What to Know About an International Pandemic Agreement

For the second time in history, the World Health Assembly is holding a Special Session to consider a convention or other international instrument on pandemic preparedness and response.

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

With 194 member states, WHO is governed under a Constitution, which is itself an international treaty. Only countries are full 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 with regard to international disease spread, disease naming conventions, diagnostic standards, pharmaceutical safety standards, and advertising and labeling.

Oppunities Under New Agreement

• Enact 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
• 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

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.”

Nomenclature Regulations (1948)

Requires states to use the International Classification of Diseases.

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.

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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