

Global Health Law Committee of the International Law Association  
and the  
Global Health Programme at the Graduate Institute|Geneva

*Global Health Security Challenges: towards strengthening global governance*

Geneva, Switzerland

February 19-20, 2015

Objective: Establish the work program of the newly-formed Global Health Law Committee of the International Law Association, with a mandate to develop recommendations regarding norms and institutions relevant to the prevention, containment and control of health security threats brought about by the spread of infectious disease, such as through emergence of pandemic influenza and Ebola, as well as threats brought about by man-made or natural disasters

Background: The Ebola outbreak in West Africa, with its potential to spread more widely in Africa and beyond, has made evident that there are significant gaps in the capacity of the international community to prevent and address epidemic and pandemic disease threats that may arise from different circumstances (e.g., naturally occurring or resulting from human intervention). At least three major areas suggest themselves as focuses for further study and recommendations:

- Addressing weaknesses in public health systems that are the consequence of poverty, inequality and/or national institutional failures
- Addressing systemic inadequacies in the current system for developing and distributing vaccines and treatments to address global health security threats
- Addressing whether the existing global institutional system, involving the World Health Organization, United Nations, World Bank, IMF, and a myriad of other public, public/private and private sector institutions at the international, regional, national and subnational levels are sufficiently prepared from an organizational standpoint to address global health security challenges

The 2014 Ebola outbreak, as serious as it is, involves a virus that does not readily transmit among humans, which has given the international community time to prepare a response, at least in so far as preventing the outbreak from spreading beyond West Africa. As is known from experience with H1N1 and SARS, and the 1918-19 flu pandemic, there are possibilities for readily transmitted viruses to emerge and cause widespread human mortality. Improvements in global transportation infrastructure in fact substantially raise the possibilities for the rapid transmission of pandemic virus.

The principal challenges with respect to potential global health security threats involve improving the science of disease prevention and treatment, and preparing the material resources necessary to administer the science and address the human dimension of disease. Yet clearly legal rules and their implementation have a role to play. There is an almost inevitable tension between the civil liberties of

the individual and the collective welfare of the wider population when actions such as quarantine are undertaken, and these have been the subject of court dispute. But, there are a potential host of international legal and related institutional issues that are implicated by threats to global health security. A number of these were addressed at the WHO in connection with revision of the International Health Regulation, as well as in the negotiation of the Framework for Pandemic Influenza Preparedness. That said, the international community has a tendency to put off addressing global health security preparedness because these involve “low probability, high risk” contingencies.

This meeting is not organized to “answer questions”, but rather to identify “what are the right questions to be asking”. Is the international system of laws and institutions properly organized to address global health security threats? Where might improvements be needed? Who should address these issues? When and where should they be addressed?

Organization and participants:

The meeting will largely take place in a single day, organized into three general subject matter sessions. The first will consider issues of health systems equity and how public health systems may be built up to better address problems such as pandemic response. The first session will also consider human-rights related issues, such as the ethics of drug approvals in emergency situations, controls on the movement of persons and suspensions of civil liberties, and issues of discriminatory treatment of individuals and groups.

The second session will concern legal aspects of vaccine and drug development and distribution, including the role of intellectual property protection, equitable access to vaccines and treatments and streamlining of regulatory approval processes for emergency response.

The third session will consider issues involved with the international institutional framework for global health security challenges and response, including whether there is a need for closer integration among the institutions to facilitate rapid and effective response.

Working procedure:

The objective of the meeting is to identify issues appropriate for addressing through a further work program that will include the development of recommendations. After brief introduction of subject matter areas by the chair, the floor will be open for observations by the participants and discussion. Specific suggestions regarding the future work program are welcome.

A second day morning session will work on synthesizing the results of the first day’s discussion into a work program to be pursued by the Global Health Law Committee over the next several years; though there may be some early harvest work proposed.

The meeting is organized and co-chaired by Profs. Frederick Abbott and Brigit Toebes on behalf of the Global Health Law Committee, and by Dr. Nick Drager on behalf of the Global Health Programme.