

Spark Street Advisors' submission for the INB9

This submission focuses on the institutional provision outlined in Chapter 3, Articles 21 and 23.

We appreciate the new draft establishing the Conference of the Parties (COP) and allowing it to **consider information from non-state actors** in reviewing implementation. (21.2e) This is a proven strategy from other treaties enabling independent assessment of whether states are providing credible and robust information. We also appreciate the provisions allowing the **COP to create subsidiary bodies**, enabling the creation of a compliance committee. (21.2b)

We propose strengthening the provisions for state compliance as that contributes to better enforcement of the agreement. Many existing treaties, such as human rights treaties, include detailed provisions for establishing an independent committee and for reporting frequency and content.

We suggest the following line edits (in bold italics):

Article 21

- 21.2: The COP to review the implementation **and compliance annually** (i.e. not only every three years)
- 21.2e: **Information solicited systematically** from the UN and non-state actors (as this enables establishing a system for shadow reporting to help verify and complement state reports)
- 21.8: The COP **shall establish an independent compliance committee** and may **establish other** subsidiary bodies as necessary (compliance committee should be explicit in the text and not proposed later)

Article 23

- 23.1: Each Party is to submit the COP **annual** reports on its implementation (i.e. not regular)
- 23.2: The COP to determine the format of the reports **in its first meeting** (i.e. not left open)

Finally, we suggest removing the reference to “*The reporting and exchange of information under the WHO Pandemic Agreement shall be subject to national law regarding confidentiality and privacy*” (23.3) as this may enable Parties to opt out of key reporting obligations if they consider the required information to be confidential or private.

We thank you in advance for considering our input.

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