LAUNCH OF G2H2 REPORT

THE POLITICS OF A WHO PANDEMIC TREATY IN A DISENCHANTED WORLD

WEDNESDAY
24 NOVEMBER 2021
13.30-15.00 CET
GENEVA AND ZOOM

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Supported by Rosa-Luxemburg-Stiftung
WELCOME!

Nicoletta Dentico, Society for International Development, G2H2 co-president, coordinator of the G2H2 research and advocacy project on the pandemic treaty, co-author of the report
THANKS

- To the team, for all your efforts and your patience
- To the research participants
- To WCC for hosting today’s event
- To Rosa Luxemburg Foundation for your great support and financial contribution
- To all who are with us today
PROGRAMME

Presentation of the G2H2 report
- Examining the motivations for a pandemic treaty. Findings from the G2H2 research
  Remco van de Pas and Priti Patnaik
- The politics of a WHO pandemic treaty in a disenchanted world
  Nicoletta Dentico

Invited respondents
- Suerie Moon
- Carlos Maria Correa

Discussion (Geneva/Zoom)
- The politics of a WHO pandemic treaty in a disenchanted world
  Discussion moderated by Elaine Fletcher
EXAMINING THE MOTIVATIONS FOR A PANDEMIC TREATY

Remco van de Pas, Institute for Tropical Medicine Antwerp, research team, co-author of the report

Priti Patnaik, Founding editor Geneva Health Files, Geneva, research team, co-author of the report
Structure of our presentation

- Context and analytical lens
- The pandemic treaty proposal
- The research questions and methodology
- Findings and insights
- Expectations for treaty negotiation and implementation
- A pandemic treaty for the paradox of globalization?
Context and analytical lens

- COVID-19 pandemic and the creeks of global governance
- The virus of an asphyxiating globalization
- Globalization’s paradox - Political Trilemma (Rodrik, 2011)

“We cannot simultaneously pursue democracy, national self-determination, and economic globalization. We can have at most two out of three“
Political trilemma applied to pandemic governance?

- Intellectual Property regime (R&D)
- Deep economic integration
- Powerful nation state
- Democratic politics

- Vaccine nationalism
- ‘Golden Straitjacket’ Washington Consensus
- Global Federalism World Government
- ‘Embedded liberalism’ Bretton Woods compromise
- Demands for comprehensive & equitable Covid-19 response

Genesis of the pandemic treaty proposal

- Germany and France: leadership supporting WHO in 2020
- Proposal by European Council president Michel, and DG Tedros’ support
- The International Health Regulations (2005)
- An international call by the “Friends of the Treaty”
- WHA74 decision, May 2021: Establish ‘Member States Working Group on Strengthening WHO Preparedness and Response to Health Emergencies’ (WGPR)
- Four meetings in second half of 2021; report to WHA Special Session (29 Nov – 1 Dec)
- Expected decision: set up Intergovernmental Negotiating Body (ING) for “a WHO convention, agreement or other international instrument”
- WGPR to “further develop proposals to revise and strengthen the IHRs”
Research questions

- Are existing legal instruments sufficient?
- What are the geopolitical and others drivers for a pandemic treaty?
- What are the alternative approaches to govern health emergencies?
Methodology

- Human-rights and decoloniality approach as normative basis
- Research conducted August-October 2021 (RP & PP)
- Preliminary online consultation G2H2 for conceptual frame and RQ
- Iterative scoping review
- Semi-structured interviews with 23 participants; varieties of background and expertise, coming from all 6 WHO regions (except WPRO)
- Attendance in several webinars and as observers in the WGPR
- Report structure and writing November 2021 (ND, RP & PP)
Research findings [1]: Are existing legal instruments sufficient?

- Gaps in the existing system: Zoonotic diseases; travel and trade; information sharing
- The affinity for the International Health Regulations (IHR)
- Tinkering with other legal regimes
- What kinds of new rules: a pandemic treaty?
- Preference for the way ahead also shaped by other concerns: Socio-economic stresses; securitization agenda; political factors
Research findings [2]: The drivers for a pandemic treaty

- Political legacy as a common driver for Developed and Developing Countries
- Proponents: The Group of Friends of the Treaty; private actors; scholars
- “Access and Equity” as a driver for Developing Countries: Waiver-like features in a PHEIC; obligations around C-TAP
- For CSOs: The unfinished agenda of the R&D Treaty
- Information as power: The pathogen-sharing imperative for the EU, US & the industry
- Developing Countries: To rein in the influence of Non-State Actors
COVID-19 vaccine and treatment innovators response to global leaders urgent call for international pandemic treaty

30 March 2021 – In view of the social and economic impact of current COVID-19 crisis, political leadership in preparing for any eventual future pandemic is crucial. Over the last 12 months we have seen the importance of a strong innovation system and the successful development of several safe and highly effective vaccines in record time. The discussions around a possible International Pandemic Treaty need to take into account the important role played by the innovative biopharmaceutical industry and its supply chain in fighting the virus. It will be important to acknowledge the critical role played by the incentive system in developing tests, therapeutics, and vaccines to contain and defeat the coronavirus. We hope that the discussions on an International Pandemic Treaty will address enablers for future pandemic preparedness – the importance of incentives for future innovation, the immediate and unrestricted access to pathogens, and the importance of the free flow of goods and workforce during the pandemic – in addition to continuing the multi-stakeholder approach undertaken in ACT-A and COVAX.
Research findings [3]: Alternative approaches

- Human Rights as a basis
- The Duty to Cooperate [Positive Obligations]
- Moving away from the securitization approach
  [“Sanctions only for developing countries”: African Diplomat]
- A greater role for communities and civil society
  [The FCTC example cited]
- Redistribution of wealth to address governance of emergencies:
  [“Any norm-setting has to be financed”: A CSO legal expert]
**Insights from the research findings [1]**

- Concerns on process and goals
- Diversity in motivations
- A perception of a “push” for consensus by the WHO secretariat
- “Equity” as a gambit?
- Many Countries don’t have national positions on a treaty yet
Insights from the research findings [2]

- Transposing the power of the TRIPS Waiver Coalition. Negotiating as a bloc
- The risks of further fragmentation in governance
  [“Where will the treaty secretariat be located?”]
- Forced Multilateralism to Achieve a Consensus for a Treaty
  [“We were not heard”: Latin American Diplomat]
Outlook [1]: The treaty option is on the table

- Despite a fragmented state of governance
- In the midst of a pandemic
- Without addressing current vaccine inequities
- Before working on fixing gaps in existing instruments
Outlook [2]: From the WGPR discussions to the way ahead after the WHA Special Session

- The legal route: WHO Constitution Art.19 vs Art 21
- Efforts to “qualify” equity
- The side-lining of the International Health Regulations (IHR)
- Pathogens sharing
- An Intergovernmental Negotiating Body proposed
- Process questions: who is heard and who is isn’t?

WGPR: Working Group on strengthening WHO preparedness and response to health emergencies
Outlook [3]: What could be expected from new rules on emergencies’ governance?

- Addressing equity meaningfully
- Ensuring provisions for access to medical countermeasures
- Strong rules that put health over IP/Trade
- Protecting the access to benefits in return for sharing information on pathogens
- Reining in non-state actors (foundations and industry)
- Needs to be a “truly” multilateral and consensus-based process
- A treaty anchored in the UN (more inclusive)
- Sustainable financing of WHO and member states’ core capacities
A pandemic treaty for the paradox of globalization?

- Remember: “We can have at most two out of three“
- The cosmopolitan, shared responsibility, frame of the treaty
- Will this actually be negotiated and implemented?
- But...vaccine nationalism, status quo in IP-regime, financialization & permanence of multistakeholder “Super PPPs“ (ACT-A and COVAX)
- -> Weak democratic legitimacy; skepticism and cautiousness
- Paradox a historical trend (1850- 2020) in globalization of public health
- Why would it be different for a pandemic treaty?
- Rather, prioritize limitations on trade & economic globalization (e.g. capital control, taxation, regulations on human rights). Regionalize R&D medicines
“What kind of catastrophe does it take before countries will adopt the policies and cooperation that would have been feasible and beneficial all along?” (De Swaan, 1998)

“We live in a Gramscian moment of old and new ideas, where health threats are responded to by reviving old coercive public health approaches that leave many determinants unaddressed, even while new frameworks for global cooperation and collective responsibilities are advocated.” (Loewenson et.al., 2020)
THE G2H2 REPORT: A CONTRIBUTION TO THE POLITICAL DEBATE ON A WHO PANDEMIC TREATY

Nicoletta Dentico, Society for International Development, G2H2 co-president, coordinator of G2H2 research and advocacy project, co-author of the report
THE G2H2 REPORT: A CONTRIBUTION TO THE
POLITICAL DEBATE ON A WHO PANDEMIC TREATY

1. Advancing the International Health Regulations (IHR): an alternative to the new pandemic treaty pathway?
2. International cooperation is a Member States’ obligation, not an option
3. A different order of priority in international treaty-making
4. Untangle the economic and financial knots to prepare for pandemics
THE POLITICS OF A WHO PANDEMIC TREATY IN A DISENCHANTED WORLD

Suerie Moon, Co-Director, Global Health Centre, The Graduate Institute
Carlos Maria Correa, Director, The South Centre via Zoom

#WHYPANDEMICTREATY

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Health Policy Watch

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g2h2.org/posts/whypandemictreaty