



THE OBLIGATION TO NOTIFY A PANDEMIC, IN THE LIGHT OF THE DRAFT ARTICLES OF THE INTERNATIONAL LAW COMMISSION ON THE PROTECTION OF PERSONS IN THE EVENT OF DISASTERS

IHLCADI RECOMMENDATIONS

Whereas on March 11, 2020, the World Health Organization, deeply concerned by both the alarming levels of spread and severity of the COVID-19 and the alarming levels of inaction, communicated its decision to declare a state of pandemic.

Bearing in mind that by Resolution 74/270 of April 2, 2020, the United Nations General Assembly recognized the unprecedented effects of the pandemic, including the severe disruption to societies, and economies, as well as to global travel and commerce, and its devastating impact on the livelihoods of people.

Bearing in mind also that the United Nations Security Council, in its Resolution 2532 (2020) of July 1, 2020, affirmed that the unprecedented extent of the COVID-19 pandemic is likely to endanger the maintenance of international peace and security.

Bearing in mind that the proposals made in the Sendai Framework for Disaster Risk Reduction (2015-2030), adopted at the request of the UN General Assembly at the third UN World Conference held in Sendai, Japan on March 18, 2015, already sought to adjust guidelines for natural disaster prevention, preparedness and mitigation.

Emphasizing the need for States' responses to the COVID-19 pandemic to fully respect human rights, in particular the right to health.

Mindful of the work of the UN International Law Commission contained in the Draft Articles on the Protection of Persons in the Event of Disasters.

Recalling that, according to Article 3 of the Draft Articles, "disaster means a calamitous event or series of events resulting in widespread loss of life, great human suffering and distress, mass displacement, or large-scale material or environmental damage, thereby seriously disrupting the functioning of society".

Noting the broad nature of the definition of disaster and that a review of the preparatory work on the Draft Articles demonstrates the intent of the drafters to make it applicable to pandemics

Noting that the obligation to notify the existence of a pandemic in the relations between States would be of a customary nature, which does not preclude its positive formulation.

Recognizing the complementarity between the Draft Articles and the International Health Regulations (2005) of the World Health Organization, in particular with respect to notification.

Reaffirming the need to promote international cooperation and multilateralism in the global response to the COVID-19.

Recalling that according to the IHLADI's Statutes, in order to achieve its goals, IHLADI intends to study and disseminate the concepts, principles, institutions, systems, and instruments of international law that contribute to its progressive development.

The IHLADI has adopted the following RECOMMENDATIONS:

- 1. Contribute to the dissemination of the Draft Articles on the Protection of Persons in the Event of Disasters as the legal framework in matters of disasters.*
- 2. Promote the incorporation of a new provision in the Draft Articles that makes explicit the substantive obligation of the State in which a disaster takes place to notify without delay the existence of a pandemic.*
- 3. Promote that in the comments requested by the United Nations General Assembly to the Member States, they consider proposing the incorporation of a provision on the obligation of the State in which a disaster takes place to notify without delay the existence of a pandemic.*