnote-2) AstraZeneca has gone so far as to state that the development of the vaccine will have no financial implications for the company since “expenses to progress the vaccine are anticipated to be offset by funding by governments and international organisations.”[[3]](#footnote-3)

Given this reality, in a global pandemic, we fail to see the logic of maintaining IP monopolies that limit global supply and competition, and require taxpayers to repeatedly bear the cost of these IP monopolies.

To this extent we look forward to the issue taken to the General Council as you have mentioned in your report Chair.

Thank you.

1. <https://assets.oxfamamerica.org/media/documents/A_Shot_at_Recovery.pdf>; <https://www.reuters.com/article/us-health-coronavirus-eu-pfizer-exclusiv-idUSKBN2800IC>; <https://www.thesun.co.uk/news/13169692/pfizer-covid-vaccine-cost-uk-600million-ten-oxford-jab/> [↑](#footnote-ref-1)
2. <https://assets.oxfamamerica.org/media/documents/A_Shot_at_Recovery.pdf> [↑](#footnote-ref-2)
3. <https://www.astrazeneca.com/media-centre/press-releases/2020/covid-19-vaccine-azd1222-showed-robust-immune-responses-in-all-participants-in-phase-i-ii-trial.html> [↑](#footnote-ref-3)