

**Intergovernmental Negotiating Body to draft and negotiate a WHO convention, agreement or other international instrument on pandemic prevention, preparedness and response (“INB”)**

**Informal, focused consultation on Legal Matters**

**Concept Note**

At its second meeting, the INB decided that the INB Bureau would conduct informal, focused consultations (“IFCs”), open to all Member States<sup>1</sup> and relevant stakeholders, on selected key issues, including with experts, as invited by the Bureau. This Concept Note is for the IFC session on the topic of legal matters.

**Key Information**

<b>Date:</b>	21 September 2022
<b>Time:</b>	2 – 5 PM (CET)
<b>Location, participation, and webcasting:</b>	<p>The IFC session will be fully <b>virtual</b>, with interpretation in WHO’s official languages.</p> <p>The WHO Secretariat will provide the connection details to all participants in advance of the session.</p> <p>In the interest of transparency, and mindful of the public’s interest in the work of the INB, the IFC session will be <b>publicly broadcast</b> on the WHO website, at [●].</p>
<b>Topic details:</b>	<p>This IFC session will address <b>Legal matters</b>, including:</p> <ul style="list-style-type: none"><li>• Relationship between the Pandemic agreement and other instruments, notably IHR</li><li>• Sovereignty</li><li>• Institutional arrangements and alternatives</li><li>• Structural and framework considerations</li><li>• Ratification / accession</li><li>• Entry into force</li></ul>
<b>Chair:</b>	Ms Precious Matsoso, INB Bureau Co-Chair
<b>Moderator:</b>	[●]
<b>Participating Experts:</b>	<i>To be listed below once confirmed.</i>

<sup>1</sup> And associate members and regional economic integration organizations.

<b>Submission of questions</b>	Participants are encouraged to submit their questions <b>in advance</b> of the IFC session, by email to: <a href="mailto:governanceunit@who.int">governanceunit@who.int</a> with the subject line: “written question(s) for INB IFCs session one”. Member States and relevant stakeholders will also be able to submit questions during each IFC, by email to the same address, or through the chat feature of the virtual platform.
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### **Modalities**

- The IFC sessions (including this session) will follow the modalities set out in the White Paper on the IFCs from the INB Bureau, which was provided with this Concept Note for reference.
- As stated in the White Paper, all IFCs will be moderated and conducted in two parts: 1) an interactive round table among independent experts (listed below), where the moderator will ask questions and stimulate discussion among the experts; and 2) a discussion and reflection session, for Member States and relevant stakeholders, where questions and reflections may be sent through email in advance of the session, or presented during the session, including through the “chat” function.
- Reference is also made to the section of the White Paper entitled “*Disclaimer / understanding*” regarding participation in the IFCs, including by WHO Member States.

### **Run of Show**

21 September 2022 (all times CET)

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|-----------|---|
| 1:30-1:55 | Participants join the session and test their connection   |
| 2:00-2:10 | Welcome remarks by the INB Co-chair and introduction of the moderators  |
| 2:10-3:40 | <b><i>Roundtable Discussion:</i></b> Moderator introduces experts’ panel and moderates the presentations and experts discussion |
| 3:40-4:55 | <b><i>Health break</i></b>  |
| 3:55-4:25 | <b><i>Discussion and reflection session:</i></b> Moderated discussions and questions, involving audience and panelists          |
| 4:25-4:35 | Outlining of main messages by the moderator   |
| 4:35-4:45 | Closing remarks by the INB Co-chair   |

### **Participating Experts**

#### ***External Experts***

- [Dr / Mr / Ms] [Name], [Title/Affiliation]

- [Dr / Mr / Ms] [Name], [Title/Affiliation]
- [Dr / Mr / Ms] [Name], [Title/Affiliation]
- [Dr / Mr / Ms] [Name], [Title/Affiliation]
- [Dr / Mr / Ms] [Name], [Title/Affiliation]
- [Dr / Mr / Ms] [Name], [Title/Affiliation]
- [Dr / Mr / Ms] [Name], [Title/Affiliation]
- [Dr / Mr / Ms] [Name], [Title/Affiliation]
- [Dr / Mr / Ms] [Name], [Title/Affiliation]
- [Dr / Mr / Ms] [Name], [Title/Affiliation]

#### ***WHO Secretariat Experts***

- [Dr / Mr / Ms] [Name], [Title/Affiliation]
- [Dr / Mr / Ms] [Name], [Title/Affiliation]

#### **Discussion Structure**

- At this IFC session, it is anticipated that each invited legal expert will provide a brief presentation from their specific lens of expertise regarding the legal topics listed above and the mandate of the INB.

#### **Background**

- The mandate of the INB was established by the World Health Assembly in decision [WHASS2\(5\)](#), pursuant to which the INB is to draft and negotiate a WHO convention, agreement or other international instrument on pandemic prevention, preparedness and response, with a view to adoption under Article 19, or under other provisions of the WHO Constitution as may be deemed appropriate by the INB.
- Pursuant to that mandate, at its [second meeting](#) the INB “agreed 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.”
- Further information and documentation regarding the INB, including from past meetings, is available on the WHO website (<https://apps.who.int/gb/inb/>), including the [Working Draft, presented on the basis of progress achieved, for the consideration of the INB at its second](#)

*Draft of 12 September*

*meeting* and the [paper](#) entitled “Background information related to the identification by the Intergovernmental Negotiating Body of the provision of the WHO Constitution under which the instrument should be adopted”, prepared by the WHO Secretariat for the second meeting of the INB.

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