

Epidemics, Pandemics, Endemics

Tackling them must be a public service not subject to the laws of the market and capitalist profit

Alejandro Teitelbaum

Epidemics, pandemics and endemics are major health problems and to combat them effectively requires not only the immediate measures that knowledge and experience indicate are most appropriate but also a comprehensive approach in its many closely interrelated aspects, including biological, epidemiological, historical research (past experience and future prospects for improved prevention), statistical analysis, the study of economic, ecological, social and cultural conditions and the specialised preventive adaptation of health personnel and hospital infrastructures.



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Glossary

- ➔ Epidemic outbreak: A classification used in epidemiology to refer to the sudden appearance of an infectious disease in a specific place at one particular time.
- ➔ Epidemic: A disease that spreads rapidly and actively so that the number of cases increases significantly, although it remains in a specific geographical area, is classified as an epidemic.
- ➔ Pandemic: A disease that affects more than one continent, with cases from each country being imported and transmitted locally.
- ➔ Endemic: The constant presence of a disease in a geographical area or population group, although it can also refer to a high chronic prevalence of a disease in that area or group. For this, two criteria must be met simultaneously: the permanence of the disease over time and the involvement of a clearly defined region or population group.

- ➡ Emerging or re-emerging diseases. In 2006, the World Organisation for Animal Health (OIE - Office International des Epizooties) defined emerging diseases as new infections caused by the evolution or modification of an existing pathogen or parasite. The novelty of the infection is based on a change of host, vector, pathogenicity or strain.
- ➡ Zoonoses: Diseases and infections whose agents are transmitted from animals to humans or vice versa.

Zoonoses

The study of zoonoses is mainly motivated, in the first case, when the animal plays a role in transmitting the pathogen of a disease affecting human health. Diseases common to humans and certain animals, without interspecies transmission, do not fall within the scope of zoonoses.

The health importance of zoonoses continues to grow, and about 75% of emerging human diseases are zoonotic. In addition, some of these zoonoses are occupational diseases, affecting, for example, rubbish collectors, taxidermists, farmers, livestock farmers, veterinarians, foresters etc.

Historically, the transmission of infectious agents from animals to humans experienced a first major wave during the sedentarisation of part of the human species and the subsequent domestication of animals. A second wave has occurred in contemporary times due to several recent developments: the intensification of livestock farming in peri-urban areas, which favours the massive release of pathogens, the emergence of variants and antibiotic-resistant strains; the increase in population and food requirements, particularly for animal protein, with strong development of live animal markets; the globalisation of human and animal trade; climate change; the encroachment of human activities on natural environments: deforestation, conversion of virgin land into farmland, which has caused many animal species to lose their natural habitat far from humans and which, as immune carriers of viruses, come into contact with humans, who are vulnerable to these viruses, etc. And also, zoonotic diseases are attributed to the escape of animal-borne viruses from laboratories.

The most serious and widespread zoonotic diseases since the Spanish flu of 1918^{1 2} are Ebola,³ Viral Hepatitis A, Severe Acute Respiratory Syndrome and Covid-19.⁴ Scientific hypotheses about the zoonotic nature of AIDS have been formulated without definitive confirmation.

COVID-19 and Healthcare as a Business

The enormous speed with which the Omicron variant is spreading on a global scale brings the issue of the so-called suspension of patents back into the spotlight to make vaccines available to the inhabitants of poor countries who have received them at a rate ten to twenty times lower than the population of rich countries.

It is fallacious that the large laboratories need the astronomical profits they receive to continue their research. In 2015, research, as a percentage of sales, was 20%, falling to 17.1% in 2022.⁵ Pfizer has seen its profits increase by more than

¹ ➡ Alejandro Teitelbaum: [Una hipótesis sobre el origen de la gripe porcina](#) — Centros Chilenos en el Exterior, 29 mayo 2009.

² ➡ Patricia R. Blanco: [La injustamente apodada “gripe española de 1918](#) — El País, 21 marzo 2020.

³ ➡ https://es.wikipedia.org/wiki/Enfermedad_por_el_virus_del_Ébola

⁴ ➡ <https://es.wikipedia.org/wiki/COVID-19>

⁵ ➡ Observatorio de Medicamentos y Salud Pública: [Estudio Caracterización del Complejo Médico Industrial Farmacéutico Financiero hoy](#), abril 2019 (p.15).

120% from January to September 2021, rising from \$8.3 billion in 2020 to around \$18.6 billion in 2021.⁶ A study reveals that 97% of the investment to develop AstraZeneca's vaccine was public.⁷

Pfizer begins to invest its profits to expand its business. Following the success of its Covid-19 vaccine, Pfizer is starting to outline the type of investments it will make with the proceeds. In December 2021, Pfizer acquired Arena Pharmaceuticals for \$6.7 billion. The Arena purchase corresponds to Pfizer's interest in Etrasimod, an intestinal disease treatment project in which some see colossal profit potential. Crucial data are expected this year. Pfizer's plan is simple: prioritise future acquisitions of promising assets that can generate revenues in the latter half of the decade.

With the company's current resources, it expects to complete a series of mergers and acquisitions this year that would boost sales to \$101.3 billion, thanks mainly to the sale of Comirnaty (injection) and Paxlovid (Covid-19 pill). Pfizer's 2022 sales forecast for its Covid vaccine is \$29.7 billion.⁸

The trickle-down theory, according to which the enormous profits of the rich also benefit the poor, also comes into play here. With this variant the effect of the vast profits of the rich is to make the rich richer and the poor poorer. The wealth of the world's billionaires has increased more in the 19 months of the pandemic than in the last decade. This is the largest increase since these data have been recorded. Since the pandemic, the world has seen a new billionaire emerge every 26 hours, while 160 million people have fallen into poverty.

In France, from March 2020 to October 2021, the wealth of French billionaires increased by 86%. With the additional 236 billion euros earned in 19 months by French billionaires, one could quadruple the budget of the public hospital or distribute a cheque for 3500 euros to each French citizen.

The five wealthiest people in France have doubled their wealth since the pandemic's start. In March 2020, they owned 165 billion euros and in October 2021, 338 billion euros, an increase of 173 billion euros in a year and a half. The five own as much as the poorest 40% of France.

Seven million people need food aid to live, i.e. 10% of the French population, and 4 million more are vulnerable because of the crisis.⁹

This has been made possible by the policies, more or less nuanced, of the governments of the major powers and the leaders of several international organisations (European Commission and others), who have acted in concert with Big Pharma, forming a kind of illicit association or planetary mafia.

In addition, vaccine manufacturers are guaranteed that much of the agreements will not be disclosed, as well as retaining intellectual property rights over the vaccines and leeway on delivery dates and prices. Contracts include clauses exempting the laboratory from liability if its vaccines do not work or cause serious side effects. The European Commission partially acknowledged the existence of such a clause but gave assurances to citizens. It stated ambiguously that advance purchase agreements allow the Member States to compensate the manufacturer for liabilities

⁶ ↪ Tristan Gaudiaut: [Pharma : quels profits pour les fabricants de vaccins?](#) — Statista 15 nov. 2021.

⁷ ↪ Oriol Güell: [Un estudio revela que el 97% de la inversión para desarrollar la vacuna de AstraZeneca fue pública](#) — El País, 15 abril 2021.

⁸ ↪ Micjhell Andrea Vivas: Pfizer empieza a invertir las ganancias que obtuvo por la venta de su vacuna anticovid — consultor salud, 15 diciembre 2021

⁹ ↪ Oxfam France: [La fortune des milliardaires a davantage augmenté depuis le début de la pandémie qu'en une décennie](#), 17 janvier 2022

incurred under certain conditions "to compensate for the high risks taken by manufacturers while insisting that "the responsibility remains with the companies".

This clause, often inappropriately referred to as a "no liability clause", does exist. It is, in fact, an "indemnity clause" or "guarantee clause". It has the effect of "transferring the burden of repairing the civil liability debt from the laboratory insurers to the States," summarises Jérôme Peigné, professor at the University of Paris-Descartes and member of the Institute of Law and Health. "The idea is to transfer the financial responsibility for the risk resulting from the marketing of new drugs, taking into account the particular circumstances and the urgency linked to Covid-19. It is the quid pro quo for a priority supply of vaccines," explains the health law specialist. This is also confirmed by the European Commission, for whom this clause is limited to "compensating for the potential risks assumed by manufacturers due to the exceptionally short time for the development of vaccines". "The member states are prepared to financially cover certain risks of the companies to ensure that vaccines are effectively available to citizens to protect public health," it adds.¹⁰ (Libération newspaper, 5/2/2022)

When Members of the European Parliament met to read the first publicly available contract for the purchase of vaccines, they noticed that several things were missing: The price per dose, the delivery schedule and the money paid upfront. Governments have spent billions of dollars to help pharmaceutical companies develop vaccines and are spending billions more to buy the doses.

In short, through the state, citizens fund the research and manufacture of vaccines and, through the state, pay the retail price for access to the vaccines. But most of the details of the agreements with these companies remain secret, i.e. totally unknown to the ordinary citizen, who is thus deprived of the fundamental right to be duly informed about government management.¹¹

The Human Right to Health versus the Right to Intellectual Property Rights

On 27 November 2000, the Committee on the International Covenant on Economic, Social and Cultural Rights organised a debate on the right to intellectual property as a human right, in which we participated. There we proposed two things:

That the Committee should make a clear distinction in this right as a human right on the one hand when it concerns the intellectual right of the person who is the author of the invention or creation and as a property right on the other hand, when it involves the ownership of a patent, held for example by a company and that the Committee should recommend that, in all matters relating to intellectual property, in particular as regards the interpretation of the World Trade Organisation Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) and the settlement of disputes under the Agreement, the primacy of human rights and the public interest should be recognised.

In 2001, we submitted a paper to the then UN Sub-Commission on Human Rights in which we wrote, among other things, that it was necessary to :

- 1) Establish a clear distinction in this right (to intellectual property): on the one hand as a human right and on the other hand as a property right. And that it was necessary to:

¹⁰ ↪ Elsa de La Roche Saint-André: [Est-il vrai que Pfizer bénéficie d'une clause de non-responsabilité en cas d'effets secondaires après vaccination?](#), 5 février 2022

¹¹ ↪ (See: New York Times del 28 de enero de 2021. In English. <https://www.nytimes.com/2021/01/28/world/europe/vaccine-secret-contracts-prices.html> In Spanish: <https://www.nytimes.com/es/2021/02/01/espanol/vacunas-secreto.html> 5/2/2022)

- 2) Recognise the primacy of human rights and the general interest, particularly regarding the interpretation of the Marrakesh Agreement on trade-related aspects of intellectual property and the settlement of disputes within the framework of this Agreement.¹²

Subsequently, the Committee on Economic, Social and Cultural Rights issued a statement saying: "Whereas intellectual property rights are attributable and limited in scope and duration and susceptible to compromise, amendment and even waiver, human rights are eternal and constitute the expression of a fundamental claim of the human person. While human rights are intended to ensure a satisfactory degree of human and social well-being, intellectual property regimes - while traditionally providing protection for individual authors and creators - are increasingly focused on protecting commercial and corporate interests and investments" (Committee on Economic, Social and Cultural Rights, Human Rights and Intellectual Property Issues. Statement by the Committee. United Nations (E/C.12/2001/15) 14/12/2001, para. 6.)

In November 2005, the same Committee adopted General Comment No. 17 on copyright, where it reiterated that article 15, paragraph 1 of the Covenant on Economic, Social and Cultural Rights "protects the moral and material interests of the author(s), which do not necessarily coincide with the interests and investments of corporations", protected as intellectual property in national laws and international treaties.¹³

Many people and institutions have been fighting for decades for inventions and discoveries aimed at improving the quality of life, in particular the health of human beings, to be recognised as the common heritage of humanity.¹⁴

But Big Capital, with its criminal activity for the exclusive benefit of large shareholders and with the complicity of the rulers of the major powers and other people and institutions that are faithful servants of the ruling system, continues to devastate the planet and cause the death of millions of people. They try to cover up their criminal behaviour by sending tiny quantities of vaccines to poor countries, including unserviceable consignments.¹⁵

They must be forced to stop profiting from selling vaccines and other medicines, which must be brought into the public domain, as must the technologies for their manufacture.¹⁶

¹² ↪ CETIM: [La propiedad intelectual como derecho humano](#) — Intervención al tema 4 : derechos económicos, sociales y culturales. Exposición presentada conjuntamente por la AAJ y por el CETIM. E/CN.4/Sub.2/2001/NGO/18

¹³ ↪ [Observaciones generales aprobadas por el Comité de Derechos Económicos, Sociales y Culturales](#)

¹⁴ ↪ (See The role of the patent system ·in the transfer of technology to developing countries- United Nations. TD/B/ AC.11/19- Rev.1 – 1975. En español : TD/B/ AC.11/19- 23 de abril de 1974); [Comercialización y mundialización de la atención de la salud: Lecciones de la investigación de UNRISD \(Síntesis de investigación y política de UNRISD\)](#).

¹⁵ ↪ BBC: [Covid: las imágenes que muestran cómo Nigeria destruyó más de un millón de vacunas](#) 23 diciembre 2021.

¹⁶ ↪ Martin Shkreli, the former pharmaceutical company executive who ordered drastic price increases for a life-saving drug, has been banned from the industry for life. On 14 January 2022, Denise L. Cote, Chief Judge of a New York District, ordered him to repay *US\$64.6 million in profits *he made by buying a patent on a drug and then vastly increasing its price. The judge ruled that Shkreli's actions violated antitrust laws. Shkreli is serving a seven-year jail sentence for defrauding investors and using funds from one of the companies he founded to his advantage. See BBC: [Jailed 'Pharma Bro' Martin Shkreli ordered to repay \\$64m](#), 14 January 2022.

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❖ **About the author:** Alejandro Teitelbaum is a Fellow Associate with Jus Semper since 2010. He worked for many years on the issue of human rights in the realm of global corporations and other business enterprises. As the former Permanent Representative, successively from 1985 to 2006, to the United Nations Office in Geneva, for the International Federation of Human Rights and the American Association of Jurists, he spent time toiling with the bureaucracies of the UN and member states in pursuit of an international legal framework that would harness the business activity so that it would stop violating a wide array of human rights in its sphere of influence, as is customarily the case today. As such, he witnessed how, time and time again, the bureaucracies succumbed to the will of the leading economic powers, that were adamant at maintaining the preeminence of corporate interests over their responsibility for their infringement on human rights. Alejandro Teitelbaum is a Lawyer, a graduate of the Universidad de Buenos Aires, and a Postgraduate in International Economic Relations at the Institute of Economic and Social Development Studies, Université Paris I.



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