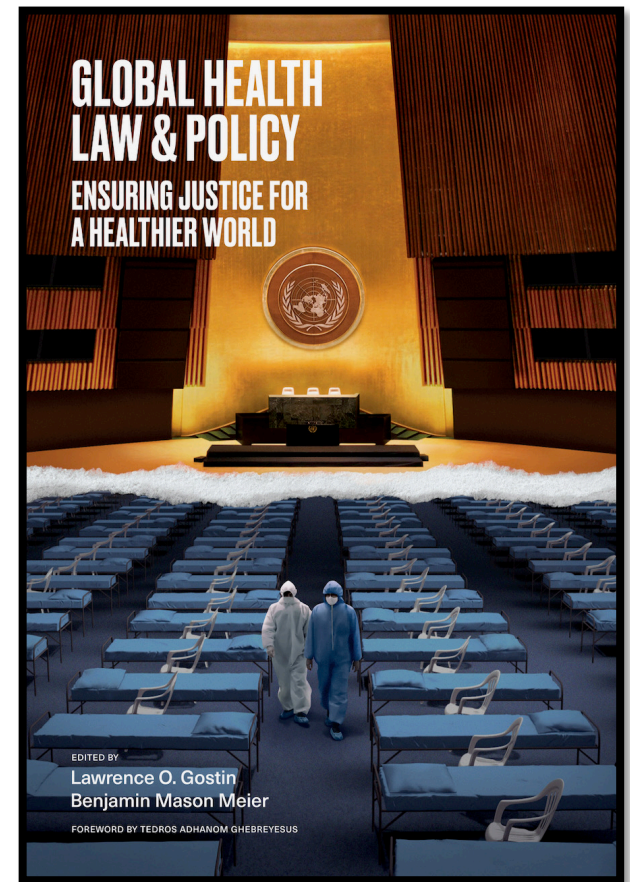


Reforming Global Health Law to Prepare for Future Pandemic Threats



Benjamin Mason Meier, JD, LLM, PhD
Health Law Professors Conference
June 8, 2023

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Introducing Global Health Law

Global Health Law

Lawrence O. Gostin and
Benjamin Mason Meier

Global health law describes the legal frameworks that structure global health. Laws and regulations, when based on the best available evidence, can promote healthy behaviors, regulate hazardous activities, and ensure socially responsible corporate marketing and products. These regulatory frameworks operate in virtually every realm of health, including infectious and noncommunicable diseases, mental health, injuries, and the safety and effectiveness of vaccines, pharmaceuticals, and medical products. Law can help structure universally affordable, accessible, and equitable health systems that promote universal health coverage. Beyond discrete attention to health risks, the rule of law and good governance are crucial for ensuring health and well-being.

Where global health has come to frame efforts to advance public health across countries, law has become crucial to addressing the global health threats that have arisen in a rapidly globalizing world. Globalization has unleashed the spread of disease, connected societies in shared vulnerability, and highlighted the limitations of domestic law in ensuring global determinants of health. In this interconnected world, no country acting alone can stem health hazards that go beyond national borders. Yet if globalization has presented challenges to disease prevention and health promotion, global health law offers the promise of bridging national boundaries to advance global norms and alleviate health inequities.

Arising out of international health law — which has long structured

multilateral cooperation to respond to infectious disease threats — global health law seeks to structure the contemporary governance architecture for global health. In responding to health harms throughout the world, global health law has “evolve[d] beyond its traditional confines of formal sources and subjects of international law” to advance global health with justice.¹ This focus on global health has necessitated action beyond the reach of national governments, requiring both state and non-state actors to come together to respond to globalized health threats. Global health law seeks to frame this new governance to respond to the major health challenges of the twenty-first century.

The field of global health law has thus become a basis to conceptualize the legal institutions that apply to the changing public health threats, non-state actors, and regulatory norms that structure global health. Beyond the traditional purview of international health law, global health law describes evolving legal efforts to address:

- New health threats — including non-communicable disease, injuries, mental health, dangerous products, and other globalized health threats,
- New health actors — including transnational corporations, private philanthropists, civil society, and other non-state actors, and
- New health norms — including “soft law” instruments, global strat-

About This Column

Lawrence O. Gostin and Benjamin Mason Meier serve as the section editors for Global Health Law. Professor Gostin is University Professor at Georgetown University and the Founding Linda D. & Timothy J. O’Neill Professor of Global Health Law at Georgetown University Law Center and Director of the World Health Organization Center on National and Global Health Law. Professor Meier is an Associate Professor of Global Health Policy at the University of North Carolina at Chapel Hill and a Scholar at the O’Neill Institute for National and Global Health Law. This column will feature timely analyses and perspectives on law, policy, and justice in global health.

Lawrence O. Gostin, J.D., LL.D. (Hon.), is University Professor at Georgetown University and the Founding Linda D. & Timothy J. O’Neill Professor of Global Health Law at Georgetown University Law Center and Director of the World Health Organization Center on National and Global Health Law. Benjamin Mason Meier, J.D., LL.M., Ph.D., is an Associate Professor of Global Health Policy at the University of North Carolina at Chapel Hill and a Scholar at the O’Neill Institute for National and Global Health Law.

Global Health Law



- International Health Law Rises to Address Globalized Threats
- Birth of WHO 
- International Health Regulations (IHR)
- SARS as a Novel Threat to Global Health Law

GLOBAL HEALTH LAW CONSORTIUM

The Global Health Law Consortium (GHLC) is a collaborative interdisciplinary research initiative focused on advancing global health law.

Global health law describes the legal institutions that structure global health. In a globalizing world, connecting societies in shared vulnerability and highlighting the limitations of domestic law, global health law offers the promise and opportunity of bridging national boundaries through public international law to alleviate health inequities around the world. The Global Health Law Consortium brings together academics in the field to:

1. develop the academic field of global health law and mentor emerging scholars in the field;
2. provide authoritative interpretations of legal instruments in global health; and
3. facilitate global health law research projects that draw on collaborative scholarship.



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International Health Regulations – Establishing Global Health Law

IHR in the COVID-19 Response – Limitations Highlight Weaknesses

Reforming Global Health Law

- IHR Amendments
- Pandemic Treaty
- GHSA Legal Preparedness

International Health Regulations (2005)

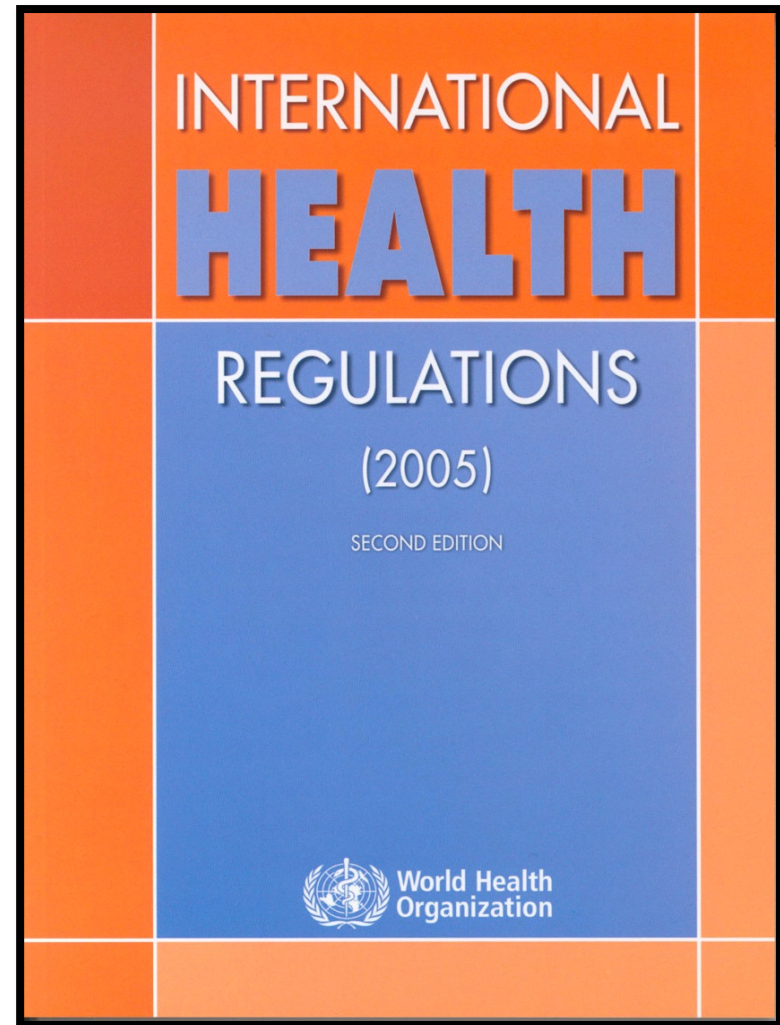
The Legal Landscape

— PHEIC

- State Notification
- WHO Declaration

— Build National Capacity

- National Core Capacities
- International Collaboration



IHR Limitations in COVID-19 Response

China Notification



Violative Nationalist Responses



December

January

February

March

April

WHO PHEIC



Global Solidarity?



Revisiting Global Health Law

—Fundamental Revisions Underway

- Amend IHR
- Develop Pandemic Treaty
- Launch GHSA Legal Preparedness Action Package



A Rising Imperative to Reform Global Health Law



Lawrence O. Gostin
IHR Amendments



Matiangai Sirleaf
Pandemic Treaty



Benjamin Mason Meier
GHSA Legal Preparedness