

April 5, 2023

Xavier Becerra  
Secretary  
Department of Health & Human Services  
United States of America  
Via Email: xavier.becerra@hhs.gov

Antony J. Blinken  
Secretary  
Department of State  
United States of America  
Via Email: blinkenaj@state.gov

cc:

Ambassador Pamela K. Hamamoto, Lead U.S. Negotiator for the Pandemic Accord

Roland Driece, Co-Chair, Intergovernmental Negotiating Body (INB) to draft and negotiate a WHO convention, agreement or other international instrument on pandemic prevention, preparedness and response

Precious Matsoso, Co-Chair, Intergovernmental Negotiating Body (INB) to draft and negotiate a WHO convention, agreement or other international instrument on pandemic prevention, preparedness and response

Ambassador Tovar da Silva Nunes, Vice-Chair, INB

Ahmed Soliman, Vice-Chair, INB

Dr Viroj Tangcharoensathien, Vice-Chair, INB

Kazuho Taguchi, Vice-Chair, INB

Dear Secretary Becerra, Secretary Blinken:

We were surprised and disappointed at the position taken by the United States of America at recent negotiations of the WHO convention, agreement or other international instrument on pandemic prevention, preparedness and response (“WHO CA+”) in excluding non-state actors, media, and the public at large from examining the annotated version of zero draft.

On March 3, 2023, at the closing plenary session of the 4th Intergovernmental Negotiating Body to draft and negotiate a WHO agreement or other international instrument on pandemic prevention, preparedness and response (INB), the European Union proposed that “*All inputs and additions to the zero draft should be available to all stakeholders.*”

Responding to the European Union, the People's Republic of China insisted that the marked-up version of the pandemic treaty zero draft be circulated only to "*drafting group participants*".

Following China's intervention, Ambassador Pamela Hamamoto (United States) stated: "*I think at this stage, I have some concern about sharing the draft to all stakeholders given where we are in the process and so I just want to be careful about that and certainly if we are sharing it with all stakeholders [we] would support removing the attribution of member states.*"

In contrast to these WHO deliberations, we would point to norm-setting conducted at the World Intellectual Property Organization (WIPO); at this institution, negotiations are public, and observers have access to the draft texts in discussion, including those with member state attributions. This has led to an elevation of the status of WIPO as a forum for norm setting, and also, an enhancement of the quality of input on technical issues from outside experts and the public.

The attempt to create a veil of secrecy now surrounding the substantive and technical text-based negotiations on the WHO pandemic treaty sets a dangerous precedent for norm-setting at the multilateral level. It also undermines trust in the process at a time when attacks on the WHO and on the pandemic accord are increasing. It is also the case that no one doubts the ability of industry lobbyists to obtain access to the negotiating text documents, creating an information and influence asymmetry that is inappropriate for public health norm setting.

We request a reversal of the United States' position on restricting public access to the drafts of the negotiating texts of the WHO CA+ and express our willingness to engage in discussions with your agencies on how to facilitate civil society participation in future sessions of the INB.

Sincerely,

**Organizations (alphabetical order)**

Health Action International (HAI)  
Knowledge Ecology International (KEI)  
Oxfam America  
People's Vaccine Alliance (PVA)  
Public Citizen  
STOPAIDS

**Individuals (alphabetical order)**

Professor Brook K. Baker, Northeastern U. School of Law, individually and on behalf of Health Global Access Project, Inc.  
Ellen 't Hoen, LL.M, PhD, Director, Medicines Law & Policy  
Melissa Barber, PhD candidate, Harvard University  
Professor Suerie Moon, Global Health Centre, Geneva Graduate Institute