

Independent Monitoring for the Pandemic Agreement

Policy Brief | October 2023

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 draft of the agreement, released on 16 October, puts forward the potential creation of an 'Implementation and Compliance Committee' made up of experts nominated by State Parties.

We have developed a draft zero Terms of Reference (ToR) for this committee. The elements of the ToR are based on a rigorous review of monitoring bodies¹ and expert consultations that identified best practices from successful monitoring across several treaties and sectors.

Complementing provisions for state self-reporting and peer review, the primary purpose of the Committee would be to **verify the timeliness, completeness, and accuracy of State Parties' reports.** Committee **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.

We break down independence into four core areas: technical, operational and organizational, political, and financial independence, all of which are key to robust monitoring. We show how the design of the committee can support adherence in each of these areas and how the committee, as a subsidiary body of the agreement's Conference of the Parties (COP), could perform an independent monitoring function.



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.



Financial

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

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).

Independent Committee Zero-Draft Terms of Reference

Key Functions

Monitor the timeliness, completeness, and accuracy of reporting by state parties to the Pandemic Agreement by:

- Reviewing state reports for the Conference of the Parties (COP) and verifying them by triangulating data from ancillary reports.
- Developing concluding observations on the overall progress being made by state parties to adhering to the Pandemic Agreement.
- Reporting regularly to the COP and heads of state and additionally, as required (e.g., alerting the COP and WHA if urgent actions are required).

Membership

- Made up of independent members, comprising a broad range of expertise (public health, economics, social and political sciences, law, trade, finance), backgrounds (racial, gender, income, age, disabilities), and all regions.
- Members serve in a personal capacity, demonstrating independence, impartiality, personal integrity, and objectivity and delivering on the Committee mandate in a timely and cost-effective manner.
- Membership is on a non-renewable six-year basis.
- Members will receive a fixed fee honorarium at a UN expert rate level with reasonable expenses, such as travel, compensated.
- Reprisals by or against members would have consequences for state parties. Members (and their staff) will receive all due protection.

Member Selection

- Elections are based on an open, merit-based, transparent, competitive selection process.
- Each COP member may nominate one person from among its residents.
- A subgroup of the COP members elects members at the COP meetings. Nominees who obtain the largest number of votes will be selected with attention also to balance of expertise, geography, race, and gender.
- The Committee will appoint a Chair and a Vice-Chair by prevailing majority vote for a term not less than two years, with the final term determined by availability.

Operating Procedures

- A Secretariat will support the Committee, including its meeting logistics, travel, and reporting.
- The Secretariat will be based at the COP Secretariat, hosted by the WHO Director-General's Office.
- Operations are funded by state parties to the Pandemic Agreement, with budget allocation from the Pandemic Fund and annual budget approval by the COP.
- Official meetings will be held at least every six months, based on the agenda set by the Chair in consultation with Committee members and the Secretariat.
- Decisions or recommendations will, as a rule, be taken by consensus.

Reporting

- The committee reviews state-party reports to the COP for their timeliness, completeness, and accuracy and develops a report on its findings.
- It submits its report annually to the COP, WHA, heads of state, and the general public.
- It solicits regular shadow reports from UN agencies and civil society organizations, other national, WHO, or expert reports and, where warranted, augments the expert opinion on specific issues. It may also propose or accept invitations for fact-finding country visits.
- It may also escalate a matter of concern to the attention of the COP, WHA, or other relevant authoritative body.
- The Committee may receive individual communications from civil society and other non-state entities. If it decides to investigate, it establishes the facts in dialogue with the government concerned.

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