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**COVID-19 PANDEMIC: ACCESS TO PREVENTION AND TREATMENT IS A MATTER OF NATIONAL AND INTERNATIONAL SECURITY**

**Open letter from Carlos Correa, Executive Director of the South Centre, to**

Tedros Adhanom Ghebreyesus, Director-General of the World Health Organization  
Francis Gurry, Director-General of the World Intellectual Property Organization  
Roberto Azevêdo, Director-General of the World Trade Organization

CC: António Guterres, United Nations Secretary-General

CC: Verónica Michelle Bachelet, United Nations High Commissioner for Human Rights

Dear Colleagues,

The unprecedented global health crisis caused by COVID-19 represents a global challenge to the essential security interests of all countries. As stated by the World Health Organization Constitution, “the health of all peoples is fundamental to the attainment of peace and security and is dependent upon the fullest co-operation of individuals and States.”

Ensuring access to health should be a priority for all governments and international organizations. Every other human endeavour, however important it may seem, must be subordinated to the need of preserving and protecting human life. The rights to health and life are fundamental human rights. The available figures on infection and mortality show that this pandemic is having a devastating effect. The most vulnerable are those living in developing and least developed countries with weak health systems. Millions depend on the income they get everyday, and for whom the option of confinement poses a dramatic dilemma: to face the risk of contagion or starvation.

Access to affordable medicines, vaccines and diagnostics and to medical equipment, and to the technologies to produce them, is indispensable to treat COVID-19. Such technologies should be broadly available to manufacture and supply what is needed to address the disease. Any commercial interest supported by the possession of intellectual property rights on those technologies must not take precedence over saving lives and upholding human rights. This should always be the case, but this premise is often overlooked in times where asymmetries in development and inequality are deemed to be normal facts.

In this connection, I wish to recall that in accordance to the ‘Security Exceptions’ contained in Article 73(b) of the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement), any World Trade Organization Member can take “*any action which it considers necessary for the protection of its essential security interests*”. The use of this exception will be fully justified to procure medical products and devices or to use the technologies to manufacture them as necessary to address the current health emergency.

Dear colleagues, I am appealing to you, in your capacity as Director-Generals of the three organizations, to support developing and other countries, as they may need, to make use of Article 73(b) of the TRIPS Agreement to suspend the enforcement of any intellectual property

right (including patents, designs and trade secrets) that may pose an obstacle to the procurement or local manufacturing of the products and devices necessary to protect their populations.

We need to have the courage to change course. The resource gap in addressing the health crisis is huge and health inequality is probably the most unbearable of injustices. It will be a matter of rebuilding a world that is viable; the one we are leaving behind, was not.

Carlos Correa  
Executive Director  
South Centre  
Geneva, 4 April 2020

