Statement by the South Centre on the Report of the UN Secretary-General's High Level Panel on Access to Medicines released on 14 September 2016

The South Centre Endorses the Report of the UN High Level Panel on Access to Medicines

The South Centre endorses the report of the United Nations Secretary General's High Level Panel on Access to Medicines[1] and its call on governments, the United Nations entities and others including the World Trade Organization, to take action on the report's recommendations.

The report signals that significant progress can be made by the global health community on access to medicines by taking concerted action. As the report notes, access to medicines, vaccines, diagnostics and medical devices is a matter of concern for all countries.

The South Centre encourages the UN General Assembly meeting to welcome the report of the United Nations Secretary General's High Level Panel on Access to Medicines and to agree to a mechanism for overseeing the implementation of the recommendations.

Under the able leadership of the co-chairs Ruth Dreifuss and Festus Gotebanye Mogae, the panel was able to build consensus across a wide range of opinions. While the debates of the panel were not public, its composition and commentaries by some members suggest that agreement could not be reached on some proposals that would entail significant changes in the current model of pharmaceutical innovation. Yet the panel managed to produce significant recommendations.

Some of the key recommendations of the high level panel report are the following:

- WTO Members should make full use of the policy space available in Article 27 of the TRIPS Agreement by adapting and applying rigorous definitions of invention and patentability that are in the best interest of the public health of the country and its inhabitants. This includes amending laws to curtail the evergreening of patents and awarding patents only when genuine innovation has occurred.

- Governments should adopt and implement legislations that facilitate the issuance of compulsory licenses.

- WTO Members should revise the paragraph 6 decision in order to find a solution that enables swift and expedient export of pharmaceutical products produced under compulsory license.

- Governments and private sector must refrain from explicit or implicit threats, tactics or strategies that undermine the right of WTO Members to use TRIPS flexibilities.

- Governments engaged in bilateral and regional trade and investment treaties should ensure that these agreements do not include provisions that interfere with their obligations to fulfil the right to health.

- Universities and research institutions that receive public funding must prioritize public health objectives over financial returns in their patenting and licensing practices.

- Stakeholders, including governments, the biomedical industry, institutional funders of healthcare and civil society should test and implement new and additional models for financing and rewarding public health research and development (R&D).

- The UN Secretary-General should initiate a process for governments to negotiate global agreements on the coordination, financing and development of health technologies, including negotiations for a binding R&D Convention that delinks the costs of research and development from end prices to promote access to good health for all.

- Governments should establish a Working Group to begin negotiating a Code of Principles for Biomedical R&D.

- Governments must review the situation of access to health technologies in their countries in the light of human rights principles and States' obligations to fulfil them, with assistance from the Office of the UN High Commissioner for Human Rights.

- Governments should require the disclosure to drug regulatory and procurement authorities of information pertaining to the cost of R&D, production, marketing and distribution of health technology, and any public funding received in the development of health technology, including tax credits, subsidies and grants.

- Governments should make publicly available all data on clinical trials, as well as the information and databases on patent information status and data on medicines and vaccines.

The South Centre will step up its support to its Member States and all G77 countries in the implementation of the recommendations. Many are already in line with its current work and reflect the proposals submitted to the High Level Panel. The South Centre also stands ready to collaborate with the independent review body tasked with assessing progress on health technology innovation and access, to be established by the UN Secretary General, as recommended by the report.[2]

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[1] The Report of the UN Secretary-General's High Level Panel on Access to Medicines is available at http://static1.squarespace.com/static/562094dee4b0d00c1a3ef761/t/57d9c6ebf5e231b2f02cd3d4/1473890031320/UNSG+HLP+Report+FINAL+12+Sept+2016.pdf.

[2] The contributions of the South Centre to the UN Secretary- General's High Level Panel on Access to Medicines are available at http://www.unsgaccessmeds.org/inbox/2016/2/26/south-centre ; http://www.unsgaccessmeds.org/inbox/2016/2/28/south-centerb ; http://www.unsgaccessmeds.org/inbox/2016/2/28/south-centrec.