One Health e diritto internazionale

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PROHTECT

Promoting opeRationalisation of One Health Through EU juridiCal Tool



Funded by the European Union

Tre modi di intendere One Health

Come fatto

La salute umana è intrinsecamente collegata alla salute animale e all'ambiente.

Come concetto prescrittivo

Norme tese a ridurre i rischi all'interfaccia uomo-animale-ambiente.

Come metodo

Collaborazione tra discipline e istituzioni diverse per prevenire i rischi e sviluppare risposte adeguate.

Tre direttrici di integrazione di OH nel diritto internazionale

i. Approccio multi-rischio

ii. “Deep Prevention”

iii. Equità

(i) Approccio multi-rischio

L’approccio a silos

1) Hard law

Salute umana
IHR (2005, rev. 2025) · ICESCR art. 12 · CRC art. 24 · CEDAW art. 12 · CRPD (2006)

Sicurezza alimentare

Accordo SPS (1994)

Salute animale
Trattato istitutivo e Codici sanitari WOAH · CITES (1973) · CBD (1992) · Convenzione di Bonn (1979)

Tutela ambientale

UNFCCC · Kyoto (1997) · Parigi (2015) · Protocolli di Cartagena e Nagoya · convenzioni su sostanze chimiche, rifiuti, desertificazione, ambiente marino

1) Soft law

Risoluzioni dell’AGNU, della World Health Assembly e della UN Environment Assembly

UNGA Political Declaration on pandemic prevention, preparedness and response, 12 ottobre 2026

21. Recognize the value of an integrated One Health approach that fosters cooperation between the human health, animal health and plant health, as well as environmental and other relevant sectors to prevent spillover of pathogens from animals to humans by addressing the drivers of disease outbreaks;

43. Promote a One Health approach for pandemic prevention, preparedness and response, recognizing that the health of people is interconnected with animal health and the environment, that is coherent, integrated, coordinated and collaborative among the Quadripartite organizations, all other relevant organizations, sectors and actors, as appropriate, in accordance with national and/or domestic law, and applicable international law, and taking into account national circumstances;

Quattro organizzazioni, quattro mandati

OMS (1948) · salute umana

Agenzia dell'ONU
IHR 2005: capacità di sorveglianza e risposta, eventi zoonotici, PHEIC. In futuro anche l'Accordo sulle pandemie 2025.

UNEP (1972) · ambiente

Programma dell'ONU – organo dell'AGNU
Fattori ecologici delle malattie: clima, inquinamento, uso del suolo, perdita di biodiversità. Nel Quadripartito dal 2022.

FAO (1945) · alimentazione e agricoltura

Agenzia dell'ONU
Sicurezza alimentare, zootecnia sostenibile, rischi all'interfaccia uomo-animale; Codex Alimentarius con l'OMS.

WOAH (ex OIE 1924) · salute animale

Organizzazione inter-gov indipendente
Standard-setting: Codici sanitari riconosciuti dall'Accordo SPS dell'OMC.

Principio di specialità: visione a silos, deficit di coordinamento, gelosie istituzionali.

Il MoU quadripartito - link

- OMS (art. 70 Costituzione) e FAO (artt. 4 §5 e 12 §1): competenza a concludere accordi
- UNEP e WOAH: base giuridica incerta, poteri impliciti?
- Art. 11 MoU: ciascuna parte risponde solo del proprio operato, quindi nessuna azione davvero comune?

Article 2: Purpose

1. The purpose of this MoU is to provide a formal and legal framework for the longstanding collaboration between the Parties to further their shared goals and objectives in regard to the development and implementation of multi-sectoral approaches to complex health challenges at the animal- human- ecosystem interface with particular emphasis on AMR.

Il MoU quadripartito - link

Article 11: Responsibility

Each Party will be solely responsible for the manner in which it carries out its part of the collaborative activities under this MoU and/or any subsequent exchange of letters or agreement. Thus, no Party will be responsible for any loss, accident, damage or injury suffered or caused by any other Party, or their staff or sub-contractors, in connection with, or as a result of, the collaboration under this MoU and/or any subsequent exchange of letters or agreement. Each Party will be responsible for dealing with any claims or demands arising out of its actions or omissions, and those of its respective personnel, in relation to this MoU.

Il Trattato sulle pandemie: ancora antropocentrico?

Trattato sulle pandemie, art. 4(1)

"1. The Parties shall take steps through international collaboration, in bilateral, regional and multilateral settings, to progressively strengthen pandemic prevention and surveillance measures and capacities, ***consistent with the International Health Regulations (2005)*** *and taking into account national capacities and national and regional circumstances."*

- Art. 4(2)(a)-(b): impronta OH, ma i rinvii all'IHR (art. 4(1), 4(2), 4(4)) subordinano l'attuazione alla salute umana
- Nessun organo permanente di coordinamento, nessun meccanismo di scambio integrato di dati

(ii) Deep prevention

Obblighi di *due diligence*

Obblighi di CONDOTTA
Elemento del RISCHIO
FLESSIBILITA' dello standard

Una due diligence rafforzata?

Artt. 4 e 5 Trattato sulle pandemie

Tensione tra ambizione del Trattato a promuovere un approccio preventivo incisivo e la flessibilità riconosciuta agli Stati nella sua attuazione?

(iii) Equità

(1) Equità inter-individuale: art. 15 Trattato

1. The Parties are encouraged to apply whole-of-government and whole-of-society approaches at the national level, including, according to national circumstances, to empower and enable community ownership of, and contribution to, community readiness for and resilience to pandemic prevention, preparedness and response.

2. Each Party is urged to establish or strengthen, and maintain, a national multisectoral coordination mechanism for pandemic prevention, preparedness and response.

3. Each Party shall, taking into account its national circumstances:

(a) promote and facilitate the effective and meaningful engagement of Indigenous Peoples, communities, including local communities as appropriate, and relevant stakeholders, including through social participation, as part of a whole-of-society approach in planning, decision-making, implementation, monitoring and evaluation of policies, strategies and measures, and also provide feedback opportunities; and

(b) take appropriate measures to mitigate the socioeconomic impacts of pandemics and strengthen national public health and social policies including those for social protection, to

(2) Equità inter-statale – Sistema PABS

Condivisione di materiale PABS

Ogni Stato deve condivedere rapidamente materiale PABS

Condivisione di vaccini

Ogni casa farmaceutica che vorrà sviluppare vaccini dovrà concludere un contratto con l'OMS garantendo accesso rapido al 20% della produzione:

- 10% in forma di donazione
- 10% a prezzo accessibile

Definizione di materiale PABS? Procedure? Contratti ad hoc o previgenti? Viene prima quale obbligo?

2. The WHO Pandemic Agreement shall be open for signature after adoption of the Annex described in Article 12.2 of this Agreement by the Health Assembly, at the World Health Organization Headquarters in Geneva, and thereafter at the United Nations Headquarters in New York, on dates to be determined by the Health Assembly.