

Trade Justice Network

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December 7, 2020

The Honourable Mary Ng
Minister of Small Business, Export Promotion and International Trade
House of Commons

-and -

The Honourable François-Philippe Champagne
Minister of Foreign Affairs
House of Commons
Ottawa, Ontario
K1A 0A6

Dear Ministers Ng and Champagne,

We are writing to you on behalf of the Trade Justice Network, a coalition of environmental, civil society, student, Indigenous, cultural, farming, labour, and social justice organizations that came together in 2010 to call for a new global trade regime founded on social justice, human rights and environmental sustainability. Our members include the Canadian Labour Congress, Unifor, Canadian Union of Public Employees, United Steelworkers, Climate Action Network Canada, Council of Canadians, National Union of Public and General Employees, Communication Workers of America (Canada), National Farmers Union, and many other groups.

We urge the Government of Canada to support the World Trade Organization (WTO) proposal from South Africa and India for a “waiver from certain provisions of the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) for the prevention, containment, and treatment of COVID-19”. We are very disappointed and concerned that Canada did not support the waiver proposal when it was first raised at the WTO in October.

The COVID-19 pandemic is the most severe global health and economic crisis in generations, and a global effort is needed to save lives and protect livelihoods. The Trade Justice Network is dedicated to working towards a global trade regime built on the principles of equity, justice, and dignity. Canada supporting the TRIPs waiver is a necessary step for this goal and ensuring the global effort to address COVID-19 is accessible for all.

Canada’s parliament supported Bill C-13 earlier this year, authorizing the temporary suspension of patents and rules regarding trade secrets in the name of public health, protecting the production and distribution of enough essential goods. Research has shown that TRIPS obligations around patent monopolies and data secrecy restrictions impose barriers to the rapid development of and affordable access to diagnostics, medicines, and treatments. The proposed waiver under the TRIPS Agreement would remove barriers and guarantee similar flexibility as Bill C-13 to all WTO member countries-- especially those without manufacturing capacity for medicines and suffering from shortages of affordable therapeutic products.

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The waiver would mean WTO members do not have to implement, apply, or enforce certain obligations related to COVID-19 products and technologies. Further, countries would be able to choose to neither grant nor enforce patents and other IP related to all COVID-19 drugs, vaccines, diagnostics, and other technologies, including masks and ventilators. This waiver can ensure that pharmaceutical companies are not able to hold a monopoly over the market and prevent other manufacturers from producing COVID-19 vaccines and medicines. Without these barriers and restrictions, WTO's member states and the scientific community can continue working on developing and distributing new diagnostics, vaccines, medicines, and medical supplies, without fear of exposure to litigation risk under the TRIPS Agreement.

The impact of the pandemic has not been felt equally by all. As the saying goes, "we are in the same storm, but not everyone has the same boat." The world's poorest and most marginalized communities, particularly in the Global South, have been affected worse than all by COVID-19. These communities need dependable and quick access to affordable medicines, treatments, and supplies. This waiver will help ensure that access is not impeded by TRIPs agreements. Without the waiver, many countries will have to rely on pharmaceutical companies and wealthy countries for "charity." Trade rules and profit must not come at the expense of lives or equity.

The world needs governments and companies to work together and share their knowledge and technologies. It should be a universal right for all countries to make rapid use of the knowledge generated by COVID-19 research, much of which, in the case of vaccines, is supported by public financing and governments' advanced market commitments. Millions of lives have been lost to this virus; the urgent task to ensure global access to these medical products is more pressing than ever.

Civil society groups across the world have been calling for state support of the TRIPs waiver. TJN joins them in calling on the Canadian government to support the TRIPs waiver initiative in the name of global public health, cross-border solidarity, and justice for all.

Sincerely,

Angella MacEwen and Larry Brown, Co-Chairs, Trade Justice Network

cc:

The Honourable Judy Sgro, Chair of the Standing Committee on International Trade
MP Tracy Gray, Official Opposition Critic, Export Promotion and International Trade
MP Simon-Pierre Savard-Tremblay, Bloc Critic, Export Promotion and International Trade
MP Daniel Blaikie, NDP Critic, Export Promotion and International Trade
MP Paul Manly, Green Party Critic, Export Promotion and International Trade