The WHO Pandemic Agreement

Why in news?

Recently the 9th meeting of the Intergovernmental Negotiating Body (INB) was convened to develop a revised draft of the negotiating text of the WHO Pandemic Agreement.

How Intergovernmental Negotiating Body evolved?

> *The 'pandemic treaty' was first proposed by Chile and the European Union (EU).*

- **Launch year-** 2021,
- **Established by** -*World Health Assembly*
- **Aim-**To draft and negotiate a convention, agreement or other international instrument under the Constitution of the World Health Organization to strengthen pandemic prevention, preparedness and response.
- **Need**- In light of the impact of the COVID-19 pandemic, World Health Organisation's 194 Member States established a process to draft and negotiate a new convention, agreement, or other international instrument on pandemic preparedness and response.
- **Principles-** The INB's work is based on the principles of inclusiveness, transparency, efficiency, Member State leadership and consensus.

What are the key features of the treaty?

- **Aim-** To strengthen global defences against pandemics and prevent catastrophic crises by addressing systemic failures revealed by COVID- 19.
- **Pathogen surveillance**- Strengthening surveillance for pathogens with pandemic potential.
- **Enhance workforce capacity-** The health care workforce should be enhanced to respond to pandemics effectively.
- **Improve logistics**- The supply chain resilience should be improved for medical products and equipment.
- **Technology transfer**-Facilitating the transfer of technology to support the production of vaccines, diagnostic tests, and treatments.
- **Intellectual Property (IP) Waiver**- Address the issue of intellectual property rights to ensure equitable access to medical products.
- **WHO PABS System**- Pathogen Access and Benefit Sharing system establishes a mechanism for sharing pathogen information while ensuring equitable access to benefits derived from research.
- **Accountability-** Ensuring robust governance, enforcement and accountability measures within the treaty framework.

What is the significance of the treaty?

- **Equitable access to benefits**- In PABS system, countries would share genome sequence information and samples with WHO-coordinated networks and databases .
- In exchange, manufacturers of diagnostics, therapeutics, and vaccines would be required to provide
    - 10% of their products free of charge
    - 10% at not-for-profit prices
- **Legal obligation**- The legal obligation on provision sharing aims to establish legal obligations for all users of biological materials and genetic sequence data under PABS.
- **Importance of robust PABS system**- It is useful for particularly low- and middle-income countries, including some African nations, as it promotes equitable access to medical countermeasures.
- **Establishment of COP-** It proposed for establishment of the Conference of Parties (COP) to oversee the implementation of the Pandemic Agreement.

The COP suggests that the Agreement could be a classic international treaty adopted under Article 19 of the WHO Constitution as opposed to the alternative Article 21 opt-out regulations.

What are the concerns with the treaty?

- **Concern of developed countries**- Countries such as Australia, Canada, UK, US and European Union have termed the proposed text as *step backwards* particularly regarding the financing and IP.
- **Hesitancy to share information-** Developing countries are cautious about sharing information on pathogen spread and evolution, especially if they perceive little benefit in return, it is exacerbated during COVID-19 pandemic due to vaccine nationalism.

Vaccine nationalism is a scenario where the wealthy countries sign deals with pharmaceutical companies directly to secure vaccines for their own populations limiting the stock available for others.

- **Global governance challenges**- The absence of adequate enforcement mechanisms hampers coordinated efforts for pandemic countermeasure stockpiles.
- **Lack of enforcement**- The Pandemic Agreement faces significant challenges due to the absence of robust enforcement mechanisms.
- **Risk of ineffectiveness**- Even if the Global North reaches consensus on key issues like technology transfer, the PABS System, and intellectual property waivers, the Agreement could still be rendered ineffective without robust enforcement.
- **Concern with existing regulations**- The international health regulations are legally binding but they fail to prevent unjust travel or trade restrictions and the hoarding of vaccines and other medical countermeasures during the COVID-19 pandemic.
- **Issue with COP**- The COP model mirrors the UN Framework Convention on Climate Change (UNFCCC) summits where all nations receive equal voting rights but it

remains uncertain whether negotiators will reach consensus on this structure.
- **IP requirement**- The firms that received public financing need to waive or reduce their IP royalties remains a critical point of debate as pharmaceutical industry is not satisfied with this provision.

What lies ahead?

- The pandemic agreement underscores the understanding that no single government or institution can effectively combat the threat of future pandemics in isolation.
- India underscores the importance of clarity in defining roles and responsibilities especially between developed and developing nations to achieve equitable outcomes.

Quick facts

International Health Regulations
• The International Health Regulations was adopted after the 2002-2003 SARS outbreak. • In 2005, it set out countries' obligations where public health events have the potential to cross borders. • These include advising the WHO immediately of a health emergency and measures on trade and travel. • These regulations are still considered appropriate for regional epidemics, such as Ebola but inadequate for a global pandemic.

References

1. The Hindu- The countdown to a pandemic treaty
2. WHO- Pandemic prevention accord

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