12 June 2023 INB5 (resumed)
General comments on Bureau Draft WHO CA+ (Pandemic Accord)
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Thank you, co-chair, for the opportunity to provide some general comments.

The new, legally binding instrument should create new obligations for parties and go beyond 'declarations of good intentions' and obligations one can walk away from because they are 'as appropriate'. Treaty obligations that are essential to achieve equity in access to products and knowledge need to be clear and firm. In that regard, the Bureau's text needs strengthening.

We welcome Art.11 Option A §5, which creates obligations on parties to waive, licence or otherwise share IP and technology, including through compulsory measures.

Option B of Art. 11 focuses on voluntary measures, which also play an important role, as is evidenced by the work of the Medicines Patent Pool.

These options, however, are not mutually exclusive but complement each other.

The instrument should include provisions that ensure adequate financing for R&D of pandemic products to which all member states should contribute, including during pre and inter-pandemic times.

We further recommend including provisions that require parties to ensure the sharing and licensing of intellectual property, data and know-how related to government-funded innovations as a condition of receiving R&D financial support.

In order to ensure sharing of IP and knowledge related to pandemic countermeasures, it would be important to have a robust and well-resourced multilateral pandemic technology pooling and transfer mechanism. The WHO C-TAP held that promise but should be expanded to contribute to future pandemic preparedness

Transparency will be essential for addressing future pandemic risks, implementing the agreement and monitoring compliance. We suggest that a separate chapter on transparency be included in the agreement.

I thank you for your attention.

For more on "Seven recommendations for sharing intellectual property, know-how and technology – report of Global Expert Group on the Pandemic Treaty" published by BMJ Global Health:
https://gh.bmj.com/content/7/7/e009709

A brief summary is available:
https://medicineslawandpolicy.org/2022/07/seven-recommendations-for-sharing-intellectual-property-know-how-and-technology-report-of-global-expert-group-on-the-pandemic-treaty-published-by-bmj-global-health/