



November 15, 2020

The Honourable Mary Ng
Minister of Small Business, Export Promotion and International Trade
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The Honourable Navdeep Bains
Minister of Innovation, Science and Industry
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Dear Ministers Ng and Bains:

**Re: TRIPS Council waiver: promoting equitable global access
to COVID-19 testing, treatment and vaccines**

We are now more than eight months into a pandemic that has affected everyone's life. As I write this, the world is just shy of 54 million confirmed cases of COVID, and has seen more than 1.3 million deaths. Tomorrow the numbers will be tragically higher and the pandemic is accelerating, not slowing.

The COVID pandemic has spread disease and economic hardship around the world, and the impact been – and will be – particularly severe in developing countries, already struggling with often-underfunded health systems and insufficient health care workers and facing multiple public health challenges, some on a scale far beyond what Canada has weathered.

No country alone can solve this pandemic. There needs to be international collaboration and solidarity – something Prime Minister Justin Trudeau has stated repeatedly.

But actions speak louder than words.

We are deeply disturbed that in recent weeks Canada has joined with other wealthy countries at the WTO's Council for TRIPS to oppose a proposal from South Africa and India to waive certain provisions of the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) to ensure that testing, treatment and vaccines for COVID-19 are accessible to all.

The HIV Legal Network (formerly the Canadian HIV/AIDS Legal Network) has for nearly 20 years been a champion on human rights as essential an effective HIV response – this includes the right to the highest attainable standard of health, recognized in the *International Covenant on*

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Economic, Social and Cultural Rights. Canada's ratification of that Covenant includes the obligation to take steps to help realize that right, at home and abroad, including through measures of international assistance and cooperation. It is in keeping with this ethical and legal obligation that Canada has pledged financial support to the international COVAX program to support greater access to eventual COVID-19 vaccines to low-income countries.

But another, complementary measure, easily implemented by Canada, is to waive the current restrictive intellectual property (IP) barriers that limit who can manufacture life-saving testing technologies, medications and vaccines to respond to public health needs, such as HIV and now COVID-19, and where those health technologies can be sold – barriers that keep life-saving goods often priced out of reach of those countries and people most in need.


The HIV pandemic has shown the harms of such restrictive rules for developing countries, and the millions of lives that can be – and have been – saved when countries have the flexibility and the political will and support to make use of it to ensure accessibility and affordability of diagnostics and medicines. This lesson cannot be ignored as the world now faces another, even more dangerous global crisis.

South Africa and India have put before the WTO's TRIPS Council a proposal to waive stringent IP rules, developed primarily to serve the interests of highly profitable pharmaceutical companies largely in the global North, for developing countries. Supporting this proposal would allow greater access to more affordable versions of COVID-19 technologies to come to market sooner, saving many lives. It should be pointed out that it also means more return on investment for Canada's contributions to the international COVAX program: the funds Canada has committed will go further, saving more lives, by adopting this smart policy proposal.

We are pleased to be among [more than 400 civil society organizations from around the world that have expressed our support for this TRIPS waiver.](#)

We urge Canada to do the same, to work together with other governments and put people's lives before corporate monopolies.

Sincerely,



Richard Elliott
Executive Director

Cc: The Honourable Karina Gould, Minister of International Development
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