

HUDSON INSTITUTE

**THE WORLD HEALTH ORGANIZATION: HOW CAN THE UNITED NATIONS
AGENCY FIGHT DISEASE IN THE 21ST CENTURY?**

**THURSDAY, MAY 11, 2006
9:15 A.M.**

**PANEL I: GLOBAL HEALTH IN THE BALANCE: THE WHO AT A
CROSSROADS**

**CHAIR: AMIR ATTARAN,
PROFESSOR, INSTITUTE OF POPULATION HEALTH, UNIVERSITY OF
OTTAWA**

SPEAKERS:

**NICOLE BATES, SENIOR LEGISLATIVE ASSOCIATE, GLOBAL HEALTH
COUNCIL**

JEAN LUC PONCELET, PAN AMERICAN HEALTH ORGANIZATION

**MICHAEL RYAN,
DIRECTOR, CREATIVE AND INNOVATIVE ECONOMY CENTER,
GEORGE WASHINGTON UNIVERSITY**

Transcript by: Federal News Service, Washington, D.C.

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MR. ATTARAN: Back there. Yes? Yes, please.

Q: I have a question regarding the mandate –

MR. ATTARAN: Can we get your name?

**Q: LAWRENCE KOGAN, INSTITUTE FOR TRADE, STANDARDS,
AND SUSTAINABLE DEVELOPMENT:** We look at international law
and it's encroachment upon free enterprise. We look at the WHO, the
current activities that are being undertaken there, to expand the mandate,
redefine the scope of the convention, and see that perhaps what role – the
question we ask is what role should the WHO have in creating international
law, regulations, standards that would encroach upon the scope and core
competencies of other intergovernmental bodies such as the WTO because
we're talking here about international standard setting and the broad scope
for that.

MR. ATTARAN: Okay, I'll answer briefly and then, Michael [Ryan], perhaps

you could say a few words about this.

MR. RYAN: Yeah.

A: MR. ATTARAN: There is no doubt that the WHO, and that's how it's usually referred to, as the WHO rather than "the Who" which is great old rock band. "Horton Hears a" (laughter). There is no doubt that the WHO does have a competence to conclude treaties and in its – in its constitution – yes, there is such a thing; the WHO does have a constitution. I can't recall what year it is perhaps '47, '48, '49 somewhere – '48. There is a power to convene treaty negotiations and conclude them and there is no limitation on the subject matter of that power, although it would be very untoward for the WHO to go terribly far afield. That has only been used as power once to negotiate the Framework Convention on Tobacco and it is an area where you can argue there is some inversion on the trade sphere because it affects trade in tobacco. That's the factual answer. Now, Michael [Ryan] knows much more about it than I do, I think.

A: MR. RYAN: Well, I don't know about that, but one quick comment about your question which is that in this commission report that came out in April regarding innovation in intellectual property, one [of] the recommendations that the commissioners make at the end is that the WHO should become much more engaged in regulations with respect to good manufacturing practices with respect to drugs and then also what we in the United States refer to as Food and Drug Administration-like activity with respect to regulation of innovation. Now, it is my suspicion that those kinds of activities go well beyond the organization's capabilities, to talk again about core competencies. And so, what I personally believe is that that would probably be a wrong direction for the WHO to go. It would indeed encroach on things that might be better placed in other multilateral institutions like the World Trade Organization.