



May 18, 2009

Open Letter to WHO Member States on outstanding components of Plan of Action on Public Health, Innovation and Intellectual Property

Dear WHO Member States,

During the 2008 World Health Assembly WHO Member States reached unanimous consensus on resolution WHA 61.21 that adopted a Global Strategy and unfinished Plan of Action on Public Health, Innovation and Intellectual property.

The outstanding components of the Plan of Action should be finalized at the 62nd session of the World Health Assembly. WHO Member States will have to take important decisions concerning the stakeholders, time frames, progress indicators and funding needs.

Document A62/16 contains a report outlining the progress accomplished to date. Further work is needed. Specific actions are necessary from WHO and Member States to proactively implement the Global Strategy and Plan of Action. The Quick Start Programme lists a number of activities that WHO – irrespective of the Global Strategy and Plan of Action - is already implementing in existing work plans. It is important to see what new and additional activities WHO is planning.

Document A62/16 Add.2 contains the proposed progress indicators. Further work needs to be done on this issue also. For example, the indicators proposed are quantitative, when qualitative indicators are also required. It's not just the number of indicators or the process that needs to be measured, it is the effect and the impact of these policy measures on public health. It is important that Members States contribute to the definition of such outputs measures at a national and regional level and that WHO is required, when it reports back on implementation, to include the results of such output measures.

We also call your attention on the document A62/16 Add.3 where the results of informal consultations among some Member States on stakeholders are presented. We are surprised that WHO has been removed as stakeholder in action 2.3(c) that “encourages further exploratory discussions in the utility of possible instruments or mechanisms for essential health and biomedical R&D, including inter alia, an essential health and biomedical R&D treaty.”

We are now more than seven years after the 2001 WTO Doha Declaration on the TRIPS Agreement and Public Health, and in the middle of a number of public health crises regarding both innovation and access to essential health technologies. We are facing our

third recent alert for a new public health pandemic. There is a clear need for a discussion on what global norms for biomedical research and development are necessary. The WHO is the UN agency with the global mandate for health. It unacceptable that there would be any opposition to the WHO having a role in taking forward discussions on what global norms should be contained in a proposal for a biomedical R&D treaty.

Resolution WHA 61.21 is a result of a member driven process with active civil society engagement; however, the transparency of the decision making process that has allocated stakeholder responsibility falls short of a contributory democratic process. It would be against the spirit of WHA 61.21 if a narrow interpretation of the role of stakeholders which would exclude civil society was adopted.

The Global Strategy and Plan of Action is a unique document that has the potential to address public health needs with respect to innovation and access. We urge Member States, when finalizing the Plan of Action, to ensure that WHO is given an adequate mandate to advance this strategy. This will require that WHO adopts new approaches and has the ability to explore new ideas.

Sincerely

Essential Action

Health Action International

Health Gap

Knowledge Ecology International

Medecins Sans Frontieres

Oxfam International

Third World Network

