

Modalities for consideration of the proposed amendments to the International Health Regulations (2005)

1. The Bureau of the Working Group on Amendments to the International Health Regulations (2005) (“Working Group”) proposes the following modalities for considering the proposed amendments to the International Health Regulations (2005) (“IHR”). They are intended to ensure that the consideration of the proposed amendments is conducted as efficiently and transparently as possible.
2. It is understood that these proposed modalities are subject to further review and adjustments in the light of developments and experiences gained in the course of Working Group meetings.
3. Further relevant reference documents are: document A/WGIHR/2/5 (Report of the Review Committee regarding amendments to the International Health Regulations (2005)); document A/WGIHR/2/6 (Proposed amendments to the International Health Regulations (2005) submitted in accordance with decision WHA75(9) (2022)); and document A/WGIHR/2/7 (Article-by-Article compilation of proposed amendments to the International Health Regulations (2005) submitted in accordance with decision WHA75(9) (2022)).

Format, attendance and live webcasting

4. Both plenary and drafting sessions referred to below will be held in hybrid format, allowing for the participation of Member States, Associate Members and regional economic integration organizations, as well as of relevant stakeholders (subject to and following approval by the Working Group of the proposed modalities of engagement with relevant stakeholders outlined in document A/WGIHR/2/3), both in person and through the virtual platform.
5. Plenary meetings of the Working Group will be open to Member States, Associate Members and regional economic integration organizations, as well as to relevant stakeholders (subject to and following approval by the Working Group of the proposed modalities of engagement with relevant stakeholders outlined in document A/WGIHR/2/3). Relevant stakeholders will be invited to provide short general statements after Member States and regional economic integration organizations. In accordance with the outcome of the written silence procedure regarding webcasting, plenary meetings will be live webcast unless otherwise decided by the Working Group for all or some of its meetings.
6. It is proposed that drafting sessions will be held with attendance limited to: Member States; Associate Members; regional economic integration organizations; the Holy See and Liechtenstein in their capacity as States Parties to the IHR that are not Member States of WHO; and the Observer Delegation of Palestine.

7. In accordance with the well-established practice of the Health Assembly, drafting sessions will not be webcast on the WHO website, unless otherwise decided by the Working Group.

Considerations of the proposed amendments

8. The proposed amendments would be addressed first in plenary by inviting Member States and relevant stakeholders to: express their general views on the proposed amendments, including to Article 2 “Purpose and scope” and Article 3 “Principles” of the IHR; identify areas where there may be convergence and also the opposite; identify any priorities for addressing the amendments; and invite (i) comments on areas of potential overlap with the work of the Intergovernmental Negotiating Body (INB) to draft and negotiate a WHO convention, agreement or other international instrument on pandemic prevention, preparedness and response and (ii) suggestions on how these might be addressed.

9. The purpose of the first reading is to provide an opportunity for Member States to offer high-level statements. Proponent Member States may wish to outline the broad intent behind their proposals, it being understood that further clarifications may also be offered later in the negotiations.

10. Following the first reading in plenary, it is proposed that discussions continue in drafting sessions. It is proposed to hold a general discussion on Article 2 “Purpose and scope” and Article 3 “Principles” of the IHR.

11. The general discussion would be followed by a sequential consideration of the amendments proposed to the other Articles. The specific amendments proposed to Article 2 “Purpose and scope” and Article 3 “Principles” would be considered again later in the negotiations. Reading the proposed amendments in sequence would mean following the order of the IHR, and annexes thereto, and recording the progress made on the agreed text through the approach outlined below.

12. Within the frame of sequential consideration, and in the light of the interrelatedness of some amendments, the Working Group may wish to consider grouping certain proposed amendments that are convergent but with different wording. In the event of two or more proposed amendments concerning the same text proposed by different Member States, such overlapping proposed amendments would be considered together rather than taken separately. Such grouping may be informed by the technical recommendations of the Review Committee regarding amendments to the IHR (document A/WGIHR/2/5), and may refer to but would not be limited to proposed amendments to Articles in Parts IV, V and VI, and related Annexes 3, 4, 6 and 8.

13. Further, articles covering similar content or related to other articles or annexes could be considered together to ensure consistency. Such groupings may include, for example, the three newly proposed articles for the Implementation/Compliance/Special Committee (53A, 53 bis-quarter and 54 bis), or Article 13, the two new Articles 13A, Article 44 and the new Article 44A, and the new Annex 10.

14. It is proposed that Article 1 “Definitions” be reviewed at the end of the consideration of proposed amendments, since many of the proposed amendments introduce new terms that may require a definition in Article 1. It is proposed to maintain a running list of such new terms that would be reviewed at the end of the considerations of all proposed amendments. Definitions for these new terms would then be developed and included in Article 1 as part of the package of proposed amendments.

15. Notwithstanding the proposals outlined above, it is noted that the Working Group would retain the prerogative to take different approaches to individual or groups of amendments, and that each

proposed amendment would not need to be agreed upon before considering other proposed amendments. While some proposed amendments may be easily agreed in plenary, the Working Group may decide to consider other proposed amendments in drafting groups or request the Bureau to propose suggested wording for the Working Group's consideration. Furthermore, even when consensus is reached on a certain proposed amendment, the relevant text would be regarded as "preliminary final text/*ad referendum*", which would be subject to cross-checking with other relevant articles or annexes of the IHR and translation into the WHO six official languages. The report of each meeting of the Working Group will include any such relevant text, i.e. proposed amendments that have been agreed during the meeting as "preliminary final text / *ad referendum*", in all WHO official languages.

Management of discussions and recording of preliminary agreed text

16. During each meeting, the Working Group may wish to proceed by having the text of the proposed amendments under consideration displayed on screen.

17. Work could then proceed either through standard on-screen drafting practice, where the Chair "cleans" the text in real time, section by section, or, alternatively, at the request of the Working Group, the Bureau could offer, without prejudice to the position of Member States, proposals on a periodic basis, to be determined based on the progress achieved. This could include proposals after the second (detailed) reading of the proposed amendments, at the request of the Working Group. The two approaches could also be used in combination.

18. During this process, the Secretariat would stand ready to assist the Working Group in its work, if so requested. For example, if so requested, the Secretariat may develop summaries of specific articles or annexes and/or of the proposed amendments to specific articles or annexes, including by making reference to the relevant considerations and recommendations offered by the Review Committee regarding amendments to the IHR.

Timeline for submitting a package of proposed targeted amendments to the Seventy-seventh World Health Assembly

19. In accordance with decision WHA75(9), the Working Group was requested to propose a package of targeted amendments for consideration by the Seventy-seventh World Health Assembly, in accordance with Article 55 of the IHR. The Director-General will communicate this package at least four months before the opening of the Seventy-seventh World Health Assembly, per Article 55(2) of the IHR.

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