



A POTENTIAL FRAMEWORK CONVENTION FOR PANDEMIC PREPAREDNESS AND RESPONSE

MEMBER STATES BRIEFING, 18 MARCH 2021

WHAT THE WORLD HAS SEEN OVER THE PAST YEAR



Epidemiology dynamic and uneven, in some contexts uncertain due to a lack of data, driven by variable public health responses and further complicated by variants of concern. Further complicated by lack of regular, systematic, and timely virus sharing



Science has delivered answers, evidence-based guidance and solutions including vaccines, new diagnostics and therapeutics. But, in some cases, demand and utilization is suboptimal, and equity is under threat



Comprehensive preparedness and emergency response systems to protect populations from disease outbreaks, natural and human-made disasters, armed conflict, and other hazards, remain fundamentally underinvested in many countries



Surveillance systems hard to cope with high force of infection in some countries. Case and cluster investigations, contact tracing and supported quarantine of contacts remain insufficient in most countries



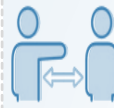
The infodemic of misinformation and disinformation, and a lack of access to credible information continue to shape perceptions and undermine the application of an evidence-based response



Global, regional & national supply chains and market mechanisms disrupted and unable to meet demand, with implications for implementation of surveillance, infection prevention and control, case management, and maintenance of essential health services



Health care systems & workers have saved countless lives but are under extreme pressure in many countries in terms of capacity & capabilities, financial resources, access to vital commodities and supplies



Public health & social measures to control COVID-19 can have considerable social and economic costs



Communities have experienced an erosion of social cohesion, limited access to education, and reduced income and security

Realization of the need for international cooperation and collaboration at the highest political levels to address specifics during the evolution of a pandemic.

TIMING – WHY NOW?

- COVID-19 – millions of cases and deaths reported across the globe.
- Substantial strain on health systems and disruption of essential health services.
- Enormous impact (economic, social, etc.) on lives and livelihoods, especially on the poor and most vulnerable.
- We should start working towards better preparedness and response for the next pandemic.

We must act today – a framework convention would serve to organize and measure the best of our collective energies and skills.

PURPOSE

- A political commitment at the highest level could promote a more cooperative and interconnected global system to prevent, predict, respond to and recover from pandemic emergencies.
- A potential framework convention could establish principles, priorities and targets for pandemic preparedness and response through a legally-binding international framework.
- Making that commitment part of international law would constitute a promise to present and future generations that the world will not forget the lessons this pandemic has taught us.

A legacy to future generations, by minimizing the impact of future pandemics on our economies and on our societies.

POSSIBLE GOALS

- The goals of a potential framework convention could include:
 - build preparedness and resilience to pandemics and other global health emergencies;
 - support prevention, detection, and responses to outbreaks with pandemic potential;
 - ensure equitable access to pandemic countermeasures; and
 - support global coordination through a stronger WHO.

The aim would be a world better prepared to prevent pandemic threats and respond when they do occur.

POSSIBLE KEY AREAS FOR ACTION TO ADDRESS, BASED ON IDENTIFIED GAPS

- National preparedness and response, to strengthen and maintain national core IHR and public health capacities so that they are functional when a health emergency occurs,
- Sustained, predictable funding to health emergency preparedness and response, including from domestic budgets to support preparedness measures and help ensure that the world is prepared and can respond to the emergence of high-risk pathogens,
- Global preparedness and response arrangements, including at the human-animal interface -- to help anticipate and prevent future health emergencies and address them more effectively when they do arise, and
- Governance and oversight mechanisms to increase trust, ensure accountability and foster transparency.

RELATIONSHIP WITH INTERNATIONAL HEALTH REGULATIONS (2005)

- A potential framework convention would not replace the IHR (2005)
- A potential framework convention could help support the important role played by the IHR for preparedness and response to the international spread of disease at a technical level.
- The framework convention could complement with measures to respond to pandemics when they do occur.
- Measures to further strengthen the IHRs could be included, without having to re-open them.
- Article 57 of the IHR expressly states that its Parties may conclude special treaties or arrangements in order to facilitate the implementation of the IHR.



LEGAL CONSIDERATIONS

- Under article 19 of the WHO constitution, the health assembly has the authority to negotiate and agree on “conventions and agreements with respect to any matter within the competence of WHO”.
- A potential framework convention could recognize the central role of the International Health Regulations (IHR) 2005.
- A potential framework convention could help promote an all-of-government, whole-of society, one-health and sustainable approach to pandemic preparedness.
- A treaty would be negotiated by the delegations of the 194 Member States of WHO, and the final decision to adopt it would rest with them.

CONSIDERING GLOBAL HEALTH INSTRUMENTS OTHER THAN A TREATY

- A treaty – legally binding under international law – may have benefits and draw attention to critical issues in various ways.
- A treaty can offer, potentially:
 - An all-of-government approach, because in almost all cases its ratification goes through a national legislative (parliamentary) process.
 - A whole-of-society approach, bringing in stakeholders from all sectors of society, especially in its implementation.
 - A long-term and sustained focus among governments and stakeholders, especially when treaties are concluded in the form of framework conventions (agreement on basic principles, with details worked in due course).

STRUCTURE OF A POTENTIAL TREATY: FRAMEWORK CONVENTION

- The term “*treaty*” is used to refer to any international agreement concluded between States, in written form, and governed by international law.
- The designation “*framework convention*” is often used to refer to a specific kind of treaty, one which sets out general obligations in key areas...
 - on the assumption that those obligations could be specified further through subsequent arrangements, which may themselves be either legally-binding or not.
 - these arrangements could take the form of protocols or guidelines or other instruments and could be adopted in due course.

INTERACTION WITH WHO REVIEW PROCESSES

- Global Preparedness Monitoring Board (GPMB)
 - GPMB 2020 report, 'A World In Disorder', called (among other things) for negotiations on an international framework agreement for health emergency preparedness and response.
 - GPMB continues to actively advocate for such a framework and welcomes the proposals for a treaty.
- Independent Panel for Pandemic Preparedness and Response (IPPR); and Review Committee on the Functioning of the International Health Regulations (2005) during the COVID-19 Response
 - Both are expected to publish reports and make presentations at or before WHA74 (May 2021).
 - WHO Member States would therefore have those reports to consider while forming their mandate for a treaty.

CONCLUDING A FRAMEWORK CONVENTION WITHIN A SHORT TIMELINE

- The possibility to develop and conclude a framework convention in a relatively short period of time, is based on at least two considerations:
 - *structural matter*, designing a treaty as a “framework convention” will allow countries to discuss and agree on key areas for action, on the understanding that detailed arrangements, which will complement the provisions contained in the framework, will be established subsequently.
 - *practical matter*, political momentum is the critical factor. On matters of global health, the international community has shown in the past that it can move both soundly and swiftly. For example, the WHO Constitution itself was negotiated in less than 6 months (Feb. – Jul. 1946).