

Calls for a New Treaty on Pandemics and the Law that Already Exists

Dr Richard Mackenzie-Gray Scott

Dr Richard Mackenzie-Gray Scott and Dr Jean-Pierre Gauci

Leaders of the World Health Organization and a number of states recently [called for](#) a new treaty with the aim of preventing and helping address future pandemics. The proposal has been promoted as a way to overcome isolationism and promote international cooperation and solidarity. We argue that any moves towards a new treaty should carefully consider the many areas of international law that have bearing on how states should prepare for and respond to pandemics. In a [paper](#) published today, which was written for the [AHRC](#) -funded project [The Role of Good Governance and the Rule of Law in Building Public Trust in Data-Driven Responses to Public Health Emergencies](#), we map these areas:

- General international law
- Global health law
- Human rights law
- Data governance
- International disaster law
- International humanitarian law
- International trade law
- Environmental and climate change law
- International labour law
- Air travel
- International investment law
- Public procurement
- Sustainable development
- State responsibility

It was beyond the scope of this particular paper to make recommendations for reforms to these areas of international and

regional law, including on how they could be adapted to better respond to public health emergencies. Instead, the paper sets out the key (legally binding) rules and (non-legally binding) principles that are of relevance to public health emergencies. This mapping exercise serves as an informational resource, signposting the key components of what are dense legal frameworks.

Should states and other actors begin to engage in negotiations around a new treaty relating to pandemics, there are many features of international law from which to draw insights. Any new international legal instrument that relates to public health emergencies has the opportunity to promote synergies between current rules and principles that are of relevance to such situations. Many lessons can be learned from the ongoing COVID-19 pandemic and other public health emergencies that arguably attracted comparably less attention because their impacts were confined to geographical locations in the world that are too often overlooked.

Public health emergencies impact many areas of life and can transcend international borders, meaning they demand coordinated responses from states and other actors. These impacts are also different within and between states, meaning any future international efforts to develop the legal frameworks should ensure that further disparities within and between states are avoided. If there is one thing that has become crystal clear during the COVID-19 pandemic, it is that inequality makes public health emergencies worse, and vice versa. International law can form a part of addressing this problem, but the law has its limits. These limits might be expanded or restricted depending on what provisions, if any, are negotiated. Whatever outcomes may result from these proposals and provisions that are ultimately agreed upon, states and their backers will have built on, if not replicated, at least some of the law that already exists.

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