

Concept Note

Legal implications of pandemics A ten month assessment

The world faces a major challenge and a possible enduring crisis derived from the COVID-19 coronavirus pandemic, which has resulted in hundreds of thousands of deaths and billions infected;

The progressive development of this framework resulted in an enhanced international cooperation through the International Health Regulations (IHR, 1969). A notable feature of the IHR is the requirement that States notify the WHO whenever outbreaks of cholera, plague, yellow fever, and SARS in 2003 triggered a discussion that led to the amendment of the IHR (2005 IHR)¹⁴, including an improved international surveillance, reporting, and response mechanisms for disease outbreaks. Further, the 2005 IHR expanded the events, which must be reported to the WHO.

Parallel to these developments, the international community has also resorted to other sources to strengthen international action and cooperation in dealing with pandemics, including, but not limited to: United Nations documents; Security Council resolutions on HIV/AIDS and Ebola; and multilateral and bilateral treaties. Domestic legislations and domestic courts, in different degrees, have incorporated international obligations of cooperation and recognized the importance of public health.

In spite of these important developments, the current crisis created by COVID-19 has shown the need to develop further the ability of the international community and WHO to react to pandemics. There is almost an existential need to strengthen the mechanisms of prevention and cooperation. In an omnibus September 2020 resolution of the General Assembly on the COVID-19 pandemic, an overwhelming majority of States stressed multilateralism and called

