

Protecting public health through FTAs

LETTERS

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FREE Trade Agreements (FTA) could be an effective solution in protecting public health and the economy in this Covid-19 pandemic environment.

Since the focus of trade agreements is to lower or remove barriers that impede “free trade”, the Malaysian government ought to consider using its FTA engagements to benefit public health, the economy and well-being of the people.

The globalised economy requires Malaysia to make good and full use of its current obligations under its present FTA engagements. Malaysia is a key player in Asean and part of the global trade, and in times of crisis like the Covid-19 pandemic, it is crucial to use FTAs to sustain economic activities, obtain funding and safeguard public health, and perhaps renegotiate new terms if required.

One of the most fundamental provisions within FTAs is intellectual property rights. In fact, according to the World Trade Organisation (WTO), World Intellectual Property Organisation (Wipo) and Intellectual Property Corporation of Malaysia (MyIPO), intellectual property rights is the new gold mine in a globalised economy, particularly e-com-merce.

Under the current FTA framework, trade and free trade are paramount and should not be obstructed except in a public emergency that would allow member countries to introduce health-related policies and measures.

It is quite ironic that the majority of the FTAs emphasise trade and reducing trade barriers but neglect how intellectual property rights should mediate between protection for trade and public health in a Covid-19 pandemic scenario.

FTAs should be used to seek a balanced approach in open trade, protection of public health and addressing climate change.

The Covid-19 pandemic has compelled many developing countries, including Malaysia, to rethink and rechannel trade direction on public health imperatives.

The public might not be aware that FTA is a very powerful tool. In fact, according to the Malaysia External Trade Development Corporation (Matrade), Malaysia has engaged in bilateral FTAs with countries such as Japan, Pakistan, India, New Zealand, Chile, Australia and Turkey.

There are two effective ways for Malaysia to use these FTA tools:

(i) activate the related IPR provision (high time to do so) to undertake joint research measures to speed up access to new medicines urgently needed for Covid-19; and

(ii) redirect relevant free trade provisions to generate new businesses that support sustainable **LETTERS** entrepreneurship and minimise the impact of Covid-19 on the national economy.

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