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PABS Annex to the WHO Pandemic Agreement: Resumed Fourth Meeting of the Intergovernmental Working Group in January 2026

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Following the formal suspension of the fourth round of negotiations in December 2025, WHO Member States resumed deliberations on the PABS[1] Annex under heightened time constraints from 20 to 22 January 2026. The Annex is intended to establish a safe, transparent and accountable system for the sharing of pathogens with pandemic potential and their genetic sequence information, alongside the fair and equitable sharing of benefits arising from their use. The objective remains to consolidate the PABS Annex to enable the WHO Pandemic Agreement, adopted by the Seventy-eighth World Health Assembly in May 2025, to be opened for signature once the Annex is completed. Subject to finalization, the PABS Annex text will be submitted to the Seventy-ninth World Health Assembly (WHA79) in May 2026 for consideration.

Negotiations under time pressure

With only twelve formal negotiating days remaining, the timeframe for the further development of the PABS instrument has narrowed. This increases pressure on delegations to distinguish between issues that may realistically be resolved within the remaining negotiating window and those that may require deferral. While the resumed fourth IGWG meeting did not deliver major breakthroughs on the core points of disagreement, it did allow for relevant progress on aspects related to the operationalisation of the PABS system. These developments are unfolding against the backdrop of the United States' formal withdrawal from the World Health Organization (WHO) and the emergence of parallel bilateral arrangements with individual states, initiated by the US. Such initiatives link assistance and cooperation commitments to access to pathogen samples, thereby creating alternative incentive structures outside the multilateral framework. Although these dynamics were not addressed explicitly in plenary, they nevertheless shape the broader political environment in which negotiations are taking place. Under these conditions, a multilateral PABS system is unlikely to derive its effectiveness from exclusivity of access. Rather, its credibility will depend on the extent to which it offers legal clarity, institutional predictability and a credible, workable system of benefit-sharing. Several delegations accordingly underlined that PABS will command sustained political support only if it is designed as a functional, reliable and trusted multilateral mechanism. With view to the limited remaining number of negotiating days leading up to WHA79, the process has thus entered a decisive phase.

Interim Assessment of the January Session

The January session continued the targeted, text-based approach initiated in December. On the second day of the meeting, the IGWG Bureau presented a revised draft text on the implementation modalities of the PABS system. While delegations broadly acknowledged that parts of the revised text were

[1] PABS stands for Pathogen Access and Benefit-Sharing. Access and Benefit-Sharing (ABS) refers to the principle that access to genetic resources and associated data is granted only under pre-agreed conditions, and that the benefits arising from their use are shared in a fair and equitable manner with the providers.

more structured and accessible than earlier iterations, key ambiguities remained unresolved. Interventions from multiple regions reflected concerns as to whether the draft, in its current form, can deliver the level of legal certainty required for effective and predictable implementation. Several delegations stressed that unresolved questions, notably regarding the onward transfer of PABS materials and sequence information, as well as the treatment of intellectual property-related considerations, would have direct implications for incentive structures shaping the behaviour of states, research institutions and industry. As the revised Bureau text had not been circulated in advance, delegations were left with only limited scope for more in-depth substantive assessment.

Discussions on scope, objectives and core definitions centred on clarifying what constitutes the operational core of the PABS system. In particular, delegations sought greater precision regarding which pathogens and types of information fall within the system, which actors may access them and under what conditions, and at what stage concrete benefit-sharing obligations are triggered. In this context, a cautious convergence emerged around the definition of a "pathogen with pandemic potential". The definition is now more closely linked to both the potential for sustained human-to-human transmission and the capacity to trigger a pandemic emergency. Corresponding provisions in the text were, for the first time, marked as provisionally agreed. Such clarification is central not only for the continuation of text-based negotiations but also for future implementation. At the same time, representatives of the Africa Group and the Group for Equity emphasised that agreement on scope should not be interpreted as predetermining the scale, timing or modalities of benefit-sharing obligations.

Beyond this convergence, progress on other key definitions remained constrained. Divergent positions continued, in particular with regard to the delineation of "PABS materials and sequence information". Several low- and middle-income countries reiterated calls for the inclusion of modified pathogens. Modified pathogens are altered forms of naturally occurring pathogens used in research as well as in the development and manufacture of vaccines. In the PABS context, their inclusion determines whether benefit-sharing obligations attach only to access to the original specimen or also extend to the subsequent use and further development of these pathogens across the full research and commercialization value chain. This, in turn, raises the question of the extent to which patent and licensing rights may be claimed on the basis of modified pathogens, including in vaccine development, and the legal implications that may follow. The European Union, supported by like-minded states, opposed this expansion, pointing to potential implications for intellectual property rights. Including modified pathogens would not only create additional legal uncertainty but could also dampen the willingness of research institutions and manufacturers to cooperate.

In the area of governance, discussions focused on the role of the WHO Secretariat in promoting equitable access to pandemic-related health products, as well as on its coordinating function with respect to existing and future laboratory networks. While these roles were broadly accepted, delegations were unable to agree on a more precise allocation of responsibilities. Concrete operational arrangements, for example regarding decision-making authority or interfaces with national systems, remained unresolved.

The fourth IGWG meeting in January 2026 cannot be hailed as a milestone, but it did serve to consolidate the negotiating agenda. Several delegations signalled a preference for a substantively sound outcome over a rapid but diluted termination. Looking ahead to the fifth negotiating round scheduled for 9–14 February, the central challenge will be whether the Annex can be sufficiently refined to clarify those elements that are indispensable for legal certainty, implementability and eventual ratification. An outcome resting on a minimum political consensus while deferring core operational ambiguities to the implementation phase would risk weakening the PABS system from the outset and reinforcing incentives for states and other actors to pursue bilateral or parallel arrangements.

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