

# Geneva Health Files

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## Geneva Health Files

Reporting on power and politics in international health policy. If you work in global health, you cannot do without reading us. A newsletter from the capital of global health: Geneva, Switzerland.



**Geneva Health Files**

# *Where are we now with the Pandemic Treaty?*

**Negotiations** at World Health Organization

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# What we will cover

## The negotiations towards a new Pandemic Accord

- Quick recap: Origins of the Treaty Discussions
- Current state of play
- The interlinkages with the IHR



# I. The Push for a Pandemic Accord



# The **drivers** for a Pandemic Treaty

- The Genesis [European Council, Chile?]
- The Actors [Member states, Private Sector, CSOs, Scholars]
- The Reluctant Supporters [Initial Opponents]



# The **Motivations** for a treaty

- Preference for new rules shaped by:  
Socio-economic stresses; securitization agenda; political factors
- Political legacy
- New rules for information sharing
- Inspections and Sanctions

## **For developing countries:**

- Equity and access to countermeasures as drivers



# The **roadmap** towards new rules

- WHO Resolution 74.7, May 2021 (establishment of a working group)
- WHO Resolution 74.16, May 2021 ( Assessing the benefits of a new instrument)
- The report of the WGPR, November 2021 (contentious and political)
- World Health Assembly Special Session, December 2021 (INB established)
- The Intergovernmental Negotiating Body Begins Discussions, February 2022
- Draft of the substantive elements in an accord.
- *Conceptual* Zero Draft of a Treaty, November 2022
- Working Group for IHR amendments in parallel.
- Zero Draft of the Pandemic Accord, February 2023.
- Bureau's Text: May 2023
- Joint Sessions [INB-WG-IHR]: July 2023
- **Negotiating Text: October 2023**
- *Current* plans for a new treaty to be adopted by May 2024



# Process *determines* outcomes

❑ **Negotiating capacities of developing countries**

❑ **Multiple tracks of discussions:**

➤ WGPR [WHO strengthening and preparedness]

➤ INB [Treaty negotiations]

➤ Sustainable Financing [Concluded April 2022]

➤ Amendments to the International Health Regulations

➤ EB Governance committee: Pandemic Preparedness & Response





# Key Players

- The U.S.
- The EU
- Brazil
- China
- Russia
- India
- The Africa Group**
- South Africa
- The Equity Group
- Friends of the Treaty
- Friends of One Health



## II. Current State of Play



# Key Questions

- The co-option of the term “equity”
- Pandemics Vs Health Emergencies
- Inadequate emphasis on Health Systems Strengthening?
- The Accountability Question
- Accessing information and the sharing of benefits
- Access to outbreak sites
- Definition of *one-health*
- Common (*Shared*) but Differentiated Responsibilities [CBDR]
- A WHO-affiliated Financing Mechanism?



# The **Politics** and the Process

- Conceptual Zero Draft – Zero Draft – Compilation Text – Bureau’s Text – Negotiating Text
- A circular process
- The “fight” to get text in
- Consultations through informal sessions



# Areas of **contention**

- Research and Development
- Technology Transfer
- Intellectual Property [Language on “waivers”]
- Supply Chain and procurement
- Information sharing on pathogens and the access to benefits
- Preparedness and Surveillance



# What to **expect**?

- Hard bargaining
- A compromise on IP issues?
- A Framework Convention Approach + Protocols [On ABS?]
- The underlying legal provision [Art. 19 [Opt-in]; Art. 21 [Opt-Out]: WHO Constitution]
- Timeline could change!



*Article 19*

The Health Assembly shall have authority to adopt conventions or agreements with respect to any matter within the competence of the Organization. A two-thirds vote of the Health Assembly shall be required for the adoption of such conventions or agreements, which shall come into force for each Member when accepted by it in accordance with its constitutional processes.

*Article 20*

Each Member undertakes that it will, within eighteen months after the adoption by the Health Assembly of a convention or agreement, take action relative to the acceptance of such convention or agreement. Each Member shall notify the Director-General of the action taken, and if it does not accept such convention or agreement within the time limit, it will furnish a statement of the reasons for non-acceptance. In case of acceptance, each Member agrees to make an annual report to the Director-General in accordance with Chapter XIV.

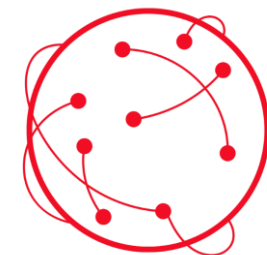
*Article 21*

The Health Assembly shall have authority to adopt regulations concerning:

- (a) sanitary and quarantine requirements and other procedures designed to prevent the international spread of disease;
- (b) nomenclatures with respect to diseases, causes of death and public health practices;
- (c) standards with respect to diagnostic procedures for international use;
- (d) standards with respect to the safety, purity and potency of biological, pharmaceutical and similar products moving in international commerce;
- (e) advertising and labelling of biological, pharmaceutical and similar products moving in international commerce.

*Article 23*

The Health Assembly shall have authority to make recommendations to Members with respect to any matter within the competence of the Organization.



# III. Interlinkages with the IHR





# The Politics of the Timelines

- Trade offs across two tracks
- Both processes **in-step**
- **Package** deal
- More time!



# Joint Sessions: INB-IHR

- Definition of a pandemic
- Status of PHEICs
- Access to countermeasures
- Access and benefits sharing
- Accountability and governance



## Treaty Talks: Geneva Health Files

### **Game on at WHO: International Health Regulations Vs The Pandemic Treaty**

Newsletter Edition #001 [Treaty Talks]

### **Countries Find Chaos in Parallel Tracks on Drawing Up New Rules for Health Emergencies, Many Unprepared**

Newsletter Edition #003 [Treaty Talks]

### **Global Health Negotiations Kick Off In Geneva - Amendments to the IHR**

Newsletter Edition #16 [Treaty Talks - IHR]

### **EXCLUSIVE: Countries Split Between Retaining Existing Scope on Surveillance Vs Widening Commitments On Equity in the Amendments to IHR [WG-IHR3 Update]**

Newsletter Edition #24 [Treaty Talks - IHR]



# Thank you!

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