



Health Action International (HAI) is an independent, global network, working to increase access to essential medicines and improve their rational use through research excellence and evidence-based advocacy.

HAI Global Statement at the 126th World Health Organization Executive Board

Agenda Item 4.3 Public health, innovation and intellectual property: global strategy and plan of action

Delivered on 19 January 2010 by Sophie Bloemen, Projects Officer

Mr. Chair, distinguished Members of the Executive Board, and representatives from the WHO Member States,

Health Action International (HAI) is a non-governmental organisation and global network with an expertise and long history in medicines policy issues, particularly concerning access to essential medicines and their rational use. We have extensive programmes of work with WHO on themes related to medicine prices and the rational use of medicines. In recent years, we have increased efforts on access at a global level, and in particular on the impact of intellectual property (IP) rights on Public Health.

We would like to thank the EB for this opportunity to comment on the implementation of the Global Strategy and Plan of Action on public health, innovation and intellectual property (GSPA) and specifically, the Expert Working Group Executive summary put forward for consideration.

The GSPA marked the end of stage one in an important process to clarify the impact of intellectual property on Public Health and Access to Essential Medicines. It is an extensive and comprehensive document, which benefits from developing country perspectives on pharmaceutical innovation and enjoys broad support from Member States.

The current system of innovation incentives is based on various forms of IP protection, which clearly has failed to meet the needs of developing countries. It fails because neglected diseases do not represent a lucrative market and therefore, do not attract adequate investment in pharmaceutical R&D. Moreover, the present patent system fails to ensure adequate supplies of innovative medicines to developing countries, because prices remain unaffordable for many families and health systems worldwide.

As a key output in the follow up of the GSPA, the conclusions of the Expert Working Group fall short of many expectations with regard to truly original financing mechanisms that can respond to public health needs in developing countries. As intellectual property is one of the central themes of the GSPA and the priority of the IGWG process, it is surprising that the draft report omits any real discussion of this important issue. The report's recommendations ignore the debate about the validity and appropriateness of IP in Public Health.

In fact, the compatibility of the proposals with the existing IP system seems to be a main concern throughout the report. This is all in stark contrast to IGWGs fundamental conclusions.

Furthermore, the Executive Summary emphasises the need for global coordination to improve efficiency in resource allocation for innovation without any mention of the proposal for a Biomedical R&D treaty incorporated in the GSPA. Also absent in the Executive Summary is any treatment of a submission by Bangladesh, Barbados, Bolivia and Suriname to the EWG in April 2009 on a proposal for WHO discussions on such a treaty.

Our concerns are not only with the content of the document, but also the process by which this report has been produced, noted in previous statements.

Finally, we had been concerned that the Board was being asked to consider the conclusions of the EWG without having had sufficient opportunity to review the full report. So, we therefore support the proposal that the distinguished Members of the Executive Board are granted the time to review the full report.

Thank you