

March 10, 2021

SENT VIA EMAIL

The Right Honourable Justin Trudeau, P.C., M.P.
Prime Minister of Canada

Re: Canada must support global access to COVID-19 vaccines at the WTO

Dear Prime Minister,

Since the beginning of the pandemic, world leaders have repeatedly spoken of the need for global solidarity to get us all through this once-in-a-century health crisis. You were among the first to call for global equal access to COVID-19 health technologies. But as time passed, calls for unity have been followed by a disappointing lack of commitment by many wealthier nations, including Canada.

Canada's unwillingness to endorse a proposal at the World Trade Organization to make COVID-related vaccines, treatments and technologies more affordable and readily available for all countries is a glaring example of this mismatch between words and deeds.

In October 2020, South Africa and India made a joint proposal to temporarily waive certain obligations under the *WTO Agreement on Trade-Related Aspects of Intellectual Property Rights* (TRIPS) until the COVID-19 emergency is over. The waiver would mean WTO member states would not have to grant or enforce patents and other intellectual property rights covering COVID-19 drugs, vaccines, diagnostics, and other technologies such as masks and ventilators.

This waiver proposal is not a panacea. But with these barriers and restrictions removed, WTO member states and the scientific community can continue working on developing and distributing new diagnostics, vaccines, medicines, and medical supplies, without fear of litigation risk and trade sanctions under the TRIPS Agreement.

As it stands now, vaccine technology and knowledge are being treated as private property by pharmaceutical corporations, despite much of this research being paid for by over \$100 billions of taxpayers' money. As communities across the world adapt to the "new normal" of the pandemic, it's business as usual for pharmaceutical corporations. With their WTO-protected exclusive rights and monopolies, pharmaceutical companies are able to charge higher prices and inhibit the generic competition demonstrated time and again as key to bringing and keeping prices down, particularly for low- and middle-income countries.

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In the context of the ongoing public health emergency, the result is that rich countries such as Canada are securing private contracts with vaccine makers while many developing countries haven't seen any vaccine doses at all. While Canada has ordered enough doses of the multiple available vaccines to inoculate its population many times over, some estimates say that vaccines will not become available to a fifth of the world until 2022.

The proposal at the WTO to temporarily waive certain TRIPS Agreement restrictions would help break down barriers to scaling up the manufacture and supply of lifesaving COVID-19 medical tools across the world. Canada has maintained that it has not rejected this proposal. But Canada has also not said yes, joining Australia, Brazil, the EU, Japan, Norway, Switzerland, the U.K., and the U.S. in obstructing the waiver at the WTO TRIPS Council.

Canada misleadingly claims that existing flexibilities in the TRIPS Agreement, such as those for the issuance of compulsory licences to manufacture patented medicines (as affirmed in the 2001 Doha Declaration on the TRIPS Agreement and Public Health), are sufficient. However, as Doctors Without Borders and other health advocates have pointed out, these flexibilities are only accessible on a case-by-case basis that can take years to settle with patent-holding firms or foreign governments. Responding to COVID-19 requires goods subject to exclusive patent and other IP claims and restrictions to become accessible and affordable *now*.

Last month, more than 400 organizations in the United States called on President Joe Biden to support the waiver at the TRIPS Council. More than 100 civil society organizations have called on the European Parliament to also support it, as have many EU parliamentarians themselves. The Director-General of the World Health Organization is calling on member states, including Canada, to support the waiver. Canadian civil society organizations and labour unions have been making similar calls for months.

The COVID-19 pandemic is the most severe global health and economic crisis in generations. In Canada and around the world the virus has disproportionately impacted women, migrant and lower-wage workers, racialized and other marginalized groups. Millions of lives have been lost to this virus.

Everyone, everywhere needs out of this pandemic as quickly as possible. Canada must be part of the global effort to save lives—not an obstacle. We call on the Canadian government to support the waiver now.

Signed:

Trade Justice Network
Amnistie internationale Canada francophone
Amnesty International Canada

Canadian Centre for Policy Alternatives (CCPA)
United Steelworkers (USW)
Group of 78
National Farmers Union
National Union of Public and General Employees (NUPGE)
Unifor
MiningWatch Canada
Canadian Union of Public Employees (CUPE)
HIV Legal Network
CWA Canada, The Media Union
Canadian Health Coalition
Public Service Alliance of Canada
Trade Justice PEI
Grandmothers Advocacy Network
Canadian Jesuits International
Interagency Coalition on AIDS and Development
Canadian AIDS Society
Action Canada for Sexual Health and Rights
KAIROS: Canadian Ecumenical Justice Initiatives | Initiatives oecuméniques Canadiennes pour la justice
Canadian Aboriginal AIDS Network
Canadian Federation of Nurses Unions
Ministry for Social Justice, Peace, and Creation Care with the Sisters of St. Joseph of Toronto
Jesuit Refugee Service – Canada
Jesuit Forum for Social Faith and Justice
Réseau québécois sur l'intégration continentale (RQIC)
Congress of Union Retirees of Canada
ATTAC-Québec
Canadian Coalition for Global Health Research / La Coalition Canadienne pour la recherche en santé mondiale
Council of Canadians | Le Conseil des Canadiens
Friends of Medicare
Canadian Society for International Health / Société canadienne pour la santé internationale
The United Church of Canada | L'Eglise Unie du Canada
Hospital Employees' Union
Centre Oblat • A Voice for Justice
Migrant Workers Alliance for Change

CC

The Honourable Mary Ng, P.C., M.P. Minister of Small Business, Export Promotion and International Trade mary.ng@international.gc.ca and the Honourable Marc Garneau, P.C., C.C., C.D., M.P. Minister of Foreign Affairs marc.garneau@parl.gc.ca