

**INTERNATIONAL JOURNAL OF LAW
MANAGEMENT & HUMANITIES**

[ISSN 2581-5369]

Volume 4 | Issue 4

2021

© 2021 *International Journal of Law Management & Humanities*

Follow this and additional works at: <https://www.ijlmh.com/>

Under the aegis of VidhiAagaz – Inking Your Brain (<https://www.vidhiaagaz.com>)

This Article is brought to you for “free” and “open access” by the International Journal of Law Management & Humanities at VidhiAagaz. It has been accepted for inclusion in International Journal of Law Management & Humanities after due review.

In case of **any suggestion or complaint**, please contact Gyan@vidhiaagaz.com.

To submit your Manuscript for Publication at **International Journal of Law Management & Humanities**, kindly email your Manuscript at submission@ijlmh.com.

Covid-19 Vaccine Co-operation beyond International Trade Barriers: A Legal Perspective

RAJIV KUMAR SHAW¹

ABSTRACT

This research paper studies the important global co-operation during Covid-19 pandemic and the united efforts of the International Organizations and States to fight the pandemic, in the process breaking the trade and commerce barriers and strive for global co-operation.

I. INTRODUCTION

The Covid-19 or Corona Virus infection first came to notice on Global Platform on 31st December 2020 in Wuhan, China. The first cases were reported as 'VIRAL PNEUMONIA'. Wuhan Municipal Health Commission in their website published these new cases which was taken into cognizance by the WHO's country office in People's Republic of China. The International Health Regulation Focal Point in the Western Pacific Regional office of World Health Organisation (WHO) was notified by the WHO Country office about the media statement of the Wuhan Municipal Corporation and were also provided with the translation of it. EIOS (Epidemic Intelligence from Open Source), which is WHO's affiliate, also received media reports on ProMED, which is a programme of the International Society of Infectious Diseases about similar cases of pneumonia with mysterious cause.

The WHO requested for additional information on this disease from the Chinese authorities. The Incident Management Support Team (IMST) was activated by WHO to coordinate appropriate response at the 3 levels viz, Headquarters, Regional and Country Levels for public health emergencies. WHO offered China the required support and requested for more information about the disease and cases. The Global Outbreak Alert and Response Network (GOARN) was informed by WHO about this disease. On 3rd Jan 2020, the Chinese officials provided information to WHO about the cluster cases of viral pneumonia of unknown cause.

¹ Author is a LLM Student at Ajeenkya D Y Patil University, Pune, India.

² Who.int. 2021. Listings of WHO's response to COVID-19. [online] Available at: <<https://www.who.int/news/item/29-06-2020-covid-timeline>> [Accessed 4 August 2021].

On 5th Jan'20³, via the IHR(2005) Event information System, WHO shared the information of this Viral disease to all member nations and highlighted the severity of it for the first time. And then on the 9th Jan'20, WHO reported that the Chinese Official have determined that the outbreak is caused by Novel Corona Virus. This was the noted revelation that brought the one of the deadliest pandemics of the 21st Century. The Corona Pandemics had officially arrived.

The Pan American Health Organization / World Health Organization (PAHO/WHO) on 16th January released its first Epidemiological Alert on the Novel Corona Virus (nCoV) altering its WHO member states to keep their Health Workers updated with information and guideline related to the virus. WHO convened 'Global Research and Innovation Forum' which was attended by more than 300 professionals, 150 online participants and funders from 48 countries. This forum focussed on diagnostics, vaccines and therapeutics of the virus and worked in line with the WHO R&D Blueprint⁴.

On 3rd Mar'20, the WHO requested for global collaboration and intergovernmental co-operation for increase in manufacturing of personal protective equipment by 40%⁵. It strived to create Pandemic Supply Chain Network⁶ in this direction.

The WHO published Draft Landscape⁷ of Covid-19 candidate vaccines on 11th Apr'20 on basis of systematic assessment of candidates globally. This draft is updated on regular basis. Currently this draft has 3 candidate vaccines in clinical evaluation & 67 candidate vaccines in preclinical evaluation.

In the meeting of the 73rd World Assembly⁸, held on 18-19th May'20, for the first time to be held on virtual platform, the delegates adopted a landmark resolution of World Co-operation to fight together against the Covid-19. This resolution was co-sponsored & adopted by more than 130 countries by consensus. This resolution calls 'for intensification of effort to control the pandemic, and for equitable access to and fair distribution of all essential health

³ *ibid*

⁴ Who.int. 2021. R&D Blueprint and COVID-19. [online] Available at: <<https://www.who.int/teams/blueprint/covid-19>> [Accessed 4 August 2021].

⁵ Who.int. 2021. Shortage of personal protective equipment endangering health workers worldwide. [online] Available at: <<https://www.who.int/news/item/03-03-2020-shortage-of-personal-protective-equipment-endangering-health-workers-worldwide>> [Accessed 4 August 2021].

⁶ World Economic Forum. 2021. Pandemic Supply Chain Network (PSCN). [online] Available at: <<https://www.weforum.org/projects/pandemic-supply-chain-network-pscn>> [Accessed 4 August 2021].

⁷ Who.int. 2021. DRAFT landscape of COVID-19 candidate vaccines – 11 April 2020. [online] Available at: <https://www.who.int/blueprint/priority-diseases/key-action/Novel_Coronavirus_Landscape_nCoV_11April2020.PDF> [Accessed 4 August 2021].

⁸ Who.int. 2021. Historic health assembly ends with global commitment to COVID-19 response. [online] Available at: <<https://www.who.int/news/item/19-05-2020-historic-health-assembly-ends-with-global-commitment-to-covid-19-response>> [Accessed 4 August 2021].

technologies and product to combat the virus⁹. This was a landmark resolution wherein international access on basis of equity and fairness was called for. The resolution called for “sustainable funding” and “timely, accurate and sufficiently detailed public health information related to the COVID-19 pandemic, as required by the International Health Regulations (2005)”. In the closing remarks, WHO Director-General Dr Tedros Adhanom Ghebreyesus said “*COVID-19 has robbed us of people we love. It’s robbed us of lives and livelihoods; it’s shaken the foundations of our world; it threatens to tear at the fabric of international cooperation. But it’s also reminded us that for all our differences, we are one human race, and we are stronger together.*”¹⁰ Thus an international collaboration for global fight against the Covid-19 had taken shape by the virtue of this landmark resolution.

In the same direction 30 countries and numerous international partners and institutes launched C-TAP or Covid 19 Technology Access Pool¹¹. The goal was to facilitate timely, impartial and affordable access of COVID-19 health products by increasing their supply. C-TAP offered a global one-stop shop for developers of COVID-19 therapeutics, diagnostics, vaccines and other health products to share their intellectual property, knowledge, and data, with quality-assured manufacturers through public health-driven voluntary, non-exclusive and transparent licenses¹².

At the Global Vaccine Summit¹³ (hosted virtually by UK Government), held on 4th Jun’20, WHO welcomed the funding commitments made for Vaccine Development. This summit was Gavi¹⁴, the vaccine alliance’s third pledging conference. This summit emphasised that the Gavi Alliance will be able to manage immunization better in lower-income countries and help improving their health care system. The ACT Accelerator¹⁵ published its investment case on 26th Jun’20 and requested for USD 31.3 Billion as contribution in the coming 1 year for research on Covid Vaccine, Therapeutics and Diagnostics.

Another milestone in Global Co-operation on Covid Vaccine was reached on 15th Jul’20,

⁹ *ibid*

¹⁰ *ibid*

¹¹ Who.int. 2021. COVID-19 technology access pool. [online] Available at: <<https://www.who.int/initiatives/covid-19-technology-access-pool>> [Accessed 4 August 2021].

¹² *Ibid*.

¹³ Who.int. 2021. WHO welcomes crucial new funding for vaccines. [online] Available at: <<https://www.who.int/news/item/04-06-2020-who-welcomes-crucial-new-funding-for-vaccines>> [Accessed 4 August 2021].

¹⁴ Gavi.org. 2021. Global Vaccine Summit 2020. [online] Available at: <<https://www.gavi.org/investing-gavi/resource-mobilisation-process/gavis-3rd-donor-pledging-conference-june-2020>> [Accessed 4 August 2021].

¹⁵ Who.int. 2021. The Access to COVID-19 Tools (ACT) Accelerator. [online] Available at: <<https://www.who.int/initiatives/act-accelerator>> [Accessed 4 August 2021].

wherein Expression of Interest was submitted by 75 Nations to COVAX Facility¹⁶. Further expanding to 90 Nations which could be supported by AMC (COVAX Advanced Market Committee). The COVAX along with AMC was intended to pledge rapid, fair and equitable access to Covid vaccine to every country in the world and contributing towards controlling the pandemic. This commitment was assured by the governments which constituted almost 60% of the world's population. Dr Seth Berkley, CEO of Gavi, the Vaccine Alliance said "COVAX is the only truly global solution to the COVID-19 pandemic"¹⁷. On Aug 6th '20, WHO published two papers on the COVID-19 Vaccines Global Access (COVAX) Facility, outlining global procurement for COVID-19 vaccines¹⁸ and focusing on insuring accelerated vaccine development and manufacturing¹⁹. The Global Procurement related publication outlined Investment opportunity, how this facility works, offer to the Governments to join the COVAX Facility, both for Self-financing governments & Gavi COVAX AMC-supported governments. The 2nd document was on insuring accelerated vaccine development and manufacturing outlined the development on the research cost related aspects etc.

Again, on 21st Sep '20, SAGE or Strategic Advisory Group of experts on immunization from WHO, provided Interim Guidance²⁰ for Influenza Vaccination during the pandemic. Till now 156 economies which represented almost 64% of world's population had either committed for COVAX or were eligible for the same. The WHO on 1st Oct '20, published Call for Expressions of Interest for Manufactures of Covid-19 vaccines²¹. This was to apply for approval for prequalification and and/or emergency use listing. On 5th Jan'21, The Strategic Advisory Group of Experts on Immunization (SAGE) of WHO convened to evaluate the vaccine data for the Pfizer/BioNTech vaccine and formulate policy recommendations²² on how best to use it. The vaccine was the first to receive an emergency use validation from WHO for efficacy

¹⁶ Who.int. 2021. More than 150 countries engaged in COVID-19 vaccine global access facility. [online] Available at: <<https://www.who.int/news/item/15-07-2020-more-than-150-countries-engaged-in-covid-19-vaccine-global-access-facility>> [Accessed 4 August 2021].

¹⁷ *ibid*

¹⁸ Who.int. 2021. The COVAX facility. [online] Available at: <<https://www.who.int/publications/m/item/the-covax-facility>> [Accessed 4 August 2021].

¹⁹ Who.int. 2021. COVAX, the ACT-Accelerator vaccines pillar. [online] Available at: <<https://www.who.int/publications/m/item/covax-the-act-accelerator-vaccines-pillar>> [Accessed 4 August 2021].

²⁰ Who.int. 2021. WHO SAGE Seasonal Influenza Vaccination Recommendations during the COVID-19 Pandemic. [online] Available at: <<https://www.who.int/news/item/21-09-2020-who-sage-seasonal-influenza-vaccination-recommendations-during-the-covid-19-pandemic>> [Accessed 4 August 2021].

²¹ Who.int. 2021. First Invitation to manufacturers of vaccines against Covid-19 to submit an Expression of Interest (EOI) for evaluation by the WHO (Prequalification and/or EUL). [online] Available at: <<https://www.who.int/news-room/articles-detail/1-EOI-Covid-19-Vaccines>> [Accessed 4 August 2021].

²² Apps.who.int. 2021. [online] Available at: <https://apps.who.int/iris/bitstream/handle/10665/338484/WHO-2019-nCoV-vaccines-SAGE_recommendation-BNT162b2-2021.1-eng.pdf?sequence=1&isAllowed=y> [Accessed 4 August 2021].

against COVID-19²³.

On 12th Nov'20, The Serum Institute of India (SII), which is the world's largest vaccine manufacturer by volume, and Indian Council of Medical Research (ICMR), the apex body in India for biomedical research, announced the completion of enrolment of phase 3 clinical trials for COVISHIELD in India. ICMR and SII have further collaborated for clinical development COVOVAX (Novavax) developed by Novavax, USA and upscaled by SII²⁴.

COVAXIN²⁵ became India's first indigenous Covid Vaccine which is developed by Bharat Biotech in collaboration Indian Council of Medical Research & National Institute of Virology. This vaccine received approval from Drug Controller General of India (DCGI) for Human clinical trials.

As on 29 May 2021 at 1000 hrs Made-in-India COVID19 vaccine amounting to far 663.698 lakhs vaccines were supplied to 95 countries worldwide²⁶, under the 'Vaccine Maitri' scheme of the Government of India.

CONCLUSION

Thus, we understand the Covid-19 pandemic enthralled the Global Organisations and States to come together beyond the boundaries of International Trade and Commerce Practices and create a common World community which would strive for the protection of mankind from the grasp of the Covid Pandemic.

²³ Who.int. 2021. The Pfizer BioNTech (BNT162b2) COVID-19 vaccine: What you need to know. [online] Available at: <<https://www.who.int/news-room/feature-stories/detail/who-can-take-the-pfizer-biontech-covid-19-vaccine>> [Accessed 4 August 2021].

²⁴ Icmr.gov.in. 2021. INDIAN COUNCIL OF MEDICAL RESEARCH Department of Health Research. [online] Available at: <https://www.icmr.gov.in/pdf/press_release_files/ICMR_Press_Release_COVISHIELD.pdf> [Accessed 4 August 2021].

²⁵ User, S., 2021. Vaccine information, ICMR New delhi - COVID-19 Vaccine. [online] Vaccine.icmr.org.in. Available at: <<https://vaccine.icmr.org.in/covid-19-vaccine>> [Accessed 4 August 2021].

²⁶ Mea.gov.in. 2021. Vaccine Supply. [online] Available at: <<https://www.mea.gov.in/vaccine-supply.htm>> [Accessed 4 August 2021].