



**World Health
Organization**

**NINTH MEETING OF THE INTERGOVERNMENTAL
NEGOTIATING BODY TO DRAFT AND NEGOTIATE
A WHO CONVENTION, AGREEMENT OR OTHER
INTERNATIONAL INSTRUMENT ON PANDEMIC
PREVENTION, PREPAREDNESS AND RESPONSE
Provisional agenda item 2**

**A/INB/9/3
13 March 2024**

**Revised draft of the negotiating text
of the WHO Pandemic Agreement**

StopTheTreaty.org

The Parties to the WHO Pandemic Agreement,

Recognizing that the World Health Organization is fundamental to strengthening pandemic prevention, preparedness and response, as it is the directing and coordinating authority on international health work...

The Parties to the WHO Pandemic Agreement,

Recognizing Member States' sovereign rights over their genetic resources, and underscoring the importance of promoting the early, safe, transparent and rapid sharing of samples and genetic sequence data of pathogens with pandemic potential, as well as the fair and equitable sharing of benefits arising therefrom...

Have agreed as follows:

Article 10. Sustainable and Geographically Diversified Production

1. The Parties commit to achieving a more equitable geographical distribution and scaling up of the global production of pandemic-related products...

Article 10. Sustainable and Geographically Diversified Production

2. The Parties... shall:

(a) Take measures.. to ...provide support, maintain and strengthen production facilities... particularly in developing countries, and to facilitate scaling up of production of pandemic-related products during emergencies, including through promoting and/or incentivizing public and private investment aimed at creating or expanding economically viable manufacturing facilities of relevant health products;

Article 10. Sustainable and Geographically Diversified Production

2. The Parties... shall:

(b) facilitate the continuous and sustainable operations of the facilities referred to in subparagraph 2(a),

Article 10. Sustainable and Geographically Diversified Production

2. The Parties... shall:

(c) facilitate the transfer of relevant technology, know-how, and licenses... including during interpandemic times, to ensure the sustainability of the facilities...

Article 10. Sustainable and Geographically Diversified Production

2. The Parties... shall:

(d) take measures, and encourage international organizations, to establish long-term contracts and make investments, especially in developing countries' facilities... to ensure regular production of pandemic-related products produced by local and regional manufacturers;

Article 10. Sustainable and Geographically Diversified Production

2. The Parties... shall:

(e) facilitate and support authorization of pandemic-related products produced by the facilities...

Article 10. Sustainable and Geographically Diversified Production

2. The Parties... shall:

(f) support and/or facilitate... capacity-building and other initiatives for production facilities.

Article 10. Sustainable and Geographically Diversified Production

3. Each Party shall promote public and private sector investments aimed at creating or expanding manufacturing facilities for pandemic-related products, especially regional manufacturers based in developing countries.

Article 11. Transfer of Technology and Know-how

1. Each Party... shall...

(a) promote and otherwise facilitate or incentivize the transfer of technology and know-how for both pandemic-related and routine health products... in particular for the benefit of developing countries...

Article 11. Transfer of Technology and Know-how

2. The Parties shall develop and strengthen, as appropriate, mechanisms coordinated by WHO... to promote and facilitate the transfer of technology and know-how for pandemic-related products to geographically diverse research and development institutes and manufacturers, particularly in developing countries, through the pooling of knowledge, intellectual property, know-how and data to all developing countries.

Article 12. [Pathogen] Access and Benefit Sharing System (PABS System)

1. The Parties hereby establish a multilateral system for access and benefit sharing for pathogens with pandemic potential: the WHO Pathogen Access and Benefit-Sharing System (PABS System).

Article 12. [Pathogen] Access and Benefit Sharing System (PABS System)

2. The PABS System aims to ensure rapid, systematic and timely access to biological materials of pathogens with pandemic potential and the genetic sequence data (GSD) for such pathogens... and on an equal footing, equitable, fair and rapid sharing of monetary and non-monetary benefits...

Article 12. [Pathogen] Access and Benefit Sharing System (PABS System)

3. When a Party has access to a pathogen with pandemic potential, it shall...

(a) share with WHO any pathogen sequence information as soon as it is available to the Party;

Article 12. [Pathogen] Access and Benefit Sharing System (PABS System)

3. When a Party has access to a pathogen with pandemic potential, it shall...

(b) as soon as biological materials are available to the Party, provide the materials to one or more laboratories and/or bio-repositories participating in WHO-coordinated laboratory networks (CLNs)...

Article 12. [Pathogen] Access and Benefit Sharing System (PABS System)

6. WHO shall conclude legally binding standard PABS contracts with manufacturers to provide...

(a) annual monetary contributions to support the PABS System and relevant capacities in countries; the determination of the annual amount, use, and approach for monitoring and accountability, shall be finalized by the Parties;

Article 12. [Pathogen] Access and Benefit Sharing System (PABS System)

6. WHO shall conclude legally binding standard PABS contracts with manufacturers to provide...

(b) real-time contributions of relevant diagnostics, therapeutics or vaccines produced by the manufacturer, 10% free of charge and 10% at not-for-profit prices during public health emergencies of international concern or pandemics...

Article 12. [Pathogen] Access and Benefit Sharing System (PABS System)

6. WHO shall conclude legally binding standard PABS contracts with manufacturers to provide...

(c) voluntary non-monetary contributions...

Article 12. [Pathogen] Access and Benefit Sharing System (PABS System)

8. The Parties shall cooperate and take appropriate measures... to encourage and facilitate as many manufacturers as possible to enter into standard PABS contracts as early as possible.

Article 12. [Pathogen] Access and Benefit Sharing System (PABS System)

10. WHO shall use measures such as pre-qualification and the WHO Emergency Use Listing Procedure to promote the PABS System and encourage manufacturers to conclude standard PABS contracts.

Article 12. [Pathogen] Access and Benefit Sharing System (PABS System)

13. The Parties shall cooperate to support the effective operation of the PABS System, including by taking all necessary steps to facilitate the shipment of biological materials... during a Public Health Emergency of International Concern...

Article 13. Global Supply Chain and Logistics Network

1. The Global Supply Chain and Logistics Network (the Network) is hereby established. The Network shall be developed, coordinated and convened by WHO in partnership with the Parties and other relevant international and regional stakeholders...

Article 13. Global Supply Chain and Logistics Network

4. The functions of the Network shall include:

(a) identifying the types of pandemic-related products and estimating the quantities needed and anticipated demand for robust pandemic prevention, preparedness and response;

Article 13. Global Supply Chain and Logistics Network

4. The functions of the Network shall include:

(b) identifying the sources of safe, effective and quality assured pandemic-related products...

Article 13. Global Supply Chain and Logistics Network

4. The functions of the Network shall include:

(c) identifying, assessing, keeping under review and facilitating the most efficient means of procuring quality pandemic-related products, potentially including pooled procurement and/or advance purchase agreements...

Article 13. Global Supply Chain and Logistics Network

4. The functions of the Network shall include:

(f) collaborating with relevant national authorities and organizations/institutions... to establish, strengthen and maintain national, regional and/or international stockpiles of various pandemic-related products...

Article 13. Global Supply Chain and Logistics Network

5. The WHO, as the convenor of the Network, shall report regularly to the Conference of the Parties on all matters relevant to the implementation of this Article.

Article 20. Sustainable Financing

1. Each Party... shall:

(a) prioritize and maintain or increase, as necessary, domestic funding for pandemic prevention, preparedness and response...

Article 20. Sustainable Financing

1. Each Party... shall:

(b) mobilize financial resources through all sources... to assist, in particular developing country Parties, in the implementation of the WHO Pandemic Agreement, including through grants and concessional loans;

Article 20. Sustainable Financing

2. The governing bodies of the Cooperating Parties shall adopt, every five years, a Financial and Implementation Strategy on pandemic prevention, preparedness and response. The Parties, particularly those providing financial support for the strengthening of pandemic prevention, preparedness and response, shall align with the Financial and Implementation Strategy...

Article 20. Sustainable Financing

3. A Coordinating Financial Mechanism (the “Mechanism”) is hereby established to support the implementation of both the WHO Pandemic Agreement and the International Health Regulations (2005)...

Article 20. Sustainable Financing

4. The Mechanism shall include a pooled fund to provide financing to support, strengthen and expand capacities for pandemic prevention, preparedness and response, and as necessary for day zero surge response, in Cooperating Parties that require financial support.

Article 20. Sustainable Financing

7. The Conference of the Parties shall adopt modalities for the operationalization of the Mechanism, including eligibility criteria and the establishment of a governing board of the Mechanism... within 12 months after the entry into force of the Pandemic Agreement.

Article 21. Conference of the Parties

1. A Conference of the Parties is hereby established.

Article 21. Conference of the Parties

2. The Conference of the Parties shall...

(c) promote and facilitate the mobilization of financial resources for the implementation of the WHO Pandemic Agreement, in accordance with Article 20;

Article 21. Conference of the Parties

7. The Conference of the Parties shall by consensus adopt financial rules for itself as well as governing the funding of any subsidiary bodies it may establish as well as financial provisions governing the functioning of the Secretariat. At each ordinary session, it shall adopt a budget for the financial period until the next ordinary session.

Article 21. Conference of the Parties

8. The Conference of the Parties may establish subsidiary bodies, as it deems necessary, and on terms and modalities to be defined by the Conference of the Parties.



"Fascism should
rightly be called
Corporatism as it is
a merge of state and
corporate power."
~ Benito Mussolini

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