

**PREAMBULAR LANGUAGE FOR MINISTERIAL DECLARATION**

Contribution from Australia, Canada, Japan,  
Switzerland and the United States

During the special discussion of the TRIPS Council on 19 September 2001, the delegations of Australia, Canada, Japan, Switzerland and the United States communicated the following text to the Secretariat and have requested it to be circulated as a TRIPS Council document.

**ACCESS TO MEDICINES FOR HIV/AIDS AND OTHER PANDEMICS**

*We Members of the WTO, recognize* that access to medicines for treatment of HIV/AIDS and other pandemics, such as malaria and tuberculosis, especially by the poorest populations of the globe, is one of the major challenges for the global community and for its sustainable development;

*recognize* that an effective response to this challenge requires a mix of complementary social, economic, health policies and practices, including education and prevention programmes;

*recognize* that it is, therefore, the common responsibility of international organizations, governments, non-governmental organizations and private actors, through their areas of responsibility, to contribute to the promotion of the most favourable conditions for improving access to medicines for treatment of HIV/AIDS and other pandemics;

*recognize* that among the determinant factors for improving access to medicines are efficient infrastructure to distribute, deliver and monitor drug usage and provide necessary information and education; increased research and development particularly targeted at the major communicable diseases of relevance for developing countries; mechanisms to finance drug purchases, and affordable pharmaceuticals; and the implementation of effective and sustainable healthcare systems;

*recognize* that strong, effective and balanced protection for intellectual property is a necessary incentive for research and development of life-saving drugs and, therefore, recognize that intellectual property contributes to public health objectives globally.

*Therefore, we Members of the WTO reaffirm* that the TRIPS Agreement contributes to the availability of medicines and reaffirm our commitment to the TRIPS Agreement and its implementation;

*reaffirm* the appropriateness of Members using the flexibility afforded by the Agreement to ensure that medicines for treatment of HIV/AIDS and other pandemics are available to their citizens who need them, particularly those who are unable to afford basic medical care;

*take note* of discussions held by the Council for TRIPS that have clarified Member's views of the flexibility provided under the Agreement;

*encourage* Members, whatever the exhaustion regime that they may have chosen, to take measures to prevent pharmaceuticals provided to the poorest populations of the globe under discounted pricing schemes or supplied under aid-schemes from being diverted from those for whom they were destined to markets for which they were not intended;

*pledge*, in the context of the new global fund, to work with the private sector and with affected countries to facilitate the broadest possible provision of drugs in an affordable, medically effective, and WTO-consistent manner; and

*reaffirm* the importance for developing and least-developed country Members of technical assistance for implementing their obligations under the TRIPS Agreement, while taking into account health concerns.

**Clarification language**

(To be provided.)

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