

# What to Know About an International Pandemic Agreement

The World Health Assembly will hold a Special Session starting November 29 to consider a convention or other international instrument on pandemic preparedness and response



UN Geneva, <https://flic.kr/p/c2Xozb>

## World Health Organization (WHO)

A specialized agency of the United Nations formed in 1948. Its objective is “the attainment by all peoples of the highest possible level of health.”

## World Health Assembly (WHA)

The supreme decision-making body of the WHO, the WHA, has powers that include setting overall policy and adopting binding international treaties.

## Governance

WHO, with 194 member states, is governed under a Constitution, which is itself an international treaty. Pursuant to its provisions, only states may be members of the WHA.

## Treaty

An international agreement concluded between States in written form and governed by international law.

## WHO’s Article 19 Treaty Powers

The WHA may adopt conventions or agreements with respect to any matter within the competence of the WHO.

## WHO’s Article 21 Treaty Powers

The WHA may adopt regulations concerning procedures to prevent international disease spread, disease names, diagnostic standards, pharmaceutical safety standards, and advertising and labeling.

## 19 Framework Convention on Tobacco Control (2005)

Established a regulatory pathway for countries to adopt strong tobacco control measures “in response to the globalization of the tobacco epidemic.”

## 21 Nomenclature Regulations (1948)

Requires states to use the International Classification of Diseases.

## 21 Int’l Health Regulations (IHR) (rev. 2005)

Requires states to report certain public health events and outlines procedures for WHO to declare a “public health emergency of international concern” among others.

## Opportunities Under New Agreement

- Potential for an all-of-government/all-of-society solution
- Deploy “One Health” approaches among the human, animal, and plant health and environmental sectors
- Improve domestic legal preparedness for public health emergencies
- Possibility to address many facets of risk management
- Enhance communication and community engagement

## Limitations

- Concerns over national sovereignty
- Likely cannot cover all pandemic content
- May subjugate tailored, local responses

## Alternatives

Revisions to the IHR, for example to reform early warning systems, response coordination, and information sharing  
**Recommendations and Political Commitments**, which have a useful signaling effect, but do not contain commitments  
**Soft Law Mechanisms**, which have defined commitments and test new norms, but are not binding law  
**Public-Private Partnerships**, which allow for the engagement of government, civil society, companies, academia, and others

## Resources

[WHA Special Session](#)  
[Legal Tools for Pandemic Preparedness -WHO Collaborating Center Support for New Coordinating Mechanisms](#)  
[An International Agreement on Pandemic Prevention and Preparedness \(JAMA\)](#)  
[Consultations on a New International Pandemic Agreement](#)

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