

Vierck | Villarreal | Weilert [eds.]

The Governance of Disease Outbreaks

International Health Law:
Lessons from the Ebola Crisis and Beyond



Nomos

Leonie Vierck | Pedro A. Villarreal
A. Katarina Weilert [eds.]

The Governance of Disease Outbreaks

International Health Law:
Lessons from the Ebola Crisis and Beyond



Nomos

Supported by:



Federal Ministry
of Health

NORMATIVE ORDERS

Cluster of Excellence at Goethe University Frankfurt/Main

on the basis of a decision
by the German Bundestag

The Deutsche Nationalbibliothek lists this publication in the Deutsche Nationalbibliografie; detailed bibliographic data are available on the Internet at <http://dnb.d-nb.de>

ISBN 978-3-8487-4328-5 (Print)
978-3-8452-8600-6 (ePDF)

British Library Cataloguing-in-Publication Data

A catalogue record for this book is available from the British Library.

ISBN 978-3-8487-4328-5 (Print)
978-3-8452-8600-6 (ePDF)

Library of Congress Cataloging-in-Publication Data

Vierck, Leonie / Villarreal, Pedro A. / Weilert, A. Katarina

The Governance of Disease Outbreaks

International Health Law: Lessons from the Ebola Crisis and Beyond

Leonie Vierck / Pedro A. Villarreal / A. Katarina Weilert (eds.)

393 p.

Includes bibliographic references.

ISBN 978-3-8487-4328-5 (Print)
978-3-8452-8600-6 (ePDF)

1st Edition 2017

© Nomos Verlagsgesellschaft, Baden-Baden, Germany 2017. Printed and bound in Germany.

This work is subject to copyright. All rights reserved. No part of this publication may be reproduced or transmitted in any form or by any means, electronic or mechanical, including photocopying, recording, or any information storage or retrieval system, without prior permission in writing from the publishers. Under § 54 of the German Copyright Law where copies are made for other than private use a fee is payable to "Verwertungsgesellschaft Wort", Munich.

No responsibility for loss caused to any individual or organization acting on or refraining from action as a result of the material in this publication can be accepted by Nomos or the editors.

Content

Foreword	11
The Concept of the Book <i>Leonie Vierck, Pedro A. Villarreal, and A. Katarina Weilert</i>	13
Framing The Field	
Ebola Epidemic 2014-2015: Taking Control or Being Trapped in the Logic of Failure – What Lessons Can Be Learned? <i>Michael Marx</i>	43
The Response to the West African Ebola Outbreak (2014-2016): A Failure of Global Health Governance? <i>Wolfgang Hein</i>	61
The Changing Structure of Global Health Governance <i>Mateja Steinbrück Platise</i>	83
The Case Law of International Public Health and Why its Scarcity is a Problem <i>Leonie Vierck</i>	113
The Role of the Human Right to Health	
The Right to Health in International Law – Normative Foundations and Doctrinal Flaws <i>A. Katarina Weilert</i>	145
Extraterritorial Human Rights Obligations of States in the Event of Disease Outbreaks <i>Elif Askin</i>	175

The Real Versus the Ideal in NGO Governance: Enacting the Right to Mental Healthcare in Liberia During the 2014-2016 Ebola Epidemic <i>Hunter Keys, Bonnie Kaiser, André den Exter</i>	213
International and Regional Organizations and the Securitization of Health	
The World Health Organization's Governance Framework in Disease Outbreaks: A Legal Perspective <i>Pedro A. Villarreal</i>	243
Fostering Regional Health Governance in West Africa: The Role of the WAHO <i>Edefe Ojomo</i>	273
Ebola and Securitization of Health: UN Security Council Resolution 2177/2014 and Its Limits <i>Ilja Richard Pavone</i>	301
Combining the WHO's International Health Regulations (2005) with the UN Security Council's Powers: Does it Make Sense for Health Governance? <i>Robert Frau</i>	327
Governance Beyond the Law	
The Limits of the International Health Regulations: Ebola Governance, Regulatory Breach, and the Non-Negotiable Necessity of National Healthcare <i>Susan L. Erikson</i>	351
The Governance of Infectious Diseases. An International Relations Perspective <i>Christian R. Thauer</i>	373

List of Abbreviations

AAAQ	Availability, Accessibility, Affordability, Quality
app.	application(s)
ASEAN	Association of Southeast Asian Nations
ASEOWA	African Union Support to the Ebola Outbreak in West Africa
AU	African Union
CDC	Centers for Disease Control and Prevention
CESCR	Committee on Economic, Social and Cultural Rights
doc.	document(s)
DSU	Dispute Settlement Understanding of the World Trade Organization
ECHR	European Convention of Human Rights
ECJ	European Court of Justice
ECOWAS	Economic Community of West African States
ECtHR	European Court of Human Rights
et al.	et alia/aliae/alii (and others)
et seq(q).	et sequentia/sequentes (and the following)
etc.	et cetera
ETU	Ebola Treatment Unit(s)
EU	European Union
EVD	Ebola Virus Disease
FCTC	Framework Convention on Tobacco Control
fn.	footnote(s)
G7	Group of 7
GC	General Comment (of the Committee on Economic, Social and Cultural Rights)
GHG	Global Health Governance
Global Fund	The Global Fund to Fight AIDS, Tuberculosis and Malaria
GOARN	World Health Organization's Global Outbreak Alert and Response Network
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome, correspondingly
IACHR	Inter-American Commission of Human Rights
IACtHR	Inter-American Court of Human Rights

IASC	Inter-Agency Standing Committee
ibid.	ibidem (in that same place)
ICAO	International Civil Aviation Organization
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICH	International Conference on the Harmonisation of Technical Requirements for Registration of Pharmaceuticals for Human Use
ICJ	International Court of Justice
IHG	International Health Governance
IHL	International Humanitarian Law
IHR	International Health Regulations
ILC	International Law Commission
ILO	International Labour Organization
ILOAT	International Labour Organization Administrative Tribunal
IMF	International Monetary Fund
IO	International Organization(s)
IPA	International Public Authority
MDG	Millennium Development Goals
MERS	Middle East Respiratory Syndrome
MINUSTAH	United Nations Stabilization Mission in Haiti
MSF	Médecins Sans Frontières
NGO	Non-Governmental Organization(s)
no.	number(s)
NTD	Neglected Tropical Disease(s)
OCPC	Onchocerciasis Control Programme
OECD	Organization for Economic Cooperation and Development
para.	paragraph(s)
PCA	Permanent Court of Arbitration
PEPFAR	US President's Emergency Plan for AIDS Relief
PHEIC	Public Health Emergency of International Concern
PPP	Public-private partnership(s)
R2P	Responsibility to Protect
RCDC	Regional Centre for Disease Control
SARS	Severe Acute Respiratory Syndrome

SDG	Sustainable Development Goal(s)
SP	Samaritan's Purse
TRIPs	Trade-Related Aspects of Intellectual Property Rights (TRIPs)
UDHR	Universal Declaration of Human Rights
UNAIDS	Joint United Nations Program on HIV/AIDS
UNDP	United Nations Development Programme
UN-HABITAT	United Nations Human Settlements Programme
UNICEF	United Nations Children's Emergency Fund
UNMEER	United Nations Mission for Ebola Emergency Response
UNMIL	United Nations Mission in Liberia
UNSC	United Nations Security Council
US	United States of America
USD	US-Dollar(s)
vol.	volume(s)
WAHO	West African Health Organisation
WB	World Bank
WHA	World Health Assembly
WHO	World Health Organization
WTO	World Trade Organization

