



South Centre Statement to the Resumed session of the fifth meeting of the Intergovernmental Negotiating Body (INB) to draft and negotiate a WHO convention, agreement or other international instrument on pandemic prevention, preparedness and response

12 June 2023

Thank you, Madam Chair. Good afternoon to everyone.

The South Centre appreciates the opportunity to address this INB. We remain available, here in Geneva or online, to present our views on specific draft provisions.

We recognise the work advanced so far.

In the Bureau text, not all options are yet on the table. All Member State proposals, existing and new ones as they come, should receive proportionate consideration, inclusion and discussion.

The consolidated text of February should remain complementary to the Bureau text.

There must be balance in providing options under various articles and in the approach for legal language under them. The Bureau text as it stands now would not deliver on equity.

The INB is moving towards consensus on principles of equity, solidarity, common but differentiated responsibilities, transparency and respect for human rights. We also support the proposal for a principle on global public goods. The INB needs now to better translate these principles into concrete legal provisions in the text.

The drafting group during this session of the INB could focus discussion on Articles 9 to 13 of the Bureau text, also drawing from the consolidated text.

The following are some comments on the provisions in the draft Bureau text:

1. Prevention and Preparedness:

The instrument should advance a step wise approach, guided by countries' current capacities, informed by an enhanced review, and leading to enhanced support to developing countries.

The priority should be to increase commitment, and support for developing countries, to strengthen health systems, health workforce and International Health Regulation (IHR) core capacities to respond to public health emergencies.

Most countries are unable to carry out integrated surveillance across human and animal interface. Legal obligations should not extend to developing countries in this area.

As part of preparedness, the establishment of a multilateral system for access and benefit sharing of human pathogen sequences and other data could be potentially included, provided that both rapid access and assured benefits are defined in concrete obligations. The benefits

to be shared, defined in the text, should be concrete and complement other provisions of the instrument that are necessary to support timely and equitable access to pandemic-related products.

2. Equity:

Significant gaps remain in the text to ensure timely access to pandemic-related products. The constructive contributions of the African group, Argentina, Bangladesh, Brazil, India, Pakistan, among others, to Articles 6-7 of the consolidated text are not fully incorporated in the new Bureau text Articles 11-13.

Concrete mechanisms and State obligations are missing, with the aim of:

- Effective coordination of Member State actions that can affect timely access to medical products by other States. Responsibilities must be largely with countries with greater capacities to influence global supply chains and product development.
- To adequately regulate and steer private sector action, not simply to urge private actors to take certain actions as some have proposed.

Provisions that should be included in the instrument include:

- A mechanism to ensure the fair allocation of pandemic-related products and the role of the WHO in this mechanism, that should apply to all countries, not only those requiring support to access pandemic-related products.
- A mechanism or platform to expand global capacities to produce and timely deliver affordable pandemic-related products. A priority for the INB should be to develop the concrete elements of this proposal. This should allow to rapidly expand R&D and production capacities across regions with dissemination of know-how. In inter-pandemic times, it should function to accelerate regional manufacturing capacities of medical countermeasures and establish emergency stockpiles.
- Obligations on States to include provisions in advance purchase agreements (APAs) that further access goals.
- Obligation on States to coordinate the use of advance purchase agreements, aligned with the WHO fair allocation mechanism. The Bureau text proposes public sharing of information about APAs, which is positive. However, this will not support access goals if there is no related obligation to coordinate.
- Obligation for States to support the adequate function of APAs that are undertaken by a multilateral procurement mechanism and by regional mechanisms.
- Regulations on donations of pandemic-related products by States and private entities. There is a provision in the Bureau text suggesting that APAs allow for donations. This is positive but insufficient.

3. An enabling global R&D ecosystem, Article 9:

During Covid-19 it was clear that voluntary licensing is insufficient for timely transfer of technology and know-how for scaling up production and delivery of pandemic related products. There is need for specific mechanisms, including to allow countries to waive intellectual property obligations.

Moreover, there is need to leverage government R&D contracts to promote access to pandemic-related products. Commitments to increase government investment to R&D will be useful, but strings must be attached to such funding. This should include concrete obligations on access to fruits of publicly funded R&D. Moreover, the instrument should allow for enhanced R&D cooperation, including under open approaches, and facilitate the participation of developing country researchers in any existing or new structures to support R&D cooperation.

We wish you a good week of deliberations.