

Statement from Stichting Health Action International (HAI) on Agenda Item 11.3 Public health, innovation and intellectual property: global strategy and plan of action.

Submitted Monday, 17 May 2010

Chair, Dr Chan and esteemed delegates, thank you for the opportunity to speak on behalf of Stichting Health Action International, an NGO working on access to essential medicines and rational use for nearly thirty years.

We are firmly committed to the Global Strategy and Plan of Action (GSPA) on public health, innovation and intellectual property, embodied in WHA Resolution 61.21. Many stakeholders concerned with the outcomes of the Expert Working Group (EWG), including Member States and civil society organisations have expressed concern that the final report did not fulfil the Group's mandate in terms of pressing for real alternatives to the R&D status quo.

The intellectual property-driven model of medical innovation has not been successful in meeting the needs of developing country access to essential treatments, which is still denied to millions worldwide. The GSPA represents a unique opportunity to redress the current innovation gap for diseases that predominantly affect developing countries, and it is an imperative that must not be wasted.

As set out in WHA resolution 61.21, the mandate of the EWG was very clear on the need for *alternative* models, and as has already been noted by the Executive Board, the EWG has failed in this respect.

We would like to express our support for the proposals, as noted in the annex on the GSPA, to establish a new body that can fulfil the criteria of its mandate whilst achieving the transparency, accountability, and inclusiveness demanded by stakeholders. The differing interpretations of the mandate of the EWG highlights the need for enhanced terms of reference, which must explicitly contain the exploration of delinking the cost of R&D from the price of medicines. Moreover, any new process should be a transparent, open to all stakeholders, and not conducted behind closed doors, which makes the process prone to capture. Furthermore, allowing all stakeholders to be engaged in the process would be key in ensuring transparency and public scrutiny

We urge the WHO to take responsibility and support the member states in implementing the GSPA mandate.

Thank you for your attention.