

Note for the record

Meetings of the Bureau of the Intergovernmental Negotiating Body to draft and negotiate a WHO convention, agreement or other international instrument on pandemic prevention, preparedness and response (INB) 18, 20, 27, 28 October and 1 November 2022

Participants

Bureau members

African Region – Ms Precious Matsoso (South Africa)
Region of the Americas – Ambassador Tovar da Silva Nunes (Brazil)
South-East Asia Region – Dr Viroj Tangcharoensathien (Thailand)
European Region – Mr Roland Driece (Netherlands)
Eastern Mediterranean Region – Mr Ahmed Salama Soliman (Egypt)
Western Pacific Region – Mr Kazuho Taguchi (Japan)

Secretariat

Dr Jaouad Mahjour, Assistant Director General, Emergency Preparedness
Dr Timothy Armstrong, Director, Governing Bodies
Mr Steven Solomon, Principal Legal Officer
Ms Anne Huvos, Unit Head, Pandemic Influenza Preparedness
Dr Olla Shideed, Executive Officer, Emergency Preparedness
Mr Kenneth Piercy, Senior Legal Officer
Mrs Paidamoyo Takaenzana, External Relations Officer, Governance Unit
Mrs Mouna Mcharek, External Relations Officer, Governance Unit

SUMMARY OF DISCUSSIONS

The meetings held on 18, 20, 27, 28 October and 1 November 2022 were focused on the development of the conceptual zero draft to be considered at the third meeting of the INB (INB3), as per the mandate emanating from the second meeting of the INB (INB2).

1. Methodology for the development of the conceptual zero draft

- The Secretariat provided a detailed presentation on the proposed process, approach, methodology and sources for the consideration of the Bureau in its development of the conceptual zero draft. The Bureau discussed and agreed on the process and methodology and expressed its appreciation to the Secretariat for providing an initial draft. It was recognized that the basis of the conceptual zero draft included a careful reflection of inputs received on the working draft during INB2, written submissions from Member States and relevant stakeholders, and outcomes of the regional consultations, the informal, focused consultations and the public hearings.
- The Bureau provided its guidance and written comments to the Secretariat to consolidate the initial text into a draft conceptual zero draft, including the reduction of overlaps and redundancy, and improving coherence, reordering, grouping and providing additional topics as requested by INB members. In addition, and to ensure transparency, the Bureau requested the Secretariat to provide references and attribute the various inputs and sources, including when referencing strategies, global plans of action and other international instruments.

- Furthermore, the Bureau emphasized that the structure of the conceptual zero draft should be flexible to allow the inclusion of precise, practical and operative provisions after INB3 and to ensure that the conceptual zero draft would serve as a bridge between the working draft and the zero draft.

2. Development of the provisions of the conceptual zero draft

- The Bureau conducted detailed reviews of and discussions on each chapter and article of the conceptual zero draft, with the support of presentations, explanations and background information provided by the Secretariat.

3. Technical considerations

- The Bureau decided to include provisions on recovery as expressed by Member States in INB meetings, with the understanding that this relates to the recovery of health systems from a pandemic.
- Taking into consideration the ongoing work of the Working Group on Amendments to the International Health Regulations (2005) (IHR (2005)) and in line with the mandate from decision WHA75(9) (2022), the Bureau agreed to defer discussions on the measures related to the scope of the IHR (2005), such as travel and trade.
- With regard to the One Health approach, the Bureau recalled the technical discussions during the informal, focused consultations in relation to this matter and the wider scope of this topic, including the possible antimicrobial resistance considerations among other triggers of the pandemic. Based on further background work with the Secretariat, the Bureau decided to reflect a balanced approach in the relevant articles of the document, taking into consideration the focus of the future instrument, the complexity of the topic and the divergence of views amongst Member States.
- The Bureau discussed ways to reflect the linkages between intellectual property matters and research and development in the context of their contribution to better access to pandemic response products and technologies, including the use of relevant provisions of the Global strategy and plan of action on public health, innovation and intellectual property that had been agreed upon by Member States.
- In addition, the Bureau recognized that interest in equity was expressed by the majority of INB members and that it would be addressed not only as a principle but would expand beyond and throughout the document as a principle, indicator and outcome of pandemic prevention, preparedness and response.

4. Institutional and legal considerations

- In further refining the structure of the conceptual zero draft, the Bureau decided to defer discussions related to the preambular section and the inclusion of definitions until further guidance could be provided by Member States during INB3.
- Based on detailed legal background presentations provided by the Secretariat, the Bureau considered various possibilities on the institutional governance arrangements for the WHO CA+, taking into account other international instruments, such as the WHO Framework Convention on Tobacco Control, the Paris Agreement and the United Nations Framework Convention on Climate Change. The Bureau was also amenable to considering an innovative approach that could be brought about through a new pandemic instrument.

- In line with the flexibility provided for in the draft document, the Bureau also considered the possibility of addition of protocols in the instrument, without prejudice to Member States' considerations and decisions on the matter.

5. Way forward and preparations for INB3

- Based on the report of INB2, the Bureau would work to share the conceptual zero draft with Member States by mid-November 2022 in all WHO six official languages. This would allow sufficient time for Member States and relevant stakeholders to review the document in advance of INB3. In addition, the Bureau requested the Secretariat to schedule a briefing session ahead of INB3 for the Bureau to introduce the conceptual zero draft and provide a rationale and methodology for its development. The Bureau would also make a presentation on the expected outcomes of INB3.
- The Bureau recognized that the conceptual zero draft is a living document to be discussed and considered at INB3 ahead of moving to the zero draft.
- The Bureau also considered and provided guidance on the other documents to be presented at INB3, including on the updates to the timeline and deliverables. In this regard and taking into consideration the challenges faced by small delegations, the Bureau agreed to propose a process that would preserve inclusivity and avoid parallel meetings or sessions, including through ensuring that only one drafting group would be established and meetings would be held sequentially. The Bureau would also consider the requests submitted by Member States for Annex E of the modalities of engagement for relevant stakeholders (see document A/INB/2/4).

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