



Regional Organisations and COVID-19:

Building on regional experiences to face a global threat

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Programme

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General Presentation by Hélène De Pooter

The COVID-19 pandemic is a global threat in both its health and economic dimensions. Yet, states and individuals do not share the same experience regarding this pandemic (in terms of preparation, impact, reaction and efficiency of the response). The same can be said of intergovernmental organisations, whether universal or regional. One of the interests of gathering different societies through the Global Network of Societies for International Law is to have a comparative approach to the same event. Representing five different societies, the five panellists will testify to the experience of different regional organisations, which all have a role to play in the fight against this pandemic:

- The **African Union** is a political organisation composed of 55 member states. It was supplemented with a free-trade area in 2018. After the Ebola outbreak in West-Africa (2014-2016), it has created the Africa Centers for Disease Control and Prevention (Africa CDC) which is certainly put to test by the COVID-19 pandemic. The Treaty for the Establishment of the African Medicines Agency was adopted on 11 February 2019. African states can benefit from the amendments to the TRIPS Agreement. The African Union has also developed different Human Rights instruments, whose respect is ensured by the African Commission on Human and Peoples' Rights (ACHPR) and the African Court on Human and Peoples' Rights (AfCHPR).
- The **Association of Southeast Asian Nations (ASEAN)** is composed of 10 member states (Brunei, Cambodia, Indonesia, Laos, Malaysia, Myanmar, Philippines, Singapore, Thailand, Vietnam). It adopted the ASEAN Free Trade Area in 1992. The ASEAN Intergovernmental Commission on Human Rights (AICHR) was established in 2009. Communications and complaints can be submitted to AICHR. More recently, ASEAN has engaged in a higher degree of integration, with the establishment the ASEAN Community, comprising three pillars (political-security community; economic community; socio-cultural community). ASEAN+3 (including China,



Japan and South Korea) launched the Emerging Infectious Diseases (EID) programme in 2007, in order to conceive an integrated regional approach to the fight against pandemics. Since 2010, Ministers of ASEAN+3 have adopted several common statements where they commit to improve surveillance and response to infectious diseases outbreaks and pandemics.

- The **Council of Europe** is a continental organisation composed of 47 member states whose aim is to promote human rights, democracy and the rule of law. Most notably, it has adopted the European Convention of Human Rights (ECHR) and instituted the European Court of Human Rights (ECtHR). The European Commission for Democracy through Law (better known as the Venice Commission) is composed of independent experts who provide legal advice regarding democracy, human rights and the rule of law.
- The **European Union** is characterized by a unique degree of integration. It is an economic and monetary union as well as “an area of freedom, security and justice without internal frontiers, in which the free movement of persons is ensured”. The protection of human health relies primarily on member states, when the EU shall complement national policies and encourage cooperation between member states. It has developed several tools to be better prepared to major health scourges and serious cross-border threats to health, such as the Early Warning Response System, the European Center for Disease Control and the Civil Protection Mechanism. The EU is founded on values expressly mentioned in the Treaty on the European Union (human dignity, rule of law...) and is bound, as well as its member states, by the Charter of Fundamental Rights of the European Union.
- **Mercosur** is composed of 5 member states (Argentina, Brazil, Paraguay, Uruguay and Venezuela, whose participation is currently suspended) and 7 associated member states. It is mostly an economic organisation instituting a customs union.

The diversity of these regional organisations reflects the diversity of the issues raised by the COVID-19 pandemic, in terms of interstate cooperation, the relation between public health and other objectives such as traffic and trade, logistical difficulties, circulation of goods and persons, human rights, democracy and the rule of law. Because the action of these organisations is complementary, it seems important to cross-cut their different responses through their successes as well as their shortcomings. Such a comparative approach will increase our global understanding of the challenges raised by the COVID-19 pandemic. It will allow us to spot best practices that the world could build upon to be better prepared for the next disasters which, unfortunately, are bound to happen.

Suggested questions as a basis for a comparative approach:

About the organisation generally:

- does the constitutive charter of the organisation mention health? does it have specific provisions regarding infectious diseases?
- were specific tools developed to protect people from infectious diseases?

About the organisation during the COVID-19 pandemic:

- is the organisation used as a *forum* for cooperation and coordination among member states to fight the pandemic, or is it put aside?
- are the goals and purposes of the organisation impeded by the pandemic?
- can the goals and purposes of the organisation contribute positively to the global response?
- how does the organisation concretely contribute to the global reaction to the pandemic?
- does the pandemic reveal solidarity or division among member states?
- what does the pandemic reveal regarding the division of competences between the organs of the organisation and between the organisation and its member states?
- what are the consequences of the pandemic on the internal governance of the organisation?
- how does the organisation react regarding states under sanctions: Zimbabwe (member of the African Union), Venezuela (whose rights as a member state of Mercosur have been suspended), Iran, North Korea?
- eventually, will the organisation be weakened or reinforced by the COVID-19 pandemic?

How could the United Nations system reinforce its response through regional organisations?

The Global Network of Societies for International Law (GNSIL) is an informal network which has been created after the Strasbourg World Meeting of Societies for International Law. The GNSIL has been created in a spirit of cooperation between the sister societies for international law. It is not a society in itself. It should be a tool for the existing scholarly societies to communicate with each other and strengthen their cooperation.

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