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Médecins Sans Frontières Access Campaign's (MSF AC) response to the Public discussion - Draft terms of reference of the Independent Panel on Evidence for Action Against Antimicrobial Resistance

MSF AC applauds the efforts of the Tripartite Organizations in leading the development of this critical work on evidence-based global governance. As it is paramount for global and national policies governing access to and stewardship of antimicrobials, as well as incentive frameworks for research and development (R&D) to be informed by an independent comprehensive evidence, MSF AC is keen to engage in this discussion for the benefit of patients and communities around the world. To that end, we put forward some points for consideration regarding the Draft terms of reference of the Independent Panel on Evidence for Action Against Antimicrobial Resistance (the Panel).

It will be essential to ensure the mandate of the Panel for action is firmly anchored in the 2016 Political Declaration of the High-level Meeting on Antimicrobial Resistance (Resolution A/RES/71/3). This is currently omitted from the *Guiding Principles* of ToR, presenting the risk of a mission drift.

For the Panel to achieve its stated goal, it will need to be (a) a trusted source of data and evidence, free of vested interests and (b) a source of evidence comprehensive enough to reliably inform prioritization of interventions, including those targeting resource-limited settings.

1. Objectives of the Panel across the One Health spectrum

The phenomenon of antimicrobial resistance necessitates multi-disciplinary and multisectoral response. To ensure this, the scope and prioritization of the Panel's work needs to be defined at an early stage. This includes defining the focus on bacterial pathogens or spanning beyond the narrow definition by including TB, malaria, HIV and fungi resistance. What's more, the humanitarian response offers a unique set of evidence generation and implementation skills that need to be reflected accordingly in the Panel's scope of work

Similarly, to enable efficiencies and complementarity in science-policy translation, capitalizing on existing global health architecture should be explored, including in programmatic areas where AMR is indirectly addressed such as IPC and WASH.

2. Guiding Principles

The appropriate treatment of private commercial interests in evidence generation and global governance

MSF agrees that all relevant actors must be engaged in this process, while ensuring the red lines between their roles and responsibilities. MSF urges the Tripartite Organizations to practically address the inclusion of private sector expertise in science-policy and policy-practice arrangements due to conflict of interest concerns. The conflicted role of pharmaceutical corporations, which have a record of unethical promotion of antibiotics, is not explicit in the draft ToRs. We note that the final Inter-Agency Coordination Group on AMR report stops

short of recommending that governments adopt legally binding measures to regulate these actors, but this should be the minimum concrete step taken.

Several published MSF studies from West Bengal, India show that pharmaceutical corporation representatives are often primary providers of information to prescribers and dispensers, and that this information is typically biased and misleading. This raises serious concerns about conflicts of interest, compromised patient care and unethical commercial practice. Legislation and regulation are needed not only to guide the introduction, manufacture, labelling, pricing and distribution of antibiotics, but also to prohibit their promotion. Leaving this to voluntary measures is not the solution: best practice by not actively promoting antibiotics or fully decoupling sales agents' bonuses from volumes sales is being reported only by significant minority of companies.

3. Structure & Membership

Composition of the Panel needs to reflect on the unique challenges communities face in low- and middle-income countries (LMICs) and the experts from these settings needs to be guaranteed a proportional representation. The evidence-generation in low-resource settings where the most knowledge gaps lie is critical to complement the global picture in addressing the issue collectively.

The form of which the nomination for the expert members will take place is critical and should be conducted through an open and transparent process, adding legitimacy and independence to the Panel. The current proposal with Tripartite Organizations' nomination function may be in odds with sought Panel's independence.

4. Accountability and Declaration of interests:

It is essential that the needs of LMICs, and particularly neglected people, are not left behind. This must be assured through a transparent, accountable evidence generation framework – inclusive in scope of all Member States challenges and lessons learned – that also provides for civil society engagement, oversight and consultation. Transparency is currently mentioned in the draft ToRs as a fundamental principle of governance of the Panel. Being a prerequisite for both accountability and legitimacy, we urge the Tripartite Organizations that the pathway towards the operationalization of transparency within the Panel and in its interactions with external bodies is likewise transparent.

The principle of accountability must also be built into the process of development and formalization of the Panel. As any lasting science-policy framework must come from a Member State-led process it is currently unclear how the Panel will reach global legitimacy, including crucial voices from LMICs, by a group of ten to fifteen experts.

5. Communication with governments and other stakeholders:

To ensure an efficient science-policy translation, the Panel needs to be aligned with parallel governance structures, including Global Leadership Group, Multi- stakeholder Partnership Platform. Furthermore, the Panel should also explore synergies with WHO STAG group to accelerate the coordination of evidence synthesis. Currently, lack of clarity on the linkages between these groups does not offer a room for a strategic discussion on the Panel's set-up with a lasting policy relevance and a robust policy for dealing with any conflict of interest.

To add leverage to the process, an evidence-based, holistic systems approach with periodic reports that can inform governments, multilateral organizations and all other stakeholders should be anchored in existing Member States-led governing structures, such as WHO Executive Board meeting or UN General Assembly.