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# Country report

Multilateral Dialogue Geneva



## Geneva Telegram on the 10<sup>th</sup> meeting of the intergovernmental negotiating body on the pandemic agreement

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The "Geneva Telegram" deals with events in Geneva's multilateral organizations on a current topic, this time the 10th meeting of the Intergovernmental Negotiating Body on the Pandemic Agreement (INB10), which met in Geneva on 16 and 17 July 2024.

After the international community failed to agree on a binding pandemic agreement by the 77th World Health Assembly (WHA) from May 26 to June 1, 2024, a decision was made to continue the negotiation process beyond the May 2024 deadline. On July 16 and 17, 2024, the intergovernmental negotiating body, comprising all member states, reconvened. This two-day meeting had been planned as a purely organizational session back in May, so the focus was on further work planning to conclude the negotiations.

At the start of the meeting, WHO Director-General Dr Tedros Adhanom Ghebreyesus expressed his expectation that a consensus on the remaining 20% of the text<sup>1</sup> could be reached within a short period of time. The spread of H5N1 avian influenza in dairy cows in the United States serves as a reminder that countries urgently need better international rules to mitigate the threat of pandemics.

### New momentum in the INB chairmanship

It is hoped that the new composition of the INB Bureau will also change the dynamics of the negotiations. Ambassador Anne-Claire Amprou succeeds Roland Driec from the Netherlands as co-chair of the intergovernmental negotiating body.<sup>2</sup>

Amprou has been the French negotiator in this body since April 2022 and French Ambassador for Global Health since November 2022. She was a member of the Ebola Task Force and then Deputy Director-General for Health at the French Ministry of Solidarity and Health. In 2021/2022, she coordinated the French response to the Covid-19 crisis. The WHO Western Pacific Region appointed Fleur Davies, Assistant Secretary for the Multilateral Health Branch at the Australian Ministry of Foreign Affairs and Trade, to succeed Ambassador Honsei Kozo (Japan) as Vice-Chair of the INB. Precious Matsoso (South Africa) as Co-Chair, Ambassador Tovar da Silva Nunes (Brazil), Ambassador Amr Ramadan (Egypt) and Dr. Viroj Tangcharoensathien (Thailand) as Vice-Chairs will remain in their posts. With the two new appointments, gender balance has now been achieved.

### Comprehensive negotiating agenda for the fall

Some member states, such as Eswatini, Ethiopia, South Africa and Indonesia, emphasized the importance of concluding the pandemic agreement this year and aligning the work plan accordingly. Other member states reacted skeptically. US Ambassador Pamela Hamamoto warned against haste in view of the complexity of the outstanding issues: the most important thing is that the result can be implemented afterwards.

<sup>1</sup> In the run-up to the 77th WHA, it was possible to agree on around 80% (143) of the 177 paragraphs of

the pandemic agreement. [Health Policy Watch](#) reported.

<sup>2</sup> Initially ad interim until Paris confirms this solution.

Already, an interactive dialog with experts and informal discussions has been scheduled for the first week of September, on 3 and 4 September. The focus will be on Articles 12 (Pathogen Access and Benefit Sharing (PABS)), 4 and 5 (Prevention and One Health), complementarity and coherence with the amended IHR as well as options for the legal structure of the agreement and any resulting instruments. The member states may nominate resource persons (experts) for this purpose. In order to be well prepared for the INB meeting in terms of content, the Bureau will submit a detailed program for the upcoming meetings to the member states as soon as possible.

The plan also envisages that INB11 will take place from September 9 to 20, 2024 and INB12 from November 4 to 15, 2024. For the period between these two meetings, informal intersessionals are planned for the week of September 30, 2024 and the week of October 21, 2024. The various conferences of the WHO regions leave no room for an official meeting of all members of the INB.

With regard to a possible special session of the WHA (SSA), Steven Solomon, legal officer at WHO, explained that, regardless of organizational requirements, from a legal point of view, a decision must be made by 11 November 2024 at the latest as to whether a SSA should be convened in the week of 16 December 2024 so that the Executive Board to be held at that time can convene the SSA in due time (30 days).

In order to keep all options open, the INB also decided to block negotiation weeks in December 2024 and February and April 2025 until the 78th World Health Assembly.

### Content-related impulses and points of view

In this session, several important topics and positions of the member states were discussed: First, Eswatini emphasized that the African region definitely wanted to see PABS included in the main agreement and not as a "separate instrument", as had been discussed in the run-up to the meeting marathon in May 2024.

Furthermore, the US ambassador pointed out the critical importance of technical expertise, science,

the Quadripartite (the four UN organizations dealing with One Health) and industry to achieve an implementable agreement.

Another important point came from the European lead negotiator Americo Zampetti, who asked the Secretariat for two written elaborations: one on the overlaps between the pandemic agreement and the Amendments of the International Health Regulations (IHR) adopted in May to clean up the text under discussion, and the other on options for the legal structure of the pandemic agreement and possible instruments, such as those discussed in April for PABS and One Health. These requests received broad support from a large number of member states.

Finally, there was an innovation regarding non-state actors (NSAs), which were included for the first time during the entire INB meeting. However, due to objections from some member states (Russia, China and Nigeria), the fact that this could also be handled for the follow-up, as originally envisaged in the ambitious proposal, was changed so that stakeholders are now granted a time slot of around 30 minutes at the beginning of each meeting day to be kept up to date and to contribute comments. Most negotiations therefore remain inaccessible. The NSAs responded with disappointment.<sup>3</sup>

### Commentary

As expected, the discussions at this meeting focused primarily on the process and working methods of the INB and on the changes to the chairmanship of the meeting. At first glance, the negotiating modalities appear to be continuing as before, although they have not yet resulted in an agreement on the complex issues under discussion. It is now up to the member states to use the interim periods to explore the scope for negotiation and find compromises. The options for a legal framework and the expected presentation of the Secretariat are of considerable importance here. The definition of a restricted number of, but essential elements of a PABS and a suitable, binding legal framework for the following instrument could possibly meet the expectations of the African group.

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<sup>3</sup> For example Nina Schwalbe, Spark Street Advisors, on [Twitter](#) and the World Medical Association on [LinkedIn](#).

The involvement of non-state actors was limited to the maximum. If they cannot participate in the meeting and only receive a summary of the previous day's negotiations, there is no room for a real exchange. This misses an opportunity to counter disinformation with more transparency and pave the way for ratification and acceptance of the new instrument. It also underestimates the role of civil society in the implementation of the agreement. The structuring of the further process along the still open paragraphs obscures the view of what may have been put aside in the push before the 77th WHA for reasons of time. Governance issues in particular still appear to be underdeveloped and deserve special attention again in any case.

Despite critical voices that expected the political wind to have been taken out of the sails of the pandemic agreement negotiations following the conclusion of the amendments to the International Health Regulations, the INB seems to have gained new momentum in the six weeks since the World Health Assembly, also thanks to the new appointments to the chairmanship, which must now be put to good use.

Overall, the 10th session of the INB leaves a positive impression and shows that progress is still possible despite existing challenges and critical voices. The next phase of negotiations will be crucial in order to achieve concrete results and successfully conclude the pandemic agreement.

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