

# Article

## THE MISSING OPERATIONAL COMPONENTS OF THE IHR (2005) FROM THE EXPERIENCE OF HANDLING THE OUTBREAK OF COVID-19: PRECAUTION, INDEPENDENCE, TRANSPARENCY AND UNIVERSALITY

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### ABSTRACT

*In December 2019, there was an outbreak of pneumonia caused by Novel Coronavirus (COVID-19) in Wuhan City, China. It was unfortunate that the outbreak has taken so many lives. It was partly because that the handling of the outbreak by the World Health Organization (hereinafter “WHO”) was not timely or appropriate. There are so many positive and negative lessons we can learn from the outbreak. At the international level, WHO is supposed to lead the world to fight against the outbreak based on the International Health Regulations (2005) (hereinafter “IHR (2005)”). However, it is apparent that there are many operational problems with the IHR (2005). The role of the IHR (2005) seems not to be critical in guiding States Parties for tackling the outbreak. The operation of the IHR (2005) can definitely be improved to make the system more capable of addressing life-threatening and life-saving issues. First, the compliance with the requirements of the IHR (2005) should be seriously addressed.*

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*Second, the independence of the Emergency Committee and that of the WHO Director-General should also be addressed so as to respect the desirable independence in performing their duties. Third, the transparency issue should also be addressed to help the country where the public health emergency of international concern (hereinafter “PHEIC”) occurs to faithfully respect the disclosure requirement and to become more transparent. Fourth, the timeliness and precautionary principle should be dealt with so as to require a timely decision of a PHEIC and to ensure that the precautionary principle plays a supplementary role to help the declaration of a PHEIC in a timely and efficient manner. Fifth, WHO, its Director-General and States Parties of the IHR (2005) should also be expected to allow non-Parties’ meaningful participation in the operation of the IHR (2005).*

**KEYWORDS:** *communicable disease, COVID-19, Emergency Committee, International Health Regulations 2005, IHR (2005), MERS, Public Health Emergency of International Concern (PHEIC), SARS*