

12 September 2016

Dear Secretary-General

It is our great pleasure, to inform you of the successful completion of our mandate as co-chairs of the High-Level Panel on Access to Medicines.

The establishment of the Panel was both important and timely for two reasons. First, the Panel was convened soon after UN Member States adopted the ambitious 2030 Agenda for Sustainable Development, which includes SDG 3 on ensuring health and well-being for all. As we have learned during our enquiry, access to medicines, vaccines, diagnostics and medical devices has become a matter of concern for rich and poor countries alike. The principle of universality that underpins the 2030 Agenda was therefore an important grounding for our enquiry. Second, the Panel's mandate requested us to address the incoherence between the right to health, intellectual property and trade rules as well as public health objectives that have left millions behind. While on the one hand, we are witnessing the immense potential of science and technology to advance health care, on the other hand, we are severely challenged by gaps and failures in effectively addressing disease burdens and emerging diseases in many countries and communities.

The Panel came together as a diverse group of individuals from varied backgrounds, experiences and continents. This diversity added to the richness of our deliberations. Discussions took place in an atmosphere of mutual respect, with each of us recognizing that the global community as a whole, and each one of us, shares a stake in this subject matter, and that we can and must do better. Our deliberations were greatly enriched by the Expert Advisory Group (EAG) constituted by the Panel's Secretariat and ably chaired by our fellow Panel Member Honorable Michael Kirby. Our work also benefitted from several high-quality submissions from a diverse set of stakeholders, contributions from a number of UN entities and other intergovernmental bodies, and background papers commissioned by the Secretariat. The interactions we had with representatives of UN Member States, civil society and patient groups, the private sector and academia at two global dialogues convened in London and Johannesburg were also extremely insightful to our work.

Our mandate was focused on a crucial but limited aspect of the challenge to develop innovation in medical technologies and promote access to all in need. We were asked to concentrate on concrete and actionable solutions. Even if Panel Members did not agree on every point of the report, we are pleased to note that this is a consensus report. And most importantly, we are unanimous on the need to act, and to act now. For this reason, we recommend that the report be made public as soon as conveniently possible.

The Panel has made a number of significant and concrete recommendations that could be employed by stakeholders including UN Member States, civil society, the private sector and international organisations to accelerate action to address gaps in health technology innovation and access. Some of the recommendations found in our report include the following:

- Governments must urgently increase their current levels of investment in health technology innovation to meet unmet needs and they should enter into negotiations for a binding Research & Development treaty that delinks the costs of innovation from the end prices of health technologies in order to address issues that existing innovation mechanisms have failed to adequately address;
- There must be much greater transparency to ensure that the costs of research and development, production, marketing, and distribution, as well as the end prices of health technologies are clear to consumers and governments;
- Governments and the private sector must refrain from explicit or implicit threats, tactics or strategies that undermine the right of WTO Members to use TRIPS flexibilities as reaffirmed in the Doha Declaration on TRIPS and Public Health. WTO Members must register complaints against undue political and economic pressure, and take punitive measures against offending Members; and
- The Secretary-General should establish an independent review body tasked with assessing progress on health technology innovation and access and for a High-Level meeting on Health Technology Innovation and Access to be convened by 2018.

Allow us, in conclusion, to thank you for the leadership you have shown in convening the Panel, and for the trust you placed in all the Members of this important body, We are both of the view that the report of this Panel can be a catalyst for the attainment of the 2030 Agenda for Sustainable Development, including SDG 3 on ensuring health and well-being for all, and we are pleased to be associated with it. We look forward to the release of the report and the next steps.

Sincerely,



Ruth Dreifuss
Co-chair



Festus Gontebanye Mogae
Co-chair

