

RESOLUTION No. 3/2006

INTERNATIONAL TRADE LAW COMMITTEE

The 72nd Conference of the International Law Association, held in Toronto, Canada, 4-8 June 2006:

TAKING NOTE of the Report of the Committee on International Trade Law approved at the Committee's June 5, 2006 plenary session at the Toronto 2006 Biennial Meeting, and particularly paragraphs 13 and 18 of that Report;

RECALLING that the Report addresses the use by some governments of bilateral and regional trade negotiating forums to limit or eliminate flexibilities in the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement) that are recognized in the WTO Doha Declaration on the TRIPS Agreement and Public Health of November 14, 2001 to support the protection of public health and promotion of access to medicines for all;

OBSERVING that the 2005 Report by the Consultative Board to the Director-General of the WTO (the "Sutherland Report") expressed serious concern over the pursuit by some WTO Member countries of commitments in regional and bilateral agreements that could not be secured through multilateral negotiations;

RECOGNIZING that limitation or elimination of TRIPS flexibilities that facilitate the introduction of medicines onto national markets may have adverse consequences for less affluent parts of the population and that governments should exercise caution in adopting trade-related measures that may disproportionately affect more vulnerable individuals;

RECOGNIZING that all countries and peoples are susceptible to disease burdens, including but not limited to epidemic disease burdens, that may require facilitated access to medicines, and that the limitation or elimination of TRIPS flexibilities supporting access to medicines may affect all countries and peoples;

Upon the recommendation of the Committee on International Trade Law, as provided for in paragraphs 13 and 18 of its 2006 Report:

The International Law Association hereby resolves that:

Governments are urged to refrain from using bilateral and regional trade negotiations and agreements to limit or eliminate flexibilities in the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights which are recognized in the Doha Declaration on the TRIPS Agreement and Public Health to support the protection of public health and to promote access to medicines for all.