



## Webinar

# TRIPS flexibilities in Africa: are countries equipped to protect public health?

Yousuf Vawda, Lynette Mabote

30 April 2020

## PARTICIPANTS PRESENTATIONS

16:00:51

From Dr Anima Sharma: Hi, I am Anima Sharma from INDIA

16:01:21

From NIRMALYA SYAM: Hi, I am Nirmalya Syam from South Centre.

16:01:36

From Edward Buzigi: Hi Am Edward from HEARD Durban South Africa

16:01:39

From Kwabena Asare: Kwabena Asare from Ghana

16:01:59

From Nishimwe Clemence: Hi! I'm Clemence Nishimwe from UKZN. school of Nursing and Public health

16:02:26

From Ado Muhammad: My name is Dr Ado Muhammad, Director of the Centre for Health Systems Research and Development in AB University, Nigeria. I am a consultant in Pharmaceutical Medicine

16:02:38

From Caroline Ncube: Hello Yousuf & Lynette! Thanks for this. I'm here with some UCT LLM students. Best, Caroline Ncube

16:03:16

From Aligui YATTARA: Hi I'm Aligui YATTARA from Mali

16:03:16

From Carol Tendai Makoko: Hi, I am Carol Makoko from Malawi

16:03:43

From Newton Chagoma: Hi, iam Newton Chagoma from Malawi

16:03:51

From Shamiso Faith Varaidzo Chigorimbo: Shamiso Chigorimbo from UKZN Durban

16:04:02

From Wisdom Adoh: Hello, I'm Wisdom joining from Sweden

16:04:12

From Nosipho Makhakhe: Nosipho Makhakhe from UKZN Durban

16:04:12

From Stephen Musubire: Hello Colleagues, Stephen Musubire from Seatini Uganda

16:04:16

From Ntobeko Ndlovu: hie I am Ntobeko Ndlovu from Zimbabwe

16:04:16

From STERGIOS SERETIS: Hello. Dr. Stergios Seretis, political economy of health. from Thessaloniki, Greece

16:04:59

From Erixy Sandram Naluso: Hi; AM Erixy Naluso from UKZN, Durban

16:05:03

From Miria Nowamukama: Miria from Uganda

16:06:09

From Anahit Harutyunyan: Hello, my name is Anahit, I'm from Armenia

16:06:24

From Bonginkosi Shozi: Hi, I am Bonginkosi Shozi, (the aforementioned co-author) thank you for the warm welcome!

16:07:04

From Eunice Kilonzo: Hello, Eunice from Nairobi, Kenya

16:07:19

From Chiara Tellarini: Hi everybody, I'm Chiara from Italy, a pleasure to attend this meeting

16:07:23

From Erick Okioma: Hi I am Erick Okioma From Kenya

16:07:31

From Andreas Wulf: Hi, i am Andreas from Germany

16:07:36

From Warren Simangolwa: Warren Simangolwa with CHAI, ZAMBIA.

16:07:46

From Detrich Peeler: Hello everyone, I am Detrich Peeler with ITPC Global

16:07:51

From Paul Wasswa: Wasswa Paul from Uganda, looking forward to the great discussions.

16:08:15

From Marietjie Botes: Hi everyone, Dr Marietjie Botes, post-doc researcher in Helath Law and Bioethics from the University of KwaZulu-Natal - happy to learn and share views.

16:08:23

From Evans Mwemezi: Hi everybody. This is Evans from Tanzania. Good to be here and participate in this important discussion

16:09:01

From Karen Souza Muramatsu: Hi everyone, I am Karen Muramatsu from Brazil! Please to attend this webinar.

16:09:48

From abebe Badacho: Hi I am from Ethiopia, interested on the topics in discussion

16:10:02

From Warren Simangolwa: Pleased to attend, I am Warren Simangolwa with CHAI in ZAMBIA.

16:10:32

From Zacharia Grand: I am Grand, with HEARD in South Africa

16:10:58

From Hilary Muguto: Hi all, I am Hilary Tinotenda Muguto from Durban, South Africa

16:11:01

From AMEL KOUADRI: Hello everybody, Amel from France

16:11:10

From Zacharia Grand: I am Grand, with HEARD in South Africa

16:12:32

From Timothy Wafula: Hi everyone. I am Timothy Wafula from Kenya. Glad to be part of this discussion

16:13:10

From abebe Badacho: it is my pleasure to be with you, Abebe from Ethiopia

16:13:47

From pauline morau: Hi, i'm Pauline from france

16:13:55

From Lindiwe Maqutu: Hello All. Happy to join the discussion from UKZN Law School in South Africa.

16:14:15

From Elizabeth Muchoki: Greetings Elizabeth from KANCO in Kenya

16:14:34

From Paul Ogendi: paul ogendi, kenya.

16:15:28

From Clydenia Stevens: Good Day, I am Clydenia Stevens from UKZN School of law. It is a pleasure to attend and support colleagues.

16:21:01

From Ado Muhammad: My name is Dr Ado Muhammad, Executive Director of the Centre for Health Systems Research and Development in Ahmadu Bello University, Nigeria. I am a consultant in Pharmaceutical Medicine

16:21:28

From Lucy Ghati: Lucy Ghati from Kenya, glad to be part of this discussion!

16:22:22

From Global Health Centre Research, Graduate Institute Geneva: Welcome everyone, great to see all the people joining us today from many different places!

## QUESTIONS AND COMMENTS FROM PARTICIPANTS

16:27:31

From Carlos Passarelli: many experts and CS advocates have pushed for a review of the para 6 mechanism, but, even though, WTO members have endorsed it and it became part of the TRIPS agreement. By the presentation, we see that the mechanism was used only once, which happened before it became amended to TRIPS. So, are there easier policy options for countries willing to import more affordable products other than the para 6 mechanism??

16:31:49

From Bonginkosi Shoji: Well done on the informative and insightful presentation Professor Vawda!

16:32:22

From Susan Adong: covid19 vaccines will be handed over to WHO free of patents as will the HIV vaccines to be available to all as was the case with polio vaccines.

16:35:57

From Mary Nyangasi: Mary Nyangasi, Head of National Cancer Control Program, Kenya. Great presentation here! Am glad i joined. How can we get the IP training in the cancer space in Kenya? We need to improve access to cancer medicines.

16:36:20

From Salomé Meyer: Salomé Meyer, Cancer Alliance, South Africa - We are part of Fix the Patent Law in South Africa and is doing specific advocacy around cancer medicine access that is like to patents. Read about our work on our website <https://canceralliance.co.za/access-to-medicine/>

16:38:35

From Reinhard Huss: Should the training and advocacy also consider alternatives to patents such as prize funds so that all medicines or medical equipment become part of the global commons? Most people, even health professionals, are not aware of such alternative options.

16:38:40

From Gerald Schatz: Given the pandemic and new great power rivalries, is it realistic to assume renegotiating of multilateral trade regimes within the next 5 to 10 years, to accommodate time-critical emergencies? Or will private dealing become the norm?

16:40:50

From Stephen Musubire: Interesting points in relation to TRIPS and access to medicines. Considering the current Pandemic of Covid 19, it would seem the developed countries need developing countries more in terms of supply of for instance the much needed hydroxychloroquine that is believed to alleviate complications related to Covid 19. We know for instance Donald Trump on April 7 threatened India with retaliation if they refused to export this drug. The trend under TRIPs seems to have been limited to encouraging adoption of minimum measures to prevent imports that are a threat to health of citizens. This lockdown is an opportunity to rethink this especially from developed countries and for developing countries to be enabled to enhance their productive capacities of medicines. In Uganda's case Section 5(d) legally empowers the country to minimize exports in interest of public health. How can we influence policy internationally and regionally around TRIPS towards a pragmatic approach in enabling market access for our medicines?

16:41:55

From Aditya Prakash Rao: Q for Prof. Vawda - The Statement of the WIPO DG (of April 24, 2020) seems to stress on the need to curate innovation for healthcare and asks for a time-bound and targeted application of legal provisions to facilitate access for demonstrated IP barriers. What are your thoughts?

16:43:40

From Anand Grovaer: This is Anand Grover from India

Yiusuf Vawda

1. ARIPO, what u call the negative; Can there be an amendment to the ARIPO Harare Protocol to the effect that patents granted by ARIPO will not apply if there is a contrary or inconsistent law? Similarly, can there be an amendment in OAPI. Is there any move to amend the Harare PROTOCOL?
2. Is it political will or lack of capacity? Can you advocate in ARIPO countries to exercise option to opt out?
3. Covid19 whether it is medicine or vaccine likely to be patented: what is the capacity of the countries to issue CLs or will the patentees go the VL way?

Lynette Mabote

1. Local manufacturing; I know Uganda had experimented with this. Any positive examples in other countries

16:45:01

From Anand Grovaer: Do you think that compulsory licenses will be issued in the Covid scenario or will Voluntary licenses take over

16:45:24

From Edward Buzigi: To Prof Yousuf: From Edward HEARD, UKZN. Are there any flexibilities in ethical clearances when conducting clinical trials during the use of patent drugs?

16:46:54

From Erick Okioma: Why is it in clinical trials research institutions are so discreet on the big pharma supporting the research?

16:47:17

From michel rudy Lotrowska: In Latin America, local production is quite big, in an attempt for independence through public producers like in Brazil. Covid brought the question of API as a main issue. Most API come from China or India and are currently not available. so local production needs to go further down in the process...question: Is that possible and feasible in Africa? Is there a possible scale nationally or only regionally?

16:49:46

From Paul Ogendi: in my experience, lack of utilization of trips flexibilities go beyond the legal and policy framework into the policy makers, budget and other factors. In my blog post, I have argued that kenya should pass a supplementary budget to provide for equitable compensation in case it is to use CL in covid 19 drugs. Do you agree prof. Vawda? (See also: <https://uonresearch.org/blog/compulsory-licensing-and-access-to-covid-19-medicines-and-vaccines-in-kenya/>)

16:57:11

From Paul Ogendi: besides, am not sure Kenya qualifies as a country that has utilized CL perhaps it has threatened to use CL but eventually a VL was granted.

17:02:00

From STERGIOS SERETIS: Q for Prof. Vawda - Is there any case of denial a CL in Africa?

17:07:15

From Miria Nowamukama: Thank you for important webinar, how can young researchers be empowered?

17:08:50

From NIRMALYA SYAM: In the post Covid19 situation, is there an opportunity to make article 66.2 of TRIPS more robust in terms of improving its implementation?

17:11:11

From Erick Okioma: How do we get groundswell support from communities on shift of policy if they are not empowered on IP? You will realize that in Africa there was an outcry about statements made by French Researchers on clinical research on covid 19 Vaccine and also access in post-trial if successful

17:13:52

From Ntobeko Ndlovu: I think at times donor support makes some gvts to be reluctant to fund local R and D. They would rather use this money in other sectors which gives them political mileage. I think donors need to programme in such a way that they compel governments to stimulate local manufacturing (conditional donations?)

17:14:41

From Erixy Sandram Naluso: Many countries in Africa over-depend on donors to access drugs for HIV/AIDS, TB and Malaria to the extent that over 60% of their health budgets are financed by donors in the form of Global Fund and GAVI. Considering that this is not sustainable, what should the African Union do to ensure that these countries survive in case the donors pull out?

17:15:02

From Alma De León: Thank you very much for this webinar

17:17:08

From Reinhard Huss: Thank you to presenters and facilitator for the excellent webinar

## WEBINAR MATERIALS

16:22:22

From Global Health Centre Research, Graduate Institute Geneva: Just a reminder that the recording of the webinar, the slides and the chat will be available in a couple of days in the Knowledge Portal for Innovation and Access to Medicines: [www.knowledgeportal.org](http://www.knowledgeportal.org)

16:23:13

From Global Health Centre Research, Graduate Institute Geneva: The full research paper "Eighteen Years After Doha: An Analysis of the Use of Public Health TRIPS Flexibilities in

Africa” By Yousuf A Vawda and Bonginkosi Shozi, is available at <https://www.southcentre.int/research-paper-103-february-2020/#more-13565>

16:38:10

From Global Health Centre Research, Graduate Institute Geneva: The country and regional reports by SAPAM are available at <http://www.sapam.net/regionalandcountryreports/>