

Dear WHO Executive Board members,

**As members of the international civil society and academic communities, we urge World Health Organization (WHO) to address the recommendations included in the report of the United Nations Secretary-General's High-Level Panel on Access to Medicines (UNHLP). WHO should facilitate a briefing to Member States on the report recommendations and allow for an appropriate follow up discussion on next steps that the WHO, Member States and other relevant stakeholders can take to address the global challenges caused by high prices of medicines and lack of needs-driven innovation. The UNHLP Report is a good opportunity for the WHO to reiterate and strengthen its existing mandates on access to medicines and innovation.**

In September 2016, the UNHLP published its report calling for actions to address both the innovation and access crisis. Unaffordable medicines have become a growing challenge for patients and health systems in countries in all income levels. Meanwhile, the lack of innovation to address the current crisis of antimicrobial resistance and tackle diseases of epidemic potential highlights the inadequacy of the current research and development (R&D) system in producing necessary innovation in a timely and efficient manner.

**One of the key recommendations of the UNHLP is a biomedical Research and Development (R&D) Agreement or Convention and the implementation of incentives that de-link R&D costs from prices of health technologies. This was also recommended by the WHO Consultative Expert Working Group on Research and Development: Financing and Coordination (CEWG) in 2012 and has not yet been appropriately discussed by Member States. We therefore urge you to convene an Open-Ended Meeting in 2017 aiming to discuss and start negotiations for an R&D Agreement or Convention and help Member States and other stakeholders implement the rest of recommendations in the UNHLP report.**

The UNHLP received input from WHO and from a variety of groups, including governments, industry, academia, civil society and patient groups. It also drew upon existing mandates at the WHO and negotiations that have been ongoing for over 15 years and are not yet concluded. The report represents the consensus reached by the members of the panel, formed by a wide array of experts coming from industry, academia, research, government, and civil society. On November 22, 2016, UN Secretary General Ban Ki-Moon issued a statement praising the report and calling on all governments and agencies to review the report and its recommendations and to chart a way forward to address the access and innovation problems it addresses.

The WHO is the primary global agency with responsibility for global health and it should see the UNHLP work and its recommendations as an opportunity to revive and facilitate WHO's work on innovation and access. We echo the words of the eminent jurist and UNHLP member Michael Kirby: "unless the UNHLP's recommendations impinge on our hearts and minds, a vital opportunity may be lost, perhaps forever," and the WHO "cannot shirk that responsibility or surrender it to others – trilateral<sup>1</sup> or otherwise. It thus has the primary responsibility to lead for attainment of Sustainable Development Goal 3. WHO must find its own voice and powerfully support action on the UNHLP."

Therefore we urge WHO to facilitate the implementation of the UNHLP recommendations, starting with negotiations of an R&D Agreement or Convention as recommended by both the CEWG and UNHLP.

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<sup>1</sup> Referring to the WIPO-WTO-WHO trilateral cooperation on public health, intellectual property and trade.

Thank you for your consideration.

Yours sincerely,

Brazilian Interdisciplinary AIDS Association (ABIA), Brazil

Canadian HIV/AIDS Legal Network, Canada

Commons Network, Belgium

EKPIZO, Greece

European AIDS Treatment Group

Global Health Advocates France

Health Innovation in Practice (GIP), Switzerland

Health Poverty Action, UK

International Human Rights Clinic, University of Chicago Law School, USA

Médecins du Monde

Medico International

Medicus Mundi International, Network Health for All

Oxfam

People's Health Movement (PHM)

Positive Malaysian Treatment Access & Advocacy Group (MTAAG+), Malaysia

PRAKSIS, Greece

Public Eye (formerly Berne Declaration), Switzerland

Restless Development, UK

Salud por Derecho, Spain

STOPAIDS, UK

Third World Network (TWN)

Universities Allied for Essential Medicines (UAEM)

Wemos, The Netherlands

Working Group on Intellectual Property, Brazil

Young Professionals Chronic Disease Network

Youth Stop AIDS, UK