Mrs Michaëlle Jean

General Secretary

Organisation internationale de la Francophonie

19-21 avenue Bosquet

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France

M. Michel Sidibé

Executive Director

UNAIDS **Secretariat**

20, Avenue Appia

CH-1211 Genève 27

Geneva, 8th of June 2018

Dear M. Michel Sidibé, Dear Mrs Michaëlle Jean,

**C.C :** United Nations Development Program (UNDP), World Health Organization (WHO)

**Re:** Declaration on the occasion of the International Conference on Access to Quality Medicines and Other Medical Products in Francophone Africa the 22nd of May 2018 in Geneva

We are writing to express our serious concerns with the above mentioned declaration.

The declaration dealt with an important issue for health actors without any public health approach but addressed it through a purely legal and criminal approach.

The declaration fails to take a public health approach to address the root causes of circulation of low quality medicines.

It does not focus on ensuring availability and affordability of access to medicines except a brief reference to the flexibilities of the TRIPS agreement.

Further the declaration includes calls for regional and international instruments such as Medicrime. These instruments were never developed with the involvement of Francophone countries, nor do they take into account their needs and interests. In addition, these instruments also do not take a public health approach to address the challenge of low-quality medicines, the lack of access to medicines and other health products, because they are unaffordable or because the health systems are not strong enough to ensure their availability while the demand is increasing.

We are very concerned by the confusion created by the declaration that could hinder the access to affordable quality medicines. Falsified or sub-standards medicines do not have anything to do with the talks on intellectual property nor the agreement on Trade-related aspects of intellectual property rights (TRIPS).

The commitment required from Francophone countries in order for them to adopt in a second phase, a regional convention under the African Union and an international mechanism within the United Nations, seems to be useless.

Indeed the World Health Organization (WHO) already has a mechanism to fight against falsified or low-quality medicines and to ensure data collection. Therefore, it seems to us more relevant to strengthen the already existing mechanisms in order not to duplicate the efforts or to create any amalgamate on this topic. The need for such instruments is unnecessary given that WHO has a Member States mechanism that provides adequate guidance on substandard and falsified medicines.

In Africa, and in particular in the Francophone area, numerous resolutions already exist on this topic : the 2013’s Niger resolution on fake medicines, the WAHO’s resolution of April 2017 on fake and expired medicines, the Rabat resolution of March 2018 on fake medicines and now the declaration of Geneva of May 2018 on the access to quality medicines. We are legitimately wondering what the intentions of all these resolutions are while more than half of the adopted resolutions by African countries have happened through conferences supported by the Chirac foundation, which we know, is funded by the pharmaceutical industry (including Sanofi).

Given the above mentioned information, this call for ratification of these instruments and for the adoption of regional and international conventions creates a confusion and appears as a barrier to access to generic medicines. A similar situation during the debate on “counterfeit” medicines a few years ago.

The confusion in the declaration is perpetuated by calling Francophone countries to agree on implementing “*with international and investment-friendly rules, in accordance with the recommendations of UNCITRAL, UNCTAD, WIPO and other international, regional and sub-regional institutions; as well as the WTO TRIPS Agreement, in particular its flexibilities, and Investment Promotion and Protection Agreements (APPI) with regard to determining the scope and coverage of investments*”. These issues (and many other issues in the Declaration) have no relevance to the circulation of low-quality medicines and goes beyond the mandate of health officials.

The requirements within this declaration go beyond the prerogatives of Ministers of Health in Francophone Africa, making its endorsement null and void and without any legal effect.

Unfortunately, falsified and low quality medicines are blight upon Africa. The measures undertaken through this declaration seem obsolete to us because they do not create the necessary multidisciplinary framework this vice of low quality medicines. It has excluded civil society organizations and patients groups in the entire process.

Therefore, we urge UNAIDS and OIF to reconsider their support for this declaration, and to withdraw this text whose many parts are not aligned with the positions of WHO on falsified medicines but rather create a confusion, and to cease any further talk on this declaration.

Signatories:

Access, France

Affirmative action, Cameroon

Aides, France

AJPC (Association des jeunes positifs du Congo), Rep. Congo

AJPO (Association des Jeunes pour la Promotion des Orphelins), Burkina Faso

ALCS (Association de lutte contre le sida), Morocco

ARV+ (Association sociale rêve de vivre), Algeria

ATP+ (Association tunisienne pour la prévention positive), Tunisia

CEJ (Centre pour l'Ethique Judiciaire), Burkina Faso

CeRADIS (Centre de Réflexions et d’Actions pour le Développement Intégré et la Solidarité), Benin

Coalition Plus (Coalition internationale sida)

ITPC-MENA (International treatment preparedness coalition Middle East and North Africa), MENA

MARSA sexual health, Lebanon

OSDAD FASO, Burkina Faso

Sidaction, France

Serment Universel, Rep. Congo

UAEM (Universities allied for essential medicines)

UJAB (Union des jeunes avocats du Burkina), Burkina Faso

Vivre et s’épanouir, Mauritania

Yolse, Santé Publique et Innovation, Switzerland