

**Joint letter on the occasion of the 132<sup>nd</sup> session of the WHO Executive Board: Agenda item 10.2-  
Follow-up of the report of the Consultative Expert Working Group on Research and Development:  
Financing and Coordination**

25 January 2013

Distinguished delegate,

We are writing to express our deep concern at the lack of ambition and apparent inaction of the WHO and Member States in taking forward the work of the Consultative Expert Working Group on Research and Development: Financing and Coordination (CEWG). This inaction is costing lives.

At the open-ended meeting (26-28 November 2012) on the follow-up of the report of the CEWG, an outcome document (EB132/21) containing a draft report and draft resolution was produced. The draft report and draft resolution are now before the Executive Board for consideration under Agenda item 10.2.

The open-ended meeting was convened to provide Member States with the opportunity to develop a work plan for taking forward the recommendations of the CEWG report. This report was part of the implementation of the WHO Global Strategy and Plan of Action on Public Health, Innovation and Intellectual Property (GSPOA). The objective of which is to secure “an enhanced and sustainable basis for needs-driven, essential health research and development relevant to diseases that disproportionately affect developing countries”. The CEWG identified the concept of de-linkage as the over-arching principle in which to secure this objective by de-coupling the cost of R&D from the price of health technologies including medicines, vaccines and diagnostic tools. The central recommendation of the CEWG report that Member States were asked to consider was the development of a legally binding global convention to address the unmet R&D needs of developing countries.

Such a global framework is needed to establish a process for identifying R&D needs, setting priorities, monitoring R&D flows, coordinating R&D efforts, securing sustainable financing, promoting new incentives and managing research outputs in a way that ensures both innovation and access. Given the WHO’s role<sup>1</sup> as the directing and co-ordinating authority in global public health, it is uniquely placed to be the forum for such an instrument.

Despite the clear roadmap set out by the Expert Group, the outcome document produced at the open-ended meeting postpones discussion of an R&D Convention at the WHO, and does not provide a clear agenda for addressing these pressing unmet R&D needs. The commitments that are made are unclear and too limited. For example, the establishment of an R&D Observatory could be a positive first step, but only if the scope of its tasks includes the definition of R&D priorities in consultation with Member States in addition to simply monitoring what little is currently being done. The question of whether this R&D observatory will receive adequate financing to operate effectively is also an unanswered question.

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<sup>1</sup> Please see Article 2(a) of the WHO Constitution.

Moreover, we are seriously concerned that the draft report's recommends, "the adoption of the resolution by the WHA without re-opening it". The report and the draft resolution were adopted after 2AM, when many lead negotiators had to fly back to their respective capitals and interpretation in the World Health Organization's official languages had long stopped. The number of Member States present at the time of finalizing the draft report was less than 25 out of a membership of 194. A draft resolution negotiated by a small number of Member States under less than ideal conditions should not include such a far-reaching recommendation to the Executive Board. This undermines the rights of Member States to have a full discussion at the WHA.

**Against this background we ask the distinguished EB Members and other WHO Member States to reject the recommendation against the reopening of the draft report and the resolution.**

**Further, we request WHO Member States to consider the CEWG recommendations holistically including the central recommendation of the CEWG report which recommended to Member States that "formal intergovernmental negotiations should begin for a binding global instrument for R&D and innovation for health".**

Health Action International  
Knowledge Ecology International  
Médecins Sans Frontières- Access Campaign  
Oxfam  
Peoples' Health Movement  
Stop AIDS Campaign  
Third World Network