

Independent Monitoring for the Pandemic Accord

A Proposal for Action

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Acronyms

| | |
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| COP | The Conference of Parties |
| GPEI | The Global Polio Eradication Initiative |
| GPMB | The Global Preparedness Monitoring Board |
| FCTC | The WHO Framework Convention on Tobacco Control |
| IAEA | The International Atomic Energy Agency |
| IHR | The International Health Regulations |
| ILO | The International Labour Organization |
| IHR | The International Health Regulations |
| IMB | The Independent Monitoring Board |
| JEE | Joint External Evaluation |
| OHCHR | The Office of the United Nations High Commissioner for Human Rights |
| OPCW | The Organization for the Prohibition of Chemical Weapons |
| PPR | Prevention, preparedness, and response |
| SBI | Subsidiary Body for Implementation |
| TA | Travel authorisation |
| ToR | Terms of Reference |
| UN | The United Nations |
| UNFCCC | The United Nations Framework Convention on Climate Change |
| UNGA | The United Nations General Assembly |
| UNOG | The United Nations Office at Geneva |
| UNU-IIGH | The United Nations University International Institute for Global Health |
| UPHR | The Universal Health and Preparedness Review |
| WHA | The World Health Assembly |
| WHO | The World Health Organization |

1. Background and Objectives

1.1 Background

In May 2024, WHO Member States plan to adopt a new Pandemic Accord at the 77th World Health Assembly (WHA) to address pandemic prevention, preparedness, and response (PPR). The content of the current draft, which is still under negotiation, includes issues ranging from building resilient health systems and strengthening surveillance to benefits sharing and ensuring equitable access to pandemic countermeasures.

Whatever its final content, the usefulness of the Accord will depend on the extent to which state parties abide by their obligations. A Conference of Parties (COP) will serve as the main governing body. Composed of state party delegates, the COP will review the implementation of the accord. As currently planned, the COP review will be based on state self-reporting, with states providing annual or biennial reports.¹

While the COP will be critical in assuring accountability, in the context of international treaties, there is evidence that state self-reporting is ineffective, with reports often being late, missing, or of poor quality.² Evidence also shows when state self-reporting is developed without broad in-country consultation, including with civil society,³ there is a risk of states downplaying non-compliance or omitting critical information.⁴

If conducted independently, monitoring is a critical mechanism to keep state parties accountable for their respective obligations.⁵⁻⁷ Independent monitoring provides for an objective and unbiased assessment of states' adherence to their commitments, enables the detection of any deviations from agreed-upon terms, and, when necessary, triggers a response, such as in the form of incentives or sanctions. In this manner, independent monitoring resembles an external audit that assesses compliance with established rules, regulations, and procedures with an emphasis on assurance rather than “judgment of worth.”⁸

1.2. Objectives

This document provides a “draft zero” Terms of Reference (ToR) for an Independent Monitoring Committee for the Pandemic Accord, lending from practice and terms of other monitoring bodies. Specifically, the Committee would verify the timeliness, completeness, and accuracy of Member State reporting, using existing sources to triangulate evidence where accuracy is in question. The proposal is not intended as prescriptive but rather to demonstrate that independent monitoring is feasible.

Currently, there are existing initiatives that could be adapted for the Independent Monitoring Committee if they meet the criteria for independence (see Annex 1). For example, the Global Preparedness Monitoring Board (GPMB), co-convened by the WHO and the World Bank, focuses on monitoring preparedness for global health crises.⁹ Also, the Universal Health and Preparedness Review (UHPR), a voluntary, WHO Member State-led peer process to review countries' health emergency preparedness capacity, is currently being piloted.¹⁰

Also, recognizing that the Pandemic Accord provisions are not yet finalized, the ToR does not detail the exact content of the monitoring committee reports, which would mirror the obligations defined in the Accord. The structure proposed assumes that independent monitoring will be an explicit provision in the Accord. Furthermore, while we have proposed options below for the hosting arrangement and member selection, this would need to be designed in accordance with the agreed governance structure for the Pandemic Accord. We also note that the purpose of the committee is not to assess member states health systems' readiness – rather and only – reporting on obligations contained within the accord.

Given the importance of independence, we also provide a definition (see Annex 1). Specifically, we explore four aspects - technical, organisational and operational, political, and financial dimensions, and detail how they could be realized, building on examples from other treaty and global health monitoring mechanisms.

2. Methods

This report and the suggested ToR build on previous Spark Street and UNU-IIGH analyses, including on existing treaty monitoring¹¹ and on independent review and investigations¹² mechanisms established to support compliance with international treaties.

Inputs to the analysis included interviews with 54 experts conducted between April 2021 and October 2023, as well as a document review summarizing fundamental design principles for existing compliance mechanisms and exploring how those principles could be applied to a Pandemic Accord.^{13,14} The document included targeted searches of relevant grey and peer-reviewed literature using Google and Google Scholar search engines. The team also reviewed webpages for descriptions of mechanisms and scholarly articles for analyses to identify examples and understand operational details of existing monitoring mechanisms. Specific mechanisms reviewed included:

- United Nations Human Rights Council and Special Rapporteurs;
- Human Rights Treaty Bodies;
- International Labor Organization (ILO) (Confidential Reporting Mechanism);
- Global Preparedness Monitoring Board (GPMB);
- United Nations 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).

We note that this list is not exhaustive and was generated based on recommendations from interviewed experts as those with the most potential relevance to a Pandemic Accord. Further,

we excluded mechanisms based on full or partial self-assessment, like the Joint External Evaluation system used to monitor the IHR.

To verify the findings and solicit further inputs on independence and the draft ToR, the research team shared a draft report between August and October 2023 with experts in human rights, public health, and governance and revised the report based on the feedback received.

3. Summary Committee Description

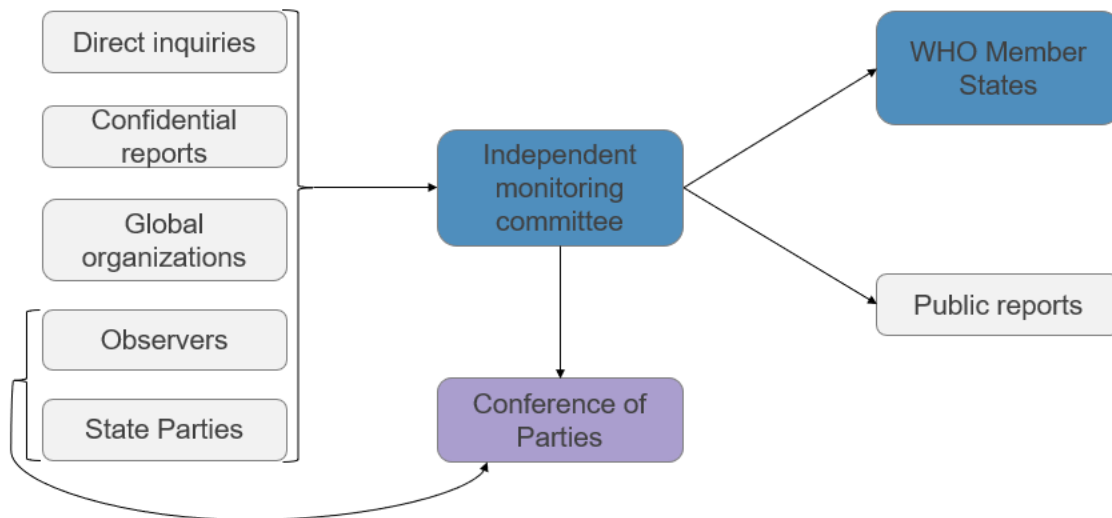
The **Independent Monitoring Committee for the Pandemic Accord** would verify the timeliness, completeness, and accuracy of state reporting to the COP.

In terms of timeliness and completeness, the committee would review if a state-submitted report was comprehensive and to the agreed reporting schedule.

In terms of accuracy, they would have the ability and mandate to **triangulate states' self-reports to the COP using public and private sources to identify inconsistencies**. They could consider as inputs: shadow reports by civil society and global organisations, reports by intergovernmental organisations, confidential reports from the public through complaint procedures, country visits, and direct inquiries to states.

In the **cases of inadequate or incomplete reporting or questionable accuracy, they would escalate their findings to the COP**, the body responsible for overseeing the implementation of the Accord. They could also escalate reporting to other bodies as well as to a body consisting of or representing heads of state, such as WHO Member States (through the World Health Assembly) or the proposed Global Health Threats type Council.¹⁵ Committee reports would also be publicly available to promote transparency and drive accountability for Accord commitments.

The Committee would not require states to submit reports directly. Rather, it would have access to state reports submitted to the COP through the Pandemic Accord Secretariat (likely hosted by WHO) and, as appropriate, the IHR State Party Self-Assessment annual reporting, Joint External Evaluations (JEE), and other pandemic PPR-related reports administered by WHO.



The Committee would consist of independent experts acting in their personal capacities (rather than as representatives of their States) and include a broad range of expertise, backgrounds, and all regions.

Funding for the operations, including the Committee Secretariat and compensation for committee members, would be up-front, unconditional, ring-fenced, and sustained. Hosting arrangements must ensure the committee’s operations are firewalled from institutions with a vested interest or whose activities might be compromised if seen to be associated with "negative" reports.

As a prerequisite to enable the Committee to fulfil its mandate effectively, all parties to the Accord and WHO Member States would be expected to cooperate fully with the Committee, i.e., provide them with access to all relevant information, documentation, to the country, and its authorities.

4. “Draft Zero” Terms of Reference for the Pandemic Accord Independent Monitoring Committee

Building on expert interviews and examples from other treaty monitoring processes and the principles defined in Annex 1 and 2, the team developed the following ToR for the Pandemic Accord Independent Monitoring Committee. For each element, we have referenced the sources from other treaty monitoring bodies and, where relevant, provided additional details in footnotes.

As stated above, some of these elements can only be determined once the format and governance structure of the Accord is agreed upon. However, regardless of that structure, the authority of the Committee rests in it as a body and not in individual members.

4.1. Key Functions

The main function of the Independent Monitoring Committee is to monitor the timeliness, completeness, and accuracy of reporting by state parties to the Pandemic Accord. To this end, the Committee:

- Reviews state reports for the COP and verifies them by triangulating data from ancillary reports;
- Develops concluding observations on the overall progress being made by state parties to adhering to the Pandemic Accord;¹⁶ and
- Reports regularly to the COP and heads of state and additionally, as required (e.g., providing an alert to the COP and WHA if urgent actions are required).

4.2. Membership

The Committee is made up of 15 members¹ who are recognised experts in their respective fields. To reflect the breadth of the Pandemic Accord, this expertise would span relevant fields, including public health, economics, social sciences, political science and international relations, law, trade, and finance, also taking into account, as appropriate, the need for transdisciplinary expertise.

Members serve in a personal capacity, not representing any institution or state with which they might be associated. Consideration is given to ensuring appropriate geographical, racial, gender, income, and age balance and participation of experts with disabilities.²

4.2.1. Qualifications

Members must be nationally, regionally, or internationally recognised experts in one or more fields relevant to pandemic PPR (see above). Members shall be selected based on their qualifications and experience, considering their publications, scientific, academic, and professional activities, and distinctions and international experience concerning the areas of specialty relevant to pandemic PPR.³ They must demonstrate experience in the field, independence, impartiality, personal integrity, and objectivity, as well as the following qualifications:⁴

- Relevant educational qualifications or equivalent professional experience in one of the fields relevant to pandemic PPR;

¹ Treaty Bodies have between 10 and 25 members; 15 as a middle ground can be adjusted depending on the Committee's mandate and needs.¹⁷

² The General Assembly resolution 68/268 encourages equitable geographical distribution, the representation of the different forms of civilisation and the principal legal systems, balanced gender representation, and the participation of experts with disabilities in the membership of the treaty bodies.¹⁷ The UNFCCC COP has also adopted a goal of gender balance ([decision 23/CP.18](#)) and highlighted the importance of the full, equal, and meaningful participation of women in the UNFCCC process ([decision 3/CP.25, annex, para 5](#)).¹⁸

³ Efforts shall be made to maintain a balance between research and practice.

⁴ General Criteria and Technical and Objective requirements adapted from information on the selection and appointment process for independent United Nations experts of the Human Rights Council.¹⁹

- Strong communication skills in one or more of the official languages of the United Nations;
- Superior knowledge of international instruments, norms, and principles in one or more areas relevant to pandemic PPR; knowledge of institutional mandates related to the United Nations and other international or regional organisations' work in the area of public health; and significant work experience in the field of public health;
- Flexibility, readiness, and availability of time to effectively perform the Committee's functions and respond to its requirements per the Committee mandate; and
- Commitment to a conflict-of-interest policy, ensuring that personal interests or affiliations do not influence actions and decisions (See section 4.2.8 below).

4.2.2. Duration of Membership

The duration of the membership will be on a non-renewable six-year basis.⁵ Selection will be staggered to provide continuity in the Committee membership and work and ensure that complete membership does not turn over at any point.²⁰ In other words, half the membership will be selected every three years, with half continuing as existing members.

4.2.3. Nomination⁶

The members of the Committee shall be elected by secret ballot from a list of persons nominated by COP Member States. Each COP member may nominate one person from among its residents.

4.2.4. Selection

Elections of the Committee members shall be held at meetings of the COP based on a competitive selection process that is open, merit-based, and transparent.²¹ A delegation consisting of a subgroup of state parties to the COP will elect the persons to the Committee. Nominees who obtain the largest number of votes will be selected with attention also to balance of expertise, geography, race, and gender.

4.2.5. Appointment of Chair and Vice Chair

The Committee will appoint a Chair and a Vice-Chair by prevailing majority vote by annual election from among its members.²² Co-chairs will serve terms not less than two years, with the final term determined by availability. In no event will both co-chairs' terms end in the same year. The Committee co-chairs will review the ongoing membership of any member who cannot attend two consecutive Committee meetings after consultation with that member.²⁰

⁵ Four years is the standard term for Human Rights Treaty Body members to serve.¹⁷ There is no analogue for a non-renewable term. Still, in the interest of not institutionalising membership and minimising the risk of patronage, this could be a good choice.

⁶ Experts held a range of opinions how to nominate and select members. The process will depend on the governance structure of the Pandemic Accord.

4.2.6. Changes in membership

If a member of the Committee resigns, fails to meet the standards of impartiality or independence, or for any other cause can no longer perform their Committee duties, the state party which nominated them shall appoint another expert from among its nationals to serve for the remainder of their term, subject to the approval of the delegation of the COP members. Any member may terminate their involvement in the Committee by providing written notice to the Secretariat.²³ The approval shall be considered given unless half or more of the COP members respond negatively within six weeks after being informed by the COP of the proposed appointment.²³

4.2.7. Remuneration

Members will receive a fixed fee honorarium for their service at a UN expert rate level. Reasonable expenses, such as travel expenses incurred by attendance at officially approved events, country visits, and meetings, will be compensated. Members will also receive a Daily Subsistence Allowance for the days they are engaged in Committee work or on official visits/travel per the relevant organisational allocations.⁷

4.2.8. Accountability and Conflict of Interest

Committee members are accountable only to their conscience, expertise, and the Pandemic Accord and not to their state, any other state, or any non-state actor, including corporations.¹⁷ Members shall not accept any honour, decoration, favour, gift, or remuneration from any state or non-state actor. Accountability includes also delivering on the Committee mandate in a timely and cost-effective manner.²⁴

In the interest of ensuring Committee independence and members' ability to serve in a personal capacity, members must satisfy the following criteria:

- A member holding the nationality of a state party should not participate in the review of said state party;¹⁷
- In the case of state party visits, selected Committee members cannot be from the visited state or shall have been nominated by the state to be visited;⁸
- Members cannot be employed by any state-party government department;¹⁶
- Members cannot receive funding from the Committee funding source;¹⁶ and
- Committee members shall avoid any action concerning the work of the Committee that might lead to or be seen by a reasonable observer to lead to bias against states or other non-state institutions.¹⁷

⁷ Treaty Bodies are paid a DSA following the UN DSA allocations; the Committee may follow a similar structure.¹⁷

⁸ Based on the procedures of the Subcommittee for Prevention of Torture, country visits.²³

Before the appointment, nominated members must complete a “declaration of interest,”⁹ which will be reviewed by the Ethics Panel of the United Nations. Committee member declarations will be made publicly available after selection.¹⁶

4.2.9 Protections

Reprisals by or against members of the Committee (or its staff) would have consequences for state parties. Members (and their) staff will receive all due protection. Interference in the Committee’s work by means such as intimidation or inducement (see below) will not be tolerated.

4.3. Operating Procedures

4.3.1. Secretariat

A Secretariat will support the Committee in administrative matters and provide onboarding services for new Committee members. The Secretariat will have particular responsibility for assisting the Co-Chairs and members by providing logistic support through setting the agenda and establishing dates and locations for meetings and teleconferences; organising and processing payments related to duty travel and meetings; managing Travel Authorisation applications; and writing and disseminating reports and managing correspondence to and from the Committee.¹⁷ The Secretariat will support the Co-Chairs in issuing any public communications concerning the Committee activities or reports.²⁰

The Secretariat will be based at the COP Secretariat, hosted by the WHO Director-General’s Office, as this can offer privileges and immunities to the Committee and its members.¹⁰

4.3.2. Funding

The cost for the Secretariat, travel and meetings, members’ DSA and honorarium, and any research support required by the Committee will be met by states parties to the Pandemic Accord,¹⁷ with budget allocation from the Pandemic Fund (based on a budget plan with at least two years committed upfront) and annual budget approval by the COP.²⁶

4.3.3. Agenda

The Committee Chair establishes the meeting agenda in consultation with Committee members and the Secretariat, with possible agenda input from other stakeholders deemed appropriate by the Committee.¹⁶

Members may propose additions or changes to the provisional agenda in writing to the Secretariat within one week of receiving the provisional agenda. These modifications shall be included in a revised provisional agenda by the Secretariat in agreement with the Co-Chairs.²⁵

⁹ The UN Ethics Panel may review the declarations of interest to ensure the ethics standards adopted by the UN are respected in this context.²⁵

¹⁰An analogue is Special Envoys of the Secretary-General (SESG), who serve as senior UN officials on specific issues.

4.3.4. Meetings

Official meetings will be held at least every six months (twice a calendar year).²⁰ The frequency of meetings may be adjusted as necessary. The Committee may also decide to meet more frequently as they deem necessary.¹⁷

4.3.5. Decision authority

Decisions or recommendations will, as a rule, be taken by consensus. Where consensus cannot be reached, decisions will require a quorum of at least two-thirds of members.¹⁶

A member can submit a dissenting opinion in writing when there is a disagreement with a majority opinion. With the Committee Chair's decision, the author may then be allowed to present their dissenting viewpoint and engage in a constructive dialogue with other members. The dissenting opinion may be incorporated into the Committee's final report depending on the review outcomes and discussion.

4.4. Reporting

4.4.1. Reporting frequency

Every year, the Committee will produce a report assessing the timeliness, completeness, and accuracy of state submissions on their treaty obligations.¹¹

4.4.2. Sources of information

The Committee will review state reports submitted to the COP and in consultation with the state party delegation. The content of the state reports will be based on the obligations and procedures referenced in the pandemic treaty. The Committee will solicit regular shadow reports from the UN agencies and civil society organizations and, where warranted, augment the expert opinion on specific issues. It may also review other national reports by state parties and, as required, reports and information from independent public health experts, WHO, UN agencies, public health organisations, and civil society organisations.¹² To fill gaps or triangulate data, the Committee may do additional review using publicly available sources such as official reports, regulations, policy documents, academic publications and reports, local and international news media reports, and websites of governments, NGOs, and international organisations.¹³

¹¹ Under the WHO Framework for Tobacco Control, Member States report on convention implementation biennially to the COP using a mandatory core questionnaire.²⁷

¹² Adapted from the Universal Periodic Review process of the OHCHR.²⁸

¹³ Adapted from the GHS Index methodology of aggregating publicly available data to help create a transparent picture of national-level health security gaps.²⁹

4.4.3. Reporting

The Committee will review the reports submitted by state parties to the COP¹⁴ for their timeliness, completeness, and accuracy.¹⁵ Reports will be written by the Committee members with assistance from the Committee Secretariat and submitted to the COP (and therefore to the WHA), heads of states, and the general public.¹⁶ The Committee may also write and disseminate reports focused on thematic issues pertaining to the mandate of the Committee.¹⁷ Situations of special concern will be highlighted in special paragraphs of its report.¹⁸

4.4.4. Escalation

In cases of non-compliance with Pandemic Accord stipulations, after seeking from the state party concerned all relevant information on the situation, the Committee may bring the matter to the attention of the COP and WHA to escalate the situation and elevate responsibility to an authoritative body.¹⁹

4.4.5. Solicitation of Expert Technical Opinion

For specific technical and programmatic issues, the Committee may solicit additional expert opinion by inviting recognised experts to submit their perspectives (in person or writing), consulting with a relevant technical committee(s), or through other mechanisms as the Committee deems appropriate.²⁰

4.4.6. Solicitation of Additional Reports

In addition, the Committee may recommend that the WHO undertake studies on specific issues relating to pandemic PPR on its behalf.²¹

4.4.7. Country Visits

In cases of suspected falsified or incomplete reporting, the Committee may propose specific country visits by two or more Committee members to facilitate and inform its work or accept invitations to visit states. These fact-finding missions allow for gathering more information for better response-based monitoring, as they can be more frequent and prompter than report analysis.

¹⁴ States adhering to the UNFCCC submit their reports to the COP Secretariat, which makes them publicly available.³⁰

¹⁵ The first stage of the UNFCCC review of greenhouse gas (GHG) is an initial assessment aiming to examine that each Annex I Party has submitted a consistent, complete and timely annual inventory in the correct format.³¹

¹⁶ There are no analogue monitoring bodies that report to both a COP and a Heads of State structure. The Committee can submit its reports to UNGA like the UN Treaty Bodies, as well as the COP following the example of the UNFCCC Subsidiary Body for Implementation, which reports to the UNFCCC COP.^{17 32}

¹⁷ The Advisory Committee to the Human Rights Council prepares and submits Thematic Reports for the Council's consideration.³³

¹⁸ Based on the annual reporting procedure of the ILO Committee of Experts to the International Labour Conference.³⁴

¹⁹ The UN Treaty Bodies, IAEA, and OPCW all have systems for bringing cases of particular gravity to the attention of the UNGA and the Security Council.^{17 35 36}

²⁰ Adapted from the TIMB procedure for additional expert opinion solicitation.¹⁶

²¹ Adapted from the Convention on The Rights of Child procedure on requests for additional studies.³⁷

Planned visits are to conduct inquiries when reliable information indicates consistent patterns of gross and reliably attested violations by a state party as per provisions set forth in the Pandemic Accord. The Committee invites the state to cooperate and may visit if the state agrees. The Committee prepares a confidential report on the inquiry and sends it to the state for comment. The procedure is confidential, although the Committee may publish the final report with the consent of the state concerned.¹⁷

Ad hoc visits may be requested to verify a state party's initial report of pandemic PPR or reports on changes thereof or to resolve questions or inconsistencies in the information a state has provided. If the state party in question denies the visit, the Committee will make a determination of its findings based on secondary data.

4.4.8. Travel authorisation

Official travel from the place of residence to the official destination and back is authorised through a travel authorisation (TA) issued ahead of travel. Upon taking up their functions, the experts must provide information regarding the place of residence, and relevant contact details, including emergency contact details, must be communicated to the Secretariat. Travel requests are prepared by the substantive units of the Secretariat supporting the expert(s), certified by the Travel Unit, and approved by the United Nations Office in Geneva (UNOG). The Secretariat Travel Unit initiates and certifies TAs for official missions according to the official itinerary and following the established United Nations travel regulations and rules.¹⁷

Even if the Secretariat may not approve a particular country visit, members may still travel at the state or non-state entity's invitation if alternative funding is provided. The Secretariat encourages members who receive invitations from states or non-state entities to disclose any information on costs covered and to inform the Government of the state party ahead of the visit in case a non-state entity issues the visit.²²

4.4.9 Communications

The Committee may receive and investigate individual communications from civil society organisations and other non-state entities in the form of complaints against a state. If it decides to accept the case, it establishes the facts in dialogue with the government concerned. If it finds that there has been a violation of the Pandemic Accord stipulations, it issues a report and makes recommendations on how the situation could be remedied. Governments are subsequently requested to report on the implementation of its recommendations.³⁸

Once the government replies to a submission, the complainant is offered an opportunity to comment before the Committee's decision. The procedure is confidential. Should complainants request that their identity be kept confidential, it will not be transmitted to the state concerned.³⁹

²² The Treaty Bodies Secretariat may refuse to approve and fund a country visit if the invitation is seen as an attempt to influence yearly reports by Treaty Bodies.¹⁷

The Committee may also propose a "direct contacts" mission to the government concerned to address the problem directly with government officials and partners through a dialogue process.³⁸

4.4.10. Dissemination of Findings

To ensure transparency, accountability, and coordinated action, as well as to highlight good practices and promote mutual learning, the Committee will make its reports available for public dissemination on a timely basis.²³

4.5. Changes to Terms of Reference

Amendments to the terms of reference may be made through a COP member vote with a two-thirds majority. Amendments are voted at a COP that may be held for this purpose.²⁴

Conclusion

There has been a clear call from global public health experts, including the Independent Panel for Pandemic Preparedness and Response,⁴¹ the Elders, and the Panel for a Global Public Health Convention,⁶ for independent monitoring of State reporting on compliance with the Pandemic Accord.

Based on evidence from other treaties, our report provides a concrete and feasible "draft zero" proposal on how this can be achieved.

Made up of independent experts, supported by a small independent secretariat within the Pandemic Accord COP, and with adequate "no strings attached" financing, the Committee would have access to a broad range of information sources and be able to publish its findings regularly and without interference.

Such a structure would complement other monitoring efforts, including state reporting to the COP and the UHPR, and could be carried out by existing entities, such as the GPMB, if adapted to meet the proposed criteria for independence.

²³ The UNFCCC Paris Agreement established an Enhanced Transparency Framework (ETF) designed to build trust and confidence that all countries contribute their share to the global effort. Under the ETF, technical expert reviews of country reporting must be made publicly available for consideration by other parties and the global community.³⁰

²⁴ Based on the UN Charter Rules, which stipulate that changes to the charter may be made at a General Conference of the Members of the United Nations, may be held for this purpose at a date and place to be fixed by a two-thirds vote of the members of the General Assembly and by a vote of any nine members of the Security Council. Each Member of the United Nations shall have one vote in the conference. Decisions are made through a two-thirds vote of members.⁴⁰

References

1. WHO. Zero draft of the WHO CA+ for the consideration of the Intergovernmental Negotiating Body at its fourth meeting. Published 2023. Accessed May 13, 2023. https://apps.who.int/gb/inb/pdf_files/inb4/A_INB4_3-en.pdf
2. Sarkin J. The 2020 United Nations human rights treaty body review process: prioritising resources, independence, and the domestic state reporting process over rationalising and streamlining treaty bodies. *Int J Hum Rights*. 2021;25(8):1301-1327. doi:10.1080/13642987.2020.1822337
3. Simmons BA & Creamer CD. *Do Self-Reporting Regimes Matter? Evidence From the Convention Against Torture*. University of Pennsylvania Carey Law School; 2019. Accessed September 4, 2023. https://scholarship.law.upenn.edu/faculty_scholarship/2057
4. Paul S. Shadow Report: An important tool for Advocacy. Published March 2022. Accessed September 4, 2023. <https://www.civilsocietyacademy.org/post/shadow-report-an-important-tool-for-advocacy>
5. Meier BM, De Milliano M, Chakrabarti A, Kim Y. Accountability for the human right to health through treaty monitoring: Human rights treaty bodies and the influence of concluding observations. *Glob Public Health*. 2018;13(11):1558-1576. doi:10.1080/17441692.2017.1394480
6. Faviero GF, Stocking BM, Hoffman S, Liu A, et al. An effective pandemic treaty requires accountability. *Lancet Public Health*. 7(9):730-e731. doi:10.1016/S2468-2667(22)00192-X.
7. Meier BM & Kim Y B. Human Rights Accountability Through Treaty Bodies: Examining Human Rights Treaty Monitoring for Water and Sanitation. *Duke J Comp Int Law*. 2016:139-228.
8. IFRC. *Project/Programme Monitoring and Evaluation (M&E) Guide*. IFRC; 2011. Accessed September 4, 2023. <https://www.ifrc.org/sites/default/files/2021-09/IFRC-ME-Guide-8-2011.pdf>
9. GPMB. Global Preparedness Monitoring Board. Published 2023. Accessed October 3, 2023. <https://www.gpmb.org/>
10. WHO. Universal Health and Preparedness Review. Published 2023. Accessed October 3, 2023. <https://www.who.int/emergencies/operations/universal-health---preparedness-review>
11. Hanbali L, Hannon E, Lehtimaki S, McNab C, Schwalbe N. *Independent Monitoring Mechanism for the Pandemic Accord. Accountability for a Safer World*. UNU-IIGH; 2022. http://collections.unu.edu/eserv/UNU:8997/Monitoring_mechanism_for_pandemic_accord.pdf
12. Lehtimaki S, Reidy A, Nishtar K, Darehshori S, Painter A, Schwalbe N. *Independent Review and Investigation Mechanisms to Prevent Future Pandemics. A Proposed Way*

- Forward.* UNU-IIGH; 2021.
http://collections.unu.edu/eserv/UNU:8032/nIndependent_Review_Final.pdf
13. Hannon E, Hanbali L, Lehtimaki S, Schwalbe N. Why we still need a pandemic treaty. *Lancet Glob Health*. 10(9):E1232-E1233. doi:10.1016/S2214-109X(22)00278-9
 14. GPMB. GPMB Strategic Plan 2021-2023. Published 2021. Accessed March 25, 2023. <https://www.gpmb.org/annual-reports/overview/item/gpmb-strat-plan-2021-2023>
 15. Independent Panel for Pandemic Preparedness and Response. *COVID-19: Make It the Last Pandemic*. Independent Panel for Pandemic Preparedness and Response; 2021. https://theindependentpanel.org/wp-content/uploads/2021/05/COVID-19-Make-it-the-Last-Pandemic_final.pdf
 16. Global Polio Eradication Initiative. Polio Transition IMB - Terms of Reference. Published 2020. Accessed May 10, 2023. <https://polioeradication.org/wp-content/uploads/2020/02/ToR-IMB-TIMB-Jan2020-Dec2021-20200122.pdf>
 17. United Nations. *Handbook for Human Rights Treaty Body Members*. OHCHR; 2015. Accessed July 14, 2023. https://www.ohchr.org/sites/default/files/Documents/Publications/HR_PUB_15_2_TB_Handbook_EN.pdf
 18. UNFCCC. Election and Membership. Accessed July 25, 2023. <https://unfccc.int/process-and-meetings/bodies/election-and-membership#Promoting-gender-balance>
 19. OHCHR. Human Rights Bodies: Information on the selection and appointment process for independent United Nations experts of the Human Rights Council. OHCHR. Accessed July 14, 2023. <https://www.ohchr.org/en/hr-bodies/hrc/sp/basic-information-selection-independent-experts>
 20. GPMB. *General Preparedness Monitoring Board Terms of Reference*. https://www.gpmb.org/docs/librariesprovider17/default-document-library/gpmb-tors.pdf?sfvrsn=36edfabe_3
 21. OHCHR. *Strengthening the Treaty Bodies, Guardians of the World's Human Rights Covenants and Treaties*. OHCHR; 2020. Accessed September 5, 2023. <https://www.ohchr.org/en/statements/2020/06/strengthening-treaty-bodies-guardians-worlds-human-rights-covenants-and-treaties>
 22. OPCW. *Scientific Advisory Board Terms of Reference*. https://www.opcw.org/sites/default/files/documents/SAB/en/SAB_ToR_RoP.pdf
 23. United Nations. *Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*. Accessed July 14, 2023. <https://www.ohchr.org/en/instruments-mechanisms/instruments/optional-protocol-convention-against-torture-and-other-cruel>

24. United Nations. *Status, Basic Rights and Duties of United Nations Staff Members*. ST/SGB/2016/9 21 July 2016. The United Nations; 2016. Accessed September 7, 2023. <https://www.undp.org/sites/g/files/zskgke326/files/undp/library/corporate/ethics/Status,%20basic%20rights%20and%20duties%20of%20United%20Nations%20staff%20members.pdf>
25. UNFCCC. Rules of Procedure. Accessed July 27, 2023. <https://unfccc.int/process/bodies/constituted-bodies/wim-excom/rules-of-procedure>
26. UNFCCC. Financial and Budgetary Matters. Published 2023. Accessed March 25, 2023. <https://unfccc.int/about-us/budget/financial-and-budgetary-matters>
27. WHO FCTC. Reporting Instrument. Accessed July 27, 2023. <https://fctc.who.int/who-fctc/reporting/reporting-instrument>
28. OHCHR. Basic facts about the UPR. Published 2022. Accessed March 25, 2023. <https://www.ohchr.org/en/hr-bodies/upr/basic-facts>
29. GHS. *Global Health Security Index Methodology Report 2021*. https://www.ghsindex.org/wp-content/uploads/2021/11/2021_GHSIndex_Methodology_FINAL.pdf
30. UNFCCC. Reporting and Review under the Paris Agreement. Accessed July 27, 2023. <https://unfccc.int/process-and-meetings/transparency-and-reporting/reporting-and-review-under-the-paris-agreement>
31. UNFCCC. Review Process. Accessed July 27, 2023. <https://unfccc.int/process-and-meetings/transparency-and-reporting/reporting-and-review-under-the-convention/greenhouse-gas-inventories-annex-i-parties/review-process>
32. UNFCCC. Subsidiary Body for Implementation (SBI). Accessed July 26, 2023. <https://unfccc.int/process/bodies/subsidiary-bodies/sbi>
33. OHCHR. Thematic Reports of the Advisory Committee to the Human Rights Council. OHCHR. Accessed July 26, 2023. <https://www.ohchr.org/en/hr-bodies/hrc/advisory-committee/thematic-reports>
34. ILO. Conference Committee on the Application of Standards. Accessed July 26, 2023. <https://www.ilo.org/global/standards/applying-and-promoting-international-labour-standards/conference-committee-on-the-application-of-standards/lang-en/index.htm>
35. IAEA. About IAEA: The “Atoms for Peace” Agency. Published July 9, 2014. Accessed July 14, 2023. <https://www.iaea.org/about/about-iaea>
36. OPCW. Conference of the States Parties. OPCW. Accessed July 26, 2023. <https://www.opcw.org/about/conference-states-parties>
37. United Nations. *Convention on the Rights of Child. General Assembly Resolution 44/25*. United Nations; 1989. Accessed July 14, 2023. <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>

38. ILO. Committee on Freedom of Association. Accessed July 14, 2023. <https://www.ilo.org/global/standards/applying-and-promoting-international-labour-standards/committee-on-freedom-of-association/lang--en/index.htm>
39. OHCHR. Human Rights Council Complaint Procedure. Published 2023. Accessed September 7, 2023. <https://www.ohchr.org/en/hr-bodies/hrc/complaint-procedure/hrc-complaint-procedure-index>
40. United Nations. UN Charter: Chapter XVIII: Amendments (Articles 108-109). United Nations. Accessed July 14, 2023. <https://www.un.org/en/about-us/un-charter/chapter-18>
41. Sirleaf H.E. EJ & Clark, Rt Hon. H. *A Road Map for a World Protected from Pandemic Threats.*; 2023. https://theindependentpanel.org/wp-content/uploads/2023/05/Final-Road-Map-Report_May-2023_Interactive.pdf
42. GPMB. *A World Prepared Independent Monitoring of Health Emergency Preparedness & Response. Draft.* GPMB; 2021.
43. Baidjnath P. Voluntary Contributions – Solution to the ICC’s Funding Crisis or Threat to its Independence and Effectiveness? Amnesty HRIJ. Published October 12, 2022. Accessed May 10, 2023. <https://hrij.amnesty.nl/voluntary-contributions-solution-to-the-iccs-funding-crisis-or-threat-to-its-independence-and-effectiveness/>
44. Squatrito T. Conceptualizing, Measuring and Mapping the Formal Judicial Independence of International Courts. Published online February 28, 2018. doi:10.2139/ssrn.3131557
45. OECD. *Creating a Culture of Independence. Practical Guidance against Undue Influence.* OECD; 2017. <https://www.oecd.org/gov/regulatory-policy/Culture-of-Independence-Eng-web.pdf>
46. Burt, RS. Autonomy in a Social Topology. *Am J Sociol.* 1980;85(4):892-925. doi:10.1086/227093
47. Dahl RA. *Dilemmas of Pluralist Democracy.* Yale University Press; 1983.
48. UNDP. *Evaluation and Independence.* UNDP; 2016. http://web.undp.org/evaluation/evaluations/documents/Independence_of_Evaluation.pdf
49. Picciotto R. Evaluation Independence in Organizations. *J Multidiscip Eval.* 9(20):18-32. doi:10.56645/jmde.v9i20.373
50. von Trapp, L, Nicol, S. *Measuring IFI Independence: A First Pass Using the OECD IFI Database.* OECD; 2018.
51. Establishing national independent mechanisms to monitor fundamental rights compliance at EU external borders | European Union Agency for Fundamental Rights. Accessed July 17, 2023. <http://fra.europa.eu/en/publication/2022/border-rights-monitoring>

52. Grahan S. What is “independent advice”? Published June 23, 2015. Accessed July 10, 2023. <https://www.assuredsupport.com.au/articles/2015/6/23/what-is-independent-advice>
53. United Nations Human Rights Council. NGO Participation in the Human Rights Council. OHCHR. Published 2023. Accessed May 10, 2023. <https://www.ohchr.org/en/hr-bodies/hrc/ngo-participation>
54. UNFCCC. Guidelines for the preparation of national communications by Parties included in Annex I to the Convention. Published 2004. Accessed May 16, 2023. <https://unfccc.int/documents/3689>
55. UNFCCC. Guidelines for the technical review of information reported under the Convention related to greenhouse gas inventories, biennial reports and national communications by Parties included in Annex I to the Convention. Published 2018. Accessed May 16, 2023. <https://unfccc.int/documents/67098>
56. UNFCCC. Review Practice Guidance 2022. Published 2022. Accessed May 16, 2023. <https://unfccc.int/documents/461001>
57. IAEA. IAEA Safeguards Overview. Published July 7, 2014. Accessed May 10, 2023. <https://www.iaea.org/publications/factsheets/iaea-safeguards-overview>
58. IAEA. Verification and other safeguards activities. Published June 8, 2016. Accessed May 16, 2023. <https://www.iaea.org/topics/verification-and-other-safeguards-activities>
59. OPCW. The Verification Regime of the Chemical Weapons Convention: An Overview. OPCW. Published 2008. Accessed May 10, 2023. <https://www.opcw.org/media-centre/news/2008/11/verification-regime-chemical-weapons-convention-overview>
60. OPCW. Verification Annex. Published 2008. Accessed May 16, 2023. <https://www.opcw.org/chemical-weapons-convention/annexes/verification-annex/part-ii-general-rules-verification>
61. Mushkat M, Mushkat R. The Challenge of COVID-19 and the World Health Organization’s Response: The Principal-Agent Model Revisited. *Am Univ Int Law Rev.* 2021;36(3). <https://digitalcommons.wcl.american.edu/cgi/viewcontent.cgi?article=2067&context=auilr>
62. Viegas e Silva M. The United Nations Human Rights Council. *Int J Hum Rights.* 2017(19). Accessed May 10, 2023. <https://sur.conectas.org/en/united-nations-human-rights-council/>
63. Gaier FD. Picking and Choosing? Country Visits by Thematic Special Procedures. In: A. Nolan, R. Freedman & T. Murphy, “*The United Nations Special Procedures System*” *The United Nations Special Procedures System*. Brill; 2017. <https://www.jbi-humanrights.org/Picking%20and%20Choosing.pdf>
64. Meier MB, Huffstetler H & de Mesquita JB. Monitoring and Review to Assess Human Rights Implementation. In: *Gostin LO & Meier MB (Ed.) ‘Foundations of Global Health & Human Rights’*. Oxford University Press; 2020.

65. Spark Street Advisors. *Independent Monitoring for Global Health Security. The Potential Role and Requirements for an Independent Body.*; 2021.
66. WHO. Working Group on Sustainable Financing. Published 2022. Accessed April 16, 2022. <https://apps.who.int/gb/wgsf/>
67. Cornwell S. U.S. stops UNESCO funding over Palestinian vote. Reuters. Published October 31, 2011. Accessed May 19, 2023. <https://www.reuters.com/article/us-palestinians-unesco-usa-funding-idUSTRE79U5ED20111031>
68. BBC News. US withdraws funding for United Nations Population Fund. BBC News. Published April 4, 2017. Accessed May 19, 2023. <https://www.bbc.com/news/world-us-canada-39487617>
69. IAEA. Agreement on the Privileges and Immunities of the Agency. Published 1959. Accessed September 5, 2023. <https://www.iaea.org/publications/documents/infcircs/agreement-privileges-and-immunities-agency>
70. Gostin LO, Koh HH, Williams M, et al. US withdrawal from WHO is unlawful and threatens global and US health and security. *The Lancet*. 2020;396(10247):293-295. doi:10.1016/S0140-6736(20)31527-0
71. Global Environment Facility. Climate Change Mitigation. Global Environment Facility. Published November 6, 2022. Accessed May 16, 2023. <https://www.thegef.org/what-we-do/topics/climate-change-mitigation>
72. Calderón R, Piñero R, Redín DM. Understanding Independence: Board of Directors and CSR. *Front Psychol*. 2020;11. doi:10.3389/fpsyg.2020.552152

Annex 1. Independence defined

In this document, we explore the elements promoting and enabling the independence of international monitoring mechanisms. Building on the concept put forward by the Global Preparedness Monitoring Board (GPMB), we explore independence consisting of technical, political, organisational, operational, and financial dimensions and provide concrete examples from treaty and global health monitoring initiatives for each dimension.

We selected the following standing monitoring mechanisms in this review as, based on our previous reviews, they show the most potential for independence:

- United Nations Human Rights Council and Special Rapporteurs;
- Human Rights Treaty Bodies;
- The International Labor Organization (ILO) (Confidential Reporting Mechanism);
- Global Preparedness Monitoring Board (GPMB);
- United Nations 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).

To identify examples and understand operational details, we reviewed web pages for descriptions of each mechanism. We also conducted targeted searches in Google Scholar for peer-reviewed articles for analyses and evaluations. Search terms included "independence"; "technical", "operational", "organisational", "political", or "financial." Organisational information was cross-checked with Google searches of the entities' organisational charts, other grey literature, and relevant legal and other documentation. We supplemented this information with consultation with eight experts in international treaty governance, human rights, and global health by circulating a draft by email in August 2023.

1. Independence

Definition

Independence refers to freedom from external influence, control, and pressure. In the context of monitoring, it implies the ability to operate without being subject to political, organisational, and corporate authority and have full access to information and autonomy in carrying out investigations and reporting findings.⁴² Independence enables maintaining impartiality through the ability to avoid conflicts of interest and external pressures that could compromise objectivity.

Independence is a condition which must be established and actively secured. It depends on individual Committee members' ability, expertise, and competence to conduct themselves independently. Moreover, it depends on an overall package of terms and conditions to manage

bias, the available resources, the security of tenure, and the extent to which Committee members are treated as professionals capable of asserting independence convincingly.⁴³

Eight types of rules can serve as institutional safeguards of independence: (i) selection and tenure, (ii) eligibility criteria, (iii) resourcing, (iv) rules of procedure, (v) recusal and activities incompatible with office, (vi) confidentiality, (vii) oath to independence, and (viii) privileges and immunities.⁴⁴

What this means in practice

- “Freedom from political influence and organisational pressure”;⁴⁵
- “The ability to pursue and realise interests without constraint from other actors in the system”⁴⁶;
- “Not to be under the control of another”⁴⁷; and
- “Structural freedom from control.”⁴⁸

2. Technical Independence

Definition

The Committee is empowered to collect information as needed and use external sources to verify the information. To complement the state party reporting to the COP, information can be collected from the states on a routine or as-needed basis. Where relevant, the Committee may use external sources to support or verify information provided by state parties, including from a broad range of actors across all relevant sectors, such as civil society or the private sector, through consultations, shadow reporting, media and social media reports, or other data collection processes. To enhance trust, privacy, and security, as required, the sources will be kept confidential from the state parties. The method to collect additional data can be passive, where the Committee issues a public call for input or evidence, or active, where it has resources, such as experts, to generate new evidence. The Committee's analysis process involves a systematic and objective examination of information. It is based on the solid technical qualifications of the Committee members as well as transparency about conflicts of interest.

What this means in practice

- Objective scientific assessment of a state party free from undue influence from financial and political actors (mainly state parties and donors) meant to distort or bias the conduct or findings of an evaluation⁴⁸;
- Access to information and expertise in public health^{49,50};
- Necessary configuration and level of power to conduct periodic and ad hoc, and announced and unannounced, visits – based on fundamental rights⁵¹; and
- Unrestricted range of the adviser's inquiries⁵²

Examples:

- **The Human Rights Council and the Human Rights Treaty Bodies.** Civil society organisations and UN specialised agencies can provide confidential shadow reports by invitation or unsolicited through an online portal.⁵³ These reports may contain information not reported by state parties.
- **UNFCCC.** The Secretariat uses external sources, such as IPCC estimates, to verify countries' reports.^{54,55} Expert review teams appointed by the UNFCCC secretariat conduct technical reviews of the information received in state self-reports, including interviews with countries to complete any gaps in reporting and a technical assessment to compare reports with international standards and projections.⁵⁶
- **IAEA.** Inspectors carry out routine on-site visits based on a country's nuclear-related activities (e.g., number, type, and life cycle of facilities). They can (and do) undertake special ad-hoc inspections if they consider that information made available by a state or obtained from routine inspections is inadequate.⁵⁷ While advance notice of at least 24 hours is normally required, in some cases, it can be as short as 2 hours.⁵⁷ The visits involve inspections of reports, equipment, and facilities, including collecting environmental samples.⁵⁸
- **OPCW.** Inspectors conduct verification visits at the request of a state party or if a specific challenge is issued concerning the potential misuse of chemical weapons.⁵⁹ These, like IAEA inspections, aim to identify any illicit use of chemical weapons through interviews with personnel, inspection of sites and equipment, and collecting environmental samples.⁶⁰

3. Operational and Organisational Independence

Definition:

The Committee maintains autonomy over its work; can decide when and whether to make recommendations to relevant stakeholders, including governments, multilateral organisations, and the private sector; maintains control over its operations (e.g., travel, meetings, administrative support), and frequency and type of messaging and communications; and can conduct independent research and analysis, and has the necessary resources (including staff) to do so. Its members exercise their duties without interference from organisational policies and hierarchies of the hosting/supporting organisation (s) or external stakeholders.

What this means in practice

- Full freedom over the hiring process for staff⁵⁰;
- Set own work program and scope to produce reports and analysis⁵⁰;
- Ability to disclose without management-imposed restrictions⁴⁹;

- Not controlled or influenced by decision-makers who have responsibility for the activities being evaluated⁴⁹; and
- Operates autonomously and is not subject to political, economic, or other pressures or policies of its hosting/supporting organisation.⁴⁹

Examples:

Analysis

- **The Independent Monitoring Board for Polio (IMB)** submits its report directly to the WHO Director General and other Polio Oversight Board members without providing GPEI agencies and countries the opportunity to influence its findings (a draft not circulated).

Operations

- **UN Special Rapporteurs** appointed by the UN Human Rights Council and supported by the Office of the High Commissioner for Human Rights (OHCHR) serve in their capacities. They are not UN staff and do not receive a salary. Their expenses (such as travel) and administrative and logistic support are covered through the regular budget for Special Procedures, as well as voluntary contributions from state parties and private actors.^{61,62}
- **UN Special Rapporteurs** with a thematic rapporteurship mandate can decide independently from the UN human rights system which countries to visit. However, a visit requires an invitation from a state.^{63,64}

Communications

- **Human rights** treaty bodies issue concluding observations and recommendations even when a state has failed to provide a report. The treaty body reports feed into the Human Rights Council's monitoring.⁶⁵
- **UN Special Rapporteurs** communicate with states (and sometimes with others, e.g., intergovernmental organisations, businesses, military or security companies) by sending "urgent appeals" or "allegation letters" to which they expect to receive a response within a certain timeframe. Through these communications, they can convene (or combine) reports on allegations of human rights violations that they have received from any individual, group, civil society organisation, inter-governmental entity, or national human rights bodies.^{43,66}

4. Political independence

Definition

The Committee is protected from influence by countries, organisations, and other stakeholders (e.g., foundations) who may disagree with its assessments or recommendations. Decisions are made solely by the Committee and its members, acting in their individual capacities and not as representatives of their countries or organisations.

What this means in practice

- Defined criteria for appointment and dismissal⁵⁰;
- Exercises duties without interference from organisational policies, hierarchies, or external stakeholders⁴⁹; and
- Diplomatic immunity to protect Committee members from arrest or prosecution for acts taken in carrying out official duties.

Examples

- **Human Rights Committee** members cannot participate in the consideration of reports, communications, consultations, individual complaints, or take part in visits or inquiries relating to any of the states of which they are national.^{67,68}
- **The Committee against Torture** requires members who are nationals of the state party concerned or are employed by that state to be excluded from any non-public consultations or meetings between the Committee, National Human Rights Institutions, and non-governmental organisations.⁶⁷
- **The IAEA's** inspectors have an immunity status that protects them from any legal process in the host country for acts performed during their official duties.⁶⁹

5. Financial Independence

Definition

The Committee is firewalled from engagement with any donors or group of donors. The Committee is funded through assessed or non-earmarked (either by states or private donors) funding and, therefore, is not subject to pre-conditions through which countries and other donors can impose their individual priorities or political considerations.^{70,71} Funding is sustained and sufficient for related staff and activities.

What this means in practice

- Does not have a material relationship with the host institution or have a material relationship with a related company that conducts business with the company⁷²;
- Firewalled from engagement with any donors or group of donors^{43,66}; and
- Funded through assessed or non-earmarked funding and, therefore, not subject to pre-conditions through which countries and other donors can impose their individual priorities or political considerations.^{43,66}

Example:

- **UNFCCC:** Financial support is provided by the Global Environment Facility, the financial mechanism of the Paris Agreement, which supports the implementation of UNFCCC priorities.⁷¹

Annex 2. Core Design Elements

The following core design elements for treaty monitoring, summarised below, build on an analysis of monitoring approaches to existing treaties and mechanisms within and beyond health.¹¹

Independence: Independence from political bodies and donors ensures greater freedom to call the Member States out. Therefore, a body independent of the Member States, the WHO, and donors should monitor the Pandemic Accord.

Accountability: Treaties often rely on extra-legal political authority to promote compliance; this is heightened when treaty bodies report directly to heads of state and government, whose involvement would also support the coordinated action required across multiple sectors.

Verifiable data: Most international treaties establish a system to verify the information submitted by Member States. The independent Committee should draw on the broad range of sources available to carry out such verification.

Investigative powers: On-site investigations can support the verification of data and offer an opportunity to provide national technical support and capacity building, which can be employed in the monitoring mechanism for the Pandemic Accord.

Formal and transparent follow-up: Repeat assessments, a year or two following recommendations by a monitoring body, are used to track whether states fulfil obligations they have fallen short on.

“Reputational” incentives: While there is limited evidence on the utility of material incentives and sanctions and some evidence that they cause harm, reputational incentives may generate peer pressure that promotes compliance.

Link to financial and technical assistance: Using assessments to inform where states need material or technical support can encourage states to cooperate with monitoring mechanisms. In the case of the Pandemic Accord, gaps in compliance identified by the Committee can inform the allocation of resources.

Expert autonomy: While the structure and composition of monitoring mechanisms vary greatly, depending on the aims and functions, the autonomy of such committees is a consistent feature. This can be assured by appointing independent experts, serving in their personal capacities for a limited time. The operations of the Committee should be firewalled from institutions with vested interests.



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Spark Street Advisors, UNU-IIGH. (2023 October). Independent Monitoring for the Pandemic Accord: A Proposal for Action. Kuala Lumpur: United Nations University International Institute for Global Health.