

October 31, 2023

Written statement to the Intergovernmental Negotiating Body (INB) 7 by the United Nations University International Institute for Global Health and Spark Street Advisors regarding Independent Monitoring for the Pandemic Agreement

In May 2024, WHO Member States will adopt a new pandemic agreement at the 77th World Health Assembly (WHA) to address pandemic prevention, preparedness, and response (PPR). The agreement's effectiveness will rely on state parties' adherence to their obligations.

The current draft of the agreement, released on October 16, puts forward the potential creation of an 'Implementation and Compliance Committee' made up of experts nominated by State Parties. We support this idea and request Member States to consider that such a committee be adopted now within Article 21, section 9 rather than at a later date and specify that such a committee would be independent.

Building on provisions in the current version of the agreement, this proposal would complement existing provisions for state self-reporting and peer review outlined in Article 8. As a Subsidiary Body to the Conference of Parties (CoP), the primary purpose of the Independent Committee would be to verify the timeliness, completeness, and accuracy of State Parties' reports. The Independent Committee's reports would be publicly available to promote transparency and drive accountability for state commitments. Our proposal is not prescriptive; instead, it aims to illustrate the feasibility and viability of independent monitoring for the pandemic agreement.

In order to demonstrate that the realization of such a committee is feasible, viable, and achievable, we have drafted an example of a Terms of Reference (ToR) for such a committee as a starting point for discussions. The elements outlined are based on a rigorous review of monitoring bodies¹ and expert consultations that identified best practices from successful monitoring across several treaties and sectors.

The ToR demonstrates how such a committee could adhere to all four core areas of independence:

- **Technical:** Empowered to collect information as needed and use external sources to verify information.
- **Operational and organizational:** Autonomy to make recommendations and control over operations, research, and communications.
- **Political:** Protected from influence by countries, organizations, and other stakeholders.

¹ Reviewed mechanisms include the UN Human Rights Council and Special Rapporteurs, Human Rights Treaty Bodies; International Labor Organization (ILO) and its Confidential Reporting Mechanism; Global Preparedness Monitoring Board (GPMB); UN Framework Convention on Climate Change Subsidiary Body for Implementation (UNFCCC SBI) and Intergovernmental Panel on Climate Change (IPCC); International Atomic Energy Agency (IAEA); Organization for the Prohibition of Chemical Weapons (OPCW); and Independent Monitoring Board of the Global Polio Eradication Initiative (GPEI).

- **Financial:** Firewalled from engagement with donors and sustainably funded through assessed non-earmarked funds.

The draft zero ToR also outlines other operational elements including membership, member selection, operating procedures, and reporting.

For additional details, please see the full report at <https://doi.org/10.37941/RR/2023/2>