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and

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Dear Sean and Fleur,

RE: Update on the Pandemic Agreement and IHR amendments

Thank you for the opportunity to provide comments on the latest version of these draft documents, which we understand are likely to be revised in further negotiations later this week.

Pandemic Prevention and Surveillance

We are pleased to see that routine immunization has been adopted as one of the public health strategies that Parties to the Agreement must implement under Article 4 paragraph 2(d). We would encourage the Australian Government to support retaining this requirement.

Health and Care Workforce

We note that the obligation on Parties to the Agreement to address harassment, violence and threats against health and care workers have been removed by deleting Article 7 paragraph 1(a). Likewise, we note the obligation to address disparities, inequalities, discrimination, stigma, and bias, including those related to gender and youth, have been removed by deleting Article 7 paragraph 1(b). We would argue that these provisions are essential for protecting the health work force and would encourage the Australian Government to support restoring these requirements in the final draft.

We also note that the obligation to provide financial and technical support to other Parties in need, including those countries which are particularly vulnerable, has been removed by deleting Article 7 paragraph 2. We would argue that given Australia's important position in the Asia-Pacific region, the Australian Government should support restoring this requirement in the final draft.

Finally, we note that Article 7 paragraph 5, which requires Parties to strengthen education through institutions and centres of excellence, has been removed. Given a well-trained and supported health workforce is an essential part of any pandemic response, we would encourage the Australian Government to support retaining this provision.



We also support the inclusion of Article 7 paragraph 4, which requires Parties to offer protections for essential workers responsible for critical supply chain functions. We would encourage the Australian Government to ensure that this obligation is retained in the final agreement.

Research and Development

We note that Article 9 paragraphs 2(d), (f), (g), (h) and (i) have all been removed from the latest draft of the Agreement. Article 9 paragraph 2(d) required Parties to support equitable access to knowledge and information. Article 9 paragraph 2(f) required Parties to support international collaboration and coordination to develop pandemic related health products. Article 9 paragraph 2(g) required Parties to support access to relevant scientific programmes, projects, partnerships, and publications, particularly by researchers from developing countries. Article 9 paragraph (h) required Parties to share information on national research agendas, capacity building activities and research and development. Finally, Article 9 paragraph (i) required Parties to commit to research onto the causes of pandemics. Separately, we note that Article 9 paragraph 5, which requires the transparent and public sharing of research inputs and outputs, has been removed. We note that many of the research successes during the COVID-19 pandemic were driven by agile collaborative research between international partners. We therefore encourage the Australian Government to restore some or all these provisions.

We note that Article 9 paragraph 2(a) has been shortened to remove the requirement for research and development into pandemic related products. The requirement to support research institutions and networks that can rapidly adapt and respond to research and development needs in the event of a pandemic has also been removed. Because of Australia's important position in the Asia-Pacific region as one of the few countries with manufacturing capacity for vaccines, we would encourage the Australian Government to advocate for restoring this provision.

Sustainable and geographically diversified production

We note that under Article 10 paragraph 2(a), the requirement to promote or incentivise public and private investment aimed at creating or expanding economically viable manufacturing facilities of relevant health products has been removed. We observe that during the COVID-19 pandemic, a lack of access to pandemic response products such as vaccines and rapid antigen tests was a problem for both Australia and other jurisdictions. We would therefore encourage the Australian Government to advocate for retaining this paragraph.

We also note that Articles 10 paragraphs 2(d) and 3 have been merged. The requirement to establish long term contracts and make investments for facilities with a regional scope of operation to ensure regular production of pandemic related products has been removed. We note that as one of the few countries with vaccine manufacturing capacity in the Asia-Pacific, Australia played an important role during the COVID-19 pandemic in distributing vaccines in the region. Therefore, we would encourage the Australian Government to support restoring these requirements to Article 10 paragraph 2(d).



Technology Transfer

We note that Article 11 paragraph 1(a) has been modified to remove the requirement to facilitate technology transfer for routine health products. Given the importance of routine health products in the COVID-19 pandemic response, we would encourage the Australian Government to support restoring Article 11 paragraph 1(a).

We also note that Article 11 paragraph 1(b) has been modified to remove the requirement for Parties to publish technology transfer agreements. Given the presence of existing transparency requirements in Article 9 Paragraph 4, we would encourage the Australian Government to support restoring the requirement to publish technology transfer agreements.

We further note that Article 11 paragraph (c), which required parties to make available non-exclusive licences for government owned pandemic related products, has been replaced. We would encourage the Australian Government to support restoring this requirement.

Finally, we note that specific technology transfer and intellectual property requirements have been removed. Specifically, Article 11 paragraph 5 has been modified to remove references to pooling knowledge, intellectual property, and know-how. Further, Article 11 paragraph 3, which was previously Article 11 paragraph 3(b), is incomplete and does not refer to any Parties. It has also been amended to remove references to time-bound waivers. For the sake of completeness and integrity, we would encourage the Australian Government to support amending these paragraphs and strengthening the technology transfer requirements they impose.

One Health and Pathogen Access and Benefit Sharing System

We note that in the current draft Agreement, provisions related to these systems would be negotiated in future instruments. In negotiations over these instruments, we encourage the Australian Government to ensure that it supports equitable access, human rights, and fairness.

Conclusion

We thank you again for the opportunity to provide comments on the latest draft of the Pandemic Agreement. Please do not hesitate to contact us should you require additional information or have any queries in relation to this submission.

Yours Sincerely,

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