

### **What is meant by a ‘convention, agreement or other international instrument’?**



Conventions, framework agreements and treaties are all examples of international instruments, which are legal agreements made between countries that are binding.

There are international instruments addressing a broad range of topics, including tobacco control, nuclear, chemical and biological weapons, climate change and many other threats to our shared security and well-being.

A key international instrument on international health, rooted in the WHO Constitution, is the International Health Regulations (2005), which was established “to prevent, protect against, control and provide a public health response to the international spread of disease in ways that are commensurate with and restricted to public health risks, and which avoid unnecessary interference with international traffic and trade”.

### **The proposed accord may focus on “pandemics”; is that term internationally defined, and how do “pandemics” fit with the International Health Regulations (IHR)?**



It could be anticipated that a new accord could define the term “pandemic” as part of its terms, to ensure clarity with respect to its scope of application, if Member States so decide. It is also possible that the new accord could include a provision on its relationship with other international instruments, including clarifying that the new accord could be complementary to the IHR. Article 57 of the [IHR](#) also states that its Parties may conclude special treaties or arrangements in order to facilitate the implementation of the IHR.

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## **How much authority could an accord have over signatory countries? Will it be legally binding? Will it take sovereignty away from signatory countries?**



The Zero Draft presented by the INB Bureau based on progress achieved and input received at the third meeting of the Intergovernmental Negotiating Body (INB) refers to a number of potential guiding principles and rights for the new accord, including the importance of national sovereign rights and full respect for the dignity, human rights and fundamental freedoms of persons.

As with all international instruments, any new accord, if and when agreed by Member States, would be determined by governments themselves, who would take any action while considering their own national laws and regulations.

Member States will decide the terms of the accord, including whether any of its provisions will be legally binding on Member States as a matter of international law.

It is expected that such an accord would aim to help prevent future disease outbreaks from impinging on people’s freedom to travel, work, seek education and, above all, lead a healthy life free of avoidable disease, as called for by another global accord, the WHO Constitution.

## What could happen if countries that join or participate in any new accord do not meet their obligations?



It would be up to Member States to decide if and what compliance mechanisms would be included in the new accord on pandemic preparedness and response. It is a general principle of international law that once an international law instrument is in force, it would be binding on the parties to it, and would have to be performed by those parties in “good faith.”

## News

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### **Pandemic instrument should be legally binding, INB meeting concludes**

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