

Consultative Expert Working Group on Research and Development: Financing and Coordination

PREAMBULAR PARAGRAPHS OF CONFERENCE PAPERS:

A65/A/Conf.Paper No 1 - Kenya

A65/A/Conf.Paper No 2 - Switzerland

A65/A/Conf.Paper No 4 - UNASUR

A65/A/Conf.Paper No 5 - USA et al.

KENYA

PP1 Recalling resolution WHA 63.28 which requested the Director- General to establish a Consultative Expert Working Group (CEWG) to take forward the work of the expert working group earlier established under resolution WHA61.21, and to submit the final report to the Sixty-fifth World Health Assembly;

PP2 Further recalling resolutions WHA 59.24, WHA 61.21 and WHA 62.16;

PP3 Recalling the consultations and diplomatic processes undertaken at the WHO around the issue of needs-driven research and development (R&D) for health and access to affordable medicines , which led to the unanimous adoption by the World Health Assembly in 2008 and 2009 of the Global Strategy and Plan of Action on Public Health, Innovation and Intellectual Property ;

PP4 Recognizing the progress made in the implementation of the Global Strategy and Plan of Action on Public Health, Innovation and Intellectual Property, in particular the establishment by the United Nations Economic Commission for Africa and the World Health Organization of the African Network of Drugs and Diagnostics Innovations (ANDI), which is promoting and sustaining African-led health product innovation to address African public health needs through the assembly of research networks, and the building of capacity, including innovation and local pharmaceutical production; the Eighth World Trade Organization Ministerial Conference adoption of measures on extending transition period under Article 66.1 of the TRIPS Agreement beyond the year 2013 among other measures to increase access to medicines, the World Intellectual Property Organization new initiatives to accelerate research and development of medicines for neglected tropical diseases, among others;

PP5 Noting element 2.3(c) of the WHO Global Strategy on Public Health, Innovation and Intellectual Property, which calls for "exploratory discussions on 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" as an integral component of the global strategy's mandate to promote innovation, improve access to medicines, diagnostics, vaccines including medical devices and enhance sustainable needs-driven health research and development relevant to diseases which disproportionately affect developing countries;

PP6 Aware of the existing need to secure additional and sustainable financing for research and development to address the health needs of developing countries, improve coordination, facilitating the maximum use of and complement existing financing in order to develop and deliver safe, effective and affordable medicines, diagnostics, vaccines and medical devices;

PP7 considering the report of the Consultative Expert Working Group on Research and Development: Financing and Coordination as a solid basis for supporting further the efficient and effective implementation of the WHO Global Strategy and Plan of Action on Public Health, Innovation and Intellectual Property;

PP8 Recognizing the analysis and proposals contained in the CEWG report, particularly the recommendation that the WHO should convene formal intergovernmental negotiations on a binding agreement to strengthen global financing and coordination for R&D for health needs of developing countries under the auspices of WHO;

PP9 Acknowledging the unique normative function of the WHO deriving from Article 2(k) and Article 19 of the WHO Constitution, and recognizing the indispensable imprimatur of the WHO in the setting of new binding legal norms aimed to the attainment for all people of the highest possible level of health ;

PP10 Emphasizing the importance of public funding of health research and development and the role of Member States in coordinating, facilitating and promoting health research and development, and recognizing that it is ultimately the responsibility of Member States to secure access to affordable medicines for people in need;

PP11 Having considered the report of the Consultative Expert Working Group on Research and Development: Financing and Coordination;

SWITZERLAND

PP1 Having considered the report on the consultative expert working group on research and development: financing and coordination;

PP2 Recalling resolution WHA61.21 which requests the Director-General "to establish urgently a results-oriented and time-limited expert working group to examine current financing and coordination of research and development, as well as proposals for new and innovative sources of funding to stimulate research and development related to Type II and Type III diseases and the specific research and development needs of developing countries in relation to Type I diseases, and open to consideration of proposals from Member States;"

PP3 Further recalling resolution WHA63.28 which requests the Director-General to establish a Consultative Expert Working group on research and development to take forward the work of the former Expert Working Group, with a view to submitting its final report to the Sixty-fifth World Health Assembly;

PP4 Noting previous and ongoing work on innovative financing for health, research and development and the need to build on this work as relevant;

PP5 Emphasizing the importance of public funding of health research and development and the role of the Member States in coordinating, facilitating and promoting health research and development;

PP6 Reaffirming the importance of other relevant actors in health research and development;

PP7 Recognizing the necessity to supplement the existing intellectual property rights system where the current system is not working as incentive for research and development.

PP8 Noting that the Consultative Expert Working Group recommends the adoption of a binding global instrument for research and development and innovation for health related to Type II and Type III diseases and the specific research and development needs of developing countries in relation to Type I diseases;

PP9 Considering that the recommendations of the report require further analysis and discussion among Member States, experts and with the Director-General;

PP10 Expressing concerns regarding the short period of time between the publication of the Consultative Expert Working Group's report and the Sixty-fifth World Health Assembly and the impossibility for Member States to complete a substantive analysis of its recommendations before the Sixty-fifth World Health Assembly.

UNASUR

PP1 Recalling that access to safe, high-quality, effective and affordable medicines is an fundamental component of the right to health;

PP2 Recalling that it is important to promote the development of integrated policies that ensure access to essential medicines, vaccines and other health technologies by promoting research and development based on the health needs of Member States, and especially developing countries;

PP3 Reaffirming the importance of the strategic global, regional and national approach to the research, development and production of active pharmaceutical ingredients and high-quality, safe, effective and affordable medicines that meet the health needs of Member States and especially developing countries;

PP4 Recalling that the Global Strategy on Public Health, Innovation and Intellectual Property was the outcome of painstaking work that Member States of WHO undertook in 2008;

PP5 Keeping in mind paragraph 2.3 (c) of the Global Strategy on Public Health, Innovation and Intellectual Property, namely "encourage further exploratory discussions on the utility of possible instruments or mechanisms for essential health and biomedical research and development, including inter alia, an essential health and biomedical research and development treaty", which is part of the terms of reference of this strategy to promote innovation, improve access to medicines, diagnostic methods and vaccines, including medical devices, and to secure a sustainable basis for needs-driven, essential health research and development relevant to diseases that disproportionately affect developing countries;

PP6 Recalling in this context that resolution WHA 61.21 requested the Director-General of WHO to establish an expert working group to examine current financing and coordination of research and

development, as well as proposals for new and innovative sources of funding to stimulate such activity related to Type II and Type III diseases and the specific research and development needs of developing countries in relation to Type I diseases, and to submit a final report to the Sixty-third World Health Assembly;

PP7 Recalling that the Sixty-third WHA noted that "there was divergence between the expectations of Member States and the output of the Group" and that it consequently requested the Director-General of WHO "to establish a [new] Consultative Expert Working Group", indicating the tasks that it should accomplish (WHA 63.28).

PP8 Recalling that the resulting [new] Consultative Expert Working Group established by resolution WHA63.28 was constituted and submitted its final report for the consideration of the Sixty-fifth WHA (document A65/24)

USA et al.

PP1 Having considered the report on the consultative expert working group on research and development: financing and coordination;

PP2 Recalling resolution WHA61.21, whereby WHO Member States adopted the Global Strategy and Plan of Action on Public Health, Innovation and Intellectual Property; and which requested the Director-General "to establish urgently a results-oriented and time-limited expert working group to examine current financing and coordination of research and development, as well as proposals for new and innovative sources of funding to stimulate research and development related to Type II and Type III diseases and the specific research and development needs of developing countries in relation to Type I diseases, and open to consideration of proposals from Member States";

PP3 Further recalling resolution WHA63.28, which noted that although the Expert Working Group made some progress in examining proposals for financing of, and coordination among, research and development activities, there was divergence between the expectations of Member States and the Group's findings, and which requested the Director-General to establish a Consultative Expert Working Group on research and development to take forward the work of the former Expert Working Group, with a view to submitting its final report to the Sixty-fifth World Health Assembly;

PP4 Noting previous and ongoing work on innovative financing for health, research and development and the need to build on this work as relevant;

PP5 Noting also the relevance of ongoing work in this area to the reform of WHO now under way, and the need for future work to be harmonized and aligned with the results of that reform effort;

PP6 Considering that proposals submitted to the Consultative Expert Working Group and the recommendations of its report require further analysis by and discussion among Member States and with the Director-General;