



Statement by the South Centre to the IGWG 6

23 March 2026

According to the analysis of the South Centre, the proposed Bureau text of 9 March does not provide a legally suitable basis for adoption of the Annex to the Pandemic Treaty at the forthcoming WHA.

By deferring key elements of the PABS to future negotiations and consideration by the COP, the adoption of the proposed WHA resolution would give the WHA authority to override Pandemic Agreement's binding provisions that are critical to ensure that the Agreement's objectives are achieved, notably regarding equity.

The draft text does not meet two fundamental conditions and several provisions in Article 12. Notably, it does not ensure that access and benefit-sharing will operate on equal footing nor that all elements of the system will enter into force simultaneously. The draft text binds States unconditionally to share pathogens while no commercial user is obliged to enter into a WHO PABS binding contract. In the current text:

- o there is no guarantee that even the ~ 20% allocation of vaccines, therapeutics and diagnostics for public health needs will ever be met;
- o there is no guarantee of licenses being provided to manufacturers from developing countries, so that production can be diversified rapidly during health emergencies;
- o monetary benefit sharing remains uncertain;
- o there is no commitment by entities engaged in non-commercial use to make available their outputs in the public domain.
- o when a non-commercial use becomes commercial, the only safeguard is a self-reporting obligation.

For months, many proposals have been on the table on how to close these and other gaps. The IGWG should complete its work and send to the WHA an Annex that fully complies with article 12. Given the critical importance of the Annex to make the Pandemic Agreement meaningful, WHO members should not be constrained by a merely procedural decision on the expected adoption of the Annex by the forthcoming WHA.