

RESPONSIBILITY OF THE WORLD HEALTH ORGANIZATION IN DEALING WITH THE COVID-19 OUTBREAK ACCORDING TO INTERNATIONAL LAW

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Abstract

This research aims to analyze WHO's responsibility in overcoming the Covid-19 pandemic according to International Law and analyze the form of international cooperation in overcoming the Covid-19 pandemic. The study uses normative juridical research with statute and case approaches are used in this paper. The legal research materials are international conventions, legal literature, international and national law journals, and legal research materials from the internet. The results showed that WHO in the pandemic era was morally responsible. Through the socialization of health protocols by international standards, campaigning for a healthy lifestyle, good sanitation, and distribution of vaccines. The distribution of vaccines has not been amply enjoyed evenly, especially in developing countries. Some countries are affected by inequality in distributing vaccines by developed countries. Thus, international cooperation between states or a state and World Health Organization (WHO) has not achieved vaccination equality. One country that should be responsible for the losses to countries around the world is Tiongkok, as the origin of the pandemic Covid-19. According to the principles of international law, a sovereign state cannot be put on trial by another state with the same status. Furthermore, the responsibility that can hold for Tiongkok is in the form of an apology statement to the international community and conducting an in-depth investigation of the origin of the Coronavirus first appeared.

Keywords: *Covid-19 Pandemic; Responsibility of International Organizations; International cooperation*

INTRODUCTION

Since 2019 the world had on alert for the spread of a virus known as Coronavirus (SARS-CoV2). The Coronavirus comes from a family of viruses that causes MERS-CoV and SARS-CoV disease. This virus is familiarly called Covid-19. Covid-19 attacked humans for the first time in Wuhan province, Tiongkok. The status of a global pandemic is due to the rapid spread of this disease. No country in the world can be sure to avoid it. The Public Health Emergency of International Concern (PHEIC) was declared by the World Health Organization (WHO) as a world health emergency on January 30 and a pandemic on March 11, 2020.

Before the Covid-19 pandemic, the world has suffered from infectious disease outbreaks, like the Peloponnesian or Athena Epidemic (426-430 BC), Justinian Epidemic (527-565 BC), Black Death or Plague, Pasteurella Pestis or abbreviated PES epidemic (1347-1351), Smallpox epidemic (1492), Spanish Flu (1918-1919), Cholera (1961), Asian flu (1956-1957), Hong Kong flu (1968-1970), SARS

(2003), Swine flu (2009-2010), West African Ebola epidemic (2014-2016), HIV AIDS (1980-to date), Zika virus epidemic (2015), and now Covid-19 pandemic (2019 until 2022).

Control over the spread of Infecting diseases existed before the Covid-19 pandemic. For example, when the PES epidemic struck Italy. The Ragusa government then imposed a 30-day rule of quarantine on seamen to prove that the seamen had not brought illness from outside into Italian territory. The quarantine period added being 40 days because the PES epidemic had spread to a population of two-thirds of Europe.¹ Moreover, since the founding of the World Health Organization, the smallpox plague is the one that has existed the appropriate vaccine against infectious smallpox. Not only that, but Cholera is also the first in many countries to promote good sanitation and to keep drinking water from bacterial contamination healthy.²

The World Health Organization (WHO) began to solve the issues of infectious disease outbreaks that occurred in several countries, namely in the era of the Cholera pandemic. The World Health Organization had existed by 1948, an international community, which discussed the issues of prevention and control of disease outbreaks. By 1830 and 1847, Cholera had the deadliest in Europe. By 1851 the International Sanitation Conference had been held in Paris, and by 1892 it resulted in cholera uncontrolled. However, when Europe is still limited to conferences, in America, there had been PAHO since 1902, or it called Pan American Health Organization that had operated as the oldest world health institution in the world at the time.

Three years later, L'Office International d'Hygiene Publique was formed and became the first health institution in Europe. By 1919, the League of Nations (LBB) had organized the Health Organization of the League of Nations in Geneva, which discussed the International Sanitation convention by incorporating clauses to counter the outbreak of smallpox and typhoid fever in 1926. While World War 2 had ended, which had hampered the work of European and American health agencies, by 1945, the United Nations Conference on International Organizations voted to establish institute a new international health organization in San Francisco. The next year, the Constitution of the World Health Organization have been approved at the International Health Conference in New York (McCarthy, 2002).³ Because following the purpose of WHO's formed, WHO has the responsibility to control and prevent the transmission of disease by attaining the WHO goals. Based on the things mentioned above. The problems in this article are discussed as follows: First, How is WHO's responsibility in dealing with the Covid-19 pandemic according to international law? Second, How to Cooperate Internationally in Dealing with the Covid-19

METHOD

This research used normative juridical research (doctrinal).⁴ The normative legal research provides a systematic explanation of the rules governing a particular legal category,⁵ analyzing the relationships between regulations,⁶ explaining areas of difficulty, and predicting future development.⁷ This research used statute and case approaches, and the writing is based on the results of literature research.⁸

RESULTS AND DISCUSSION

WHO and State Responsibility in Dealing with The Covid-19 Pandemic

1. WHO's Responsibility for the Covid-19 Pandemic

The international organization is made with the consent of two or more states⁹ in which members of the international organization are made-up of sovereign states, which also makes it one of the subjects of international law. International organizations as a set of independent and sovereign states achieve common interests through the organs of the association itself.¹⁰ Meanwhile, the

¹ Bbppvpr.litbang. (2018). Penyakit Yang Pernah Menjadi Wabah Di Dunia. B2p2vrp.Litbang.Kemkes.Go.Id. <http://www.b2p2vrp.litbang.kemkes.go.id/mobile/berita/baca/358/Penyakit-Yang-Pernah-Menjadi-Wabah-Di-Dunia>

² *Ibid.*

³ McCarthy, M. (2002). A brief history of the World Health Organization. *The Lancet*, 360(9340), 1111–1112. [https://doi.org/10.1016/S0140-6736\(02\)11244-X](https://doi.org/10.1016/S0140-6736(02)11244-X)

⁴ Irwansyah. (2020). Penelitian Hukum, Pilihan Metode dan Praaktik Penulisan Artikel. *Mirra Buana Media*.

⁵ Kadarudin. (2020). Mengenal Riset dalam Bidang Ilmu Hukum, Tipologi, Metodologi, dan Kerangka, *Uwais Inspirasi Indonesia*.

⁶ Kadarudin. (2021). Penelitian di Bidang Ilmu Hukum (Sebuah Pemahaman Awal). *Formaci Press*.

⁷ Marzuki, P. M. (2006). *Penelitian Hukum (First)*. Kencana Pranada Media Group.

⁸ Soekanto, S., & Mamudji, S. (2004). *Penelitian Hukum Normatif*. PT. Raja Grafindo Persada.

⁹ Malanczuk, P. (1999). *Akehurst's Modern Introduction to International Law (Seventh Re)*. Routledge.

¹⁰ Mauna, B. (2005). *Hukum Internasional; Peran dan Fungsi dalam Era Dinamika Global*. Alumni.

international organization is needed to build cooperation, seek agreement by peaceful means and resolve common problems and reduce existing disputes.¹¹

Furthermore, Clive Archer in his book *International Organizations* that international organization comes from two words namely organization and international the word international can be interpreted in several words namely: (1) intergovernmental means interstate or relationship between the official representatives of sovereign states; (2) intergovernmental so-called international relations or activities between individuals and groups in other countries; (3) Transgovernmental or the relationship between a branch of government in a country and a branch of government in another country whose relationship is not through foreign policy channels.¹² In the draft article on the responsibility of international organization Article 2 (a) that an international organization is an organization formed by an international treaty or other instrument governed by international law and that organization has an international legal personality.¹³

International organizations have the authority to make international agreements. As a subject of law, it means they have rights and obligations under international law, in sense of having the authority to demand, be prosecuted, having moving objects, and immunity and privilege. With the authority of international organizations, they can help the establishment of international law and become a forum for discussing and finding solutions to common problems, and be an instrument for international law to be adhered to by states. International organization as the subject of international law means that they act as the subject of a system that essentially can produce recognized legal principles and can perform them.¹⁴

In article 104 of the United Nations Charter, the ownership of legal capacity is used to support its function in member countries, the legal personality can expand the function of international organizations to achieve its main goals. In general, there are three roles of international organizations to achieve the interests of states; a) as an instrument; b) as an arena for diplomacy; c) as independent actors who govern.¹⁵ In the event of a Covid-19 pandemic, it should be an opportunity for them to contribute more broadly to the life of the international community.

The global condition of the Covid-19 pandemic to date at the beginning of 2022, there were 328,532,929 confirmed cases, including 5,542,359 deaths reported to WHO, and as of January 16, 2022, a total of 9,395,059,118 doses of vaccine have been given.¹⁶ Varying efforts to prevent the escalation of this virus have been carried out by governments in various countries in the world to break the chain of infection, such as the implementation of lockdown or social/physical distancing. Some countries affected by Covid-19 such as Tiongkok, The United Kingdom, Italy, Spain, Malaysia, Philippines apply for lockdown status, while Indonesia implements regional quarantine.¹⁷

In the implementation of this quarantine, the Indonesian government-imposed restrictions on movement (PPKM). Citizens are prohibited from traveling, schools are closed and distance learning is enforced, prohibition of activities outside and gathering in large numbers, travel restrictions to the imposition of curfews for businesses and communities. In the event of the Covid-19 pandemic, the public certainly should not be deprived of their rights to health that could be obtained without any form of discrimination from any aspect. WHO is the body responsible for achieving that goal.¹⁸ The international community must be free from experimented, forced medical research or sterilization, tortured, and inhuman imposition that degrades human dignity.¹⁹ All the people deserve good health services and the availability of adequate and qualified health facilities.²⁰ Some countries at the

¹¹ Suryokusumo, S. (1993). *Studi Kasus Hukum Organisasi Internasional*. Alumni.

¹² Magassing, A. M. (2020). *Hukum Organisasi Internasional*. Pustaka Pena Press.

¹³ Kolb, R. (2017). Appendix 2: Draft Articles on the Responsibility of International Organizations (2011). *The International Law of State Responsibility*, II, 252–267. <https://doi.org/10.4337/9781786434715.00016>

¹⁴ Magassing, A. M. (2020). *Hukum Organisasi Internasional*. Pustaka Pena Press.

¹⁵ Archer, C. (2001). *International Organizations Third Edition*. Routledge Taylor and Francis Group.

¹⁶ World Health Organization. (2021). WHO Coronavirus (COVID-19) Dashboard. WHO Coronavirus (COVID-19) Dashboard with Vaccination Data. In Who (pp. 1–5). <https://covid19.who.int/>

¹⁷ Undang Undang Nomor 6 tahun 2018 tentang Kekarantinaan Wilayah. (2018). *Undang Undang Nomor 6 tahun 2018 tentang Kekarantinaan Wilayah*. *National Standardization Agency of Indonesia*, 31–34. <https://jdih.bsn.go.id/produk/detail/?id=730&jns=2>

¹⁸ Estébanez, M. A. M. (2009). The United Nations international covenant on economic, social and cultural rights. *Synergies in Minority Protection: European and International Law Perspectives*, January, 213–248. <https://doi.org/10.1017/CBO9780511575372.009>

¹⁹ Muntarhorn, V. (2016). The International Covenant on Civil and Political Rights (ICCPR). *The Core Human Rights Treaties and Thailand*, 999(14668), 141–194. https://doi.org/10.1163/9789004326675_005

²⁰ Estébanez, M. A. M. (2009). The United Nations international covenant on economic, social and cultural rights. *Synergies in Minority Protection: European and International Law Perspectives*, January, 213–248. <https://doi.org/10.1017/CBO9780511575372.009>

beginning of the emergence of this pandemic are not ready to handle it, due to a lack of sufficient facilities, such as ambulances, medical masks, oxygen tubes, other medical equipment, and personal protective equipment (APD) even the lack of trained health workers.

WHO as a world health organization under the United Nations (UN) has a role and responsibility in addressing the spread of the Covid-19 virus and other infectious disease outbreaks in general as stated in article 55 point (b) of the UN Charter that the United Nations propagandized solutions to international economic, social and health problems to achieve world stability and prosperity. Thus, they were formed, as a specialized agency, to protect against health threats and problems related to it regardless of gender, language, or religion. As an international organization, they have the power to support the interests of numerous countries, by channeling the affairs of a nation that crosses national borders. Regarding the control of the Coronavirus around the world, the fundamental concerns lay in the capabilities of health workers, adequate health facilities, and equitable distribution of vaccines. They also serve as a medium of communication in providing guidelines before doing something in certain situations, a function related to the low awareness of the international community about the Covid-19 pandemic. This function also acts as a forum for them to convey the condition of the regions which are affected by the spread of the virus to the international community.

Article 21 of the WHO Constitution stated that the World Health Assembly adopts the International Health Regulation (IHR) specifically regulates types of diseases that encourage epidemiological activity, so the countries act and oblige to report those diseases, maintaining minimum health capabilities in their ports and borders. So, through the International Health Regulations, WHO takes action based on information from a country's reports. The Implementation of the International Health Regulation 2005 in handling the pandemic by declaring a Public Health Emergency of International Concern/PHEIC.²¹ For the reality of PHEIC, an Emergency Committee had held three meetings. The First and second meetings of the WHO Emergency Committee did not result in approval to declare an international health emergency condition because, at that time, WHO only found four cases spreading viruses outside Tiongkok.²² Besides, some countries did not report some cases of infecting viruses in their land. Till the third meeting of the Emergency Committee, the Covid-19 pandemic was announced as PHEIC with a total of 7,818 confirmed cases worldwide. It included nineteen member states in the five WHO regions at the time.²³ Delaying the status of PHEIC and the rapid spread of the virus to countries outside Tiongkok are the responsibility of WHO that function is to anticipate infectious disease outbreaks, as had been experienced when the previous outbreaking hit the world cause World Health Organization has goals are in its Constitution. The issue of the culpability of the international organization can take equality from the general provisions of state responsibility.

2. Tiongkok's Responsibility for the Covid-19 Pandemic

The Health Commission of Wuhan Tiongkok officially reported to WHO about the existence of a case of the virus identified as the Covid-19 on December 31, 2019.²⁴ The Chinese government officially declared to the organization that the first confirmed patient occurred on Dec. 8, 2019.²⁵ However, they did not publish the data from November 17, 2019, until a few weeks before the official statistics were released to the public, in which there were approximately 226 people already infected by the disease. The council has been criticized for being slow to report and lacking transparency in reporting data to the WHO as if to cover up the outbreak. Several countries requested that WHO conduct an investigation into the origin of the emergence and spread of the Covid-19 and asked Tiongkok to be held responsible for its negligence. Responsibility is the cause of particular action or situation especially a harmful or unpleasant one, meaning the emergence of a dangerous condition inseparable from the presence of the subject or perpetrator that caused the dangerous situation to exist.

State responsibility is the obligation of a state to make improvements arising from an error by

²¹ Kamradt-Scott, A. (2019). The International Health Regulations (2005). *International Organizations Law Review*, 16(2), 242–271. <https://doi.org/10.1163/15723747-01602002>

²² Douglas, E. (2020). Kenapa WHO Urung Tetapkan Darurat Kesehatan Global pada Virus Corona __ DUNIA_ Informasi terkini dari berbagai penjurur dunia _ DW _ 24. <https://www.dw.com/id/kenapa-who-urung-tetapkan-darurat-kesehatan-global-pada-virus-corona/a-52122414>

²³ CNN Indonesia. (2020). Pandemi Lama, Komite WHO Desak Buat Panduan Sosial-Ekonomi. <https://www.cnnindonesia.com/internasional/20200802033223-134-531287/pandemi-lama-komite-who-desak-buat-panduan-sosial-ekonomi>

²⁴ World Health Organization. (2020). Archived: WHO Timeline - COVID-19. In World Health Organization (Issue June, p. 2020). https://www.who.int/news-room/detail/27-04-2020-who-timeline---covid-19?gclid=EAlalQobChMI4MaewOeo6gIVyyMrCh2JRgUIEAAAYASAAEgLo3_D_BwE

²⁵ *Ibid.*

submitting due to legal obligations under international law.²⁶ State responsibility arises if a state violates a treaty, in which case it does not carry out obligations under the treaty due to loss to citizens of another country, an infraction of obligations in the form of an act or omission.²⁷ The responsibility of the state cannot be separated from the question of state sovereignty. Therefore, state responsibility arises as a result of the principle of equality and sovereignty of states contained in international law.²⁸ This principle then gives authority to a country that is violated its right to demand reparations.²⁹ Concerning the law of state responsibility in international law is its main feature of placing the state as the main subject. Any internationally wrongful state action burdens the obligations of the state concerned.³⁰

States as subjects of international law attached to international legal obligations, in the context of the Covid-19 pandemic this applies to IHR member states 2005. IHR 2005 as an instrument of international law is legally binding. Tiongkok and countries that hold the United States accountable are countries that are bound by the International Health Regulation because they are members of who are attached to every member state including Tiongkok. Article 6 paragraph (1) of the IHR 2005 states shall report to WHO within 24 hours of events related to public health emergencies, however, Tiongkok does not report the first cases of Covid-19 occurring in their countries within the period specified to WHO. Therefore, Tiongkok is responsible for the slow reaction to reporting and seems to cover up the outbreak so that other countries feel the impact of the spread of the Covid-19.

Responsibility, which is a fundamental principle in international law derived from the doctrine of international jurists, in the event of a violation of an international obligation either under international treaties or based on international customs there will always be the responsibility of the state. However, the principle of Equality and Sovereignty of State³¹ in international law means that a country that has sovereignty over its territory does not allow to use its sovereignty without respecting the sovereignty of another country. In other words, Tiongkok cannot be sued before the International Court of Justice because Tiongkok is a sovereign country that cannot be prosecuted or sued in foreign courts against its will.³² In addition, to prove Tiongkok guilty, Tiongkok is protected by the *Par in Parem Non-Habet Imperium* principle that a country cannot exercise jurisdiction through its courts against the actions of other countries unless it permits and the courts in one country have no right to take issue with the validity of an action of another state exercised within its territory.³³

A sovereign state has the right to act or do something in its territory, but to the international community, the philosophy of *Sic Utere Tuo Ut Alienum Non-Laedas* has become a principle that has been recognized by many jurists as an international custom, which means any activity that occurs in one country must not cause harm to another country. This concept was adopted from the 1941 Trail Smelter³⁴ case with a brief chronology of the case stemming from air pollution problems caused by Canadian-owned fertilizer companies operating within Canada, near the Columbia River, approximately 10 miles before the Canada-U.S. border. By 1920 the company's emissions production continued to increase. The emissions contain sulfur dioxide, spreading a very pungent metallic and zinc odor. In 1930, these emissions reached more than 300 tons of sulfur every day as the wind moved toward the U.S. through the Columbian river valley and caused various adverse effects on the land, water, air, and health of other U.S. residents. The U.S. filed a claim against Canada and held it liable for any losses suffered by the United States. Related to the context of the Covid-19 pandemic, although there is no element of error, one of the parties involved in a problem must be responsible for losses caused by its activities that damage or harm the sovereign territory of other countries.³⁵ In consequence, the responsibility of states is arise as a result of the obligation of states to respect the rights of other states as outlined in principle 21 of the Declaration of Stockholm.

Therefore, Tiongkok may be held responsible for reparations in the form of restitution,

²⁶ Gardner, B. A. (1999). Black's Law Dictionary (seventh). West Group.

²⁷ Starke, J. (1991). Pengantar Hukum Internasional 1 (S. L. S. Danuredjo & L. Ginting (eds.); Ninth).

²⁸ Thontowi, J., & Iskandar, P. (2006). Hukum Internasional Kontemporer. PT Refika Aditama.

²⁹ Shaw, M. N. (2008). International Law (D. S. Widowatie (ed.)). Nusa Media.

³⁰ Commission, I. L. (2018). Articles on the Responsibility of States for Internationally Wrongful Acts. International Law Documents, II(December 2001), 64–75. <https://doi.org/10.1017/9781316577226.009>

³¹ Riyanto, S. (2012). Kedaulatan Negara Dalam Kerangka Hukum Internasional Kontemporer. Yustisia Jurnal Hukum, 1(3), 5–14. <https://doi.org/10.20961/yustisia.v1i3.10074>

³² Ardhiwisastro, Y. B. (1999). Imunitas Kedaulatan Negara di Forum Pengadilan Asing. Alumni.

³³ Apriliyawati, N., Aida, M., & Rehulina. (2021). Tanggung Jawab Negara Asal Wabah terhadap Pandemi Menurut Hukum Internasional (Studi Kasus Pandemi. 12(2), 9–20.

³⁴ Pramudianto, A. (2017). Hukum Lingkungan Internasional. PT Raja Grafindo Persada.

³⁵ Kantaatmadja, K. (1981). Gantirugi Internasional Pencemaran Minyak di Laut. Alumni.

compensation, or satisfaction.³⁶ In this case, it is most likely for Tiongkok to do so by recognizing that Tiongkok has committed violations or omissions, expressing apologies as a form of improvement and goodwill to every country that has been harmed.

B. International Cooperation in The Face of the Covid-19 Pandemic

International relations is a global political interaction primarily among sovereign states.³⁷ Sovereignty is absolute power over a particular territory. Absolute power over a region becomes the basis for the formation of a state, so this concept of sovereignty is essential in understanding the position of the state in a dynamic international relationship. In the study of modern international relations, the narrative related to health issues is one of the popular issues found in foreign policy studies, diplomacy between countries, and international cooperation³⁸ Global health issues in substance including the issue of infectious diseases are becoming increasingly important in the global diplomacy agenda to structure and utilize the role of diplomacy itself to achieve international health goals. The purpose of diplomacy is to educate various parties about the existence of dangerous infectious diseases, socialize a safer way of life but remain vigilant in dealing with it, and encourage various parties to create their security systems in the face of infectious disease outbreaks.³⁹

Since the beginning of the emergence of the Covid-19 virus, there have been several regions such as Wuhan that have implemented quarantine. As a result of the implementation of quarantine by the authorities, many Indonesian citizens are unable to move out of the region and are threatened with safety. Indonesia through its foreign policy took measures for the safety of all its citizens abroad (especially in Wuhan Tiongkok at that time), and protecting them from the threat of infectious diseases became one of Indonesia's priorities. The repatriation efforts of Indonesian natives were carried out on orders from the President of the Republic of Indonesia.⁴⁰ Another effort in protecting the people abroad is with a digital application called safe-travel, an application that presents various notifications and information needed by Indonesian while they are in another country. In addition, Indonesia also takes a policy of monitoring their citizens who are exposed to the illness, such as handling treatment, not only that but also providing compensation to a number of them who are affected by restrictions and have difficulty living due to reduced income. Indonesia also maintains communication and coordination with WHO and other countries to report the number of confirmed cases of Covid-19.⁴¹

The rescue of citizens abroad becomes a foreign policy that presents the country, also through bilateral and multilateral cooperation, the Indonesian government seeks the Covid-19 vaccine. Indonesian diplomacy encouraged international cooperation at the 25th Meeting of the ASEAN Coordinating Council (ACC) in April 2020. They stressed the importance of protecting ASEAN citizens, including migrant workers, and also proposed cooperation in the collection of the ASEAN Covid-19 Response Fund derived from the ASEAN development fund and ASEAN+3 cooperation fund in terms of financing and purchasing medical equipment and so on. In addition, through the International Coordination Group on Covid-19 (ICGC) forum, Indonesia requested close cooperation from each country to overcome the impact of the spread of Covid-19 on the international community, one of which is through the manufacture and distribution of vaccines and coordination of economic recovery after the Covid-19 pandemic.

International cooperation in bilateral form between Indonesia and Tiongkok related to Sinopharm and CanSino vaccines or better known as Sinovac. In the cooperation, there was the signing of two cooperation agreements between Bio Farma and Sinovac regarding the provision of vaccine doses for Indonesia. In the bilateral sphere, the signatories serve to legalize the text of an international agreement that has been agreed upon by the parties to the negotiations.⁴² In addition, the two parties also agreed on an essential business travel corridor arrangement for business people and safe service travel. Indonesia has also established arrangements with the United Arab Emirates and South Korea.

³⁶ Commission, I. L. (2018). Articles on the Responsibility of States for Internationally Wrongful Acts. International Law Documents, II(December 2001), 64–75. <https://doi.org/10.1017/9781316577226.009>

³⁷ Gardner, B. A. (1999). Black's Law Dictionary (seventh). West Group.

³⁸ Bainus, A., & Budi Rachman, J. (2020). Editorial: Pandemi Penyakit Menular (Covid-19) Hubungan Internasional. *Intermestic: Journal of International Studies*, 4(2), 111. <https://doi.org/10.24198/intermestic.v4n2.1>

³⁹ *Ibid.*

⁴⁰ CNN Indonesia. (2020). Pandemi Lama, Komite WHO Desak Buat Panduan Sosial-Ekonomi. <https://www.cnnindonesia.com/internasional/20200802033223-134-531287/pandemi-lama-komite-who-desak-buat-panduan-sosial-ekonomi>

⁴¹ Djelantik, S. (2020). Kerjasama Global Menangani The "Great Lockdown"; Pendekatan Diplomasi Multijalur. Kerjasama Global Menangani The "Great Lockdown"; Pendekatan Diplomasi Multijalur. <http://journal.unpar.ac.id/index.php/JurnalIlmiahHubunganInternasiona/article/view/3869/2910>

⁴² Pratomo, E. (2016). Hukum Perjanjian Internasional. PT Elex Media Komputindo.

Cooperation between Indonesia and South Korea through PT Kalbe Farma Tbk and Genexine Inc. from South Korea has signed a memorandum of understanding to develop and make raw materials for biotechnological medicines in Indonesia.⁴³

Indonesia along with Ghana, Liechtenstein, Norway, Singapore, and Switzerland successfully passed a UN General Assembly resolution on Global Solidarity to Fight Covid-19 on April 2, 2020, at the UN headquarters in New York.⁴⁴ The first resolution produced by the United Nations related to Covid-19 since the global pandemic was announced. The resolution emphasizes the political message of the importance of international unity, solidarity, and cooperation to reduce the impact of the Covid-19 pandemic. Indonesia's activeness in health diplomacy led to Indonesia being elected chairman of the Foreign Policy and Global Health Initiative, becoming a member of the WHO Executive Board, and becoming one of the co-chairs of the Covid-19 Vaccine Global Access Advanced Market Commitment Engagement Group (COVAX AMC-EG).

Indonesia continues to fight for vaccine equality amid all the difficulties and challenges. Indonesia expressed concern for countries on the African continent and other developing countries affected by discrimination in the administration of the Covid-19 vaccine. As of January 20, 2022, this percentage of vaccines in the Central Africa of Republic is nine percent compared to nearly 80 percent doses in the developed country rather than in the developing countries.⁴⁵ Discrimination in the distribution of vaccines creates an uneven recovery. Since its inception, the WHO has campaigned on the importance of ruling out vaccine nationalism, but the WHO's appeal has not been heard by developed countries. When developed countries have injected 60 percent of their population then the remaining doses of vaccines are donated to developing countries,⁴⁶ of course, this is a limp as stipulated in the principle of non-discrimination that this principle prohibits countries from giving different discrimination against other countries.⁴⁷

In pandemic conditions, it is an opportunity for international organizations to contribute more broadly to global life. Because the main focus is strengthening countries, which can refer to several aspects, such as political-policy aspects, international organizations can maximize the function of their instruments to achieve the political objectives of countering Covid-19. WHO or other international organizations assist in the form of medical supplies or provide information related to the handling of the pandemic. In addition, vitalizing the aspect of education is in line with the arena function of international organizations. Functions that allow every international actor to meet to discuss issues faced together, such as the last G20 Summit forum or through the UN agenda, become an opportunity for each member to obtain views, information, cooperation, or cost assistance in handling pandemics. International organizations should widely reach their functions in times of crisis such as the Covid-19 pandemic. The function of independent actors owned by international organizations causes OI to work in several social stratifications, ranging from the lowest society, countries, private companies, and other international organizations. Moments that must be used to strengthen the economic aspects of vulnerable countries. FAO cooperates with the private sector in ensuring food needs during pandemics.

The lesson that can be learned from and during this condition is that international cooperation, optimizing the function of international organizations and building adaptability, and being firm in difficult situations is the thing that must be done together between state, a country with an international organization and among other international organizations. Thus, this pandemic is faced together and produces success and good for all parties.

CONCLUSION

WHO as an international organization is morally responsible for assisting in the form of medical supplies, providing information related to the handling of the Covid-19 pandemic, and campaigning for standardization of health protocols to prevent the virus. The potential of countries that can be held accountable due to the emergence of Covid-19 is regulated by international legal instruments, namely

⁴³ Novika, S. (2020). RI-Korsel Kerja Sama Produksi Vaksin COVID-19. <https://finance.detik.com/industri/d-5032675/ri-korsel-kerja-sama-produksi-vaksin-covid-19>

⁴⁴ Kementerian Luar Negeri. (2019). Perutusan Tetap Republik Indonesia Untuk Perserikatan Bangsa. <https://kemlu.go.id/newyork-un/id/read/indonesia-sukses-loloskan-resolusi-pbb-perdana-tentang-solidaritas-global-atasi-covid-19/1024/important-information#:~:text=ATASI COVID-19-,INDONESIA SUKSES LOLOSKAN RESOLUSI PBB PERDANA TENTANG SOLIDARITAS GLOBAL ATASI, secara aklamasi pada 2 April.>

⁴⁵ Ndwandwe, D., & Wiysonge, C. S. (2021). COVID-19 vaccines. *Current Opinion in Immunology*. <https://doi.org/10.1016/j.coi.2021.07.003>

⁴⁶ Prabowo, D. (2021). Di PBB, Menlu Sampaikan Keprihatinannya Atas Diskriminasi Penerimaan Vaksin Covid-19 di Afrika. <https://www.msn.com/id-id/berita/nasional/di-pbb-menlu-sampaikan-keprihatinannya-atas-diskriminasi-penerimaan-vaksin-covid-19-di-afrika/ar-AAOIDD>

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the WHO Constitution and the International Health Regulation (IHR) 2005. In both instruments of international law, a country must immediately communicate with the WHO when there is a potentially impactful health emergency across countries. However, the country where the virus first emerged was held accountable according to both instruments.

One of the main cooperation between countries is to find an effective vaccine to overcome this pandemic. The involvement of the country in the process of developing a vaccine is not easy, they need to have cutting-edge technology and a good economic level to support it. Others must get the trust of the country that develops the initial vaccine, in such cases, it requires a diplomatic approach carried out by the state. In addition, the developing nations inevitably rely on international cooperation to access it.

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