

COVID-19 from the lens of Global International Relations

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ABSTRACT

Although the initiation of COVID-19 vaccination brought hope, IFM forecasts that the main fault line to global recovery is access to vaccines, an argument that reinforces the idea that COVID-19 is a syndemic and not a pandemic. This article argues that from the lens of Global International Relations three elements impact vaccine access and affordability: human security, global governance, and International Law. First, the health emergency requires rethinking security considering the multiple

risks and threats centred on the human being. Second, inefficiency of global governance led to the success of vaccine diplomacy over Covax Facility, as well as India and South Africa's long and uncertain struggle for a waiver in the World Trade Organisation. Finally, although Law plays an essential role in building resilience in situations of vulnerability, the international legal system lacks treaties that rule pandemics or establish limits to intellectual property if the immunity of herd requires it.

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COVID-19 DESDE EL LENTE DE LAS RELACIONES INTERNACIONALES GLOBALES

RESUMEN

Aunque el inicio de la vacunación contra la covid-19 trajo esperanza, el Fondo Monetario Internacional pronostica que la principal falla en la recuperación global es el acceso a las vacunas, argumento que refuerza la idea de que la covid-19 es una sindemia y no una pandemia. Este artículo sostiene que, desde la perspectiva de las relaciones internacionales globales, tres elementos impactan en el acceso y asequibilidad de la vacuna: la seguridad humana, la gobernanza global y el derecho internacional. En primer lugar, la emergencia sanitaria requiere repensar la seguridad considerando múltiples riesgos y amenazas centrados en el ser humano. Asimismo, la ineficacia de la gobernanza global condujo al éxito de la diplomacia de las vacunas sobre el Mecanismo Covax, así como a una larga e incierta lucha de India y Sudáfrica por una suspensión temporal de las patentes en la Organización Mundial del Comercio. Finalmente, si bien el derecho juega un papel fundamental en la construcción de

resiliencia en situaciones de vulnerabilidad, el sistema internacional carece de tratados sobre pandemias o que establezcan límites a la propiedad intelectual si la inmunidad de rebaño así lo requiere.

Palabras clave: Covid-19; seguridad humana; gobernanza global; derecho internacional; relaciones internacionales globales.

Global solidarity will save lives, protect people and help defeat this vicious virus.

Antonio Guterres, Secretary-General of the United Nations¹

STARTING POINT

The global spread of the SARS-CoV-2 virus has led to a syndemic², rather than a pandemic, considering that its understanding must encompass both the pathogen and the social and economic causes and effects. This characteristic is highlighted in regions such as Latin America and the Caribbean, the most unequal regions on the planet, characterised by weak health systems, labour informality, and access to education, where the social and economic effects of the health emergency will be decisive in the coming years (Economic Commission for Latin America and the Caribbean, 2020). Moreover, the chiaroscuro of regional integration processes leads to deepening unequal

¹ Speech delivered on 16 January 2021 when COVID-19 deaths reach 2 million worldwide. Information available: <https://www.un.org/en/coronavirus/our-world-can-only-get-ahead-virus-one-way-together>

² The term syndemic was coined by Singer (2009) and recovered by Horton (2020) to refer to COVID-19.

development in vaccination access (Morillas, 2021, p. 31).

The global scenario is not only affected by the crisis of COVID-19. It also feeds back into the crisis of multilateralism, conveyed by the institutional weakness of two key actors: the World Health Organisation and the World Trade Organisation; and the crisis of globalisation (Sanahuja, 2020; 2018)³, a phenomenon also analysed as a process of *slowbalisation*⁴, or the withdrawal from hyper globalisation, in the words of Rodrik (2010). It is within this framework that new power dynamics are emerging between State actors—the dispute for hegemony between the United States and China⁵—and non-State actors, especially transnational companies linked to the pharmaceutical industry.

With a multi-crisis scenario as a backdrop, the initiation of COVID-19 vaccination projected the first step towards the end of the syndemic (Bas Vilizzio & Nieves, 2020). However, 2021 has brought new uncertainties and challenges regarding the production and distribution of vaccines, particularly in the Global South. As the “transformations playing out in our world are not merely “out there”. They also chime intimately on the way we build our knowledge”, in terms of Acharya and Tussie (2021, p. 1), this piece takes a Global

International Relations approach (Acharya & Buzan, 2019).

Global International Relations reflects and aspires to “develop a genuinely inclusive and universal discipline that truly reflects the growing diversity of its IR scholars and their intellectual concerns” (Acharya & Buzan, 2019, p. 295). The idea of Global International Relations begins with the question: “Does the discipline of International Relations truly reflect the global society we live in today?” (Acharya, 2014, p. 647). As this body of knowledge is still strongly linked to its British-North American roots, the main challenge is to overcome this false dilemma between the West and the Rest, that often marginalises or minimises the latter in knowledge construction.

Thus, Acharya (2014) proposed six dimensions in Global International Relations. Firstly, it is rooted in the diversity, and it is not a discipline that “applies to all”. In second place, world history plays a key role in developing “concepts and approaches from non-Western contexts on their own terms and to apply them not only locally, but also to other contexts, including the larger global canvas”. Global International Relations is not a proposal to replace Traditional International Relations, but to include mainstream theories, concepts, and methods. Moreover, it is

³ The author argues that the crisis of COVID-19 is a crisis within a larger crisis, that of globalisation.

⁴ Although the term was coined by the Dutch trend watcher Adjiedj Bakas, it has been used systematically by The Economist magazine since the 24 January 2019 edition, entitled “Slowbalisation: The future of global commerce”.

⁵ For further analysis see: Ito Cerón (2021).

an invitation to “rethink their assumptions and broaden the scope of their investigations” (Acharya, 2014, p. 650).

Fourth, the term “global,” instead of rejecting regions, regionalisms, or area studies, integrates them as a relevant part of the discipline. In other words, “regional words” are crucial “for transcending still dominant binary imaginaries between a globalised, that is, flat and equal world, on the one hand, and one that is fractured into fixed regional blocs, on the other” (Aderl & Witt, 2020, p. 42). Fifth, Global International Relations avoids exceptionalism and embraces heterogeneity and inclusivity. Finally, it integrates “the voices and agency of the South and opens a central place for subaltern perspectives on global order and the changing dynamics of North-South relations” (Acharya, 2014, p. 652)⁶.

To put this in a nutshell, Global International Relations involves a plurality of topics, concepts, theories, and approaches, decentring the perspective from the West and the Global North. In light of the above, this paper aims to explore which pieces of the International Relations puzzle are needed to address affordability and global access to COVID-19 vaccines. Furthermore, considering that new and complex issues, such as those addressed by Global International Relations, require a view from the core and to/from the margins with other disciplines, this paper also draws on concepts and theories from other neigh-

bouring disciplines such as Sociology, International Law, Political Economy, and Ethics. As the boundaries between fields have become increasingly porous, this analysis allows us to recover the knowledge that emerges from the intersections between them.

The following sections will analyse three key pieces in the International Relations puzzle that allow us to answer the guiding question of this paper: the chiaroscuro of protection in human security, the absence of international norms, and the challenges of efficient global governance.

THE CHIAROSCURO OF THE PROTECTION OF HUMAN SECURITY

The first piece of the puzzle is human security, which is centred on the individual as an approach. It loses its State-centric focus, which has historically characterised security, as it becomes deterritorialised. Thus, the imminence of COVID-19 challenges the sovereign State since the traditional paradigms of risks and threats have been substantially transformed. In these terms, the United Nations Development Programme’s 1994 Human Development Report stated that human security “is conveyed in a child that does not die, in a disease that does not spread” (UNDP, 1994, p. 25).

This strengthened the broad nature and scope of a classic concept. In terms of multidimensionality, it was formalised in 2003 with

⁶ The idea of Global International Relations also has its detractors, for instance Aderl and Witt (2020) argue that rather than assuming that “global” is an analytical category, scholars need to discuss and reconstruct the idea of “globalisms”—the “imaginary of the globe as a holistic and universal entity” (2020, p. 35)—.

the Declaration of the Organisation of American States on Security in the Americas, at the Special Conference in Mexico (Declaration on Security in the Americas, 2003). Likewise, the outline of the 2003 Report of the Commission on Human Security resulting from the Millennium Declaration of 2000, entitled "Human Security Now" (United Nations Commission on Human Security, 2003), included essential elements in order to place the individual at the centre of security. As a result, two strategies were outlined: from above, based on protecting people from dangers, and from below, in relation to promoting their empowerment.

While State measures are channelled towards human security, their protection denotes *chiaroscuro*. While deaths continue—we only need to think of the case of Brazil, where more than six thousand people died by October 2021—the “massive” appropriation of vaccines by certain States reveals new forms of global inequality. In terms of ethics, there is evidence of exclusion logic and a growing insensitivity in this regard, following Assmann (1995), who focuses on the pretension of “a society where everyone fits”. As Lamata (2021) points out, the richest countries, representing 14% of the population, have monopolised 84% of vaccines, a situation that can be classified as “vaccine apartheid” from an ethical point of view. Thus, in Vilasanjuan’s terms (2021, p. 22), the world faces a health, economic and political division between those

who have access to vaccines and those who do not.

Consequently, the COVID-19 Vaccines Global Access or Covax Facility, created for the purchase and distribution of vaccines to developing countries, ended up being a “beautiful idea that fell short”, as Usher (2021) argues. The Covax Facility was an initiative in which the Coalition for Epidemic Preparedness Innovations (CEPI), the World Health Organization (WHO) and the Global Alliance for Vaccines and Immunisation (GAVI) joined forces. Its objective was the development and manufacture of vaccines against COVID-19, as well as diagnostic tests and treatments, to guarantee rapid and equitable access for everybody in every country. One hundred and ninety countries are part of the Facility, 98 are high-income countries and the remaining 92 are low-and middle-income countries. The latter meet the requirements of the “advance market commitment” (AMC), whose goal was to immunise up to 20% of its population by the end of 2021 (World Health Organisation, 2020).

This mechanism has been especially underpinned by the so-called Team Europe, which has allocated a package of resources for the EU, its financial institutions, and its States—as is the case of Spain⁷—to collaborate with vulnerable States, which will receive vaccines at no cost, or at a more advantageous price, depending on the case (European Union External Action Service, 2021).

⁷ That by the end of June 2021, AstraZeneca’s donation of 7.5 million vaccines through the Covax Facility for countries in Latin America and the Caribbean began. Information available at: http://www.exteriores.gob.es/Portal/es/SalaDePrensa/NotasDePrensa/Paginas/2021_NOTAS_P/20210726_NOTA165.aspx. Last accessed 30 July 2021.

Despite this, two elements are notable in its failure: firstly, the insufficient specific funding from developed States, as the Covax Facility is based on solidarity and equity, in other words, on the “institutionalised” donation of doses by developed States. Secondly, the functioning of the mechanism was compromised by the lack of vaccines produced and the planned system of distribution. In fact, as of May 2021, Usher notes that 80 million doses were delivered to low and middle-income States, and 22 million to high-income States. This number is in addition to the doses already purchased by the latter, a fact that contributes to the construction of a spiral of hoarding and greater—if not absolute—decision-making capacity for distribution.

It is in this context that the so-called “vaccine diplomacy”, implemented through donations from developed to developing States, as announced at the G7 summit of 11-13 June 2021 in Carbis Bay (G7, 2021), is fed back into this framework. Certain States—in particular the United States, the European Union, India, Russia, China, among others—have transformed vaccines into a “diplomatic instrument” to strengthen their diplomatic relations. This modality has also been called “opportunistic vaccine diplomacy” (García Waldman & Ortiz Téllez, 2021).

While these measures help to build scaffolding for emergency situations, they are one-off and partial, they do not solve the underlying problem, and they deepen asymmetric centre-periphery relations. Bearing in

mind that less than 35% of the world’s population was fully vaccinated by October 2021⁸, and that this percentage varies radically from country to country (see figure 1 and 2), and that approximately eight billion more doses are still needed to achieve herd immunity on a global scale, the G7 decision to donate one billion doses is insufficient.

Is it essential to allude to ethics in the discussion on the accessibility of vaccines? As Latin America reveals itself through its asymmetries, human security is determined to be at the heart of political agendas at both the domestic and international levels. This is because its core is inseparable from security, sustainable development, and peace. In terms of agency, the focus should also be on undermining the structural violence (Galtung, 1969) that has been established and naturalised in the region over the decades, and which has been dramatically revealed with the advent of COVID-19. The invisibility of this violence has been exposed in the fragile health systems, the high levels of labour informality, poverty, inaccessibility to education and housing, among others (ECLAC, 2020).

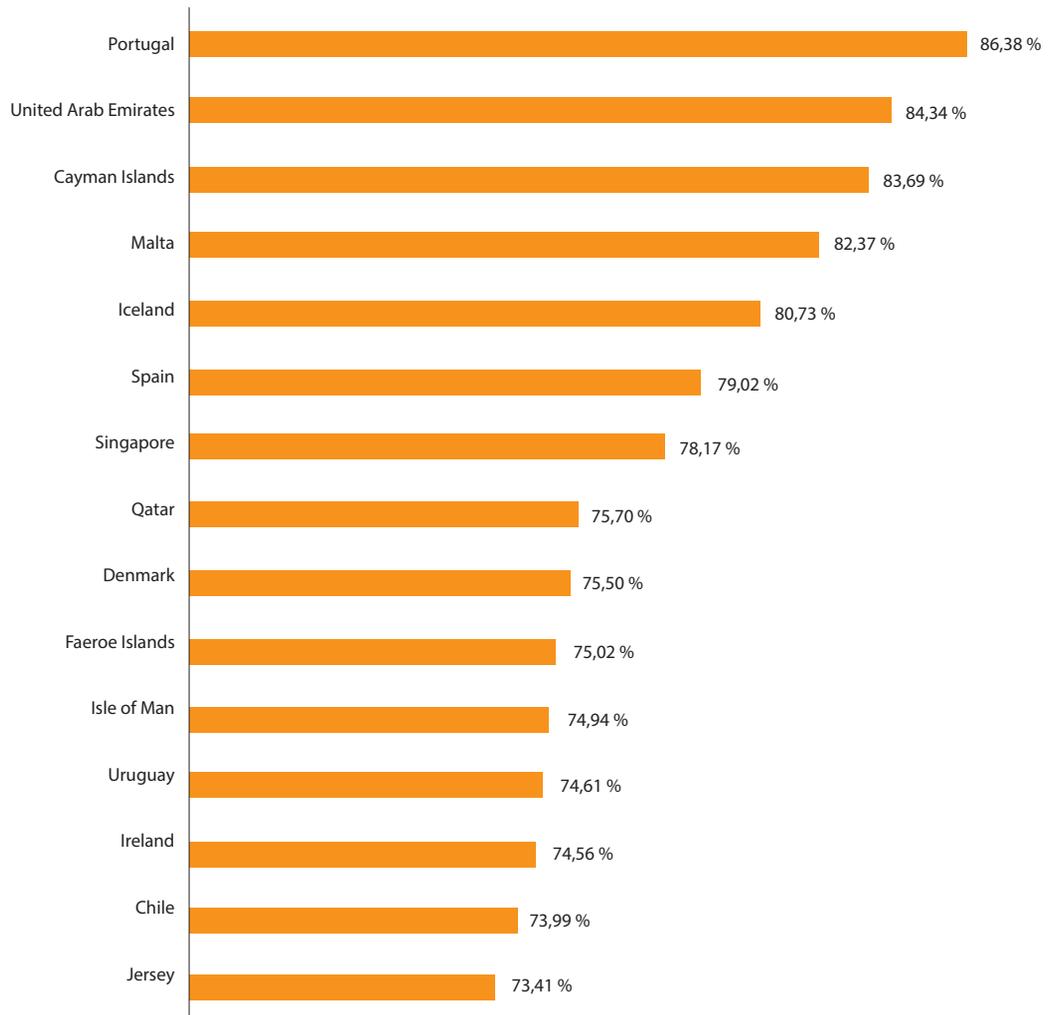
The point is that human security implies moving away from traditional security paradigms, as threats and risks are different, so that life and human dignity are the focus (UNDP, 1994). From this perspective, it is not only a question of transforming the syndemic into a security problem, i.e., securitising it, but also of determining the focus of the problem and

⁸ Information available at: <https://ourworldindata.org/covid-vaccinations>. Last accessed on: 13 October 2021.

making it visible, since human security and securitisation are approaches (Nieves, 2021). As Buzan, Wæver and de Wilde argue, the definition of securitisation is “constituted by

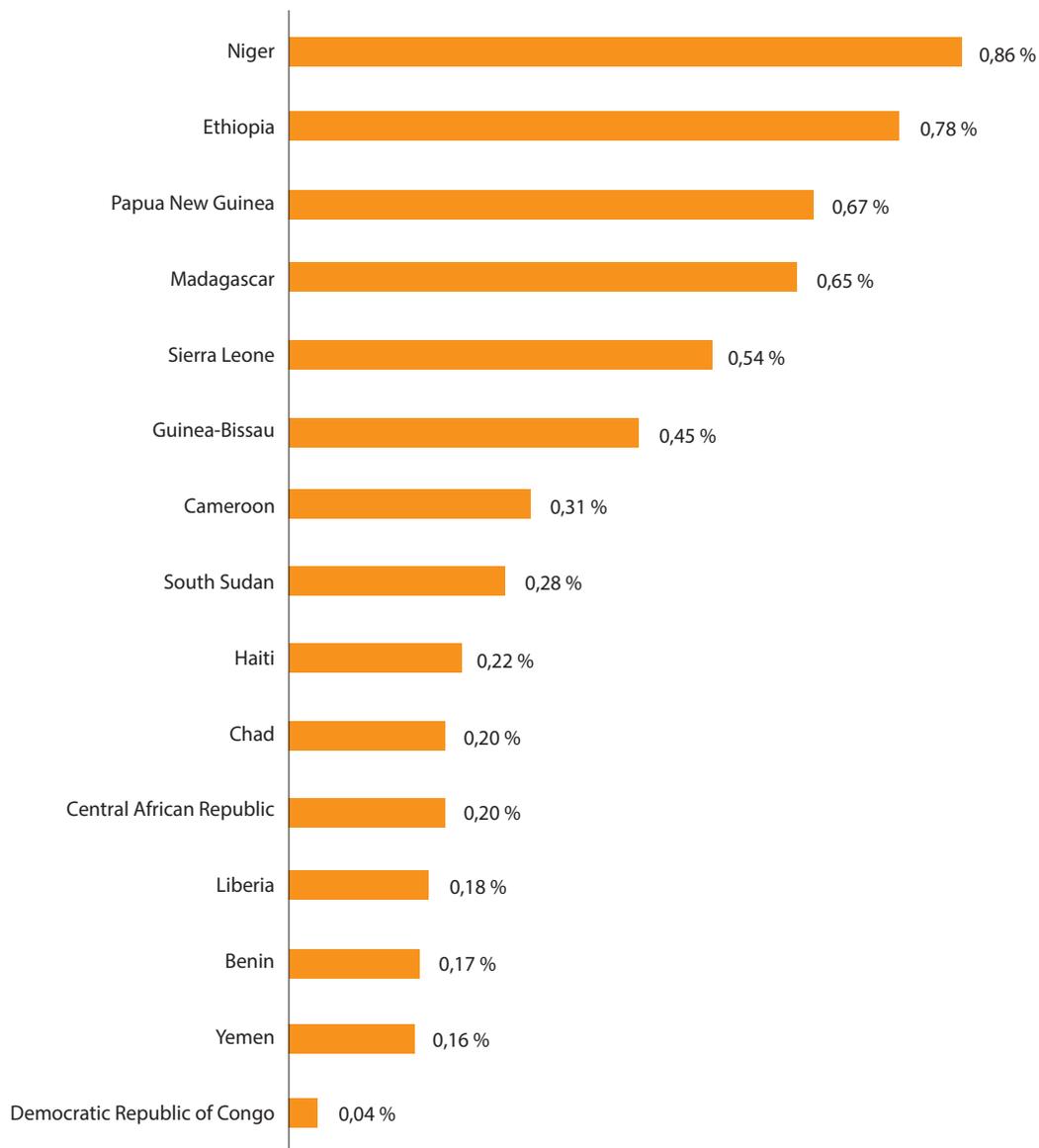
the intersubjective establishment of an existential threat with a saliency sufficient to have substantial political effects” (Buzan, *et al.*, 1998, p. 25).

Figure 1
Share of population fully vaccinated. Top 15 countries



Source: Our World in Data. Coronavirus (COVID-19) Vaccinations. Last accessed 13 October 2021.

Figure 2
Share of population fully vaccinated. Bottom 15 countries



Source: Our World in Data. Coronavirus (COVID-19) Vaccinations. Last accessed 13 October 2021.

Moreover, Frenkel and Dasso-Martorell (2021, p. 25) affirm that the COVID-19 health crisis paved the way for a process of “re-securitisation”, characterised by discourses that identify neighbours as a threat to security and health. As a consequence, borders are fortified and militarised. The lens should be directed at the narratives that are determining a securitisation driven by the State of emergency. Exceptional situations require exceptional solutions, so in terms of public policy, it is crucial to have a State with a broad response capacity, which is far from being the common denominator in Latin America.

Human security, as an evolving concept, favours the understanding of global vulnerabilities (Periago, 2012), and emphasises priorities at different levels: local, national, and international. Thus, it aims to build an agenda in order to identify and create public policies that approach critical issues that abruptly or massively affect people (Fuentes Julio, 2012). In addition, and taking into account the context of the syndemic, it is important to recapture Svampa’s (2020) reflection on the emergence of a “transitory sanitary Leviathan” with two faces in Latin America, which simultaneously implies the return to the Welfare State and the State of Exception.

The securitisation of COVID-19 has been evidenced in multiple governmental measures, ranging from tracking and surveillance of circulation, and border closures,

to economic support measures for the most disadvantaged sectors. From this syndemic perspective, the global root of the problem demands global and comprehensive solutions. However, phenomena such as “vaccine nationalism” undermine global solutions. Vaccine nationalism happens when certain States have acquired more doses than necessary, which means that high-income countries have faster access to vaccines (De Santos Pascual, 2021).

In the Global South, vaccine nationalism is evident in the inaccessibility of vaccines—among other things due to the poor results of the Covax Facility—deepens asymmetries and reinforces exclusion. António Guterres, United Nations Secretary-General, warned that “vaccine nationalism and hoarding are putting us all at risk. This means more deaths. More shattered health systems. More economic misery. And a perfect environment for variants to take hold and spread”⁹ (United Nations, 2021). The consequences of asymmetries and exclusion are identifiable in the centre-periphery logic but also in the intra-periphery since the reality of Latin American States is extremely unequal. In this stark scenario, people suffer.

EFFICIENT GLOBAL GOVERNANCE

To address access and affordability of COVID-19 vaccines, the second piece of the International Relations puzzle to consider is global governance, both at the global health and

⁹ United Nations Secretary-General António Guterres’ video message to the World Health Summit, Berlin (24 to 26 October 2021).

global trade levels. In this framework, several actions of multilateral substance have proposed auspicious alternatives. These include the May 2021 resolution on Strengthening the World Health Organisation's Preparedness and Response to Health Emergencies, which reflects the need for international standards to protect human security.

For this reason, the World Health Organisation, the President of the European Council, and over 30 Heads of State or Government¹⁰, have embarked on the path towards an international instrument for future pandemic preparedness. The proposal is rooted in the multi-sectorial "one health" approach—human, animal, and environmental¹¹—promoted since 2008 by the World Health Organisation, the Food and Agriculture Organisation of the United Nations, and the World Organisation for Animal Health. Other central ideas are early detection and prevention of pandemics, building resilience, efficient response to ensure universal and equitable access to medicines, vaccines, and diagnostic test kits.

This path towards a multilateral treaty demonstrates that for a global issue, the response must (and will) necessarily be global. Although the legal journey has only just begun, weakened global governance must

be empowered to harness it in the face of individual actions. From the lens of the vulnerability paradigm in law (Fineman, 2010; 2019), the strengthening of global governance institutions is essential to facilitate resilience building. The focus of analysis shifts to the individual as a vulnerable subject and States as duty bearers, both in times of exceptionality—e.g., COVID-19 syndemic—and in normal times.

In the area of international trade, the World Trade Organisation has been discussing India and South Africa's revised proposal on the temporary suspension of intellectual property rights on the vaccine and other COVID-19-related products and technologies, dated 25 May 2021 (World Trade Organisation, 2021). The proposal was supported by nearly a hundred low and middle-income States. After the initial rejection, the United States, the European Parliament—but not the majority of EU members—China, and other States were willing to discuss the issue. At the Trade-Related Intellectual Property Rights Agreement Council meeting on 9 June 2021, the members decided to follow this path.

Is this a sign that the current global governance architecture is efficient? Is discussion enough? Discussion on the issue is not enough,

¹⁰ Albania, Australia, Azerbaijan, Canada, Chile, Costa Rica, Dominican Republic, Egypt, Fiji, Georgia, Iceland, Indonesia, Kenya, Montenegro, Norway, Paraguay, Philippines, Qatar, Republic of Korea, Republic of Moldova, Rwanda, Senegal, South Africa, Sudan, Thailand, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay and Member States of the European Union.

¹¹ 9 It is at this point that the relationship between production models, health and climate change becomes particularly relevant. On combating climate change, see Mann (2021).

but all changes start with discussion, especially because “the extraordinary circumstances of the pandemic demand extraordinary measures” as the statement by US Trade Representative Katherine Tai indicates (Office of the US Trade Representative, 2021).

Cutting across the discussion there are other dilemmas linked to the very functioning of the organisation and its process of adopting resolutions. In this sense, the consensus rule in the World Trade Organisation can be questioned because its specific exceptions—which allow the use of the majority—do not consider exceptional situations such as a syndemic, an aspect that links this piece of the puzzle with the next: the absence of international legal norms.

(ABSENCE OF) INTERNATIONAL LAW

Global governance rests on International Law as a set of rules also responsible for constructing a public space where the voices of the weakest are heard, as Koskenniemi (2004) argues. Therefore, the third piece towards understanding the issue is found in International Law: why is a legal discussion on trade-related intellectual property rights necessary, driven by middle and low-income States, and during a global health emergency? The key is not found in International Law, but in its absence. There are no international treaties on pandemics or syndemics, nor are there any international regulations that set limits on the intellectual property where global herd immunity requires it.

The absence of international legal norms is rooted in the political power of transnational

corporations as actors in International Relations with growing political weight (Strange, 2001). As Tussie argues, corporations are political actors as they affect State’s conduct, for instance, in setting the agenda, announcing an investment or disinvestment, having permanent contact with the State in all levels (Tussie, 2015, p. 160). However, in the dynamics of the State-business relationship, the reduction of State authority (Sassen, 2010) through deregulation or the absence of regulation plays a fundamental role, which places transnational corporations in the role of agents that promote a market-based regulatory framework (Saguier & Ghiotto, 2018).

In addition to the discussion at the World Trade Organisation level on a temporary suspension of intellectual property rights, another option permeates the international system based on public-private partnership manufacturing, known as the “third way”. This idea, supported by the Director-General of the World Trade Organisation (Okonjo-Iweala, 2021) and present in Mazzucato’s (2018) contributions on the “entrepreneurial State”, is close to AstraZeneca’s production strategy (Soriot, 2021).

The productive capacity demonstrated in Latin American and Caribbean States—for example Argentina, Brazil, and Mexico—suggests that this could be a complementary path in the face of a pressing factor such as time. Time does not only refer to the complex discussions in the World Trade Organisation, but also to the processes of transferring know-how and the logistics that will be required afterwards if the temporary suspension becomes a reality.

Another key element in the international legal mapping linked to the eventual suspension of intellectual property rights is the rules underpinning the international investment protection regime. International investment agreements, mostly bilateral investment treaties (BITs) but also free trade agreements and plurilateral agreements, often contain international arbitration jurisdiction extensions to resolve legal disputes between foreign investors and host States. The network is completed by domestic laws on investment promotion and State-business contracts.

The investor-State dispute settlement regime, part of the abovementioned regime, has four main features: 1) those who have *jus standi* and *locus standi* are the foreign investors; 2) arbitral tribunals are created for a specific case—regardless of whether they are administered by an institution such as the International Centre for Settlement of Investment Disputes (ICSID)—; 3) there is no obligation to exhaust local remedies to access international arbitra-

tion unless the legal instrument specifies it; 4) arbitral awards are not subject to appeal (Bas Vilizzio, 2020).

How does investor-State dispute settlement link to the State-pharmaceutical company dynamics surrounding COVID-19 vaccines? While the terms of contracts for the distribution of vaccines have been confidential, they often include clauses to resolve disputes in the event of non-compliance. In addition, States such as Argentina¹³, Peru¹⁴, and Paraguay¹⁵ have enacted laws that include an extension of jurisdiction to international arbitration. However, even without the new legalities constructed in a framework of exceptionality, the existing network of international investment agreements operates as a platform for pharmaceutical companies to sue States if they believe their rights have been violated in the distribution of vaccines.

How does the waiver operate in the framework of the World Trade Organisation? While it is an exception to intellectual pro-

¹² The WTO infographic “The global race to vaccinate” is illustrative of this situation.

¹³ Law 27.573: “Law on vaccines aimed at generating acquired immunity against COVID-19”, 29 October 2020, <http://servicios.infoleg.gob.ar/infolegInternet/anexos/340000-344999/343958/norma.htm>

¹⁴ Supreme Decree 186-2020-PCM, “Supreme Decree authorising the Ministry of Health to express the Peruvian State’s commitment to submit disputes arising from the contractual relationship to international arbitration in the framework of contracts concluded under Emergency Decree No. 110-2020, Emergency Decree that dictates extraordinary measures to facilitate and guarantee the acquisition, conservation and distribution of vaccines against COVID-19”. 1 December 2020. <https://busquedas.elperuano.pe/normaslegales/decreto-supremo-que-autoriza-al-ministerio-de-salud-para-que-decreto-supremo-n-186-2020-pcm-1908302-1/>

¹⁵ Law 6707: “Law that declares the research, development, manufacture and acquisition for free distribution to the population of vaccines against COVID-19 to be a public good”, 14 January 2021, <https://alertas.directoriolegislativo.org/wp-content/uploads/2021/01/Ley-6707.pdf>

property rules, it is limited to the Agreement on Trade-Related Intellectual Property Rights and does not extend to the rules outside the WTO regime. Ergo, bearing in mind that definitions of investment are often broad and inclusive, a pharmaceutical company could eventually sue a State based on the extensive network of international investment agreements in force.

Examples of previous arbitrations related to intellectual property and public health are *Philip Morris v. Australia* (Permanent Court of Arbitration case number 2012-2) and *Eli Lilly v. Canada* (ICSID case number UNCT/14/2). However, the most emblematic dispute is probably *Philip Morris v. Uruguay* (ICSID case number ARB/10/7)¹⁶. In this case, the tribunal understood that the State had the police power to regulate public health, in this case through tobacco control measures¹⁷, and therefore did not incur international responsibility¹⁸. The precedents are not binding in investor-State arbitration, so a future award need not necessarily follow this reasoning.

The current syndemic presents itself as a turning point for a regime undergoing a crisis of legitimacy, which should be addressed by

one of the following measures in the short- and/or medium-term: 1) a moratorium on pending disputes in investor-State arbitration tribunals and a restriction on future claims related to measures adopted to alleviate the COVID-19 syndemic; 2) the introduction of counterclaims as a general rule in the investor-State dispute settlement regime; 3) an explicit reference to States' right to regulate, as the heart of regulatory sovereignty¹⁹; 4) an explicit exclusion of protected areas or policies such as environment, public health or human rights (Bas, 2021).

In this context, is a legal discussion of human security required? This approach is implicit in many conventions linked to International Humanitarian Law, migration, refuge, sustainable development, and climate change. It also cuts across the Sustainable Development Goals of the 2030 Agenda but lacks specific international standards. The evolving, dynamic and holistic nature implicit in the notion of human security favours its multi-sectorial applicability, which, although a positive attribute, its applicability is subject to criticism as it focuses on the indiscriminate use of the concept.

¹⁶ At the pre-arbitration stage, the situation in Colombia and the laboratory Novartis can be mentioned in relation to the licensing of the drug Imatinib for cancer, especially chronic myeloid leukaemia, which the laboratory markets under the name Glevic. For an analysis of the issue see: Díaz Pinilla *et al.* (2016).

¹⁷ Single submission rule and the 80/80 rule in application of Article 11 of the World Health Organisation Framework Convention on Tobacco Control.

¹⁸ For a specific analysis of the *Philip Morris v. Uruguay* case, see Bas Vilizzio and Michelini (2019).

¹⁹ On regulatory sovereignty see: Bas Vilizzio (2020b, pp. 284-288).

CONCLUDING REMARKS

The multidimensional effects of the global expansion of SARS-CoV-2 have deepened economic and social inequities. Although the initiation of vaccination brought hope, International Monetary Fund (2021) forecasts that the main fault line to global recovery is access to vaccines, an argument that reinforces the idea that COVID-19 is a syndemic. In a multi-crisis scenario, the recognition of the COVID-19 syndemic forces the incorporation of new pieces into the puzzle of Global International Relations, to understand the new uncertainties and growing challenges of a transforming liberal order.

Although the concept of human security is robust and comprehensive, it lacks specific international normative instruments, which is its most notable weakness. This is in addition to the fact that the broad and even confusing use of the idea questions its validity and strength. While human security and securitisation are approaches, the risk of abusing the latter and permeating all areas and public decision-making processes should ring an alarm, in a region of vulnerable States that are challenged multi-dimensionally. Such is the case that the decision-making processes of Latin American States, which are so sensitive to the external environment, are increasingly being subjected to exceptional situations that drive them to adopt exceptional measures.

In projecting long times of uncertainty, will exceptionality be a constant? Transforming problems into windows of opportunity

is highly complex and costly for States in the Global South. In global terms, these are processes that face a disadvantage, and in general, they are options that are discarded in a rush to deal with the urgent at the expense of resolving the important.

There is a need for discussion on new roadmaps for governance and cooperation. While some multilateral actions that have been put on the table offer auspicious options, actions such as "vaccine nationalism" coupled with "vaccine diplomacy" only deepen asymmetries in the Global South, proposing a pessimistic scenario for the end of the syndemic. It is therefore in terms of efficient global governance that global alternatives must be offered, framed, and reflected by a legal framework with effective and resilient institutions. The absence of specific International Law to respond to the current syndemic situation is a global problem, and its discussion is the starting point for transformations.

In conclusion, three key issues need to be dealt with in order to address affordability and access to vaccines: the chiaroscuro of protecting human security, the absence of international norms, and the challenges of effective global governance. Approaching these three issues multilaterally is the basis for building resilience in an increasingly inequitable and vulnerable world. The identification of what are considered to be the neuralgic points of the problems identified by COVID-19 does not exhaust either the analysis or the perspective, but rather helps to identify a series of articulable pieces to begin to redefine the responses.

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