

The geopolitics and implications of an international pandemic instrument

Blog post by Crystal Choi, 28 April 2022

The first meeting of an intergovernmental negotiating body (INB) for an international instrument on pandemic prevention, preparedness and response, was held on 24th February 2022. The first of its kind, the instrument will be rooted in the World Health Organization (WHO) Constitution, thereby offering high-level mandates to its signatories. While strengthening global health security is a shared priority for many governments, the INB faces an ambitious agenda and little consensus on the specific methods to achieve its goal. Superimposed on a febrile geopolitical atmosphere, this poses challenges for governments and businesses alike.

Tensions around a pandemic treaty have been prevalent since its inception in November 2020 by Charles Michel, the President of the European Council. Although the UK, alongside the EU, has been quick to endorse the idea, the Biden administration has been resistant to a legally binding treaty, contrary to the American president's express aim to reverse his predecessor's lax approach to global health. With similar coolness from China, India and Russia, the treaty has already been diluted to an "instrument" under the terms of an agreement reached at a special session of the World Health Assembly in November 2021.

With the strength of the instrument already starting to decline, its implementation timeline could suffer from conflicting priorities across major nations. The coincident timing of the instrument's planned implementation in the spring of 2024 with general elections in the UK and primaries in the USA, for instance, could result in delays as focus shifts towards campaigning. This stands to be further compounded by the volatile Ukraine-Russia crisis, where a prolonged conflict could delay negotiations, or exclude Russia altogether, so long as the country remains an unwelcome presence on the international stage.

On a more global level, issues around access to data, vaccines, therapeutics, and diagnostics will likely be a source of tension between low- and middle-income countries (LMICs) and Western countries, particularly as the latter balance national priorities with global equity concerns. While the ongoing negotiations for a compromise on an intellectual property (IP) rights waiver at the World Trade Organization (WTO) will heavily influence the WHO's approach to this issue, it is also important to note that the G20 presidency will reside with LMICs (Indonesia in 2022, India in 2023 and Brazil in 2024) throughout the negotiations, thereby giving these countries an advantageous platform from which to push for a far-reaching agenda. The topic of data sharing and access could also strain negotiations, as unequal access and conflicts with national interests contribute to reluctance from some countries.

However, not all issues are expected to be so controversial. For example, discussions around supply chain resilience will likely focus on strengthening domestic manufacturing capacities and stockpiling critical resources. With the appropriate framework and support, One Health-focused R&D collaborations are likely to be welcomed by academia and industry as an enabler of

innovation, while strengthened national and international surveillance systems will allow improved collection and quality of data to facilitate these collaborations. Continuation of programmes such as COVAX and ACT-A that have already garnered international support during the pandemic will also provide an avenue of relief to equity issues, while setting a precedent for future initiatives.

The consequences of a pandemic instrument are contingent on many factors, including the WHO Constitutional Article under which it is enshrined, the mode and strength of enforcement, and the scope and extent of the instrument itself. For the private sector, the practical ramifications remain to be seen, especially as the currently agreed negotiation process will allow its involvement at the discretion of the INB. However, the issue of equity - most likely to manifest as a form of an IP waiver - could be problematic for vaccine and diagnostic companies, particularly if it sets a precedent for the release of proprietary data during future pandemics. Furthermore, increased mandates for data sharing and information management could be followed by revised obligations governing R&D, technology transfers, and counter-measurements for mis- and disinformation.

Regardless of the scope and extent of the final instrument, the process will scrutinise the various mechanisms and weaknesses of global health systems, supply chains, and the role of the private sector as the world transitions to living with Covid-19 and prepares for future pandemics.