

**Inter-agency information sharing/coordination
Meeting on avian influenza
Hosted by the International Federation of Red Cross and Red Crescent Societies
Southeast Asia Regional Delegation, Bangkok**

**June 7, 2007 (Thurs), 2-5 PM
Imperial Queen's Park Hotel, Sukhumvit Soi 22, Bangkok
Room Imperial China 11, 4th Floor**

Minutes (Draft)

Key theme: Legal Issues in Influenza Pandemic Preparedness and Response

Opening:

Chair: Dr. Amgaa Oyungerel, Regional Health in Emergencies Delegate, International Federation of Red Cross and Red Crescent Societies.

Participants:

Kenan Institute Asia (KIAAsia)
ADB Greater Mekong Subregion Communicable Diseases Control Project
UNSIC- ADB
German Red Cross
PATH Thailand
Plan International
FAO
Ministry of Public Health of Thailand
Thai Red Cross Society
WHO Thailand
IFRC
IRC
University of California San Francisco and Berkeley
American Red Cross
IOM
French Red Cross
Rockefeller Foundation

1) Experience Sharing: Presentation followed Q&A.

“Implications of the International Health Regulations on Pandemic Preparedness”

By: Dr. Augusto Pinto, MD, Medical Officer, Epidemiologist, CSR, SEARO, WHO.

For full copy of the presentation, see attachments.

The presentation has focused on the following issues:

- History and background of current IHR: the history dates back to 1969.
- Key legal dates: Entry into legal force generally: 15 June 2007, deadlines for any objections to reservations: mid-July or mid-August 2007, deadline for development of core public health capacities for surveillance & response.
- IHR 2005 has a broad range of activities in implementation plan and its scope is more comprehensive.
- Key components: national surveillance and response; WHO global alert and response system; international travels and transport; threat - specific control programs.

- Administrative issues: national IHR Focal Points, authorities responsible for national implementation, IHR Roster of Experts.
- National Legislation: 2005 IHR takes a complimentary approach as it believes sufficient legislation exists already in most of countries.
- Relevant IHR requirements concerning international travelers
- Key State obligations in IHR
- Key WHO obligations in IHR
- IHR Review Committee

2) Experience Sharing: Presentation followed Q&A.

Legal issues for responding to influenza pandemic

By: Victoria Bannon, International Disaster Rules, Laws and Principles (IDRL) Asia Pacific Coordinator, International Federation of Red Cross and Red Crescent Societies.

For full copy of the presentation, see attachments.

The presentation has covered the following points:

- Definition and scope of IDRL
- Common legal issues for international assistance
- IDRL Program objectives: contribute to minimizing operational challenges by improving “legal preparedness: for international and regional response to disasters.
- Brief content of new “Guidelines for the domestic facilitation and regulation of international disaster relief and initial recovery assistance” developed by the IDRL Program.
- IDRL products: global surveys and studies, pre-disaster studies in Asia Pacific in several countries, Tsunami studies in Thailand, Indonesia and Sri Lanka
- One of the ongoing projects is legal preparedness study in Cambodia on pandemic preparedness.
- This study:
 - Is one of the first studies focusing on HI pandemic from legal perspective, a pilot study
 - Will examine ‘legal preparedness’ from different angles: organizational, national and international
 - Will look into legal requirements/tools at international and national level
 - there are commonalities and specifics of pandemic preparedness planning with general disaster preparedness and management framework and the project will follow general outline of legal preparedness studies.
 - The project had initial discussions with the Government of Cambodia, WHO and other relevant organizations the last week.

Plenary discussion:

The participants considered the following questions for discussion on legal issues of pandemic planning:

- Have organizations considered legal issues as a part of their pandemic contingency planning?
- Should be there greater inclusion of legal issues as part of contingency planning?
- Is there a need for more information/guidelines/training on these issues?
- What are the most relevant legal issues? What else needs to be addressed?
- Do you know of other legal research in this area?

- How could it make a useful contribution to contingency planning?
- Is there interest to conduct similar research elsewhere?

Discussion results:

- For private companies, legal issues are being considered in pandemic contingency plans, less for civil society groups.
- Definitely, there should be a greater inclusion of legal issues as a part of contingency planning; the legal issues brought up in the two presentations are relevant, but need to consider other issues:
 - Labor Law implications on pandemic contingency planning (what HR policies and practices for what type of contracts, what administrative arrangements for involvement in emergency response during a pandemic);
 - Restrictions on importation and obtaining of medicines in some countries, for ex., restrictions on Tamiflu procurement in Thailand, etc.
- There is a need for more information/guidelines/training on legal aspects of disaster preparedness and AHI pandemic preparedness. The ‘legal preparedness’ framework of the IDRL is a comprehensive approach.
 - In terms of guidelines on “legal preparedness” for governments: because countries legal systems are quite different, it is difficult to come with one set of guidelines that is applicable for all. The IDRL program has an online database of legal instruments applicable for international disaster response and preparedness.
- Legal studies on pandemic preparedness: not many studies are available and they are useful.
 - In terms of scope of those studies, it was suggested to consider different levels of government, not only central, but also provincial level governments, especially provinces in border areas.
- The participants will be interested to see the results of IDRL legal research in Cambodia, when completed.

Discussions were also held on clarifying concepts and application of IHR:

- There are good synergies between IHR and “legal preparedness” framework of IDRL.
- Reinforcement mechanism for IHR: States have signed IHR and it will become into effect from the next week. Reinforcement is voluntary, but all the countries are expected to hold up to IHR standards and obligations in five years time.
- Sharing information on outbreaks to WHO: Every country is obliged to inform WHO about public health emergencies of international concern and IHR gives guidelines how fast this information should be passed on. In case of non-compliance, the WHO has the right to advise and persuade the countries. Since SARS epidemic, the collaboration between member States and WHO in terms of early detection and early reporting has improved. The WHO is working to improve the capacity of countries to rapidly detect and notify public health emergencies (IHR Art. 6).

- Issue of sharing vaccine samples: is not specifically mentioned under the IHR, but the IHR provides an overall framework for contributing positively on these issues (WHA 60.28 2007)
- Issue of denying entry to travelers who have diseases of public health concern: the IHR provides guidelines and standards for such cases; people who are held up or quarantined need to be ensured good level of care, respect for ethical issues and protection by the State (IHR Art 31.)
- According to the IHR, countries have mutual obligation to help each other with containment of public health emergencies of international concern. Under what circumstances countries can initiate to assist other countries that cannot help themselves? - State parties shall collaborate with each other, especially in detection and assessment, technical cooperation and logistical support, the WHO shall collaborate with State Parties, upon request on evaluation and assessment, provision of facilitation and mobilization of financial resources (IHR Art. 44).

Updates by organizations:

- ADB Greater Mekong Subregion Communicable Diseases Control Project: among its activities, the project supports capacity building for IHR implementation in Cambodia, Lao PDR and Viet Nam. To that effect, the project intends to support a comprehensive review of all legal instruments pertaining IHR and regional collaboration in CDC in the three countries. The project is currently looking for a competent international health legislation expert to cover the three countries, as well as national legal experts (one in each country). Interested candidates should send their CVs to Stéphane P. Rousseau, regional coordinator, at gms.cdc.rc@gmail.com . Any recommended names for these national and international legal experts are also welcome.
- WHO Thailand: the Government of Thailand has reviewed a three-year pandemic preparedness plan, it is available in Thai language only. The IFRC will circulate the copy with the minutes of this meeting.

Closing remarks

- **July 5 Meeting:** The facilitator is Andrew Durieux from Coverage Co., ltd. It will be conducted as pandemic scenario exercise. Interested participants are requested to confirm their attendance early and bring along their pandemic preparedness plans.
- **2 August Meeting:**
 - Proposed topic: participants suggested having a single country focus: Laos, Cambodia or Indonesia → IFRC will communicate with respective countries to seek who is interested to come and share their experience. IFRC does not have a budget for travel assistance, but once participants are identified, will seek funding from organizations supportive of this meeting.
 - Chair: to be announced.