

Spark Street Advisors' line edits on the Pandemic Accord text

This document outlines our proposed edits on the draft Pandemic Agreement and their rationale, with a focus on the institutional provisions in Chapter 3, Articles 21, 23, and 24.

Article 21. Conference of the Parties

2. The Conference of the Parties shall **annually** ~~regularly~~ take stock of **compliance with and the implementation of the WHO Pandemic Agreement**, and review its functioning ~~every five years~~, and take the decisions necessary to promote its effective implementation **and compliance**. To this end, it shall take actions, as appropriate, for the achievement of the objective of the WHO Pandemic Agreement.

→ ***Why this proposed edit? An annual review allows for regular-enough monitoring of the progress, helping States remain accountable for their commitments. Extending the review to cover compliance ensures that States seek to adhere to the specific requirements outlined in the agreement.***

7. The Conference of the Parties may establish subsidiary bodies, as it deems necessary, and determine the terms and modalities of such bodies. **This will include but not be limited to a Compliance Committee, tasked with ensuring whether specific obligations are adhered to and whether country reports are accurate, timely, and complete. They will also establish an Implementation Committee to monitor and support operationalization in countries.**

→ ***Why this proposed edit? To ensure effective treaty compliance from day one, the agreement should establish impartial subsidiary bodies to monitor States' adherence to obligations.***

Article 23. Reports to the Conference of the Parties

1. Each Party shall report **annually** ~~periodically~~ to the Conference of the Parties, through the Secretariat, on its implementation of the WHO Pandemic Agreement.

→ ***Why this proposed edit? Annual reporting ensures timely updates and adjustments requisite for effective pandemic prevention, preparedness, and response.***

2. **The conference of parties shall invite, where appropriate in order to strengthen the implementation of and compliance with the WHO Pandemic Agreement the services and cooperation of and information solicited systematically from competent and relevant organizations and bodies of the United Nations systems and other international and regional intergovernmental organizations and non-governmental organizations and bodies.** (Verbatim March 18 version, para 21.2.e)

→ ***Why this proposed edit? Third-party information is critical for triangulating and verifying the information States provide. Shadow reporting is a standard existing practice for other treaties (e.g. human rights).***

3. The frequency and format of the reports submitted by all Parties shall be determined by a [Compliance Committee, to be appointed by](#) the Conference of the Parties.

→ ***Why this proposed edit? For impartiality, the Compliance Committee should be responsible for all activities related to reporting and monitoring.***

~~5. The reporting and exchange of information under the WHO Pandemic Agreement shall be subject to national and/or domestic law, as appropriate, regarding confidentiality and privacy. The Parties shall protect, as mutually agreed, any confidential information that is exchanged. The periodic reports submitted by the Parties shall be made publicly available online by the Secretariat.~~

→ ***Why this proposed edit? Reference to national laws in this paragraph may enable States to opt out of key reporting obligations.***

Article 24. Secretariat

4. Secretariat functions for the WHO Pandemic Agreement shall be provided by [an independent Secretariat based at the WHO, reporting directly to the Conference of Parties.](#) ~~the WHO Secretariat.~~

Why this proposed edit? While hosted at the WHO, a review of [best practice](#) clearly demonstrates impartial, transparent, and effective management of treaty-related activities, including support for compliance monitoring, requires a Secretariat reporting to the treaty governance body rather than any single implementing agency.