

December 14, 2021

TO: The Honourable Mary Ng, Minister of International Trade
CC: The Right Honourable Justin Trudeau, Prime Minister of Canada
The Honourable Melanie Joly, Minister of Foreign Affairs

Dear Minister Ng,

Congratulations on your appointment to cabinet during the 44th government of Canada.

The Council of Canadians brings people together through collective action and grassroots organizing to challenge corporate power and advocate for people, the planet and our democracy. In this minority parliament, our 150,000 supporters have tasked us with pushing for change on issues that matter to them. We issue you this mandate letter on their behalf.

As Minister, you are responsible for implementing trade policies for our future. These policies must advance climate solutions, reduce inequality by deepening human rights, and ensure that all people have access to the life-saving resources and medicines they need. Building on the new mechanisms for public consultation and transparency in negotiations, you must implement policies that put people and communities first in trade negotiations, not corporate interests.

To ensure Canada's trade policies meet our needs now and into the future, you must use your time as minister to:

- remove ruinous Investor-State Dispute Settlement (ISDS) provisions;
- include clauses on workers' rights and environmental protection with the binding force they need to have an impact; and
- urgently address existing stringent intellectual property measures that entrench corporate wealth and power over international cooperation and technology transfer.

Canada has vaunted its contributions to the international fight against COVID-19. But its credibility on the world stage has been badly damaged by its refusal to support a waiver of intellectual property protections on vaccines and other medical products. A temporary waiver of the Agreement on Trade-Related Intellectual Property (TRIPS) at the WTO is urgently needed to help increase vaccine access and supply. The waiver is supported by the US, New Zealand, Australia and over 100 other countries. Disappointingly, Canada has stalled discussions on the proposal and evaded a clear stance.

The world cannot rely on the benevolence of pharmaceutical companies or the charity of rich countries like Canada to achieve vaccine equity. Leading vaccine producers have prioritized deliveries to wealthy countries, while all but locking out lower income countries. Despite receiving billions of dollars in public subsidies, major pharmaceutical companies have refused to share their medical breakthroughs with other companies, including those in Canada prepared and waiting to increase the supply. Wealthy countries have repeatedly committed to donating surplus but have rarely delivered. Canada has been the worst performer, with only 8% of its pledged donations actually delivered as of September 2021.



The result has been a lopsided distribution of vaccine doses locking out a majority of the globe from vaccine equity. With new variants emerging in sub-Saharan Africa, where less than 8% of people are fully vaccinated, the folly of letting pharmaceutical corporations determine who gets doses and who doesn't is manifest. You must realign Canada's priorities and take the necessary leadership

In addition to a TRIPS waiver, we need a cease to all trade actions against efforts to decarbonize the economy. A key element of this is removing Investor State Dispute Settlement (ISDS) clauses from current and future trade agreements. ISDS allows corporations to bypass domestic court systems in favour of a supranational arbitration process that is dominated by investor-friendly corporate lawyers. Oil, gas, and mining corporations have been among the strongest proponents of these clauses, which they increasingly use against public policies seeking to limit their environmentally damaging operations.

Canadian corporations have availed themselves of these clauses, frustrating efforts abroad to reduce carbon emissions. In France, Canadian oil company Vermilion threatened to take the government to court over a proposed 2017 law that would have phased out oil and gas exploration on French territory by 2040. Vermilion's threats, along with pressure from other corporate interests, succeeded and the law was shelved. Discouraged by the chill effect that such threats could have, France's Environment Minister Hulot resigned in protest, citing the undue influence of corporate interests in policy making.

The lawsuit recently brought by TC Energy against the US government, via the Chapter 11 clause of NAFTA carried over into the USMCA, illustrates perfectly the seriousness of the threat that ISDS chapters pose to effective climate action. Passing a climate waiver, that is to say an immediate moratorium on all challenges to climate action, is an essential task of your ministry.

Our trade deals should be fostering mutually beneficial cooperation. Instead, they lock governments and workers in a downward spiral of competition. Regulatory harmonization or other measures against so-called "non tariff barriers to trade" intertwine human rights violations and poor working conditions with economic growth, requiring governments to choose corporate priorities over the wellbeing of people and communities. This includes labour protections and environmental policies, locking signatory countries into regressive policies that entrench inequality, conflict and the climate crisis.

For too long, trade agreements have served to enshrine the rights of investors while neglecting to give binding protections to workers and the environment. For Canada's trade agreements to be truly inclusive and progressive, these priorities need to be flipped. People's right to a decent livelihood – indeed, their right to simply live – must take precedence over corporate profits. Respecting ecological limits must be valued over ever-expanding flows of goods and money.

We look forward to this work during your time as Minister.

Sincerely,



Ravi Joshi



Christina Warner

Co-Executive Directors, Council of Canadians – Le Conseil des Canadiens

