

## **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) 31 August, 1 September and 4–6 September 2023**

#### **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 (Kingdom of the Netherlands)  
Eastern Mediterranean Region – Mr Ahmed Salama Soliman (Egypt)  
Western Pacific Region – Ambassador Kozo Honsei (Japan)

##### **Secretariat**

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

#### **SUMMARY OF DISCUSSIONS**

- The Bureau held a series of meetings before the meeting of the INB drafting group on 31 August and 1 September 2023 as well as on the sidelines of the meeting of the drafting group from 4 to 6 September 2023, including with the co-facilitators of the informal meetings of the drafting group.
- The Bureau considered the way forward, taking into account the deadline established by the Second special session of the World Health Assembly in 2021 and the need to present its outcome to the Seventy-seventh World Health Assembly in 2024, in line with the mandate of the Bureau to facilitate the work of the INB and provide suggestions on the way forward. The Bureau agreed that it was very important to work towards the deadline established by the Second special session of the World Health Assembly. Bureau members also took note of the importance of leveraging the upcoming United Nations General Assembly high-level meetings for political commitment to that end.
- The Bureau discussed the form of the instrument to be proposed, noting that Article 19 of the Constitution of the World Health Organization refers to “conventions or agreements”. The Bureau recalled that the INB had decided, following the mandate of the World Health Assembly, that the WHO convention, agreement or other international instrument on pandemic prevention, preparedness and response (WHO CA+) should be legally binding, and that Article 19 of the WHO Constitution was the comprehensive provision under which the instrument should be adopted, without prejudice to also considering, as work progressed, the suitability of Article 21. The Bureau considered options for structuring the WHO CA+, including in respect of timing and governance considerations. The Bureau agreed that further discussions would be needed to ensure coherence in respect of the work of the INB and the Working Group on Amendments to the International Health Regulations (2005).

- It was noted that concrete obligations could be included with opportunities for further improvement on issues of importance for various Member States. The outcomes from the informal meetings of the drafting group as well as discussions among the regional committees would also be taken into account in drawing up any new text. The possibility of an omnibus resolution for the consideration of the Seventy-seventh World Health Assembly was discussed, including to adopt a potential pandemic agreement plus, as well as the proposed amendments to the International Health Regulations (2005).
- In view of those considerations, the Bureau decided to propose that it prepare a negotiating text for the consideration of the INB at its seventh meeting in November 2023.
- The Bureau also met with the co-facilitators of the informal discussions on various articles of the WHO CA+ before and during the drafting group to prepare for the meeting as well as discuss the progress made and any additional work. The outcome of those discussions was the following, which the Bureau agreed to present to the drafting group for its consideration:
  - for Article 9, it was agreed that it was not necessarily fruitful to conduct additional informal consultations. It was also agreed that the co-facilitators would prepare a table outlining areas of convergence and divergence and provide proposals to the Bureau;
  - for Article 13, it was agreed that the co-facilitators would prepare a synthesized text, reflecting all Member State and Bureau proposals, with a revised structure, and share it with the Bureau. The co-facilitators would also identify possible areas of convergence and divergence. The Bureau advised the co-facilitators to capitalize on the upcoming consultation by the Secretariat on the interim mechanism for medical countermeasures to highlight any relevant issues and get clarity;
  - for Article 12, it was agreed that additional sessions would be needed to further discussions. Following those, the co-facilitators could propose areas of divergence and convergence for the Bureau to consider;
  - for Articles 4 and 5, it was agreed that two additional sessions would be required to focus more on the text, reduce duplication and streamline the text, and to consider areas of divergence and convergence; and
  - for Article 11, the co-facilitators highlighted the close relationship of the discussions with Articles 13 and 14 and agreed there was value in additional informal meetings and that the co-facilitators would be able to follow the same approach in proposing text for the Bureau to consider.
- The Bureau expressed its appreciation to the co-facilitators for their work and looked forward to receiving any submissions to support the development of a potential negotiating text. In that regard, it was proposed that any further informal meetings of the drafting group be held before 22 September 2023, recognizing that the Secretariat would continue to make space available for Member States to continue informal discussions as needed. The Secretariat was requested to develop a schedule for informal meetings on Articles 4 and 5, 11 as well as 12. It was agreed that a resumed session of the INB would be held on 22 September 2023 to take stock of progress achieved from the informal meetings. The Bureau agreed to present the above modalities and arrangements to the drafting group for its consideration.

- The Secretariat was requested to develop information papers on the following topics for the consideration of the Bureau:
  - common but differentiated responsibilities, and related concepts;
  - legal aspects regarding the nature of the instrument;
  - a table mapping the different processes on pandemic prevention, preparedness and response; and
  - a table mapping the financing landscape for pandemic prevention, preparedness and response.

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