

## **Global Dialogue on Pandemic Treaty: Will it Combat Future Pandemics**

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Over the years, the world has undergone rapid changes, we have witnessed demographic explosions, massive urbanization, increase in cross border migration, international trade and travel, emergence of new pathogens, the use of techniques which induce new risks, chemical and nuclear accidents and repeat of environmental disasters.

COVID 19 has been fast and ferocious. Spread widely and relentlessly across the world. It has affected everyone everywhere. It has wreaked havoc, claimed lives, left us poorer, robbed communities of their livelihoods. This all happened in a fragile and unequal world that is environmentally at risk. It has exposed inequities and vulnerabilities. It is still with us.

We need to prevent this from happening again. It is not the first time that we are faced with health threats. We have gone through various health threats across the globe, SARS, Zika, Ebola. What is different about this

threat is that we were warned about the possibility of a pandemic. Alarm was raised. The world was ill-prepared. The response was tardy. Reporting was delayed. Compliance was inadequate. Inequalities and inequities were exposed. Inequitable access is repeated as if we did not learn from the HIV/AIDS experience.

### **Will the legal instruments address these shortcomings?**

The World Health Assembly recognised that some intervention was needed. At its 73<sup>rd</sup> meeting in 2020, a **resolution** was passed calling for the evaluation of COVID19, to have a deeper understanding of what happened and how this can be prevented in future. This led to the unfolding of evaluations and reviews by various bodies including Independent Panel on Pandemic Preparedness and Response, Independent Oversight and Advisory Committee for the WHO Emergency Programme, Global Pandemic Monitoring Board and International Health Regulations Review Committee. The IHR Review Committee focussed on the **International Health Regulations (IHR)**. This is a legally binding instrument of international law, that provides a framework for countries to exercise their rights and

obligations in handling emergencies and events and measures for preventing transnational spread of infectious disease. The questions have been raised as to why the IHR as a legally binding instrument could not help us prevent the COVID19 catastrophe?

IHR review committee has identified gaps related to Member states, WHO, and the international community in the implementation of IHR. eg.

- Many countries still did not have the public health capacities in place to protect their own populations and to give timely warnings
- WHO itself, as well as other international partners, also lack capacities particularly in terms of resources including financing.
- There is no mechanism for monitoring the implementation of key provisions of the IHR, including those that cover human rights.
- Countries only applied the Regulations in part, were not sufficiently aware of them, or deliberately ignored them
- The current IHR provisions make no mention, for instance, of the importance of sharing pathogen samples and genetic sequences, digitalization, the impact of social media on the alert system or the uptake of recommendations.

Others have viewed the implementation as being inadequate. It is perceived as overly conservative and cumbersome.

What about WHA resolutions do they have legal force. If member states do not comply with IHR or do not implement a WHA resolution, are there any consequences?

The preamble of the WHO constitution captures principles and rights, obligations and responsibilities of governments

- Chapter II and Article 2, refers to emergencies, epidemiological and statistical services, eradication of epidemics, endemics and other diseases.
- There are also provisions that deal with the proposals for conventions, agreements and regulations

### **How will the gaps in IHR be addressed?**

Some have said “just amend the IHRs”. It has been amended before. The revisions were meant to improve global health security and cooperation. What are the barriers to full implementation? Is cooperation possible? Can it be enforced? We have witnessed geopolitical wranglings. The system of accountability is inadequate.

Will we prevent this disaster from ever happening again? Will we be able to hold anyone to account? Will there be swift and timely reporting? Will there be openness? Will countries be agreeable to any level of scrutiny and what about their sovereignty? Who must participate when we refer to the whole of society and whole of government involvement? Where should funding come from and who must pay? What should these funds be used for?

This dialogue is important in shaping the WHA discussions. The matter of a Treaty or Convention is of public interest. Its multidimensional, multi-sectorial nature, the granularity of issues that have affected communities at subnational and local level require inputs at various levels for effective legislative reforms. The meeting of the WHA should not just be about deliberations without action or discussions about something that will be ignored or inadequately implemented. Let this be the last time that we have such a catastrophe.