

WHO Pandemic treaty: zero draft

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Context (1)

11/2020: idea of a pandemic treaty was launched by European president Charles Michel

03/2021: Support from WHO DG and 23 HoS

05/2021: WHA 75 decides to organize a WHA special session

12/2021: WHA special session establishes the INB for negotiating a 'WHO convention, agreement or other international instrument on pandemic prevention, preparedness and response'

Context (2)

- We had up until now 4 INB sessions over 7 meetings (all reports available on: <https://apps.who.int/gb/inb/>)
 - INB 4: 27/2 – 3/3/2023
 - INB 3: 5-7/12/2022
 - INB 2: 18-21/07/2022
 - INB 1: (Second resumed session) 6-8/6/2022 and 15-17/6/2022
 - INB 1: (First resumed session) 14-15/3/2022
 - INB 1: 24/2/2022

Context (3)

Zero draft builds upon:

- the work of the former WG PR (Working Group on Strengthening WHO Preparedness and Response to Health Emergencies)
- WHO MS input at INB sessions (oral and written comments)
- The conceptual zero draft that was discussed at INB 3

Zero draft of the WHO CA+ for the consideration of the Intergovernmental Negotiating Body at its fourth meeting

**WHO convention, agreement or other international instrument on
pandemic prevention, preparedness and response (“WHO CA+”)**

BACKGROUND, METHODOLOGY AND APPROACH

1. In recognition of the catastrophic failure of the international community in showing solidarity and equity in response to the coronavirus disease (COVID-19) pandemic, the World Health Assembly convened a second special session in December 2021, where it established an Intergovernmental Negotiating Body (INB) open to all Member States and Associate Members (and regional economic integration organizations as appropriate) to draft and negotiate a WHO convention, agreement or other international instrument on pandemic prevention, preparedness and response, with a view to its adoption under Article 19, or under other provisions of the WHO Constitution as may be deemed appropriate by the INB.
2. In furtherance of the above mandate, the INB established a process and systematic approach for its work and agreed, at its second meeting, that the instrument should be legally binding and contain both legally binding as well as non-legally binding elements. In that regard, the INB identified Article 19 of the WHO Constitution as the comprehensive provision under which the instrument should be adopted, without prejudice to also considering, as work progressed, the suitability of Article 21, and requested the Bureau to develop and present to the INB a conceptual zero draft of the instrument (referred to herein as the “WHO CA+”) for discussion.
3. At its third meeting, the INB agreed that the Bureau, with support from the WHO Secretariat, would prepare the zero draft of the WHO CA+, based on the conceptual zero draft and input received during the third meeting of the INB, with legal provisions. The INB further agreed that the zero draft would be considered at its fourth meeting as a basis for commencing negotiations; at that meeting, it being understood that the zero draft will be without prejudice to the position of any delegation and following the principle that “nothing is agreed until everything is agreed”.
4. Accordingly, the Bureau has prepared this zero draft of the WHO CA+ for consideration by the INB at its fourth meeting.

Zero draft (1)

General observations

- No dedicated chapter on prevention, while chapters 3 and 4 could be interpreted as chapters on preparedness and response
- Structure leaves much to be improved, there is overlap between articles/chapters and some articles do not seem to be in the right place
- Language is at this stage in general more of an aspirational nature and not yet 'treaty language'

Zero draft (2)

Vision & objective (art. 3)

- The vision in the zero draft focusses on ‘controlling’ pandemics
 - The objective clearly states that preventing pandemics is the objective of the pandemic treaty. However language used to elaborate on this significantly reduces the scope of prevention as it focusses on ‘reducing the risk of pandemics’ (= downstream prevention)
- Preference for deleting the vision and further work on the objective, making sure that deep prevention is an integral part of the objective

Zero draft (3)

National plans for pandemic prevention, preparedness, response and recovery (art. 16.4)

- An obligation is established to develop national plans but:
 - proposed elements of these plans are focused only on preparedness, response and recovery, no suggested elements for ensuring deep prevention
 - need to ensure that these plans at the very least acknowledge that the best way to prevent pandemics is to work on deep prevention as well, including by addressing the root causes: biodiversity loss, climate change, land use change, wildlife trade, agricultural intensification

Zero draft (4)

One health (art. 18)

- Importance of the One health approach for PPPR
 - Calls for multisectoral and transdisciplinary collaboration to identify and share pathogens (interface) and assess the related risks
 - Inclusion of root causes in relevant PPP plans
 - Strengthening synergies with existing instruments that address pandemic drivers
 - Strengthening One health surveillance systems
- Strong obligations on AMR, much less so on one health and deep prevention
- Addressing the root causes should be part on of national one health action

plans

Next steps

3-6/4/2023: INB 5

End of april/beginning of june: the 'first draft'

Mid-june: drafting group that will discuss the 'first draft'

17-21/7/2023: INB 6

4-6/9/2023 & 6-10/11/2023: drafting groups

4-6/12/2023: INB 7