

OPINION

Canada's opposition to a WTO proposal hurts developing countries' pandemic fight

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The World Trade Organization's Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) enshrines rules to protect intellectual property rights in a context of liberalized global trade. But these rules sometimes conflict with other important social goals, such as the protection of public health. Left in place as the pandemic wears on, these rules could slow the rapid scale-up of vaccines, treatments, technology, and technical know-how that is needed to end the pandemic for all, particularly for people in developing countries whose access to these products is most at risk from these TRIPS rules.

Ninety-nine such WTO members have called for all member states to temporarily waive these rules until the World Health Organization declares the pandemic over, as have the director-general of the World Health Organization, UNAIDS, several past and present international leaders, scores of health non-governmental organizations, and most global health researchers. Without a waiver, the less fortunate half of humanity may have to wait years before their citizens can enjoy the same level of COVID-19 protection Canadians are likely to begin experiencing over the coming months. As long as this remains the case, developing country economies will stagnate, poverty will rise, instabilities will increase, and the world as a whole will remain sick and become less safe.

And yet, twice now, wealthy WTO members – including Canada – have nixed the idea.

Besides reportedly opposing the waiver, Canada has also joined the leading ranks of the “vaccine nationalists” – countries that have inked private deals with vaccine manufacturers. These countries have

overbought the needed supply; if all the vaccines for which Canada has committed purchase agreements prove safe and effective, we will have enough to immunize each Canadian ten times over. We can afford to be more spendthrift on vaccines, as can the U.S., the U.K., Japan, many countries in Europe, and the other wealthy WTO member states that oppose the waiver. The world's low-income countries cannot.

The TRIPS rules allow for “flexibilities” around production of low-cost generic equivalents to patented drugs. These exceptions, however, are time-consuming and cumbersome to institute, and do not extend to the technical know-how that would let all countries make rapid use of new COVID-19 discoveries.

Supporting the TRIPS waiver does not mean that patent-holding companies will go unrewarded, though controls will need to be developed to determine the extent of that reward and limit the knowledge monopoly at least until the pandemic is over. The waiver would treat such health products and knowledge as “global public goods,” which is quite reasonable, given the billions in public monies that supported the private sector research that led to their discoveries.

That the waiver-opposing countries are generally home to the patent-holding companies is common knowledge, which may explain their reluctance to support it. Whether their own bilateral vaccine agreements with these companies have had any additional influence in their continuing opposition is unknown, as the details of these agreements have not been made public. Still, these countries should consider the fact that a waiver is the fastest way to bring the acute phase of the pandemic to an end.

The TRIPS waiver will not solve all of the vaccine-access challenges facing developing countries, but it will remove some of them. It will enable developing countries to scale up production of essential COVID-19 medical products such as diagnostic kits, vaccines, medicines, personal protective equipment and ventilators to meet the needs of their citizens.

History is being written. The proposed TRIPS waiver will be voted on by the full WTO membership in mid-December, so there is still time for Canada to do the right thing: announce its support for the waiver, and encourage other wealthy countries to do the same.

If we don't, we fail our own pledges to “build back better” and provide the global leadership for equity and human rights for which Canada claims to stand.

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