

The Pandemic Accord: Independent Monitoring Accountability – Key Advocacy Messages

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WHO member states plan to adopt a pandemic accord at the 77th World Health Assembly in May 2024 to address challenges in pandemic preparedness and response. The Intergovernmental Negotiating Body (INB) will discuss a conceptual draft zero on 5-7 December. This draft suggests formal compliance mechanisms will be addressed once the accord comes into force.

The accord will only safeguard against pandemic threats if state parties are accountable for their obligations. A rigorous analysis of other international treaties and agreements reveals that independent monitoring is critical for compliance and accountability. The time is now to enshrine it in the language of the accord.

Why independent monitoring?

Countries must implement the pandemic accord, not just agree to it. Experience in treaty implementation demonstrates that independent enforcement mechanisms are a key determinant of compliance. Human rights treaties and treaties on chemical and nuclear weapons, among others, use independent monitoring mechanisms to assess states' compliance. These provide useful models for the pandemic accord. Countries' failure to prepare for and respond to COVID-19 is just one example of how relying on self-reporting and voluntary monitoring of pandemic preparedness and response is insufficient.

The proposal

It is critical to include language in the pandemic accord to establish an **independent committee to monitor state parties' compliance with and reporting on the pandemic accord by assessing the timeliness, completeness, and robustness of state self-reporting. The committee would:**

- √ Identify gaps and inconsistencies, triangulate states' self-reporting with public and private sources
- √ Escalate cases of non-compliance and inadequate reporting to the Conference of the Parties (COP) and a body consisting of, or representing, heads of state
- √ Publish reports publicly to promote accountability and transparency
- √ Comprise of independent experts, acting in their personal capacities and representing a broad range of expertise, backgrounds, and geographies
- √ Require up-front, unconditional, ring-fenced, and sustained funding

The Principles:

1. **Independence** from political bodies and donors ensures greater freedom to call state parties out
2. **Accountability:** Report to heads of state and government to strengthen political authority
3. **Verifiable data:** Draw on the broad range of sources available to carry out verification of self-reports
4. **Investigative powers:** On-site investigations to support the verification of data and offer an opportunity to provide national technical support and capacity building
5. **Link to financial and technical assistance:** Use assessments to inform where states need support to encourage states to cooperate
6. **Formal and transparent follow-up:** Repeat assessments a year or two following recommendations
7. **Reputational incentives:** Praising good performance or identifying weaknesses can generate peer pressure to promote compliance
8. **Expert autonomy** by appointing independent experts, serving in their personal capacities for a limited time. Operations should be firewalled from institutions with vested interests

Key advocacy asks for accountability

Under the current Chapter VII (Institutional arrangements), Article 20 (Oversight mechanisms):

- √ **Include language on accountability now**, not after adoption
- √ **Enshrine independence as a key principle** for the monitoring body; independence means ensuring a firewall from any party, including through up-front, unconditional, ring-fenced, sustained funding
- √ **Hard-wire a pathway to escalation** to heads of state for non-compliance or inadequate reporting

See the full analysis here: <https://bit.ly/monitoraccord> and policy brief here: <https://bit.ly/accordbrief>