



Persatuan Pengguna Pulau Pinang Consumers Association of Penang

檳城消費人協會 பிளாங்கு பயனீட்டாளர் சங்கம்

10 Jalan Masjid Negeri, 11600 Pulau Pinang, Malaysia
Tel: 604-8299511 Fax: 604-8298109
email: consumerofpenang@gmail.com

Websites:
www.consumer.org.my

Press Statement

4 February 2021

Broad based groups call for Malaysia to unequivocally support temporary suspension of WTO intellectual property enforcement

Twenty-eight organisations including the Consumers Association of Penang (CAP) and three community activists have called for Malaysia to join other developing countries in a global effort to remove monopolies on crucial medical products in the fight against COVID-19.

A letter was sent to Prime Minister Tan Sri Muhyiddin bin Hj Mohd Yassin today as members of the World Trade Organization (WTO) continue their discussion on a proposal to temporarily suspend implementation, application and enforcement of several parts of intellectual property agreement of the WTO for a defined period.

The signatories stress that this move will open the door to more research and development as well as production of needed COVID-19 medical products – diagnostic kits, medicines for treatment, vaccines and also personal protective gear.

As the first vaccines are approved and rolled out for treatment, it has shocked the developing world and international organisations such as the World Health Organization, to see the “vaccine nationalism” and hoarding that has swept the rich countries. While it is understandable that each government wants to protect its own citizens, a pandemic such as COVID-19 demands that the whole world work together because saving a few while the rest of the world suffers will not save anyone in the long run. Viruses especially when they mutate to become more infectious will not respect borders.

A major reason for shortages of the crucial COVID-19 medical products is insufficient production capacity and intellectual property is a big factor because of the monopolies created that end up limiting the number of manufacturers.

Unfortunately rich countries and the multinational pharmaceutical industry have been strongly opposing the proposal first tabled by India and South Africa on 2 October 2020 to have a temporary suspension of relevant parts of the Agreement on Trade-related Aspects of Intellectual Property Rights (TRIPS).

The so-called “Waiver Proposal” at the WTO is now co-sponsored by South Africa, India, Kenya, Eswatini (formerly Swaziland), Mozambique, Zimbabwe, Pakistan, Bolivia, Venezuela, and Egypt. Almost 100 developing countries and the poorest countries are supporting this move. There is also worldwide support from many international organisations and eminent individuals, and public pressure is growing in the US, Europe, Canada and Japan where those governments are blocking the Waiver Proposal at the WTO.

WHO Director-General Dr. Tedros Adhanom Ghebreyesus said on 18 January said that “we now face the real danger that even as vaccines bring hope to some, they become another brick in the wall of inequality between the world’s haves and have-nots”. He gave shocking information on vaccine

distribution: “More than 39 million doses of vaccine have now been administered in at least 49 higher-income countries. Just 25 doses have been given in one lowest-income country. Not 25 million; not 25 thousand; just 25.”

“I need to be blunt: the world is on the brink of a catastrophic moral failure – and the price of this failure will be paid with lives and livelihoods in the world’s poorest countries,” Dr Tedros said.

Last week, the world watched the European Union fight for timely delivery of the vaccine that it had ordered from AstraZeneca under an “advance purchase agreement” and raising questions of shipments sent to the United Kingdom from manufacturing plants in Europe. Delays and under- delivery of the expected doses led the EU to impose an export restriction until end of March that requires EU prior authorization before vaccines destined for other countries can leave its territory. There is widespread concern that companies with approved vaccines may have over-committed in signing numerous advance purchase agreements with countries that can afford to pay, and delivery delays can jeopardise vaccination programmes.

Meanwhile, the US is catching up on its national COVID-19 response, and recognizing the emergency scale of affairs President Biden has invoked the Defense Production Act of 1950 that is used in war time to ensure sufficient supply of essential goods. This Act allows the US president to require businesses to accept and prioritize contracts for materials deemed necessary for national defense, regardless of a loss incurred on business. In addition to securing its vaccine supply, the US will tackle its shortages that include N95 masks, isolation gowns, nitrile gloves, polymerase chain reaction (PCR) sample collection swabs, test reagents, laboratory analysis machines for PCR tests, high-absorbency foam swabs, nitrocellulose material for rapid antigen tests, rapid test kits and all the necessary equipment and material to accelerate the manufacture, delivery, and administration of COVID-19 vaccine. While prepared to take all necessary action at home, the US is blocking the Waiver Proposal needed for a global effort.

The Malaysian Government has announced that there will be multiple suppliers of vaccines – but our total dependency on imports from limited sources puts us in a very vulnerable position and a global solution must be the way forward.

The ongoing vaccine scramble and potential future conflicts over medicines that can treat COVID-19 and even PPE show the urgent need for the TRIPS Waiver to overcome the problems of shortages and to ramp up production across countries to provide the medical products equitably to small and big countries.

Mohideen Abdul Kader
President
Consumers Association of Penang

The twenty-eight (28) organisations are as follows:

1. Agora Society Malaysia
2. Citizens’ Health Initiative
3. Consumers’ Association of Penang (CAP)
4. Crisis Home
5. Health Equity Initiatives

6. IDRIS Association
7. Jaringan Ekologi dan Iklim (JEDI)
8. Jaringan Rakyat Tertindas/PSM
9. Majlis Tindakan Ekonomi Melayu (MTEM)
10. Malaysia AIDS Council
11. Malaysia Consumers Movement
12. Malaysian Consultative Council of Islamic Organizations
13. Malaysian Women's Action for Tobacco Control and Health (MyWATCH)
14. Monitoring Sustainability of Globalisation (MSN)
15. Padi Rescue
16. Penang Forum
17. Persatuan Insaf Murni Malaysia
18. Persatuan Persaudaraan Muslim Malaysia
19. Positive Malaysian Treatment Access & Advocacy Group
20. Prostate Cancer Society Malaysia (PCSM)
21. Sahabat Alam Malaysia
22. Sekretariat Gagasan Darul Aman
23. Sekretariate Transformasi Qaryah Malaysia
24. Tanjung Bunga Residents Association, Penang
25. Teras Pengupayaan Melayu
26. Third World Network
27. Together Against Cancer
28. UNGGAS Malaysia

Individual advocates and activists:

1. Isaac Tan
2. Jeremy Kwan
3. Manis Chen