

The Honourable Mary Ng, MP  
House of Commons office  
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December 8, 2020

Dear Minister Ng,

As you know, the COVID-19 pandemic presents a significant public health and economic threat to people in every country on the planet. While the threat is equal to all countries, their means to respond is not.

One of the factors that complicates an already challenging landscape for governments as they respond to the pandemic is the global trade regime built up over the last thirty years through everything from bilateral free trade deals to multilateral institutions like the World Trade Organization (WTO). This regime and the people behind it seek to increasingly constrain the ability of democratically elected governments to regulate in the public interest.

While these constraints have not served the interests of most people at the best of times, in the pandemic context they have the potential to do even more harm. Over the course of this year, civil society advocates have proposed two concrete steps your government can take to mitigate the harm that this corporate-centered trade regime may do in the pandemic context.

**I am writing to let you know that the NDP supports these initiatives and calls on your government to:**

**(1) Support the WTO proposal from India, South Africa, Kenya, Eswatini, Pakistan and Mozambique for “a waiver from certain provisions of the TRIPS Agreement for the prevention, containment and treatment of Covid-19.”**

There is no doubt that COVID-19 requires a coordinated global response and the ability to produce the vaccine in a timely way for distribution is an essential component of that response.

Without such a waiver, profit-driven pharmaceutical companies will be in a position to dictate vaccine pricing to governments, as well as other important logistical considerations essential to swift and effective domestic responses to the pandemic across the world.

Public funds have contributed to vaccine development by many companies across the world. Now is not the time for an impassioned defense of the intellectual property rights of major pharmaceutical companies who have benefited from public investment. It is the time to do everything in our power to ensure the safe, timely and affordable distribution of as much vaccine as possible the world over.



We were disappointed to learn Canada did not support the proposed waiver at meetings of the TRIPS Council in October and November of this year. We urge you to reconsider in time for the next meeting on December 10, 2020.

**(2) Institute a moratorium on Investor-State Dispute Settlement (ISDS) clauses for at least the duration of the pandemic.**

We have heard testimony at the *Standing Committee on International Trade* that a number of multinational corporations are standing ready to sue governments under ISDS provisions in order to recover profits allegedly lost due to public efforts to reign in COVID-19.

Governments need to be free to act swiftly to counteract the virus. There has already been significant public expenditure by governments across the globe in response to the pandemic. These same governments should not have to be looking over their shoulder for big companies with well-funded legal departments on the prowl for extra profit.

Suspending ISDS provisions now would allow for quick, effective pandemic response measures without exposing citizens to unreasonable financial risks in the name of corporate profit.

During the debate on the Canada-United States-Mexico Agreement (CUSMA), your government showed some capacity for critical thinking about ISDS provisions. Reports of an ISDS clause in the Canada-United Kingdom Trade Continuity Agreement have raised concern that the government's position on ISDS during the CUSMA debate may have been just for show. This call to action is an opportunity for you to show otherwise.

These two things will allow Canada to help other countries and itself, at no cost to the treasury. All these initiatives require is that the large, well-funded companies that can afford to use these legal mechanisms accept their fair share of the financial pain the pandemic has inflicted on everyone.

I hope you will seriously consider these calls to action and do the right thing by following through on them.

I look forward to your reply.

Yours truly,

A handwritten signature in black ink, appearing to read "D. Blaikie". The signature is fluid and cursive, with a large initial "D" and a trailing flourish.

Daniel Blaikie, M.P.  
Elmwood-Transcona