

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

Outcome of the Consultation on the Report of the Expert Working Group on Research and Development: Coordination and Financing

Report by the Director-General

The Director-General has the honour to submit to the Health Assembly the report by the Chair of the Consultation on the Report of the Expert Working Group on Research and Development: Coordination and Financing (at Annex) on the outcome of its deliberations.

ANNEX

**CHAIR'S SUMMARY OF THE CONSULTATION ON THE REPORT OF THE
EXPERT WORKING GROUP ON RESEARCH AND DEVELOPMENT:
COORDINATION AND FINANCING**

1. The meeting was convened on 13 May 2010 in response to a request by the Executive Board at its 126th session in January 2010 to hold a consultation on the full Report of the Expert Working Group on Research and Development Financing with Member States prior to the Sixty-third World Health Assembly.¹ Dr Ali bin Jaffer bin Mohammed of Oman was elected Chair of the consultation.
2. Dr Sania Nishtar, as rapporteur and representative of the Expert Working Group Chair, gave an overview of the content of the report. Additional detail on the methodology, the wide range of criteria used to evaluate proposals, and the process of consultation used to validate them was provided by Dr Mary Moran, a member of the Expert Working Group.
3. The opening presentations helped to clarify aspects of the work of the Expert Working Group that had not been evident from a reading of the report alone. In this regard, it was acknowledged that the report had been produced under pressure of time. The Expert Working Group members also recognized that the inclusion of recommendations in the executive summary, which did not appear in the main text of the report, had led to some confusion.
4. The consultation recognized that the Expert Working Group had interpreted its mandate differently from what had been anticipated by some Member States. As a result, the expectations of some Member States remained unfulfilled by the report.
5. Of particular concern to some countries was the fact that proposals they had submitted had been rejected by the Expert Working Group, apparently without due consideration or explanation. However, in presenting the process of evaluation, Expert Working Group members made it clear that the criteria for assessment had been the subject of wide consultation and had been applied to all proposals systematically and without exception.
6. Several specific issues were raised in relation to the report and its recommendations. These included: a concern that insufficient attention was paid to the need to de-link the costs of research and development from the price of health products; that the criteria used to evaluate proposals did not take proper account of the relevant aspects of intellectual property rights; that the proposals for innovative financing mechanisms were common to those made for financing health and development in general; and that little attention was paid to research into the broader health systems barriers that limit access to care.
7. Several Member States acknowledged the limitations of current coordination mechanisms in the field of research and development. While mechanisms existed in relation to specific diseases, a mechanism that provides a comprehensive overview in terms of activities and resource flows remains elusive. It was suggested by several Member States that WHO should have a more proactive role in this area.

¹ See document EB126/2010/REC/2, summary record of the fourth meeting.

8. In responding to Member State concerns, Expert Working Group members acknowledged the need for de-linking to be much more explicit in the report, but made the point that this concept underpinned several of their recommendations. Similarly, they argued that intellectual property rights had been taken into account in the criteria used for assessing proposals. They observed that innovative financing was a fast-moving field and that there will be competition from different sectors for available funds and sources. Finally, the members stressed that what had been done was an initial screening of proposals – far more work was needed to determine their individual practicality; and that it was important not to look at proposals in isolation but to recognize the potential for synergy between them.

9. In the discussion of process, the Director-General explained that she had asked WHO's Office of Internal Oversight Services to conduct a thorough investigation as to the circumstances surrounding the leak of part of the draft report of the Expert Working Group prior to its publication.

Conclusions

10. There was a strong sense from those present that, despite any limitations of the report, it is important to build on the work carried out by the Expert Working Group. The issues under consideration are of vital importance to public health, and the report provides a starting point for further efforts.

11. The meeting heard several options as to the way forward. These included reconstituting a new expert group and/or establishing a new intergovernmental process. Determining the best course of action, however, is the prerogative of the World Health Assembly.

12. This report is intended to provide a degree of continuity between the consultation and the consideration by the Health Assembly of provisional agenda item 11.3. The Expert Working Group requested that Member States take the opportunity provided by the regional meetings that take place prior to the Health Assembly to inform other countries about the issues discussed during the consultation; and that the Expert Working Group rapporteur make a presentation of the report's content at the opening of the item.

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