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The World Health Assembly Resolution 59.24 tasked the IGWG “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; such strategy and plan of action would aim, inter alia, at securing an enhanced and sustainable basis for needs-driven, essential health research and development relevant to diseases that disproportionately affect developing countries, proposing clear objectives and priorities for research and development, and estimating funding needs in this area”.

The WHA Resolution can be read as listing the following tasks:

- (i) General: The global strategy and plan of action (GS/POA) should draw up a medium term framework based on the recommendations of the Commission.
- (ii) Specific Focus: The aim (among others) of the GS/POA is to secure an enhanced and sustainable basis for needs-driven, essential health research and development relevant to diseases that disproportionately affect developing countries.
- (iii) Specific: The GS/POA propose clear objectives for research and development
- (iv) Specific: The GS/POA propose priorities for research and development
- (v) Specific: The GS/POA should estimate funding needs in this area.

Overall in trying fulfill the mandate of the WHA Resolution, the draft global strategy and plan of action prepared by the WHO Secretariat (hereinafter referred to as the Sect’s text) has included several points from the CIPIH report. However much more work on the document needs to be done as it reveals several shortcomings.

(a) A number of vital recommendations of the CIPIH are either not reflected or are inadequately reflected. See for example, CIPIH recommendations 2.7, 3.1, 4.6, 4.16, 4.21.

(b) In some cases, the specific action proposed by the Plan of Action, takes a step backward, although there is already a concrete finding/recommendation on that issue in the CIPIH report.

For example on the issue of data exclusivity, the specific action proposed is “Assess the impact of data exclusivity regulations”.

On this however, the CIPIH Report has recommended that “A public health justification should be required for data protection rules going beyond what is required by the TRIPS agreement. There is unlikely to be such a justification in markets with a limited ability to pay and little innovative capacity. Thus, developing countries should not impose restrictions for the use of or reliance on such data in ways that would exclude fair competition or impede the use of flexibilities built into TRIPS. (Recommendation 4.20, p. 144 of the Report.)

(c) The Sect’s text does not provide a coherent, well-organised and considered text intended to provide a concrete medium term framework. In fact in many places the text is vague. There is also no apparent logic in the way in which the Sect’s text is organized. The text fragments many interrelated issues, without making proper cross-references. For example several areas in technology transfer would also relate to building innovative capacity and to promoting R&D. IP related issues would emerge almost under every element. Financing should be linked with prioritized diseases and other areas to be financed, but this link is not apparent.

This has resulted in a text that is large and unwieldy, significantly diluting the effectiveness of the text as a global strategy and plan of action that will provide a medium framework based on the

recommendations of the Commission with the aim inter alia of securing an enhanced and sustainable basis for needs-driven, essential health research and development relevant to diseases that disproportionately affect developing countries.

(d) Progress Indicators in the Plan of action: Most of the indicators are quantitative in nature, even where perhaps such indicators are not suited. In some cases, the indicators are vague and/or disconnected from the specific action proposed and since there is no explanation, the intent of these indicators remains unclear. Some of the indicators are also not fully thought through.

(e) There is also little clarity as to which organisation is taking the lead in implementing the actions proposed in the global strategy and plan of action

(f) In relation to point (5) the text does not provide an estimation of funding needs.

\* A more detailed analysis of Element 1 (Prioritising R&D); Element 2 (Promoting Research and Development); Element 3 (Building Innovative Capacity); Element 4 (Transfer of Technology); Element 5 (Management of IP) is found in the detailed paper