

**Towards an Independent Review of the COVID-19 Pandemic:
A Mechanism Based on Environmental Dispute Resolution Principles
& the Scientific Standards of Testability, Objectivity & Impartiality**

[Dr Ted Christie](#), 17 June 2020



Disclosure Statement

Ted Christie does not work for, consult to, own shares in or receive funding from any company or organisation that would benefit from this article, and has no relevant affiliations

'With "unprecedented solidarity", the World Health Assembly [the decision-making body of the WHO] adopted a "landmark resolution" which sets out a "clear roadmap" of the actions needed to sustain and accelerate the COVID-19 response at both national and international levels, the [UN health agency chief](#) told a press briefing [19 May 2020]'.

The [WHO Situation Report-94](#) refers to:

"the first human cases of COVID-19, the disease caused by the novel coronavirus ... being first reported by officials in Wuhan City, China, in December 2019. Retrospective investigations by Chinese authorities identified human cases with onset of symptoms in early December 2019".

On 30 January 2020, the World Health Organization (WHO) declared the outbreak a [Public Health Emergency of International Concern](#).

On 11 March 2020, the WHO declared the coronavirus, COVID-19, a global pandemic. It had spread to nearly every country in the world.

There are now over 8 million coronavirus cases, worldwide. The [global death toll from the coronavirus](#) has now reached almost 450,000¹.

A [landmark resolution](#) by the World Health Assembly on 19 May 2020 was sponsored by more than 130 countries and adopted by consensus. It sought to bring the world together to fight the COVID-19 pandemic.

In a media briefing on 26 May 2020, [Dr Mike Ryan](#), a WHO Executive Director², warned that the international threat of this pandemic had not ended. That most of the world was still experiencing the first wave of infection; that a second wave could still emerge.

A [cross-disciplinary model \(conflict resolution/science\)](#) for environmental dispute resolution³ is outlined in this article that would facilitate an independent, impartial, and comprehensive evaluation of the COVID-19 pandemic.

Information Conflicts and Controversy: The COVID-19 Pandemic

How did the outbreak start? This should be a priority issue for immediate review in any comprehensive evaluation of the COVID-19 pandemic.

- *Was it possible that the virus to have been a chance transmission from an animal source? If this is the case, the animal would need to be identified - as well as the pathway of introduction from animal to human population.*

Another possibility may be that it arose because of an accidental release of the virus from a laboratory.

- *A further priority issue for review would focus on “global pandemic prevention, preparedness, and response capacity”. Specifically, the global controversy over the time taken before an early warning was given for COVID-19.*

The Landmark Resolution Adopted by the World Health Assembly

An aim of the resolution (@ **Motion OP9.10**) was for a need to initiate a **“stepwise process of impartial, independent and comprehensive evaluation including using existing mechanisms”** of the global response to include, but not limited to WHO’s performance: .

*In this regard, the resolution referred to the need to make
“recommendations to improve global pandemic
prevention, preparedness, and response capacity”.*

Mechanisms for Undertaking a Comprehensive Evaluation: Options

The WHO is actively involved in promoting and protecting health worldwide: The capacity of the WHO to undertake a rigorous evaluation of COVID-19 is not in dispute.

Existing WHO mechanisms that could undertake an evaluation were provided as a Footnote to OP9.10 of the World Health Assembly resolution:

“An IHR Review Committee and the Independent Oversight and Advisory Committee for the WHO Health Emergencies Programme”.

However, there are some COVID-19 issues in dispute that warrant an alternative, external mechanism to the existing mechanisms of the WHO to dispel any concerns over objectivity, transparency, and neutrality.

***e.g. The origin of the virus and its pathway of transmission.
Early warning of the virus and preparedness.***

There is a precedent for adopting an alternative mechanism to an existing WHO mechanism based on the approach taken for an external review for another significant global problem presided over by the UN: *Climate change*.

The Intergovernmental Panel on Climate Change (IPCC) is the United Nations body for assessing the science related to climate change.

The existing IPCC structure for assessing specific aspects of climate science and methodology may be complemented by a Task Force established for a set time period to consider a specific topic or question.

A Task Force could be established by the WHO to evaluate controversial specific COVID-19 issues that justify an independent or external review.

Countries that had experienced significant adverse public health impacts and/or socio-economic and cultural impacts would be invited to nominate an expert to the WHO for each specific issue assigned for a Task Force to evaluate. The WHO would have the responsibility of selecting the representative panel of experts for the Task Force.

The Scientific Round-Table and COVID-19 Evaluation: An Alternative to the WHO Existing Mechanisms

The scientific round-table aim is to resolve scientific information conflicts by providing objective, unbiased scientific outcomes. It is based on the alternative dispute resolution process of “***independent expert appraisal***”.

The ***scientific round-table*** was developed for multi-party environmental conflicts – conflicts in which the scientific facts can be complex and where divergent scientific opinion is inevitable.

*It is a structured process,
of shared responsibility for fact-finding
that relies on a relevant and reliable common scientific database
and consensus decision-making.*

*Its cornerstones
are environmental dispute resolution principles,
that give effect to the enduring standards of the scientific method:
Testability, objectivity, and impartiality.*

The Scientific Round-Table Framework: Testability, Objectivity, and Impartiality

A feature of the fact-finding process is the need for the collaborative fact-finding process at the scientific round-table to resonate with the interrelationships between the three scientific standards.

Testability ~ Relevant & Reliable Scientific Information

- The scientific round-table requires **a full and fair disclosure of all relevant and reliable information** (e.g. published articles, reports, experimental studies) applicable for the review of each COVID-19 issue in dispute at the outset.
- The process is referred to as **data (or information) mediation**.
- The information derived from the data mediation becomes the common database for the COVID-19 review. It is the foundation for the joint fact-finding process that follows as it ensures all fact-finding can be undertaken without any fear of “cards being held under the table”.
 - ☑ **It overcomes one of the primary sources of scientific information conflicts: Different opinions of what information is relevant and reliable.**
- Decisions on the content of the “COVID-19 database” as being relevant and reliable must be based on objective facts and not be open to a challenge on the grounds of subjectivity” e.g. a value judgement; or to be hypothetical or speculative.

☑ Decisions on the content of the “COVID-19 database should focus on the principles and methodology that led to the conclusions in the information being reviewed e.g. the underlying concepts, experimental methodology and design, statistical methods and reliability, data analyses...

Objectivity ~ Evaluation of the Issues in Dispute

- ❖ For the process of shared responsibility and joint fact-finding to be effective at the scientific round-table, the COVID-19 disputed issues must be evaluated using objective criteria *based on fair standards and procedures*: Regardless of who evaluates the “COVID-19 database”, the findings of fact and conclusions remain the same.

☑ Joint fact-finding at the scientific round-table, based on objective criteria, overcomes the obstacle of polarised scientific opinion.

☑ This step overcomes another of the primary sources of scientific information conflicts: Different interpretations of the same information.

Impartiality: Transparency and Neutrality

- Impartiality is a principle of justice that resonates with neutrality.
- The data mediation must be undertaken by the Task Force’s expert scientific panel. The Task Force must agree on the content of the common COVID-19 scientific information database for each specific issue in dispute.
- The Task Force’s expert scientific panel, when engaged in collaborative fact-finding, must decide, and agree on the objective criteria that will be used to evaluate the common COVID-19 scientific database.

☑ Achieving impartiality will be facilitated where the process for resolving COVID-19 information conflicts is seen as transparent; and where the needs and concerns of WHO Member States related to the COVID-19 pandemic have been properly taken into account.

☑ By ensuring WHO Member States having a recognised interest in COVID-19 can emerge from the Task Force process with a sense of gain as well as a sense of ownership in outcomes and conclusions; and

☑ Decision-making in these circumstances facilitates trust-building.

SUMMARY: Evaluation of COVID-19 Information Conflicts
The Stepwise Processes of the Scientific Round-Table

- WHO to identify and prioritize the key COVID-19 issues in dispute that have led to ***information conflicts*** and global controversy.
- Each country to nominate scientific experts for appointment to a short-term “WHO Task Force” to evaluate a specific COVID-19 information conflict(s).
- WHO to select and appoint the panel of scientific experts to the Task Force.
- Data (Information) Mediation to decide on the common scientific database for evaluation undertaken by the Task Force’s expert scientific panel.
- The Task Force’s expert scientific panel to decide and agree on the objective criteria that will be used to evaluate the common scientific database as relevant and reliable for the specific issue in dispute.
- Joint fact-finding by the Task Force’s expert scientific panel based on consensus decision-making.
- Resolution of the ***information conflicts***: Outcomes provided to WHO.

*Dr Ted Christie is the author of the cross-disciplinary [Law (Australia/UK/USA)-Science-Conflict Resolution] [book on environmental dispute resolution](#). A Google search of the key words: ***finding solutions for environmental conflicts*** – turns up over 280,000,000 results.*

The author’s book appears as 8 of the 9 results on [Google page 1](#) – including @ #1.

KEY WORDS: *Covid-19; evaluation; WHO; World Health Assembly; information conflicts; scientific round-table; fact-finding; testability; objectivity; impartiality; data mediation; consensus decision-making*

End Notes

¹ From [2002–2004, severe acute respiratory syndrome \(SARS\)](#), another type of *coronavirus* came out of China; it spread quickly through respiratory droplets, causing 774 global deaths: *Although “the SARS mortality rate was higher than COVID-19, COVID-19 has already claimed more lives.”*

² Executive Director, WHO Health Emergencies Programme

³ [“Finding Solutions for Environmental Conflicts: Power and Negotiation”](#) Chapter 10, “Managing and resolving environmental conflict by negotiation: NIMBY or NIMBI?” pp.263-294.