



# FIGHTING EPIDEMICS UNDER INTERNATIONAL HEALTH LAW CORONA PANDEMIC AS A MODEL

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<b>Received:</b> April 26 <sup>th</sup> 2022 <b>Accepted:</b> May 26 <sup>th</sup> 2022 <b>Published:</b> June 28 <sup>th</sup> 2022	Throughout history, mankind has been exposed to many pandemics, including the Corona pandemic, which has completely infected the world and affected all aspects of life. This, of course, is due to the form of the epidemic, the way it spreads, and its direct impact on human life, and that addressing these epidemics is through the World Health Organization (WHO) in cooperation with the internal health authorities of countries. Thus, the basis of work is through the application of international health law, which is part of the general and specialized international law, to confront epidemics and infectious diseases, keep abreast of developments and scientific knowledge and know the causes of some infectious diseases. In addition to that work to oblige countries to implement the International Health Regulations because of their a binding legal nature, as well as their scientific role to research the new scientific concepts developed by health regulations, and to confront the health risks resulting from the Corona pandemic.

**Keywords:** Corona pandemic, World Health Organization, International Health Law, and Model

## INTRODUCTION

Disease and health pandemics represent a major threat to all societies. As the movement of world trade and the exchange of goods and the emergence of the concepts of cross-border globalization represented an important means of transmission of diseases and epidemics. Hence, it required that there be an international legal regulation that works to combat these epidemics and work to prevent the spread of these epidemics, especially since the need has become necessary for the existence of an international health law that serves as a branch of public international law. This is a result of the changing form of the international community caused by wars, environmental disasters, conflicts, and diseases. Moreover, the adoption of the method of international cooperation as a mainstay in the international legal system, as stipulated in the Charter of the United Nations in the text of Article 13, paragraph (b), which urged the development of international cooperation in all fields, particularly in the field of health.

## RESEARCH IMPORTANCE

The importance of the study is represented by highlighting the international legal rules regulating the relations between persons of international law in the field of health, and the adoption of agreements aimed at preventing the spread of dangerous infectious diseases and activating the actions taken by the World

Health Organization (WHO) in the fight against infectious epidemics, including the Coronavirus (Covid-19).

## RESEARCH PROBLEM

The real problem revolves around the effectiveness of the rules of international health law in the face of rapidly spreading infectious diseases and epidemics, and the applicability and obligatory force of the international health regulations. In addition to the nature of international cooperation with the World Health Organization and the decisions taken in light of the Corona pandemic.

## RESEARCH HYPOTHESIS

The basis of the hypothesis proceeds from the role of the World Health Organization (WHO) and the International Health Regulations (IHR) and the extent of their response to diseases and epidemics through international cooperation. In addition the adoption of the rules of international health law as binding rules for countries and the International Health Organization and the extent of their contribution to addressing the Corona pandemic (Covid-19).

## RESEARCH OBJECTIVE

The basic and main objective revolves around the possibility of applying international health law to combat epidemics and infectious diseases, clarifying the mandatory legal rules for countries and the World



Health Organization, and determining the mechanisms adopted to confront those epidemics, including the Coronavirus (Covid-19).

## RESEARCH SCOPE

The scope of the study focused on a statement of the rules of the international health law as one of the branches of public international law in addressing and combating epidemics and knowing the extent to which these rules are mandatory in confronting countries. In addition to adopting the method of international cooperation to confront rapidly spreading diseases and epidemics.

### Research methodology

In this study, the analytical and inductive method was used to cover all aspects of the subject.

### Research structure

#### **The first topic: The concept of the international health law.**

**The first requirement:** The concept and characteristics of the international health law.

**The second requirement:** The definition of the Corona pandemic (Covid-19).

**The third requirement:** The Corona pandemic and its distinction from infectious diseases.

#### **The second topic: The rules of the International Health Law to combat epidemics.**

**The first requirement:** The International Health Regulations and their legal nature.

**The second requirement:** Is to apply international health regulations to the crisis of the coronavirus pandemic (Covid-19).

**The third requirement:** The measures of the World Health Organization to confront the Corona pandemic (Covid-19).

#### **The first topic: The concept of international health law**

Microorganisms cause epidemic diseases in humanity, and the legal tool differs in the case of epidemic control. This is due to the nature of the epidemic itself, which is characterized by its rapid spread, which results in the establishment of law commensurate with the spread of the epidemic to be applied to it. Therefore the most appropriate means for this is the International Health Regulations, with its rapid flexibility in amending them if the nature of the epidemic changes. The control of epidemic diseases in International Health Law is of distinct importance as the rules of this law represent an obligation and they are from rules of public order.

Accordingly, we will seek in this research to define international health law and its characteristics

within the first requirement and the second requirement will be about the definition of the Corona pandemic (Covid-19). While we allocate the third requirement to the Corona pandemic and distinguish it from infectious diseases.

#### **The first requirement: The concept and characteristics of international health law**

Through this requirement, we will try to define International Health Law in the first section, while the second section will address the characteristics of International Health Law.

#### **First section: Definition of international health law**

Changing the shape of the international community as a result of wars, environmental disasters, conflicts, and diseases, and the World Health Organization's reliance on positive preventive efforts, All of these matters led to the further development and growth of international health law until it became today one of the branches of public international law along with international law for the environment, international law of the judiciary and international law for the sea. Thus, some jurists were able to define international health law as "a set of international legal rules regulating the relations between persons of public international law in the field of health" <sup>(1)</sup>.

While another aspect of foreign jurisprudence has tended to define international health law as "a set of general legal principles related to health that are accepted at the international level".

The most acceptable trend and in line with the concepts of public international law is to consider international health law as one of its branches, and international health law has been characterized by the rapid development and absorption of a wide range of different topics. On the other hand, through reviewing its topics over the past years, the international health law has been enriched by issuing legislative rules that establish various measures aimed at protecting human health, for example, agreements that aim to prevent the spread of dangerous infectious diseases and deal with other health issues. In addition to that put the production and consumption of certain types of drugs for international control.

The United Nations and its specialized agencies have also adopted international instruments that regulate international relations in the health field with a view to health maintenance and improving the health of the population in all countries of the world.

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<sup>1</sup> Michel Belanger, *Droit International De La Sante, Economica*, 1983, pg.10.



Then international legal rules are enabled to enter into force and applied to one of the aspects of international relations, these are the relations between persons of international law in relation to the protection of human health.

While the constitution of the World Health Organization stressed the need to deal with health issues as one of its main goals, which is to achieve the highest possible health level for all people. Therefore, the constitution of the World Health Organization indicated in the preamble that it is "a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity" (2).

On the basis of the foregoing, it can be said that the Charter of the United Nations and the Constitution of the World Health Organization represent the general and basic rules for the concept of the international health law. The health of the individual is a fundamental human right recognized by the Universal Declaration of Human Rights, the World Health Organization, and the Ottawa Charter as well.

Improving the health of human societies is a social and health problem, not a legal one. But international health law plays a major role in improving the health of all people by giving binding force to international health measures. Consequently, all countries must abide by them, both at the level of internal legislation and their compatibility with health regulations and international instruments or at the international level by submitting to the international obligations established in accordance with the Charter of the United Nations and the constitution of the World Health Organization.

### **Second section: The characteristics of International Health Law**

**First:** The association of International Health Law with Natural Sciences

The development of natural sciences as the discovery of microbes and ways to combat them, nutrition science, the healthy environment, and everything that surrounds humans have been constituted on the basis of natural science norms aimed at protecting human health. Then states are obligated to control human behavior for the sake of human health, and this is what determines the nature of international health law based on scientific

foundations and issues that evolve through the development of the fields of health sciences (3).

**Second:** Rules of International Health Law are among the rules of public order

The rules of the international health law are part of the public order and that may not be contravened, because they are having increasing importance in all sectors of society. As a result, the legislation of the World Health Organization is in the form of recommendations of a binding nature, through which states undertake to submit reports on all their health activities periodically that reflect the extent of their commitment to those recommendations (4).

**Third:** Development of International Health Law

International health law is characterized by development as a result of its association with healthy natural sciences, which are witnessing rapid development. Therefore, it must coincide with all-natural developments and the accompanying health effects. In addition to the great flexibility that characterizes its rules to face the rapid scientific developments in the field of healthy natural sciences.

**Fourth:** International health law rules of a universal nature

It is noted that the preamble of the World Health Organization has mentioned the definition of health, this indicates that the United Nations Organization is the primary source of the international health law. This is evident through the international health legislation issued by the World Health Organization under its constitution or by participating with the United Nations in issuing such health legislation in accordance with specific legal mechanisms between the United Nations and the World Health Organization (5).

**The second requirement: The definition of the Corona pandemic (Covid-19)**

**First:** Linguistic definition

What is meant by the pandemic is what came in the Al Ain Book, meaning the overran from the sweep, the year swept them, and their ravages they

<sup>2</sup> Dr. Khaled Saad Ansari Youssef, International Health Law, New University House, 2014, pg. 70-72.

<sup>3</sup> Dr. Abdul Aziz Tareeh Sharaf, Environment and Human Health in Medical Geography, University Youth Foundation, Alexandria, 2006, pg. 35-41.

<sup>4</sup> Dr. Abdul Majeed Al Shaer, d. Rushdi Kattash, Medical Sociology, Dar Al-Bazuri Scientific, Amman, 2000, pg. 23-52.

<sup>5</sup> Dr. Khaled Saad Ansari Youssef, previous source, pg. 91-93.



were swept by it, and the year of a pandemic: means arid. The enemy swept his money: that is, he came upon him and a pandemic of pandemics descended upon him <sup>(6)</sup>.

Whereas it came in the intermediate dictionary meaning: overran so-and-so: the wealth of his relatives perished and he amended the argument to other and the pandemic in money means that you destroyed it and uprooted it. It is said that the pandemic invaded the people: I destroyed their condition and eradicated it <sup>(7)</sup>.

**Second:** Definition idiomatically

The epidemic or pandemic is usually described as an infectious disease especially when there is an outbreak and transmission from one individual to another in the countries of the world at the same time. The pandemic is a fast-spreading and expanding epidemic that crosses all international borders, affecting a large number of people, and it can also infect livestock and agricultural crops and impact the environment <sup>(8)</sup>.

The World Health Organization has also described the Coronavirus as a global epidemic "pandemic". This epidemic was talked about by the head of the World Health Organization, Dr. Tedros Adhanom, who said that the organization will use the description of a pandemic for two main reasons: the rapid spread of infection and the expansion of its spread. As well as the strong concern about the manner and approach taken by some countries at the level of political will necessary to control this killer virus <sup>(9)</sup>.

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<sup>6</sup> Abu Abd al-Rahman al-Khalil ibn Ahmad al-Farahidi "100-175", investigation: Dr. Mehdi Makhzoumi and Dr. Ibrahim Al-Samarrai, House of Cultural Affairs, 2nd floor, Baghdad, 1986, pp. 259-260.

<sup>7</sup> Ibrahim Mustafa, Ahmed Hassan Al-Zayat, Hamid Abdel-Qader, and Muhammad Ali Al-Najjar, the intermediate dictionary, the Islamic Library for Printing, Publishing, and Distribution, Istanbul, B.T., p. 145.

<sup>8</sup> For more details see: Wikipedia "The Free Encyclopedia", Pandemic, published at <http://ar.wikipedia.org/wiki>.

<sup>9</sup> Nagham Luqman Thanoun Al-Attar, The Effectiveness of the World Health Organization in Protecting the Right to Health During the Corona Pandemic (A Study in the International Health

Corona pandemic (Covid-19), which is the name and term given by the World Health Organization for viruses that cause acute pneumonia, which spread all over the world, causing the World Health Organization to describe it as a global pandemic. Where the Coronavirus is a family of several viruses that infect humans and animals, they are particles covered with a protein covering that surrounds their genetic material and works to protect it. These viruses are characterized by their small size that cannot be seen with an ordinary light microscope, being much smaller than bacteria by approximately 100-500 times. Furthermore, the infection is transmitted by people infected with the virus, and infection can be transmitted through small droplets that are scattered from the nose or mouth when coughing, or through touching surfaces on which the virus is scattered, from which the infection is transmitted through hands, coughing and exhaling. For this, there must be a distance of not less than one meter between people and the adoption of the manner of social distancing to avoid infection and disease <sup>(10)</sup>.

Sources and information indicate that the first appearance of the virus was in December 2019 in the Chinese city of Wuhan. The World Health Organization has defined it as "a wide strain of viruses that may cause disease to humans and animals, and it is known that a number of coronaviruses cause respiratory diseases in humans, ranging in severity from well-known colds to more severe diseases such as Middle East Respiratory Syndrome (MERS) and Severe Respiratory Syndrome (SARS), while the circulating coronavirus causes COVID-19 <sup>(11)</sup>.

The World Health Organization named the virus that causes pneumonia Covid-19, known as (Corona), and it is one of the most dangerous viral strains, the first of which appeared in 2002-2003 and was called at the time severe acute respiratory syndrome, known as (SARS). In 2012, another strain

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Regulations), Thesis of a Higher Diploma in Human Rights Law, College of Law, University of Mosul, 2021, p. 34.

<sup>10</sup> Dorothy H. Crawford, translation: Osama Farouk Hassan, review: Hani Fathi Suleiman, Viruses: A Very Short Introduction, Hindawi Foundation for Education and Culture, Cairo, 2014, pg. 14-15.

<sup>11</sup> For more details see: World Health Organization, Coronavirus disease (Covid-19): question and answer, on the organization's website <https://www.who.int>.





appeared, called the Middle East Respiratory Syndrome, known as (MERS), while the emergence of the Coronavirus in 2019 caused its genetic transmission of the viral mutant, which are animal viruses capable of transmitting from animal to human. In addition to the possibility of transmission of these viruses from one person to another, this is the result of describing it as a pathological condition that developed due to natural factors in a particular strain of viruses. Moreover, it has the potential and ability to evolve and adapt to environmental changes. The cause of the coronavirus can also be the genetic transformations and developments of disease-causing organisms that are usually germs or viruses themselves<sup>(12)</sup>.

The other possibility is that the virus originated in biological laboratories in an unintended way and considering it a biological weapon used for economic and political ends and goals and that China has deliberately concealed the facts about the viruses produced by those laboratories that cause epidemic diseases that completely paralyze humanity and cause death. It is worth noting that the World Health Organization has made great efforts to support the health reality. As well as the awareness-raising aspect and attention to health and the need to upgrade the health aspect by Governments. Furthermore, the health means complete safety in its physical, psychological, and social aspects, and it is one of the priorities of the organization's work by improving the health situation, providing health care, and providing the best services to those in need, specifically in the field of discovering epidemic and infectious diseases. As well as its great role in the pharmaceutical industry, especially for those hazardous diseases and epidemics<sup>(13)</sup>.

Based on the foregoing, the World Health Organization has set basic determinants to combat the epidemic and prevent its spread. These measures are

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<sup>12</sup> Dr. Hanan Issa Malkawi, The Repercussions of the Novel Coronavirus Pandemic on Arab Health Security, ALESCO Scientific Bulletin "Specialized Bulletin" issued by the Arab Organization for Education, Culture and Science "Corona Covid-19 Pandemic and its Repercussions on the Sustainable Development Goals 2030, No. 2, 2020, pp. 7-8.

<sup>13</sup> Dr. Faris Ahmed Al-Dulaimi, The Right to Health (Legal Study) / Noon House for Printing, Publishing and Distribution, Baghdad, 2019, pg. 90.

usually precautionary and represented in preventing travel and trade exchange. In addition to supporting operations for the health sectors of weak countries. While the other measures are curative, and they are represented by diagnosis, developing of vaccines, and defining plans and resources necessary to identify and isolate infected people and prevent the spread of the disease. As well as exchanging data and experiences between the World Health Organization and countries, which would reduce the spread of the disease and not increase it and contain it as a rapidly transmitting global epidemic affecting human life<sup>(14)</sup>.

### **The third requirement: The Corona pandemic and its distinction from infectious diseases**

A pandemic is a contagious disease that has widespread in most countries of the world and is difficult to control, and its effects threaten public health, which requires urgent medical measures to contain it. The World Health Organization has shown that the Corona pandemic represents a global epidemic, as it is characterized by the characteristics of epidemics in terms of the rapid spread of infection and its broad scope<sup>(15)</sup>.

Describing a particular disease as an epidemic that is the result of its spread in several countries at the same time, the inability to provide medical immunity to it and an unexpected increase in disease cases confirms the spread and infection. Also the pathological mutations of the epidemic. This requires countries to emergency alerts health systems to confront the epidemic and its pathological mutations. Thus the decision to consider the spread of the disease as a global epidemic is made by the World Health Organization, which sets certain bases for adapting the situation as a global epidemic, including the number of deaths and infections or the number of states affected by the epidemic<sup>(16)</sup>.

The definition of global health security from the perspective of the World Health Organization is "the activities required, whether proactive or reactive, to reduce the severity and impact of acute events that

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<sup>14</sup> Nagham Luqman Dhanun al-Attar, previous source, pg. 77.

<sup>15</sup> Al Jazeera Mubasher, two different concepts... What is the difference between an epidemic and a pandemic? Available at <https://MUBASHER.ALJAZEERA.NET/NEWS/MISCELLANEOUS/15/3/2020> .

<sup>16</sup> For more details, see: Sky News Arabia - Abu Dhabi Available at <https://www.skynews arabia.com>.



endanger human health, across geographical areas and international borders”.

It seems that one of the reasons for the spread of epidemics is the increasing population growth and environmental degradation. As well as the misuse of antimicrobials, which leads to an imbalance in the environment of these living microbes. In addition to the accompanying changes in microbes, which contribute to their acquisition of satisfactory efficacy with a wide and life-threatening effect. This is what was revealed by the Corona pandemic, its direct impact on human health, and the large numbers of deaths that it left in the world. Thus, this gives a clear impression of the fragility of health systems in most countries of the world <sup>(17)</sup>.

Infectious diseases have different concepts that may be represented by disorders that occur due to small organisms such as bacteria, viruses, or parasites that inhabit the human body and are usually harmful and sometimes beneficial. But under certain conditions, these small organisms may cause infectious diseases that can be transmitted from one person to another through contact, by insects, or even through droplets coming out of the mouth. There are also other ways of infection, including eating contaminated food or drink, or as a result of exposure to small organisms in the environment. All of these symptoms differ and the diseases arising from them differ according to the organisms causing the infection. Moreover, the specific means of treatment also differ, it may either depend on providing physical comfort, or the infection rate may be high, which requires medical treatment in health institutions. Also, some infectious diseases need some kind of medical immunization to prevent their arrival or limit their spread, including measles and chickenpox. As for other diseases, including fever, diarrhea, muscle pain, and influenza, they include common signs that can be easily diagnosed, as well as ways to treat and hospitalization from them <sup>(18)</sup>.

It seems that international cooperation, guidance, and coordination for health development, which the World Health Organization referred to, represents its main aim. There are many obstacles and health problems that people suffer from, and this, of course, represents the effort and ambition that the

World Health Organization seeks to it to achieve the highest attainable standard of health for all human beings. By tracking the path of the organization and the achievements made at the health level since 1948, there are many threats to health that have remained constant, but others have appeared or will appear as a result of poverty, underdevelopment, and the widening gap between poor and rich countries, all of which represent obstacles to working to improve the health reality for many from countries of the world. In the field of infectious diseases, the World Health Organization, at all international and global levels, revealed its efforts to combat infectious diseases. This is done through multiple means, whether by providing support to pharmaceutical companies or through field access to the organization's cadres to those infectious diseases in the countries that suffer from them. As well as providing medical consultations to many countries that suffer from these diseases. Accordingly, the organization has effectively achieved many of its goals in the field of combating infectious diseases, including providing support to certain companies to defeat malaria and stop the spread of tuberculosis. As well as its efforts to combat African trypanosomiasis, and in 2000 its efforts culminated in the eradication of lymphatic filariology and many other campaigns to combat smallpox and (acquired immune deficiency syndrome (AIDS) <sup>(19)</sup>.

Based on the foregoing, the criterion for distinguishing between a pandemic and infectious diseases is the extent to which the disease is able to spread and not be controlled. That is, the disease is called a pandemic if it spreads in most countries of the world and cannot be controlled. While infectious diseases are effective in spreading within a specific region or in specific countries, they may be adjacent and can be controlled and limited.

### **The second topic: Rules of the international health law to combat epidemics**

Health development has multiple directions that depend on guidance, coordination, and international cooperation in the field of health, which is the main goal of the World Health Organization and one of its main tasks, and this, of course, requires the necessary legal tool to combat epidemic diseases by setting the appropriate law, and then the epidemic comes to be applied to it which is indeed what has been taken by the International Health Regulations due to its rapid flexibility that corresponds to the

<sup>17</sup> Wikipedia, Impact of the coronavirus pandemic on education 2019, available at <https://ar.m.wikipedia.org>.

<sup>18</sup> Nagham Luqman Dhanun al-Attar, previous source, pg 35

<sup>19</sup> Dr. Khaled Saad Ansari Youssef, previous source, pg. 213-214.



pathological variables of the epidemic. In this section, we will discuss the international health regulations and their legal nature while the second requirement is on the application of the International Health Regulations to the Corona epidemic (Covid-19) crisis, and the third is about the measures of the World Health Organization to confront the Corona pandemic (Covid-19).

### **The first requirement: The International Health Regulations and their legal nature**

Specialized international organizations have a contractual nature in terms of legal actions, including the World Health Organization, as the most of the legal acts negotiated between member states and the rights and obligations arising from the state's parties are a result of them, and the charter of the World Health Organization can also be described as the constitution because of its supreme value for the organization and its member states and that the organization has the possibility to issue regulations of a general legal nature that regulate the field of public health. This is, of course, what distinguishes the organization with the legal personality and the eligibility required to approve binding legal rules through which it achieves the required goals in accordance with what was drawn up for it by its founding charter<sup>(20)</sup>.

The legal basis for the International Health Regulations represents the most important and prominent international legislative contribution in the international health field, as it is based on the Constitution of the World Health Organization at the same time, it allowed the Health Assembly the authority to make regulations in various fields to meet the pathological challenges wherever they may be found. With this authorization, the association is able to issue recommendations that fall within the competence of the organization, as well as the possibility of approving health regulations of an international nature according to what is specified in Articles (21,22) of the organization's constitution<sup>(21)</sup>.

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<sup>20</sup> Dr.. Ahmed Abu Al-Wafa, Mediator in the Law of International Organizations, Cairo, 1986, pp. 339-340.

<sup>21</sup> Dr. Khaled Saad Ansari Youssef, The Legislative Function of the World Health Organization, New University House, Alexandria, 2012, pp. 418-420.

\* Article (21) of the Constitution of the World Health Organization referred to a set of requirements and standards necessary to prevent the spread of diseases at

The legislative nature of these regulations and their obligatory nature derives from the fact that the legislation expresses binding rules, that all legislative rules are binding to gain the respect of those addressed by their provisions, and the basis of the obligation is the availability of punishment, that is, the association of the rule with the appropriate penalty, Usually, the penalty is either explicit in the text of the legislative rule with interest or punishment, or it is implicit in the interest that accrues to the obligated to what is stated in the rule, or negative by invalidating the act and establishing legal responsibility towards it. In general, the International Health Regulations are binding, as they are associated with a penalty that ensures respect for those addressed to its provisions.

Usually, those penalties within the regulations are implicit, represented by the invalidity of the behavior of any violating country and its holding international responsibility, or in the interest that the state achieves as a result of its commitment<sup>(22)</sup>.

It is noted that the mandatory standards of the International Health Regulations and other national legislation are achieved in the International Health Regulations, whose standards are formal as a legal act issued by the competent authority in the legislation. This legislation expresses a general rule that is abstract and binding at the same time, and as a result, the International Health Regulations are the only regulations of a binding nature for global surveillance of infectious diseases by member states of the organization, which include internationally binding legislation that requires the reporting of epidemics to control and limit their spread on the international level<sup>(23)</sup>.

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the international level, the safety and efficacy of life and pharmaceutical products and descriptions by announcing them, while Article (22) indicated the importance of member states' commitment to health legislation at the international level. International, including the measures to be followed in the event of an outbreak of any disease, and these regulations are binding on all countries based on the constitution of the organization.

<sup>22</sup> Nagham Luqman Thanoun al-Attar, previous source, p. 56.

<sup>23</sup> Dr.. Suha Hamid Salim, International Health Regulations in the Face of Public Health Threats "An Evaluation Study", published research in the first



For example, when a country violates the international health regulations related to the spread of infectious diseases, the legal description of that action is to describe its behavior as international illegality and prove its bearing of the international responsibility that requires compensation to other countries for the damage due to they suffered as a result of the outbreak of that infectious disease. As for the state's commitment to the International Health Regulations, it has positive results through the prevention of infection with infectious diseases, and it is generally noted that the positive picture is represented by the commitment of all countries to those health regulations because of the benefit that they reap which is the prevention of those diseases. This is indeed what is proven by the World Health Organization, which confirmed that there are no violations by any country of what is contained in the health regulations and a commitment to their contents, and this is of course the result of the conformity of legal standards to health regulations, thus, these regulations are considered health legislation in the strict technical sense <sup>(24)</sup>.

According to the foregoing, the International Health Regulations are of a legal nature that is binding on all countries, since its legislative nature is based on the Constitution of the World Health Organization and is defined by basic tasks that require the control and besieging of infectious diseases and pandemics from their places of emission, and the adoption of the Health for All Program issued by the Health Assembly is a slogan of a method of action to reduce and contain all diseases.

### **The second requirement: The application of the International Health Regulations to the Corona epidemic (Covid-19) crisis**

The application of the International Health Regulations was not used in all constitutionally defined areas but was used in only one field, which is combating the spread of infectious diseases at the international level. The World Health Organization adopted the first of those regulations called the International Regulations for Health Safety in 1951, and these regulations represent the classic approach, which began to work for a long time, and represents a

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annual conference "Health Legislation and Ways to Activate and Develop it", College of Law, University of Mosul, 2008, p. 528.

<sup>24</sup> Dr.. Khaled Saad Ansari Youssef, International Health Law, previous source, pp. 182-183.

method of protection against the international spread of infectious diseases through international legislative commitment, which was imposed on countries by conventions. Then the WHO regulations, this approach also sought to adopt a method of reducing public health interference with trade and international travel by setting a set of requirements based on disease prevention through restricting trade and international travel. of the measures stipulated to prevent the import of those infectious diseases <sup>(25)</sup>.

The emergence of an infectious disease in a country represents a great danger that threatens the whole world, especially if that disease is new and that dealing with it through the International Health Regulations is weak or unable to contain those emerging and emerging diseases that threaten health in general, since the International Health Regulations have identified only four infectious diseases (cholera, plague, yellow fever, and smallpox). Other than that, it is not able to confront any infectious diseases, but rather is completely unable to address those diseases, and its role does not go beyond border control and official reporting issued by official bodies in the member states of the World Health Organization when pandemics or infectious diseases occur on their lands. That is, adopting the classic approach of the International Health Regulations to protect against the international spread of infectious diseases by adhering to the international legislation imposed on countries by the agreements and regulations of the World Health Organization which requires reporting by countries about the four diseases specified in the original health regulations, and for new communicable diseases, they are not covered by reporting and many countries deliberately not report these emerging diseases for fear of restrictions that could be imposed on travel and trade, which would cause them great economic and commercial damage <sup>(26)</sup>.

In 1948, the First Health Assembly assigned a committee of experts specialized in international epidemics and quarantine, based on new scientific knowledge, to review the twelve existing international health agreements at the time and work to integrate them into one set of international health safety

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<sup>25</sup> The same source, pp. 183-184.

<sup>26</sup> Jaafar Al-Khabouri, What are the International Health Regulations (2005) (abbreviated: the regulations) and why does the global community need them to enhance international global health security? Available at <https://zmzmzm.wordpress.com>





regulations to cover the movement of trade. international travel, despite numerous attempts, the Fourth Health Assembly was able in 1951 to adopt the international regulations for health safety, which included the control of cholera, plague, yellow fever, smallpox, and other diseases, as well as other preventive measures designated for pilgrims, ships and aircraft designated for transporting pilgrims and travelers<sup>(27)</sup>.

Based on what was stated in the original International Health Regulations that it did not absorb emerging diseases, the amended International Health Regulations came in 2005 to address the deficiencies and problems that plagued the original regulations by expanding the scope of infectious diseases to considerations other than diseases, which is called the event that include diseases and other factors that contributed to its dissemination or that threaten public health<sup>(28)</sup>.

Thus, these regulations constituted an international law that helps countries to work with each other to save humanity and maintain food stability and livelihoods from the dangers of the spread of diseases and other health risks in the world thus, the amended regulations were able to create an important group, namely:

1. It did not specify the scope of its application to a specific disease, but rather included any disease or disease condition, regardless of its place of origin or source.
2. The necessity of countries' commitment to the minimum necessary health services and the provision of means of prevention from any pathological developments.
3. Working to inform the World Health Organization of health emergency developments and events that may threaten international health security.
4. The preventive measures and measures that should be taken at ports, airports, and land crossings to control and reduce health risks and prevent the imposition of restrictions that cause economic and commercial paralysis.

5. The existence of national contact centers is concerned with the International Health Regulations and the exchange of information with the contact points of the World Health Organization for risks and reporting of emergency cases<sup>(29)</sup>.

With this description, the new International Health Regulations were approved by the Health Assembly and became effective in 2007 and these regulations represent a complete framework that includes several international legislative rules to confront all international health threats, in addition to the new international legal strategy for combating infectious diseases, and the mandatory element in those regulations because the provisions in them use the formula of obligation and the text of the constitution of the World Health Organization that all member states of the organization are automatically obligated to comply with the new international health regulations unless any country declares its explicit rejection of the application of these regulations or reservations and this is in accordance with the procedures stipulated in the regulations. which is usually other countries evaluate that reservation with the application of the rest of the regulations to that country, except for what has been reserved<sup>(30)</sup>.

The Director-General of the World Health Organization is responsible for informing all countries of the adoption of regulations within eighteen months from the date of their adoption, or if any text of them has been amended. also, states have the right to refuse or make reservations, and during a specific period and at the end of it, no state has the right to object by refusal or reservation<sup>(31)</sup>.

#### **The third requirement: World Health Organization measures to confront the Corona pandemic (Covid-19)**

Humanity has witnessed the most serious crises in light of the Corona pandemic, as the world today suffers from an outbreak of the virus after its first appearance on December 19, 2019, in the Chinese city of Wuhan. On January 30, 2020, the World Health Organization officially declared that the virus constitutes an emergency of international concern. As a result, the World Health Organization

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<sup>27</sup> Health Assembly and Executive Council Decisions Guide, Volume One, World Health Organization, Geneva, 1973, p. 127.

<sup>28</sup> For more details, see: Definition of event and disease in the International Health Regulations 2005, World Health Organization, January 1, 2016, p. 7.

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<sup>29</sup> Nagham Luqman Dhanun al-Attar, previous source, pp. 86-87.

<sup>30</sup> Jaafar al-Khabouri, a previous source.

<sup>31</sup> International Health Regulations 2005, World Health Organization, Geneva, 2008, p. 40



took urgent measures and issued important decisions, the first of which was on January 5, 2020, including information on cases of idiopathic pneumonia through the Information System within the framework of the International Health Regulations 2005 available to all Member States. As well as advice and precautionary instructions to reduce the risk of infection, and its first report in this regard was within the news of disease outbreaks, which is an electronic platform dedicated to the dissemination of technical information directed to the global, health, and media circles <sup>(32)</sup>.

The organization also continued to issue a package of indicative documents to cover all topics related to the management of outbreaks of emerging diseases: infection prevention and control, review of national capacities, laboratory and microscopic examinations, commodity groups to combat diseases in its first and second versions, as well as travel procedures, treatment management, and many others. The virus has spread to 79 countries outside China, and the World Health Organization has confirmed that the Coronavirus (Covid-19) has turned from an outbreak to a pandemic, specifically on March 11, 2020, the most of the organization's websites refer to the motives for declaring the Coronavirus as a (pandemic), including, for example, the high levels of disease spread, anxiety, fear, and terror that afflicted the world at a time when all advanced health measures and systems were unable to confront, the World Health Organization stated on April 13 April 2020 included the formation of a crisis cell consisting of 130 scientists, financiers, and manufacturers from all over the world. The Public Health Assembly also held its seventy-third meeting on May 18-19, 2020, and the results of the meeting were distinguished by issuing a historic decision that ensured the unification of all the world's efforts to combat the pandemic, about 130 countries participated in the meeting, and the Director-General played a major role in the importance of the comprehensive assessment and drew attention to what the world needs to strengthen, implement and finance systems and organizations, including the World Health Organization, and the need to invest in the global treaty on which global health

security is based, namely the health regulations International 2005 <sup>(33)</sup>.

Despite all these measures and attempts to confront the pandemic, the World Health Organization was below the required level, and it faced many criticisms due to the slow response and the taking of contradictory decisions. Among the critics was the United States of America, which strongly criticized the organization for not providing the necessary warnings of the spread of the epidemic on time, as well as for the late steps in the fight and accusing it of siding with China, and the Director-General of the organization has defended that the organization is working according to the data and information that are confirmed by scientists and that it discovers daily new information about the virus, and all this did not discourage the United States of America from withdrawing from the organization on July 6, 2020 <sup>(34)</sup>.

Accordingly, on July 23, 2020, the World Health Organization, the United Nations Development Program, and Georgetown University launched the Legal Laboratory on Coronavirus (Covid-19), which includes a database of laws implemented by countries in the framework of a rapid response to the pandemic. As well as announcements of emergencies, quarantine measures, and legal procedures related to the importance of wearing a mask, social distancing, and the need to take anti-virus medicines and vaccines <sup>(35)</sup>.

In general, the measures of the World Health Organization to confront the Corona pandemic (Covid-19) are summarized in seven procedures to combat the epidemic and reduce its spread. The first of those procedures was travel and trade exchange, providing assistance and support to countries with weak health systems, the need to race against time and expedite the discovery of anti-vaccines and address the disease with early diagnosis. In addition to effectively confronting rumors and false news, these procedures

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<sup>32</sup> For more details see: World Health Organization, Timeline of the WHO response to the COVID-19 pandemic, available at <https://www.who.int>

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<sup>33</sup> Nagham Luqman Dhanun al-Attar, previous source, pp. 73-75.

<sup>34</sup> yulia, H. (2020).online learning to prevent the speed of pandemic corona virus in Indonesia. ETERNAL (English Teaching Journal).

<sup>35</sup> For more details see: WHO, Opening Remarks by the Director-General of the World Health Organization at the COVID-19 Declaration Briefing on 23 July 2020, available at <https://www.who.int>



also include preparing the necessary and necessary plans and resources to isolate infected persons, prevent the spread of infection, exchange data and experiences between the organization and countries, and enhance the spirit of teamwork to confront and eliminate the epidemic. All this, and some countries have tightened preventive measures by imposing a curfew and restricting the movement of people to reduce the spread of the disease and try to contain it, as it is a global epidemic characterized by the rapid and unlimited spread of infection, which causes the death of many people <sup>(36)</sup>.

Based on the foregoing, all of these procedures came in implementation of the amended International Health Regulations 2005. That is, the spread of a specific disease comes directly from one of the articles of the regulation for combating the spread of infectious diseases to be applied to it, and thus the procedures imposed by the organization have a criterion that applies to everyone as it organizes and coordinates the efforts of the persons addressed by the article to fight this disease <sup>(37)</sup>.

It seems that the rules and limitations within this sect establish comprehensive protection for the rights of all groups, children, women, and the elderly, when researching health legal rules, it was noted that there is a large combination of them, as long as these rules are originally from the United Nations, the World Health Organization and other organizations working with them, including functional preventive rules because of their great role in international legislation on the environment and nutritional health.

## CONCLUSION

We conclude in all of the foregoing in this research on combating epidemics under the international health law, the Corona pandemic as a model, with a set of results and recommendation

## FIRST: RESULTS

1. International health law is a branch of public international law, and all its defense topics

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<sup>36</sup> Dr.. Ziad Abdel-Wahab Al-Nuaimi, International Health Regulations and their Impact on Promoting the Human Right to Health, Elaf website, available at <https://elaph.com>

<sup>37</sup> Dr.. Khaled Saad Ansari Youssef, The Legislative Function of the World Health Organization, previous source, p. 422

center on how to stop the transmission of diseases and epidemics between countries and organize quarantine.

2. The World Health Organization has a constitution that emphasizes the importance of health for the well-being of all peoples, and the importance of using various legislative mechanisms to set the rules of the international health law.
3. The health pandemics that swept the world proved that the World Health Organization was not ready to confront these diseases, and the Corona pandemic gave evidence of the extent of the organization's failure by delaying the announcement of this epidemic, which accelerated its spread and causing a global health crisis.
4. Reliance on the International Health Regulations and its flexible legal nature has caused an imbalance as a result of the delay in the response of the States Parties to the epidemic defined by the International Health Regulations 2005.
5. The disparity and disparity of countries in their health systems, as most countries have shown the Corona pandemic how incapable their health reality is in dealing with epidemics and diseases that threaten human life.

## SECOND, RECOMMENDATIONS

1. Work to increase the amounts allocated to the World Health Organization and search for other sources of funding that would enable state parties to fulfill their obligations in the event of epidemics and to implement the International Health Regulations.
2. Reconsideration of the revised International Health Regulations 2005, especially in some articles, to overcome some failures resulting from poor implementation of some of its texts, specifically with regard to public health emergencies.
3. The importance of inclusion of the International Health Regulations in the internal legislation of the States Parties and Members of the World Health Organization, and the introduction of legal articles that contradict their articles in other international regulations.
4. Cooperation of countries with regard to facilitating the transfer of specialized health personnel, equipment, and necessary medical



supplies between countries, especially countries with weak health systems.

5. Training of cadres and providing them with supplies and laboratories to facilitate the application of the International Health Regulations and the establishment of communication centers between the state parties and the World Health Organization.

## REFERENCES

1. Michel Belanger ,Droit International De La Sante,Economica,1983-1
2. Dr.. Khaled Saad Ansari Youssef, International Health Law, New University House, 2014.
3. Dr.. Abdel Aziz Tareeh Sharaf, Environment and Human Health in Medical Geography, University Youth Foundation, Alexandria, 2006.
4. Dr. Abdul Majeed Al Shaer, d. Rusldi Kattash, Medical Sociology, Dar Al-Bazuri Scientific, Amman, 2000.
5. Dr.. Khaled Saad Ansari Youssef, a former source.
6. Abu Abd al-Rahman al-Khalil ibn Ahmad al-Farahidi "100-175", investigation: Dr. Mehdi Makhzoumi and d. Ibrahim Al-Samarrai, House of Cultural Affairs, 2nd floor, Baghdad, 1986.
7. Ibrahim Mustafa, Ahmed Hassan Al-Zayat, Hamed Abdel-Qader, and Muhammad Ali Al-Najjar, the intermediate dictionary, the Islamic Library for Printing, Publishing and Distribution, Istanbul, b. T.
8. For more details see: Wikipedia "The Free Encyclopedia", Pandemic, published at <http://ar.wikipedia.org/wiki>
9. Nagham Luqman Thanoun Al-Attar, The Effectiveness of the World Health Organization in protecting the right to health during the Corona pandemic (a study in the International Health Regulations), thesis of a higher diploma in human rights law, College of Law, University of Mosul, 2021.
10. Dorothy H. Crawford, translation: Osama Farouk Hassan, review: Hani Fathi Suleiman, Viruses A Very Small Introduction, Hindawi Foundation for Education and Culture, Cairo, 2014.
11. For more details see: World Health Organization, Coronavirus disease (Covid-19): question and answer, on the organization's website <https://www.who.INT>
12. Dr.. Hanan Issa Malkawi, the repercussions of the emerging coronavirus pandemic on Arab health security, ALESCO scientific publication "Specialized publication" issued by the Arab Organization for Education, Culture and Science "Corona Covid-19 pandemic and its repercussions on the sustainable development goals 2030, second issue, 2020.
13. Dr.Faris Ahmed Al-Dulaimi, The Right to Health (Legal Study) / Noon House for Printing, Publishing and Distribution, Baghdad, 2019.
14. Nagham Luqman Dhanun al-Attar, previous source.
15. Al Jazeera Mubasher, two different concepts... What is the difference between an epidemic and a pandemic? Available at <https://MUBASHER.AL JAZEERA.NET/NEWS/MISCELLANEOUS/2020/3 /15>
16. For more details, see: Sky News Arabia - Abu Dhabi Available at <https://www.skynewsarabia.com>
17. Wikipedia, Impact of the coronavirus pandemic on education 2019, available at <https://ar.m.wikipedia.org>
18. Nagham Luqman Dhanun al-Attar, previous source.
19. Dr.Khaled Saad Ansari Youssef, a former source.
20. Dr.Ahmed Abu Al-Wafa, Mediator in the Law of International Organizations, Cairo, 1986.
21. Dr.Khaled Saad Ansari Youssef, The Legislative Function of the World Health Organization, New University House, Alexandria, 2012.
22. Nagham Luqman Dhanun al-Attar, previous source.
23. Dr.Suha Hamid Salim, International Health Regulations in the face of public health threats "an assessment study", a paper published in the first annual conference "Health legislation and ways to activate and develop it", College of Law, University of Mosul, 2008.
24. Dr. Khaled Saad Ansari Youssef, International Health Law, previous source.
25. Dr.Khaled Saad Ansari Youssef, International Health Law, previous source.
26. Jaafar Al-Khabouri, What are the International Health Regulations (2005) (abbreviated: the regulations) and why does the global community need them to enhance international global health security? Available at <https://zmzmzm.wordpress.com>





27. Health Assembly and Executive Board Resolutions Guide, Volume I, World Health Organization, Geneva, 1973.
28. For more details see Definition of event and disease in the International Health Regulations 2005, World Health Organization, 3rd edition January 1, 2016.
29. Nagham Luqman Dhanun al-Attar, previous source.
30. Jaafar al-Khabouri, a previous source.
31. International Health Regulations 2005, World Health Organization, Geneva, 2008.
32. For more details see: World Health Organization, Timeline of the WHO response to the COVID-19 pandemic, available at <https://www.who.int>
33. Nagham Luqman Dhanun al-Attar, previous source.
34. Yulia, H. (2020).online learning to prevent the speed of pandemic coronavirus in Indonesia. ETERNAL (English Teaching Journal).
35. For more details see: WHO, Opening Remarks by the Director-General of the World Health Organization at the COVID-19 Declaration Briefing on 23 July 2020, available at <https://www.who.int>