Politics in Times of Pandemic: Role of Political Institutions and State Governance vis-à-vis Pandemic Treaty

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Abstract

This paper examines how political institutions influence global health governance concept, which is shaped by the political determinants of health. It focuses on the role of political institutions in the context of the coronavirus (COVID-19) pandemic, which revealed the importance of politics in international health processes. The paper shows that political contradictions emerged between countries, and sometimes even among traditional allies, as national interests often prevailed global problems. It also discusses how the political leadership of each country, as the central political institution, had to address various domestic and foreign policy challenges and explores the potential implications of the WHO Pandemic Treaty, which was proposed in response to the pandemic, for increasing the involvement and participation of political institutions in global health issues.

Keywords: Political Institutions, Globalization, Global Governance, State Governance, WHO Pandemic Treaty, COVID-19.

Introduction

The role of political institutions is to shape the country’s political landscape by creating and enforcing laws, policies, and regulations to ‘govern the behavior of individuals and organizations within society.’ Political institutions are established official organizations that shape the life of a country. Noting the transformation in the perception of political institutions as formal organizations with a political role and structure, understanding their policies

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and politics is not always easy. Considering sociological research, ‘any institution that plays a political role, that is, the authoritative distribution of material and non-material values in a given society, is a political institution.’3 The political system cannot function without appropriate (political) institutions since there will be no rules and laws for choosing political actors. Such institutions are also considered in the context of political structuring and the policymaking process.

Political institutions play a central role in implementing political processes related to various areas of life, including the protection of public health. Governance during the ‘public health emergency of international concern’ requires governments to safeguard human rights while balancing between different groups of interest.4 At the same time, in the case of a democratic political system, the protection of public health must be ethically justified i.e. based on democratic principles. Political institutions also need to ensure fair distribution and equal access to resources. However, the COVID-19 pandemic showed that at the international level, this goal could be challenging.

Traditionally, issues related to health were considered a concern of medical professionals or lawyers. Although healthcare belongs to the social sphere, ensuring transparency and legitimacy, respect for human rights also fall within the purview of political institutions. In difficult socioeconomic situations, such as caused by the pandemic, they can play both a constructive and a negative role. The struggle between representatives of various political institutions contributes to destabilizing state functioning. At the same time, social cohesion and solidarity ensure that the effects of the crises caused by the pandemic are successfully dealt with, and solutions are found to improve well-being in society.

Response measures arising from health threats can be developed only with the involvement of political institutions.5 The states where their leadership developed mechanisms for timely communication between relevant institutions in critical situations are more likely to take prompt actions and make wiser decisions. In the case of a pandemic, for example, a country’s political system, as ‘a set of formal legal institutions that constitute a government or a state,’6 becomes the most decisive actor. Therefore, by defining the scope of governmental involvement, political systems ensure the implementation of policies and strategies for a pandemic response that protects the population’s health.
Healthcare threats of communicable nature go beyond the boundaries of a single state, acquiring an international character. Therefore, their solution requires the involvement of various political institutions such as governments, parliaments, courts, and international organizations. Each political institution plays its specific role, and only the harmonization of their activities makes it possible to develop and implement an effective policy to counter such threats.

**Political Institutions, Globalization and Global Governance**

Within the framework of a single state, political processes are determined by free, independent and active participants, i.e. political actors with their interests that can be classified into several groups, including political institutions. Apart from the state institutions and political parties, political institutions can be created by distinct social groups and individuals to express and jointly represent the interests of the state and society to cover various types of regulated and formalized political relations.

The degree of involvement of political institutions in political processes is determined by the scope of their powers. Covering the bodies of state, executive, and judicial power, these institutions promote the development of social relations through the implementation of primary regulatory functions. Depending on the form of government, the institution of the president and the parliament become the most significant. The legislature, in whatever form it may be, is then the key institution to develop national strategy towards a calamity. The country’s legislation determines the fulfillment of international obligations and responds to the peculiar national requirements. Institutions that make political decisions determine the subsequent political processes. They can express the interests of certain groups, though often competing with each other, and serve as the primary determinants of policy outcomes. Political institutions, influencing political processes, create conditions for ensuring good governance which is related to the political and institutional processes and outcomes that are necessary to achieve the goals of development.

The largest political institution is the state itself as the primary actor in the international systems and the protector of the rights and wellbeing of the individuals in its jurisdiction. At the international level, decision-making and regulation of sociopolitical relations become more difficult due to the competing geopolitical interests of various actors. The interaction between various political institutions of different countries determines the global political process, which involves individuals, groups, and organizations.
pursuing political goals. Now globalization requires an inevitable adaptation of political institutions to rapidly changing conditions and new challenges. In terms of the political processes, ‘globalization is about contests between different interests and competing values,’ where nothing is apolitical. Moreover, globalization causes the growing influence of global non-governmental actors, such as transnational corporations and various supranational structures.

The combination of many factors that occur as a result of globalization requires political institutions to shape political incentives and behaviors, and influence policymaking processes (and state capabilities). On a global scale, they can serve as ‘structures of cooperation’ and conductors of implementing state goals and objectives. Noting the growing importance of global factors, some authors see them as the cause of the ‘crisis of political institutions.’

The governmentality concept was researched by Michel Foucault, who described the term as the ‘genesis of political knowledge.’ He considered global governance as one of the manifestations of politics. The formation of the concept of ‘global governance’ is associated with James Rosenau, who used this concept to describe global changes related to the ‘relocations of authority’ across different areas and levels. He analyzed ‘global order and governance’ as a ‘transcendent issue’ and considered these issues in a broad sense in the context of environmental factors. According to Rosenau, global governance is a ‘summary term for a highly complex and widely disparate activities that may culminate in a modicum of worldwide coherence or may collapse into pervasive disarray,’ where ‘states act as the primary sources of governance on global scale.’ Also, Rosenau believed that the world simultaneously tends to strengthen global governance and, conversely, to its disaggregation. Therefore, the presence of global governance will not come about due to global government.

Analyzing the concept of global governance, Dingwerth and Pattberg conclude that its application concerns going beyond the policy of domestic politics. It is observed in different planes, such as the Observable Phenomenon and as a Political Program, being useful as a concept and as a ‘specific perspective on world politics.’

Focusing on global processes, it is necessary to note the practical impossibility of their solution by the forces of individual countries; therefore, Kacowicz notes the concept of global governance as a ‘theoretical terminology’ characterized as ‘the complex of systems of rule-making, political
coordination, and problem-solving that transcends state and societies, constructing new political realities and reconstructing old ones.’ Assessing the change in political dimensions caused by globalization, Kacowicz\textsuperscript{23} stresses the complexity of global governance, which includes states and international institutions, etc., that serve ‘to promote, regulate and manage the common affairs of humanity.’

The scientific literature on global governance as a concept connects it to the worldwide trend-setting that formed as an ‘instance of governance in the absence of government,’ defining it as the ‘sum of laws, norms, policies, and institutions that define, constitute, and mediate relations between states, citizens, intergovernmental and nongovernmental organizations and the market’\textsuperscript{24} in the international arena. Some authors associate the emergence of the concept of ‘global governance’ with scientific ideas that arose with the formation of international organizations such as the United Nations (UN), which has signs of ‘general standards’\textsuperscript{25} of legitimacy.

In the system of government at the national level, political institutions serve the purpose of coordinating and executing decisions. However, at the global level, states are represented by various governmental structures, groups, or individuals with appropriate powers, such as ambassadors. Today, supranational structures like the European Union (EU) are also key players in the global governance system. Harmonization of numerous national and international structures creates a broad global platform, which serves to establish various institutions and adopt legal and declarative norms. Moreover, various legal instruments of the world ensure its stability since the chaotic, unpredictable behavior of multiple actors plays a destabilizing role. The legal instruments used in global governance are mainly represented by treaties and international law, designed to unify individual states’ legal provisions.

There is a significant discussion on the use and connotation of the terms ‘global’ and ‘international’ in the context of governance.\textsuperscript{26} However, within the framework of this paper, we will focus on the global context. Global governance concerns ‘the identification and management of those issues which necessarily have an impact on all parts of the globe’,\textsuperscript{27} such as the protection of biodiversity, etc. The notion of global governance is broader than the management of international relations, which centers the focus on nation-states. Global governance forms ‘an international process of consensus-forming’ generating ‘guidelines and arguments that affect national governments and international corporations.’\textsuperscript{28} Despite some fragmentation,
some authors point to the formation of a ‘global governance architecture’ used to characterize the ‘broader institutional complex’ in the context of international relations.29

Barnet et al.30 describe global governance as the ‘institutional arrangements used to identify problems, facilitate decision-making, and promote rule-based behavior on a global scale.’ Authors consider the underlying causes or driving forces of the changing regimes of global governance, highlighting the main ones, at the structural level, that are present in the process, including the number and pluralization of actors, the increasing complexity of global problems, etc.

**Political Determinants of Health**

Health issues are one of the most striking examples of the impact of internationally developed norms on national systems and institutions. The COVID-19 pandemic also exposed shortcomings in public health services regarding insufficient funding and a lack of preparedness and institutional coordination. Moreover, the fast globalizing world requires an increasing number of institutions to coordinate various processes, which became apparent against the background of the pandemic. Therefore, the adoption of laws, rules, and regulations influences the population’s health, e.g., tobacco control may prohibit smoking in certain places or public institutions.

Scientific understanding of the importance of the influence of politics in protecting public health was formulated with the advent of the concept of ‘political determinants of health,’ widely studied by many authors. Thus, according to Dawes, political determinants of health include ‘the systematic process of structuring relationships, distributing resources, and administering power, operating simultaneously in ways that mutually reinforce or influence one another to shape opportunities that either advance health equity or exacerbate health inequities.’31 The analysis of political determinants includes various levels of power, institutions, processes, interests, and even ideological positions that affect health to varying degrees in the context of the political system of society and manifest themselves at different levels of government. In a complex system, government serves the purpose of overcoming societal barriers and improves the interaction between ‘intrapersonal, interpersonal, and institutional relationships’ caused by the policy.

Kirton and Kickbusch explain that global health and public health are always about politics and describe it as a choice.32 Health threats such as the
spread of viruses directly depend on societies’ political, economic, and social characteristics.

The connection between politics and health issues is significant and becomes particularly evident in global emergencies when political decisions and actions can have a profound impact on health-related matters on an international scale. Thus, numerous international documents have been adopted to eradicate tuberculosis, such as the “Political Declaration,” presented by the president of the UN General Assembly (UNGA) back in 2018, which testifies to the importance of political factors. Although scientists in medicine or health traditionally study global health, the inevitability of political factors requires a political science review of the problem. Moreover, numerous scientific works research the role of political institutions in the field of health, such as on coronavirus politics, etc. and their amount is increasing.33

The political determinants of health predetermine various social factors, such as security. Therefore, they create ‘structural conditions,’ which Dawes et al. presented as a theatrical production.34 Within such a framework, the authors identify three main drivers in terms of the political determinants of health, which include voting, government, and politics. By harmonizing their work, they collectively organize the production of social determinants of health that affect the population, government, and commercial interests. These determinants can be expressed in the action or inaction of governments, structuring relationships, allocating resources, and administrating power.

James W. McGuire conducted a comprehensive study of the relationship between democracy and public health.35 According to the analysis outcomes, the positive impact of democracy as a way of managing society was concluded. In addition, the author concluded about the conceptual difference between the concepts of democracy and good governance, despite their close relationship. According to the author, various programs to improve health outcomes can be seen as a democratic dimension.

In matters of management in crises, the form of government is essential. For example, in presidential republics, there is involvement at different levels of the head of state. Thus, some studies showed a direct connection between government support and the population’s consent to restrictive measures and assessed it as positively impacting support for democracy and its institutions.36
Political Challenges of the COVID-19

The coronavirus pandemic became a real test for political institutions within the state as well as the global infrastructure for health emergencies. It demonstrated the need for urgent political decisions based on World Health Organization (WHO) recommendations. While developing anti-pandemic policies, politicians in most countries were guided by the recommendations of the WHO, although it is not a political institution. As a result, lockdowns and vaccination became the central countermeasures.

The pandemic demonstrated the need for political cooperation to achieve a common goal. It is no coincidence that it was against the background of the pandemic that politicians put forward an idea about the need to adopt the WHO Pandemic Treaty. One of the main problems was the unpreparedness of the world’s health systems, when even highly developed countries, such as the United States (US), felt a lack of hospitals. Many states, including Azerbaijan, began to build modular hospitals. However, in the context of vaccinations and the provision of medical supplies such as medicines, masks, medical devices, etc., the countries experienced a shortage. On a global scale, the very distribution of vaccines became a geopolitical and ethical issue.

Among the international political institutions, the role of the EU offers some important lessons. During the pandemic, despite some interstate contradictions, the unity of the political agenda of the member countries within the framework of a single union was visible. The EU activated its Integrated Political Crisis Response (IPCR) amid the crisis. Some authors, analyzing the work of political institutions within the EU against the background of COVID-19, conclude that the EU has a sui generis nature with a multi-level system of governance, and such shocks contribute to the EU’s transformation as an institution.

The pandemic required the consolidation of political institutions. The study of Shvetsova et al. assessed the role of federal institutions in countering the pandemic. According to the study, federal institutions and federal political processes served both to contain and stimulate politicians to respond to the crisis. Comparing federal and unitary states’ COVID-19 response policies, the researchers concluded that although ‘the balance of federal and subnational policy contributions varied,’ they were similar in their effectiveness.
Politics in Times of Pandemic

Under stress, political institutions are also tested for public support. Restrictive measures, decreased business activity, and other negative consequences were regarded differently. Some researchers pointed to the negative effect of restrictive policies that can be used to violate liberal democratic norms. However, a study in Sweden and Denmark confirmed support for public health policies in response to the pandemic, which indicates ‘political trust’ in government work and state institutions. In contrast, the Brazilian government faced a crisis amid the pandemic. Brazilian President replaced six ministers amid COVID-19, including the Foreign Minister. Therefore, issues related to the protection of public health can be a consolidating factor in the face of a common threat to society or a source of political instability.

Global Health Governance

The political decision-making is the prerogative of political institutions. Since political institutions are structures responsible for preparing and implementing policies to organize a response to crises associated with health, they are accordingly involved in global governance. The descriptions of this process formed the basis of the new Global Health Governance (GHG) concept. The GHG concept draws ‘from the broader concept of global governance, an already established subject area within International Relations.’ GHG analysis needs to assess the structures involved in decision-making to varying degrees. Collective decisions taken within the WHO or another organization can only be implemented with an appropriate process at the country level. Fidler defined GHG as ‘the use of formal and informal institutions, rules, and processes by states, intergovernmental organizations, and non-state actors to deal with health challenges that require cross-border collective action to address effectively.’

Although formally, the entities involved in GHG are primarily represented by the WHO and other health organizations, they also include the work of various structures that may be accountable to governments. For example, the health ministry is not mandated to pass specific laws within the state, which is subjected to the parliament’s work but is involved in global governance through the direct management of healthcare institutions at the local level.
Role of Political Institutions within the Framework of the Proposed Pandemic Treaty

The role of international organizations, especially the UN and WHO, has been constructive during the coronavirus pandemic and they provided a platform for finding solutions. This was, however, not the first time when the need for international cooperation for global health issues was realized. The first International Conference on Health Promotion (ICHP) was held in Ottawa in 1986 and resulted in the acceptance of the Ottawa Charter for Health Promotion (OCHP). This document is notable because the first item among the commitments of the conference participants was ‘...to advocate a clear political commitment to health and equity in all sectors.’\(^{48}\) WHO Geneva Charter for Well-being, adopted in 2021 especially noted the importance, among others, of political determinants of health as a significant risk factor. Stressing the political significance of well-being, the Charter emphasized that it results from ‘policies, institutions, economies, and ecosystems in which people live.’\(^{49}\) It was just one among many WHO documents which highlighted the importance of political factors, as political and health factors can closely overlap. Other documents of the UN, WHO, and other organizations also emphasize this relationship.

There are various treaties dealing with different areas related to health protection with no single unified, comprehensive, and legally binding one. When the idea of a global agreement on pandemics (pandemic treaty) was proposed by the president of the European Council, Charles Michel, in October 2020, it was endorsed by the WHO chief in 2021 and was debated by the G20 leaders.\(^{50}\)

Since the first proposal of the draft treaty, several rounds of negotiations have taken place and numerous contacts between countries on the development of its provisions have taken place. Although the legal status of the document itself has also become the subject of debate, in general, the document being developed should become a kind of global action plan in the event of a pandemic. Thus, during debates, the document was indicated as a ‘convention, agreement or other international instrument’\(^{51}\) although current draft version of the document is termed precisely as an ‘agreement’.\(^{52}\)

The currently existing mandatory rules for responding to a pandemic i.e. the International Health Regulations (IHR) turned out to be ineffective against the background of the coronavirus pandemic, the overcoming of which requires, according to the head of WHO, ‘political commitment of member
However, one of the pillars of the idea of the treaty or convention, as some authors point out, is an autonomous approach. The authors see the need to ensure the independence of health decisions from political factors. It appears that these authors do not consider the dominant importance of political institutions. Their role cannot be leveled or subordinated to the decisions of the WHO, which is not a political organization. Moreover, it raises questions about the enforcement of decisions by the WHO, which does not have the tools of coercion. Will this lead to the involvement of the UN Security Council? How will WHO achieve compliance with the obligations of the member states?

International treaties, even those with accountability mechanisms, often do not demonstrate expected outcomes. The proposed treaty also raises the question of how the agreement will help resolve the current problems related to the level of economic development of countries and how geopolitical rivals will interact in a crisis. Nevertheless, the measures for implementing the agreements are absent from the zero-draft, several scholars have termed it as a move towards ‘ambitious governance reforms.’

The current version of the document, having gone through several revisions, has been significantly shortened compared to the original zero draft of February 1, 2023, which is explained by political influence and the growing role of commercial organizations in world politics. Thus, one of the main issues in the context of the distribution of medical benefits was the discussion of the intellectual property rights of vaccines. If initially the debate was centered around the suspension of rights in the event of a pandemic, the current version mentions providing manufacturers under the WHO Pathogen Access and Benefit-Sharing System (PABS System) with ‘10% free of charge and 10% at not-for-profit prices’ (Article 12.6b). Moreover, there were early fears that the WHO would receive a mandate to influence countries’ domestic policies through binding decisions on certain measures, such as vaccinations or lockdowns. However, the current version clearly states (Article 24.3) that the provisions of the treaty cannot be interpreted in this way.

Some commentators have criticized the current version of the document and the changes made to it in comparison to the original version. However, ethical aspects aside, this document has great potential from the perspective of global politics, law, and governance. The provisions contained in it, if adopted, will probably be improved and, at a minimum, will create a new platform for dialogue between countries, which is very important from
the point of view of sustainable development and strengthening security in the world.

Conclusion

The following quote illustrates the dependence of health policies on social policies, which is essential for public health, policy research, and political science: 58

Politics matter and there is a great need to understand government responses to the COVID-19 pandemic…Political institutions did not lead to any clear good or bad outcomes, but they clearly shaped the politics of pandemic response and the way choices were made.

Various processes occurring in individual regions can have global consequences. In the scientific literature, one can find an analysis of the global implications of socioeconomic or environmental problems. They can become challenges not only for political institutions within a country but also in the context of global governance. One such instance of the influence of health issues on politics is the COVID-19 pandemic and consequently leading to the Pandemic Treaty. Since its final version has yet to be adopted, it is difficult to analyze the document in more detail. Moreover, even if adopted its further ratification and implementation by the member-states requires additional study. However, the importance of political institutions while implementing the treaty becomes more evident since the effectiveness of any document directly depends on the work of such institutions. Considering the health-related nature of the treaty, its political aspects are yet to be assessed.

It can be concluded about the political significance of issues related to the protection of public health, especially in the face of threats of international importance, such as a pandemic. Furthermore, understanding the policy of overcoming difficulties will allow analyzing political processes at the local and international levels, which will help develop general mechanisms useful in anticipating political developments, especially concerning the effectiveness of political institutions.

The analysis of pandemic policy showed that emergencies require the combined efforts of various world countries to overcome them. However, the health factors are rather an element in world politics, subordinated to geopolitical interests, originating from the logic of governing institutions.
The study showed that these two areas (health and politics) are becoming increasingly linked from a global perspective. If earlier politicians were mainly involved in resolving issues of ensuring the population’s health within the state, now they are becoming more involved in global processes, such as considering an accord (whether it be a convention, agreement, or another international instrument). The signing of these documents requires political participation at the global level and, in case of accession, the ratification process, i.e., involvement of various political institutions. However, it is also worth noting that health factors have gone beyond medicine since the coronavirus pandemic. They are increasingly becoming a factor in world political processes and, accordingly, can become (or are already becoming) the subject of research within international relations.

In terms of potential pandemic treaty, it could have both positive and politically controversial consequences for countries. From the political perspective, the significance of this document is highly noteworthy, as its adoption could elevate it to the status of a comprehensive legal instrument under the WHO’s auspices. This will create new mechanisms for the potential political influence of major political players, in particular those funding the WHO. In this way, the basis for transforming WHO into a full-fledged international political institution can be provided. On the other hand, this legal mechanism can ensure better global preparedness for possible similar challenges, in particular through the development of cooperation mechanisms for the exchange of information about pathogens, research, funding, etc. Given the importance of the issues related to public health, the potential treaty can provide a stable platform for sustainable cooperation between countries and political institutions, ensuring global governance in the field of health.

Notes

3 Ibid.
7 Ibrahimli, Xaladdin, Politologiya. Interaktiv dörs materiallari (Baku: Qanun, 2008).
23 Ibid.
52 Ibid.