Covid-19: WHO treaty on future pandemics is being watered down, warn health leaders

Luke Taylor

The World Health Organization’s new pandemic preparedness treaty is being watered down and stripped of the key stipulations needed to prevent another global health disaster, say leading international health experts and civil society groups.

WHO’s 194 member states agreed in December 2021 to draw up a new convention to ensure that the world would be prepared for future global health threats and to prevent the “catastrophic failure” seen during the covid pandemic.1

The “zero draft” of the accord, published in February, had excited observers because its scope went beyond the closest existing legally binding framework, the International Health Regulations. That draft stipulated strong obligations for information sharing and the importance of having a strong health workforce and universal healthcare, among other requirements.

The latest 42-page document, leaked during the World Health Assembly, has revealed that many passages that experts regard as key to improving global health have been weakened or made optional, meaning that they could be removed in the final draft.2

“The text contains promising elements, such as a strong emphasis on transparency, but it is also a significant step back from where we were just a few weeks ago when the last intergovernmental negotiations wrapped up,” said Suerie Moon, co-director of the Global Health Centre, a research centre focusing on global health governance.

Removal

The zero draft had excited civil society groups, as it reflected today’s increasingly progressive and broader concepts of global health. It said, “The parties recognize the need for resilient health systems, rooted in universal health coverage (UHC), to mitigate the shocks caused by pandemics and to ensure continuity of health services, thus preventing health systems from becoming overwhelmed.” However, references to equality in the latest draft have been diluted, universal health coverage is no longer a guiding principle, and all references to gender equality and community engagement have been removed.

Arush Lal, a civil society representative for WHO’s Access to Covid-19 Tools (ACT) Accelerator, described the changes as “a major oversight.”

The February draft had considered equality to be fundamental in tackling global health threats. It stated, “Effective pandemic prevention, preparedness, response and recovery cannot be achieved without political will and commitments in addressing the structural challenges in inequitable access to fair, equitable and timely access to affordable, safe and efficacious pandemic-related products and services, essential health services, information and social support, as well as tackling the inequities in terms of technology, health workforce, infrastructure and financing, among other aspects.” That passage has now been swapped for, “Equity shall be at the centre of pandemic prevention, preparedness, response and recovery.”

Roojin Habibi, a lawyer specialising in global health at York University in Ontario, said that the removal of three paragraphs on guaranteed human rights “is particularly concerning given the egregious violations of rights we’ve seen across the board and in every country around the world during the pandemic.”

Weaker language

As well as the removal of passages on core issues, the language on countries’ obligations to uphold the accord has been toned down. Experts say that if the wording is not strengthened the new treaty will lack teeth and countries will continue to shirk their commitments.

On the duty to share research and information on vaccine pricing, which could prevent the bidding wars that left poorer nations without jabs during the covid pandemic, the latest draft says that states must share information “in accordance with national laws and as appropriate taking into account the extent of public funding.”

Jesse Bump, executive director of the Takemi Program in International Health at the Harvard T H Chan School of Public Health in Massachusetts, said that those caveats meant that countries could draw up legislation to bypass their agreement and were highly open to interpretation. The latest document also features more “extremely weak terms” such as “as appropriate” and “encourage,” where stronger language such as “must” is needed, he said.

“The draft reveals that powerful nations are using the consultation and drafting processes to waste time, circumvent meaningful change, and evade accountability,” said Bump. “Nations are not serious, and it shows in this draft.”

Vaccine non-equity

Clare Wenham, professor of global health policy at the London School of Economics, UK, said that the weaker language on equity was a particular concern for vaccine equity. “The overarching issue with the whole covid response was a lack of vaccine equity, and if this isn’t going to be addressed by the pandemic treaty, why would any low or middle income country government ratify the [treaty] in due course?” she asked.
Francisco Viegas, medical innovation policy adviser at Doctors Without Borders, told *The BMJ* that despite “some very small positive elements that were not in the zero draft,” such as a new clause requiring countries to share genomic sequencing, “commitment remains weak, and the draft lacks sufficient obligations on issues that would [otherwise] be game changing.”

More WHO negotiations on the treaty are set to follow in June, and some passages that were removed in the latest draft could be reinstated in the final version of the accord, expected to be published in 2024. More likely, said Moon, the accord’s scope will be further narrowed and obligations for WHO member states dialled down.

“I am concerned to see this degree of backsliding with still a year to go before negotiations conclude,” she said. “Areas that seemed relatively non-controversial, such as putting access conditions on public funding of research and development of vaccines, drugs, and diagnostics, received a tremendous amount of support from a wide range of stakeholders [but] have disappeared from the draft.

“Governments can agree to strengthen the agreement, but this backsliding means it will be more difficult to climb back up what was already a steep hill.”

---


This article is made freely available for personal use in accordance with BMJ’s website terms and conditions for the duration of the covid-19 pandemic or until otherwise determined by BMJ. You may download and print the article for any lawful, non-commercial purpose (including text and data mining) provided that all copyright notices and trade marks are retained.