The EU’s Vaccine Export Controls Negate its Self-interest, International Solidarity and International Law

By:

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On 29 January 2021, the EU issued binding *Regulations* authorising its officials and member states to limit the export of COVID-19 vaccines produced within its borders. The renewable restrictions introduced by these Regulations are the latest example of the unfortunate and short-sighted pandemic nationalism that has also affected the global distribution of personal protective equipment. Even more, the restrictive nature of vaccine export controls are inconsistent with the international legal principle of solidarity, adherence to which is required to effectively address the pandemic. Few would dispute the fact that the EU’s Regulations further entrench a global vaccine divide.

Access to these vaccines disproportionately favors the rich countries in Europe and North America. By contrast, the poorer countries, where over ninety-percent of the world's population live, have little to no access to these vaccines. Not only is this unequal and unjust situation inconsistent with the principle of international solidarity, it is also an obstacle to the rapid control of the COVID-19 pandemic, which requires a highly coordinated global response. These restrictive regulations are also against the EU's self-interest as a bloc. This so especially so in the face of the rapid mutation of the virus that causes COVID-19 toward ever more transmissible and deadlier forms. The fewer the people who are vaccinated on the global level, the more the virus is provided with an opportunity to jump from person to person and to mutate. Thus, most observers now realize that vaccine solidarity and more equal global access, not vaccine nationalism and hoarding, is the better approach to the effective control of the pandemic.

The main motivation behind the EU's imposition of these controls is to ensure that it retains access to a highly disproportionate supply of vaccine doses that it had booked with EU-based manufacturers outside the main international solidarity-based mechanisms, such as the COVAX scheme. The EU's thinking, it appears, is that the control of the pandemic within its borders, well before it is ended in the countries in which the vast majority of the world's population live, would somehow keep its own population safe from the virus.

Other than being illogical, the EU Regulations will likely introduce new incidences of delay in the shipments of vaccines produced in the EU even to exempt destination countries outside the region. They could also significantly augment existing vaccine shipment delays. Both kinds of slow downs will further impede the effort to stem the tide of the pandemic. In this sense, the EU Regulations at issue are yet another obstacle in the way of the flow of desperately needed vaccines around the world. And this problem is not cured by the fact that they will apply for a limited number of months. Placed on top of the existing vaccine hoarding by the rich countries it could become an even more harmful measure for all-too-many in the poor countries of the Global South not to mention the vulnerable populations (particularly indigenous groups and people of color) in parts of the Global North.

Although the Regulations commendably exempt ninety-two countries, their restrictions still apply to many upper-middle income countries, such as South Africa, which is not only relatively poor but is battling with one of the most contagious variants of the virus. The Regulations also do not exempt a country like Canada, which despite its relatively ample resources, does not yet manufacture its own vaccines and is home to particularly vulnerable indigenous peoples, especially in its Northern and polar regions.

It is therefore important that the EU immediately repeal these ill-advised Regulations. Removing the Regulations will better serve the principle of solidarity and lead to a more effective effort to end the pandemic. In repealing these Regulations, the EU will also be acting in its own enlightened self-interest. The EU and entire world would be the better for it.

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