
Status of implementation of resolution WHA59.24

1. As requested by resolution WHA59.24, an intergovernmental working group open to all interested Member States has been established to draw up a global strategy and plan of action in order to provide a medium-term framework based on the recommendations of the Commission on Intellectual Property Rights, Innovation and Public Health. The Working Group is to meet from 4 to 8 December 2006 in Geneva. Regular consultations are being held with bodies of the United Nations system and other organizations with relevant expertise.
2. In accordance with resolution WHA59.24, the working group will:
 - (a) draw up a global strategy and plan of action that aims at, inter alia, securing an enhanced and sustainable basis for needs-driven, essential health research and development relevant to diseases that disproportionately affect developing countries;
 - (b) report to the Sixtieth World Health Assembly through the Executive Board on the progress made, giving particular attention to needs-driven research and other potential areas for early implementation action; and
 - (c) submit the final global strategy and plan of action to the Sixty-first World Health Assembly through the Executive Board.
3. Resolution WHA59.24 was considered by all regional committees in 2006. The Regional Committee for South-East Asia and the Regional Committee for the Americas both adopted resolutions calling on Member States to promote action at regional level.¹ A regional consultation will be held in the South-East Asia Region before the meeting of the working group in December.
4. In order to solicit inputs from a wide group of stakeholders, web-based “public hearings” will be organized in November 2006. Specific issues will be identified and questions framed in order to guide the discussion and encourage contributions. Submissions will be available to the public through the web site and a synopsis will be prepared for the working group.
5. Those Member States that have already taken steps towards implementing resolution WHA59.24 will be invited to report on progress to the working group at its meeting in December.

¹ See Annex.

ANNEX

**RESOLUTION SEA/RC59/R7 PUBLIC HEALTH, INNOVATION, ESSENTIAL
HEALTH RESEARCH AND INTELLECTUAL PROPERTY RIGHTS**

The Regional Committee,

Recalling World Health Assembly resolutions WHA59.24 on Public Health, Innovation, Essential Health Research and Intellectual Property Rights: towards a global strategy and plan of action, and WHA56.27 on Intellectual Property Rights, Innovation and Public Health;

Having considered the report and recommendations of the Commission on Intellectual Property Rights, Innovation and Public Health;

Noting that an intergovernmental working group will be convened before the end of 2006 with a view to developing a global strategy and plan of action to provide the medium-term framework based on the recommendations of the WHO Commission on Intellectual Property Rights, Innovation and Public Health;

Aware of the emerging resistance to some of the currently available drugs and the need for affordable treatment for neglected diseases, and that insufficient research is being conducted in this area;

Considering the need to ensure appropriate incentives for research and development of treatments for neglected and the most neglected diseases 1predominantly affecting the Member States in the Region, and the need to address issues related to distribution, delivery and pricing of medicines at the end-user level;

Recognizing the importance of intellectual property rights in fostering research and development in innovative medicines but also acknowledging the necessity for alternative incentive systems;

Recalling that the agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) should not prevent members from taking other measures to protect public health in their efforts to promote access to affordable medicines, and

Reaffirming the critical need to achieve the Millennium Development Goals to reduce poverty and promote human rights;

1. URGES Member States:

- (a) to actively participate in the work of intergovernmental working group;
- (b) to ensure an enabling environment including financial supports for health research in public and private settings to better respond to the pressing public health needs in the Region with particular emphasis on the new drugs, vaccines and diagnostics in order to address the high burden of neglected diseases in the Region, and
- (c) to make full use of the flexibilities allowed in the TRIPS agreement, and

2. REQUESTS the Regional Director:
- (a) to support the participation of Member States in the work of intergovernmental working group;
 - (b) to convene a regional consultation of Member States to develop a regional perspective prior to the meeting of the intergovernmental working group;
 - (c) to continue to provide technical support and mobilize financial resources to Member States in undertaking research capacities with particular emphasis on the neglected diseases, and
 - (d) to report to the 62nd Regional Committee Meeting in the 2009 on progress made by this Resolution.

**RESOLUTION CD47.R7 PUBLIC HEALTH, HEALTH RESEARCH,
PRODUCTION AND ACCESS TO ESSENTIAL MEDICINES**

The 47th Directing Council,

Having considered the Report of the Commission on Intellectual Property Rights, Innovation and Public Health;

Taking into account Resolution WHA59.24 entitled “Public health, innovation, essential health research and intellectual property rights: towards a global strategy and plan of action;”

Recalling that WHO shall soon convene an Intergovernmental Working Group to draw up a global strategy and plan of action to provide a sustainable reference framework for needs-driven essential health research and development, relevant to diseases that disproportionately affect developing countries;

Conscious of the need for adequate incentive for research and the development of treatment for diseases that disproportionately affect developing countries;

Conscious of the need to develop policies to make health a priority and facilitate production, purchase, distribution and quality control of essential medicines that interest the governments, the population, the scientists, and the industry;

Reaffirming that the Doha Ministerial Declaration on the TRIPS Agreement and Public Health confirms that the Agreement does not and should not prevent Members from taking measures to protect public health;

Observing that the Declaration, reiterating the commitment with the TRIPS Agreement, affirms that the Agreement can and should be interpreted and implemented in a manner supportive of WTO members’ right to protect public health and, in particular, to promote access to medicines for all;

Recalling that there are medicines for the treatment of diseases that do not have the advantage of innovative financing mechanisms; and

Taking into account the necessity to make accessible to all the combined set of essential medicines,

RESOLVES:

1. To urge Member States to:
 - (a) actively participate in the Intergovernmental Working Group to draw up a global strategy and plan of action to provide a sustainable reference framework for needs-driven essential health research and development, relevant to diseases that disproportionately affect developing countries;
 - (b) work to guarantee adequate incentive to research and the development of treatment to neglected diseases or very neglected diseases;
 - (c) develop policies to make health a priority and facilitate production, purchase, distribution and quality control of essential medicines;
 - (d) examine the possibility to utilize innovative financing mechanisms, as the Strategic Fund of PAHO, to further the production, purchase, distribution and quality control of essential medicines to recover and promote the health of the most needy populations;
 - (e) continue initiatives of joint negotiation and joint purchasing of medicines to consider the needs of public health, thereby strengthening and enlarging the activities of the Strategic Fund of PAHO;
 - (f) to encourage trade agreements to take into account the flexibilities contained in the Agreement on Trade-Related Aspects of Intellectual Property Rights and recognized by the Doha Ministerial Declaration on the TRIPS Agreement and Public Health;
 - (g) study the possibility to adapt, as needed, national laws to take full advantages of the flexibilities foreseen in the TRIPS Agreement.

(Sixth Meeting, 27 September 2006)

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