

Global Health, Emerging Infectious Diseases, and International Regulations

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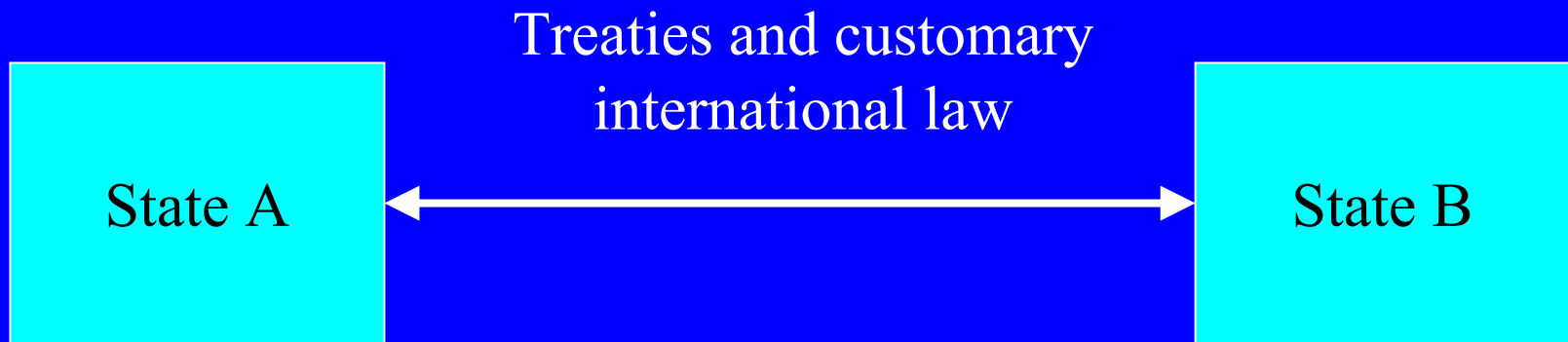
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Overview of Presentation

- Review how emerging infectious diseases have affected the role of international law in global health since the mid-1990s
- Focus on WHO's on-going efforts to revise the International Health Regulations to accommodate the new world of EIDs
- Comment on important shifts in how international law is being used by states and NGOs in their efforts to improve infectious disease control and prevention

International Law



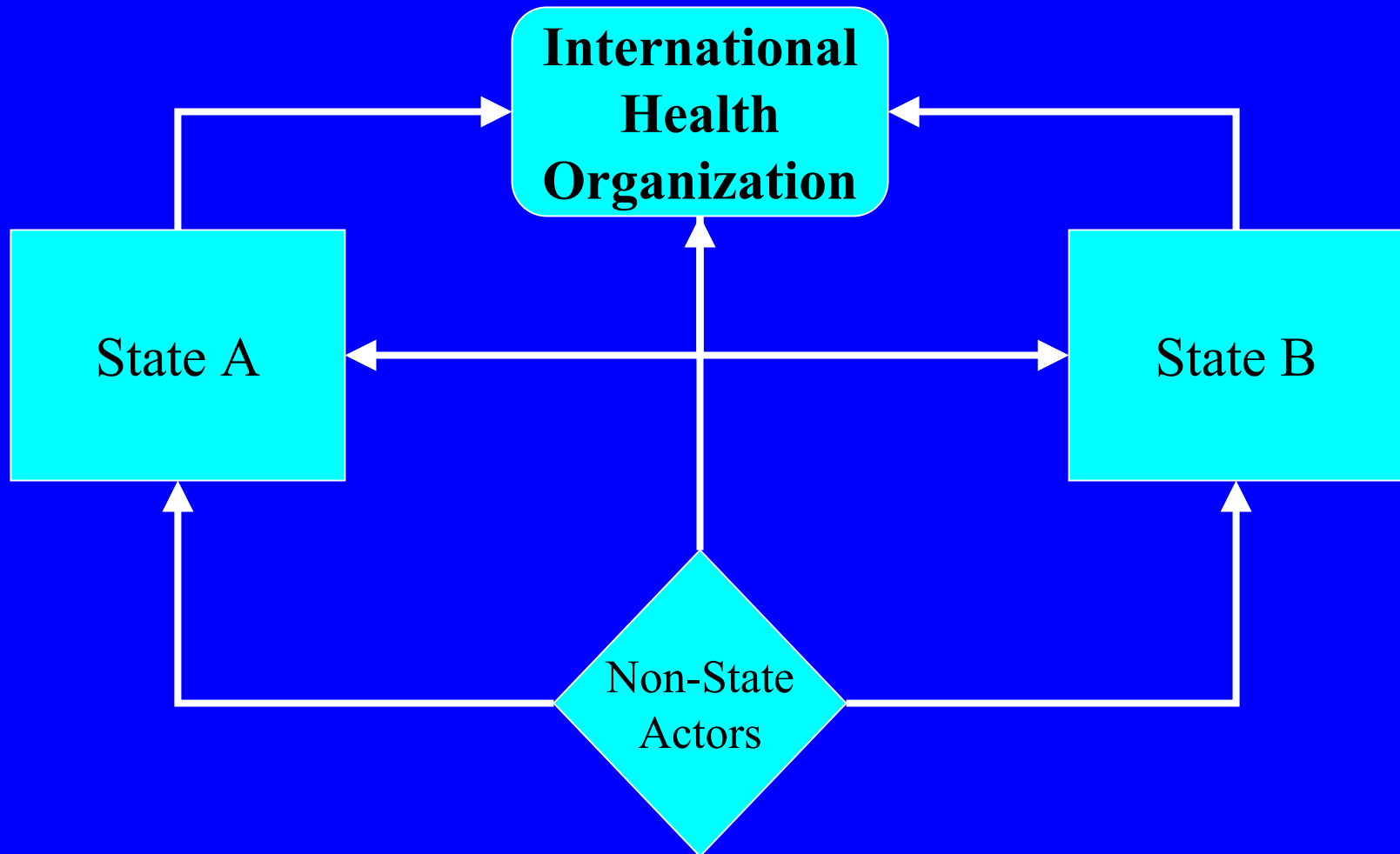
International sanitary conventions (1851-1945)

International Law and International Health

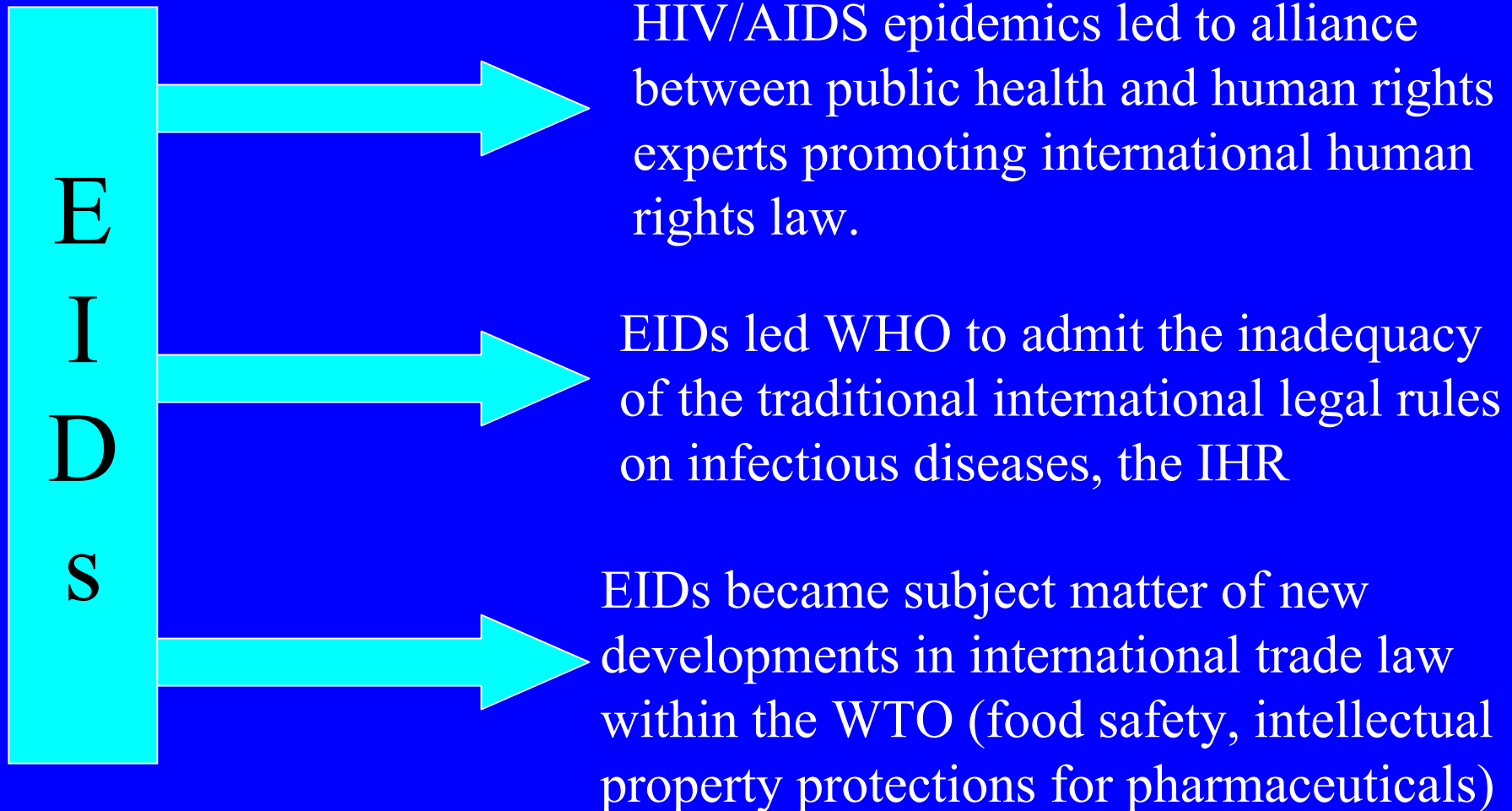


Constitution of the World Health Organization

International Law: Toward “Global Health Governance”



Emerging Infectious Diseases and International Law



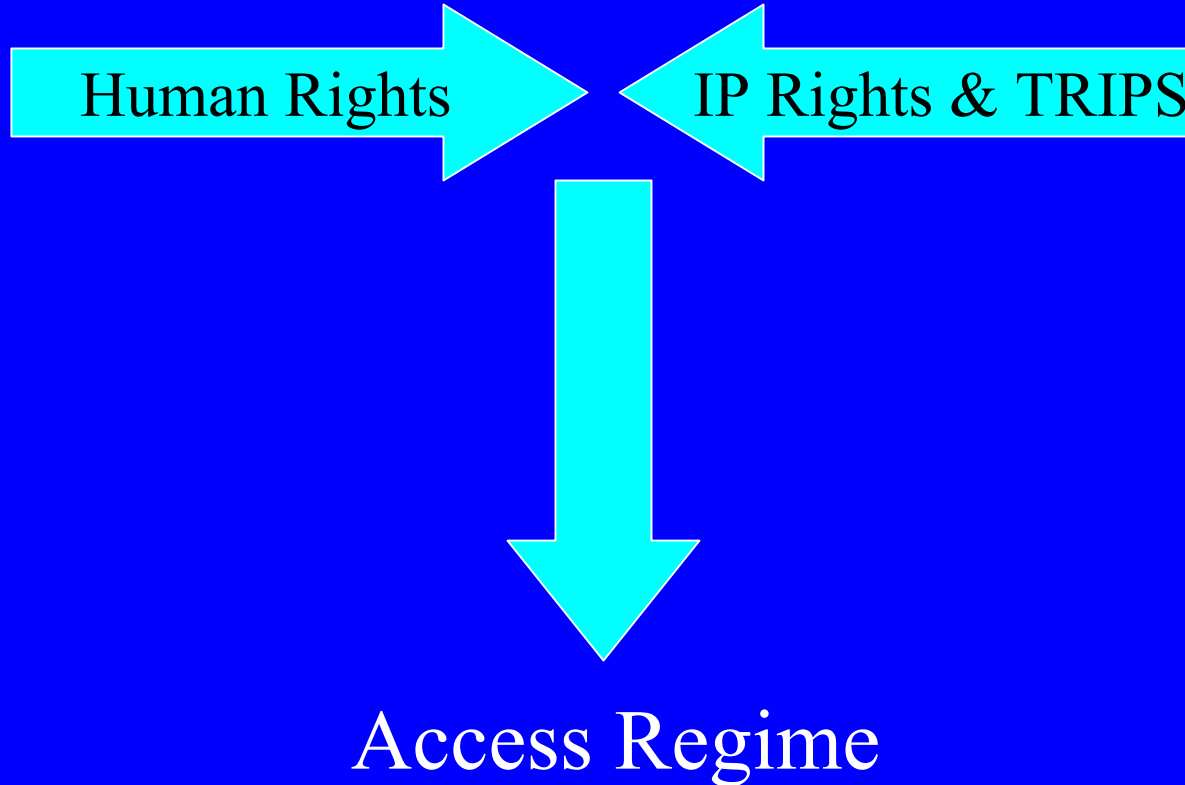
Emerging Infectious Diseases and the IHR Revision Process

- *IHR purpose*: maximum protection against international spread of disease with minimum interference with world traffic
- *EIDs challenge*: the existing IHR were inadequate and had to be revised to deal with EIDs
- *Meeting the challenge*: WHO began the IHR revision process in 1995

Emerging Infectious Diseases and the IHR Revision Process

- **Substantive difficulties**
 - Moving from disease specific approach to an approach that reflects EID threat (specific diseases to syndromic reporting to reporting public health risks of urgent international importance)
 - Dealing with irrational, trade-restricting measures (Committee of Arbitration to cooperation with WTO under the SPS Agreement)
- **Procedural difficulties**
 - Lack of interest within WHO
 - Lack of interest on the part of WHO member states
 - Lack of interest by global civil society
- **Information technology advances:** allowing WHO to gather global infectious disease data without having to rely solely on governments (WHO's global alert and response network)

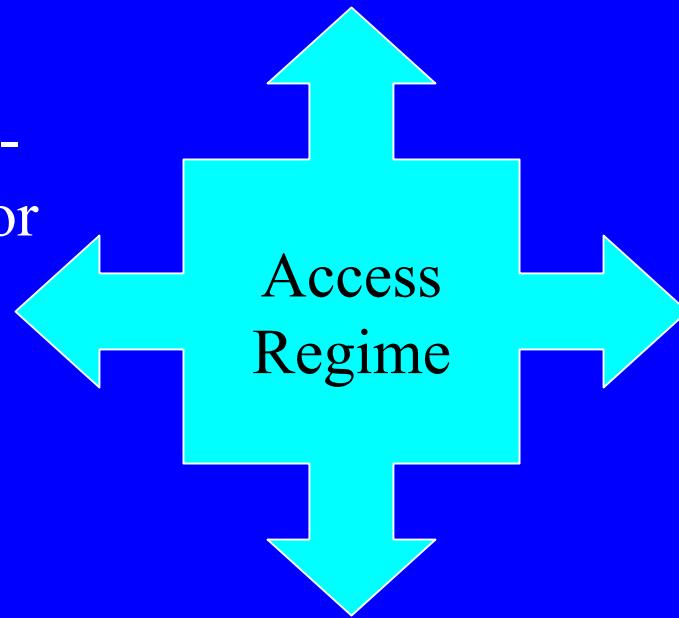
Clash of the Human Rights and Trade Regimes



The Access Regime

Doha Declaration on TRIPS and Public Health

Public/private partnerships to develop and/or deliver existing/new drugs and vaccines (GAVI, GATB, MMV, MIM)



Global Fund to Fight AIDS, Tuberculosis, and Malaria

Litigation for access to drugs in national court systems (Venezuela, South Africa)

EIDS, the Access Regime, and Global Health

- Traditional use of international law in infectious disease control, represented by the IHR, may effectively be dead
- All the important actors are focusing not the purposes of the IHR but on increasing access to EID technologies—vaccines and drugs
- Implications of the access regime for international law's role in the fight against EIDs
 - Access regime reduces influence of international law through emphasis on national sovereignty in drug policy
 - The movement toward PPPs to produce more EID technologies is a move away from treaty to non-binding arrangements
 - Increasing access faces antimicrobial resistance dilemma without any legal architecture on rational use
 - Access regime's need for more money from developed countries may be adversely affected by resources going to bioterrorism