

Newsletter of the INB Bureau (#2/2023)

26 February 2023

About us: The Bureau of the Intergovernmental Negotiating Body (INB)



From left to right: Mr. Roland Driece (the Netherlands), Co-Chair; Dr. Precious Matsoso (South Africa), Co-Chair; Ambassador Tovar da Silva Nunes (Brazil), Vice-Chair; Mr Ahmed Salama Soliman (Egypt), Vice-Chair, Mr Kazuho Taguchi (Japan), Vice-Chair; Dr Viroj Tangcharoensathien (Thailand), Vice-Chair; Third meeting of the INB, November 2022.

Foreword

We are pleased to share updates on the progress made by the Intergovernmental Negotiating Body (INB) to deliver a pandemic accord by mid-2024 since our first newsletter in early December 2022. We have been together as part of this journey for over a year. The importance of our work increases every day as we enter the second and crucial year of our journey, and as we engage in concrete negotiations on a draft text. The work ahead of us is enormous and we have the vision and the plan to advance together as part of the INB towards our common objective. Many of us feel that their lives have returned to normality and some may be tempted to simply move on. Let us always remember why the 194 Member States forming the World Health Assembly in December 2021 set up the INB and why we must succeed together.

The INB Bureau Members about the importance of this work:



Dr. Precious Matsoso: “This arduous and intricate but necessary journey that all countries and stakeholders will travel, requires us to pull together if we are to succeed in producing a Pandemic accord that will make the world fair and safe.”



Mr. Roland Driece: “In the face of a pandemic, international cooperation on prevention, preparedness and response is not a choice, but a necessity.”



Ambassador Tovar da Silva Nunes: “We owe to present and future generations equitable and timely access to medical countermeasures when fighting the next pandemics, ensuring that the most vulnerable people, especially the underprivileged and indigenous peoples, are saved.”

Mr Ahmed Salama Soliman: “Good intentions are not enough to reach tangible results in the fight against epidemics, they must be accompanied by real commitment and serious actions to protect all people, wherever they are, in an equitable manner.”



Dr Viroj Tangcharoensathien: “Thousands of doctors and nurses died because of the lack of adequate protection during the COVID-19 pandemic. We need them to maintain essential health services. If we fail to protect our health workers, how will they be there to save us next time?”

Mr Kazuho Taguchi: “To address this global challenge, we need to bring together the wisdom of all countries and stakeholders and work together to create a workable framework for cooperation.”



How the Intergovernmental Negotiating Body works –What is our methodology?

Our methodology is based on the WHA Special Session Decision [SSA2\(5\)](#):

“As part of its working methods, the INB shall determine an inclusive Member State led process, to be facilitated by the co-chairs and vice-chairs, to first identify the substantive elements of the instrument and to then begin the development of a working draft to be presented, on the basis of progress

achieved, for the consideration of the INB at its second meeting, to be held no later than 1 August 2022 (...).”

To rise to the challenge of meeting WHO Member States’ expectations and design an appropriate process, we drew from WHO’s practices, input from Member States, and our personal experiences, including previous negotiations.

First, we opened up the process to relevant stakeholders and to those impacted by the pandemics: engaging relevant stakeholders, requesting the Secretariat to disseminate information to over 1800 individuals representing hundreds of institutions, collecting tens of thousands of inputs through public hearings held by the WHO Secretariat and intersessional events (including Informal Focused Consultations, WHO Regional Committees consultations and stakeholder briefings), and livestreaming INB meetings and Member State briefings on the WHO website. Indeed, whilst negotiating and adopting a pandemic instrument remains the prerogative of Member States, we are committed to designing an inclusive and transparent process for the INB.

Second, we were committed to working together: at the beginning of our journey, a year ago, we designed an adaptive process to build trust, sharing proposed work modalities ahead of meetings and running the meetings based on feedback received. Starting from a blank sheet of paper, we co-created a [Working Draft](#) thanks to the written inputs from WHO Member States and relevant stakeholders on [substantive elements](#), and with the support of the WHO Secretariat. At each step, we asked for further input from WHO Member States and relevant stakeholders to achieve a [Conceptual Zero Draft](#), and most recently the [Zero Draft](#). We committed to delivering key documents well in advance of meetings, and we are delivering on these commitments (e.g. the Zero Draft was disseminated in English more than three weeks before the INB4 meeting).

We consider that this has been a crucial phase of our work. With the development of a Zero Draft, we are getting ready to enter a new phase of our work.

We are committed to an iterative process characterized by the principle that “nothing is agreed until everything is agreed” and to work in the spirit of forging consensus in the INB, seeking to find common ground and achieve a balance within and between areas of disagreements.

Status of the Intergovernmental Negotiating Body process:



Where do we stand and what do we need to accomplish together?

At the [third meeting of the Intergovernmental Negotiating Body \(INB3\)](#), in December 2022, the INB discussed a Conceptual Zero Draft (CZD). What does it mean? The CZD presented a proposed structure of the elements for the future instrument. The CZD was presented as a “bridge” between the initial working draft presented at the second meeting of the INB and the “Zero Draft” of a WHO convention, agreement or other international instrument on pandemic prevention, preparedness and response. The CZD was not a formal draft and therefore

it was not presented for “negotiation”, “agreement” or otherwise to be “approved” by WHO’s Member States.

The INB expressed their overall support for this approach and shared additional input with the Bureau in order to allow us to prepare a Zero Draft (ZD) based on the CZD. Member States agreed that the ZD would be presented for consideration at the [fourth meeting of the INB \(INB4\)](#) in February 2023, with legal provisions, and as a proposed basis for commencing negotiations at INB4.

The ZD is available in all of the WHO official languages (Arabic, Chinese, English, French, Russian and Spanish) on the [INB website](#).

The ZD includes a preamble, vision, and then eight chapters, with 38 articles in total across those chapters. Chapter titles include a focus on equity, strengthening and sustaining capacities, and coordination, collaboration, and cooperation for pandemic prevention, preparedness, response and health system recovery, as well as financing and institutional arrangements.

What is the difference between the ZD and the CZD?

As decided by the INB at INB3, the Zero Draft is based on, and follows the structure of, the CZD, and the text and content have been further developed by the Bureau, with support from the WHO Secretariat, based on input received from the INB Members and relevant stakeholders at the third meeting of the INB.

What do we aim to accomplish at INB4 and INB5?

The Bureau has proposed, for the INB’s consideration, that INB4 and INB5 (to be held on 3-6 April 2023) form an integrated set of meetings focusing on working us through the Zero Draft and would pave the way for what we hope to achieve, if the INB so decides: successfully collecting all the input necessary to build the First Draft.

This is an ambitious timeline. We must remain ambitious if we are to achieve our final goal.

What is the approach agreed to by the INB to achieve this?

First, the INB will hold a general discussion with Member States and relevant stakeholders to confirm that the INB is comfortable to proceed with using the ZD as a basis for commencing negotiations at INB4.

Following this, the INB will discuss each chapter in-depth through a “first reading” through the INB “drafting group”. In line with the ways of working (“Method of Work”) ([A/INB/1/3 Rev. 1](#)) agreed by the Member States at the first INB and decisions at INB3 ([A/INB/3/4](#)), the INB’s drafting group is reserved for WHO Member States, Associate Members, regional economic integration organizations, and the observer delegations of the Holy See and Palestine. In addition, the INB agreed to follow the well-established practice of the Health Assembly, wherein drafting groups are not publicly broadcast, nonetheless noting the importance of the continued transparency of the work of the INB and the need for continued engagement with relevant stakeholders. Following the first reading, the drafting group will proceed by having the text of each chapter displayed on screen, in the English language, and textual suggestions from Member States will be reflected through live text editing. Written comments should be submitted to the Bureau through the Secretariat, no later than one week after the closure of INB5.

Our ambition would be to make sufficient progress by the end of INB5 to propose a First Draft by the Bureau, with support of the WHO Secretariat, to start negotiation at the Drafting Group meeting of 12-16 June 2023 based on all inputs, including edits, additions and deletions provided by the INB. In all cases, the INB – WHO's Member States – will decide the way forward, including whether sufficient progress is made by the end of INB5 to request the INB Bureau to take this step.

Why do we refer to legal provisions?

As noted earlier, the 2nd Special Session of the WHA asked that the INB decide at its second meeting which article of the constitution the pandemic instrument is to be based on. In that regard, the INB agreed, at [INB2](#), that “the instrument should be legally binding and contain both legally binding as well as non-legally binding elements. In that regard, the INB identified that Article 19 of the WHO Constitution is the comprehensive provision under which the instrument should be adopted, without prejudice to also considering, as work progresses, the suitability of Article 21. This identification is made mindful that the decision will be made by the World Health Assembly in May 2024.”

Coordination

How will the INB coordinate with the WGIHR?

The Health Assembly decision SSA2(5) establishing the INB noted the “need for coherence and complementarity between the process of developing the new instrument and the ongoing work [...] regard to implementation and strengthening of the IHR (2005)”, and the Health Assembly decision establishing the WGIHR WHA75(9) requested the WGIHR “to coordinate with the process of the [INB], by means that include regular coordination between the two respective Bureaus and alignment of meeting schedules and workplans, as both the International Health Regulations (2005) and the new instrument are expected to play central roles in pandemic prevention, preparedness and response in the future.”

Mindful of these mandates, the respective Bureaus of the INB and the WGIHR are committed to meeting regularly (as they have done in December 2022 and February 2023) and being briefed jointly on key issues in order to allow good coordination of their respective work. The WGIHR and the INB are supported by a single coordinated team at the WHO Secretariat.

How will we collaborate with the Co-Facilitators of the 2023 UNGA High-level Meeting on pandemic prevention, preparedness and response?

On 2 September 2022, the United Nations General Assembly (UNGA) adopted a resolution entitled High-level meeting on pandemic prevention, preparedness and response (A/RES/76/301). The UNGA decided “to hold a one-day high-level meeting, to be convened by the President of the General Assembly in collaboration with the World Health Organization, and at the level of Heads of State and Government, by no later than the last day of the general debate of the Assembly at its seventy-eighth session, to adopt a succinct political declaration aimed at, inter alia, mobilizing political will at the national, regional and international levels for pandemic prevention, preparedness and response.”

The Bureau of the INB has invited the two Co-Facilitators (i.e. Morocco and Israel) of this process to present a briefing session to INB members during INB4 (over a lunch-period intermission) in order to help facilitate the coordination, and plans to stay regularly engaged with the Co-Facilitators and the high-level meeting process, with support from the WHO Secretariat.

Bureau engagement at stakeholders' meetings

We continuously look out for opportunities to reach you. Examples include: regular engagement with the Pandemic Action Network, the invitations of Bureau members to regional-level meetings with Ambassadors, and the submission by the Bureau of Op-Ed articles to international peer-reviewed journals to inform the global scientific communities on the progress made by the INB to-date.

What is the plan of upcoming events¹?

We must have an ambitious timeline and process to reach success by May 2024, and we have a tight schedule of meetings until then. Every step of the process is to be agreed and reconfirmed by the INB itself at every meeting depending on progress made and the level of comfort achieved.

Date	Meeting	Deliverables
27 February–3 March 2023	Fourth meeting of the INB and meetings of a drafting group	– Presentation of the zero draft of the WHO CA+ – Establishment of a drafting group, including the allocation of items to the drafting group
3-6 April 2023	Fifth meeting of the INB and continuation of meetings of the drafting group	–Preparation of a progress report for the Seventy-sixth World Health Assembly; – Progress towards a consensus text of the WHO CA+
21-30 May 2023	Seventy-sixth World Health Assembly	Submission of progress report
12–16 June 2023	Continuation of the drafting group	– Progress towards a consensus text of the WHO CA+
17-21 July 2023	Sixth meeting of the INB and continuation of drafting group meetings	– Review of the work of the drafting group – Progress towards a consensus text of the WHO CA+
End August to end October	Regional Committees	
4-6 September (NEW)*	Additional INB session and/or Drafting Group meetings	*provisional
6-10 November 2023	Continuation of drafting group	Progress towards a consensus text of the WHO CA+
4-10 December 2023	Seventh meeting of the INB	– Progress towards a consensus text of the WHO CA+ – Outline of the final report for the Seventy-seventh World Health Assembly

How can stakeholders be engaged in the future?

A new major phase of our work has started. Our commitment to openness, inclusivity and transparency is as strong as ever. A Member State Briefing about the INB4 was [webcast](#) on the WHO website on 7 February 2023, and a Stakeholder Briefing was [webcast](#) on 15 February 2023. In addition, relevant stakeholders will be invited to the general discussion of the INB4 on 27 February 2023.

¹ The schedule of upcoming INB meetings was agreed by the INB at its third meeting, on 5-7 December 2022: https://apps.who.int/gb/inb/pdf_files/inb3/A_INB3_4-en.pdf

The INB Bureau commits to doing its utmost to share regular updates and to make available new information whenever sufficient progress has been achieved to take an additional step forward.

Relevant stakeholders should watch out for invitations to participate in upcoming INB briefings and meetings through the Governing Bodies Department and the Health and Multilateral Partnership Department of WHO. The interested public may follow open sessions of these meetings through live webcasts. Additionally, you may want to check regularly the following key resources:

- [WHO | Intergovernmental Negotiating Body](#)
- [Intergovernmental Negotiating Body \(INB\) \(who.int\)](#)
- [Pandemic prevention, preparedness and response accord \(who.int\)](#)

Next newsletter:

We plan on issuing the next Newsletter in the second quarter of 2023, and we look forward to sharing our progress with you.