

BOOK REVIEW

GLOBAL HEALTH LAW & POLICY: ENSURING JUSTICE FOR A HEALTHIER WORLD
EDITED BY LAWRENCE O GOSTIN AND BENJAMIN MASON MEIER (OXFORD
UNIVERSITY PRESS, 2023) 600 PAGES. PRICE USD140 (HARDCOVER) ISBN:
9780197687710

How does international law affect our health? This question has taken on new urgency since the COVID-19 pandemic. As the global community examines how to prevent another paralysing health emergency from happening again, it has sought to find answers and solutions in law.

There has been renewed attention to how health is governed at the international level and how policies and treaties can broker a healthier future for the next generations. This attention is reflected in developments including the World Health Assembly's establishment of a Working Group to Revise the International Health Regulations and an Intergovernmental Negotiating Body to negotiate a new pandemic accord,¹ negotiations at the World Trade Organization ('WTO') for a TRIPS waiver for COVID-19 health technologies,² an increasing number of decisions under human rights treaties relating to health³ and renewed interest in linkages between the environment and health,⁴ including at the most recent *United Nations Framework Convention on Climate Change* Conference of the Parties.⁵ Lawrence O Gostin and Benjamin Mason Meier have written a textbook to support a new generation of law students to grapple with these questions.

Global Health Law & Policy: Ensuring Justice for a Healthier World ('*Global Health & Policy*') is part of a series of three books by Gostin and Meier.⁶ Whereas the other two books in the series have a more specialised focus on health and human rights, this book adopts a more general approach and espouses a broader

¹ See World Health Assembly, *Strengthening WHO Preparedness for and response to Health Emergencies*, WHA Res 75(9), 75th sess, 7th plen mtg, Agenda Item 16.2, WHO Doc WHA75(9) (27 May 2022); World Health Assembly, *The World Together: Establishment of an Intergovernmental Negotiating Body to Strengthen Pandemic Prevention, Preparedness and Response*, WHA Dec SSA/2(5), 5th plen mtg, WHO Doc WHASS2/2021/REC/1 (1 December 2021).

² See, eg, World Trade Organization, *Draft Ministerial Decision on the TRIPS Agreement*, 12th sess, WTO Doc WT/MIN(22)/W/15/Rev.2 (17 June 2022).

³ See, eg, *International Covenant on Economic, Social and Cultural Rights*, opened for signature 16 December 1966, 993 UNTS 3 (entered into force 3 January 1976); *Convention on the Rights of Persons with Disabilities*, opened for signature 30 March 2007, 2515 UNTS 3 (entered into force 3 May 2008).

⁴ See also COP28 UAE, *COP28 Declaration on Climate and Health* (Meeting Report, 03 December 2023).

⁵ See also *United Nations Framework Convention on Climate Change*, opened for signature 9 May 1992, 1771 UNTS 107 (entered into force 21 March 1994).

⁶ Lawrence O Gostin and Benjamin Mason Meier (eds), *Global Health Law & Policy: Ensuring Justice for a Healthier World* (Oxford University Press, 2023).

collaboration.⁷ The book is part of the Global Health Law Consortium collaboration, with each chapter drafted by subject-matter experts.⁸

The book is divided into four broad sections covering several chapters on similar themes. Section I, ‘Frameworks & Institutions of Global Health: Shifting Actors & Norms in a Globalizing World’, covers the building blocks of global health law, providing an overview of the conceptual frameworks,⁹ legal frameworks,¹⁰ key actors,¹¹ human rights norms¹² and diplomacy¹³ of global health law. Section II, ‘Global Health Governance for Disease Prevention & Health Promotion’, covers global health governance frameworks within specific areas, including infectious diseases,¹⁴ non-communicable diseases (‘NCDs’),¹⁵ mental health¹⁶ and environmental health.¹⁷ Section III, ‘Economic Institutions, Corporate Regulation & Global Health Funding’, covers the economic aspects of global health, including the sustainable development agenda,¹⁸ economic

⁷ The other titles in the series are Lawrence O Gostin and Benjamin Mason Meier (eds), *Foundations of Global Health & Human Rights* (Oxford University Press, 2020) and Benjamin Mason Meier and Lawrence O Gostin (eds), *Human Rights in Global Health: Rights-Based Governance for a Globalizing World* (Oxford University Press, 2018).

⁸ Global Health Law Consortium, *Global Health Law Consortium* (Web Page) <<https://globalhealthlawconsortium.org/>>, archived at <<https://perma.cc/LB9T-6WD7>>.

⁹ Lawrence O Gostin and Alexandra Finch, ‘Global Health: Global Determinants, Global Governance, and Global Law’ in Lawrence O Gostin and Benjamin Mason Meier (eds), *Global Health Law & Policy: Ensuring Justice for a Healthier World* (Oxford University Press, 2023) 15.

¹⁰ Sharifah Sekalala and Roojin Habibi, ‘Global Health Law: Legal Frameworks to Advance Global Health’ in Lawrence O Gostin and Benjamin Mason Meier (eds), *Global Health Law & Policy: Ensuring Justice for a Healthier World* (Oxford University Press, 2023) 39.

¹¹ Benjamin Mason Meier and Matiangai Sirleaf, ‘Global Health Landscape: The Proliferating Actors Influencing Global Health Governance’ in Lawrence O Gostin and Benjamin Mason Meier (eds), *Global Health Law & Policy: Ensuring Justice for a Healthier World* (Oxford University Press, 2023) 65.

¹² Judith Bueno de Mesquita and Lisa Forman, ‘Global Health Norms: Human Rights, Equity, and Social Justice in Global Health’ in Lawrence O Gostin and Benjamin Mason Meier (eds), *Global Health Law & Policy: Ensuring Justice for a Healthier World* (Oxford University Press, 2023) 91.

¹³ Gian Luca Burci and Björn Kümmel, ‘Global Health Diplomacy: The Process of Developing Global Health Law and Policy’ in Lawrence O Gostin and Benjamin Mason Meier (eds), *Global Health Law & Policy: Ensuring Justice for a Healthier World* (Oxford University Press, 2023) 119.

¹⁴ Pedro A Villareal and Lauren Tonti, ‘Infectious Disease: Preventing, Detecting, and Responding to Pandemic Threats under International Law’ in Lawrence O Gostin and Benjamin Mason Meier (eds), *Global Health Law & Policy: Ensuring Justice for a Healthier World* (Oxford University Press, 2023) 147.

¹⁵ Roger Magnusson and Lawrence O Gostin, ‘Non-Communicable Disease: Regulating Commercial Determinants Underlying Health’ in Lawrence O Gostin and Benjamin Mason Meier (eds), *Global Health Law & Policy: Ensuring Justice for a Healthier World* (Oxford University Press, 2023) 175.

¹⁶ Priscila Rodríguez and Eric Rosenthal, ‘Mental Health: From Institutions to Community Inclusion’ in Lawrence O Gostin and Benjamin Mason Meier (eds), *Global Health Law & Policy: Ensuring Justice for a Healthier World* (Oxford University Press, 2023) 205.

¹⁷ Marlies Hesselman and Benjamin Mason Meier, ‘Environmental Health: Regulating Clean Air and Water as Underlying Determinants of Health’ in Lawrence O Gostin and Benjamin Mason Meier (eds), *Global Health Law & Policy: Ensuring Justice for a Healthier World* (Oxford University Press, 2023) 231.

¹⁸ Stéphanie Dagon and Jennifer Hasselgård-Rowe, ‘Sustainable Development: The 2030 Agenda and Its Implications for Global Health Law’ in Lawrence O Gostin and Benjamin Mason Meier (eds), *Global Health Law & Policy: Ensuring Justice for a Healthier World* (Oxford University Press, 2023) 259.

development policy,¹⁹ international trade,²⁰ the role of corporations and other commercial actors,²¹ and global health financing.²² Finally, Section IV, ‘International Legal Efforts to Address Rising Health Threats’, examines a range of topical and multisectoral global health issues, including antimicrobial resistance,²³ pathogen sharing,²⁴ sexual and reproductive health and rights,²⁵ health in conflict,²⁶ climate change²⁷ and universal health coverage.²⁸ The book also has a preface²⁹ and introduction by the editors,³⁰ a foreword by World Health

¹⁹ Diane A Desierto and Erica Patterson, ‘Economic Development Policy: Poverty Alleviation for Public Health Advancement’ in Lawrence O Gostin and Benjamin Mason Meier (eds), *Global Health Law & Policy: Ensuring Justice for a Healthier World* (Oxford University Press, 2023) 285.

²⁰ Lisa Forman, Katrina Perhudoff, and Chuan-Feng Wu, ‘International Trade Governance: Free Trade and Intellectual Property Threaten Public Health’ in Lawrence O Gostin and Benjamin Mason Meier (eds), *Global Health Law & Policy: Ensuring Justice for a Healthier World* (Oxford University Press, 2023) 311.

²¹ Roojin Habibi and Thana C de Campos-Rudinsky, ‘Commercial Determinants of Health: Corporate Social Responsibility as Smokescreen or Global Health Policy?’ in Lawrence O Gostin and Benjamin Mason Meier (eds), *Global Health Law & Policy: Ensuring Justice for a Healthier World* (Oxford University Press, 2023) 339.

²² Sam Halabi and Lawrence O Gostin, ‘Global Health Funding Agencies: Developing New Institutions to Finance Health Needs’ in Lawrence O Gostin and Benjamin Mason Meier (eds), *Global Health Law & Policy: Ensuring Justice for a Healthier World* (Oxford University Press, 2023) 365.

²³ Isaac Weldon and Steven J Hoffman, ‘Antimicrobial Resistance: Collective Action to Support Shared Global Resources’ in Lawrence O Gostin and Benjamin Mason Meier (eds), *Global Health Law & Policy: Ensuring Justice for a Healthier World* (Oxford University Press, 2023) 395.

²⁴ Mark Eccleston-Turner and Michelle Rourke, ‘Pathogen Sharing: Balancing Access to Pathogen Samples with Equitable Access to Medicines’ in Lawrence O Gostin and Benjamin Mason Meier (eds), *Global Health Law & Policy: Ensuring Justice for a Healthier World* (Oxford University Press, 2023) 423.

²⁵ Aziza Ahmed and Terry McGovern, ‘Sexual and Reproductive Health and Rights: Advancing Human Rights to Protect Bodily Autonomy and Sexuality’ in Lawrence O Gostin and Benjamin Mason Meier (eds), *Global Health Law & Policy: Ensuring Justice for a Healthier World* (Oxford University Press, 2023) 447.

²⁶ Jocelyn Getgen Kestenbaum and Benjamin Mason Meier, ‘Health in Conflict: International Humanitarian Law as Global Health Policy’ in Lawrence O Gostin and Benjamin Mason Meier (eds), *Global Health Law & Policy: Ensuring Justice for a Healthier World* (Oxford University Press, 2023) 473.

²⁷ Alexandra Phelan and Kim van Daalen, ‘Climate Change: A Cataclysmic Health Threat Requiring Global Action’ in Lawrence O Gostin and Benjamin Mason Meier (eds), *Global Health Law & Policy: Ensuring Justice for a Healthier World* (Oxford University Press, 2023) 501.

²⁸ Lawrence O Gostin and Benjamin Mason Meier, ‘Universal Health Coverage: Whole of Government Approaches to Determinants of Health’ in Lawrence O Gostin and Benjamin Mason Meier (eds), *Global Health Law & Policy: Ensuring Justice for a Healthier World* (Oxford University Press, 2023) 525.

²⁹ Lawrence O Gostin and Benjamin Mason Meier, ‘Preface: A Field Born of Trying Times’ in Lawrence O Gostin and Benjamin Mason Meier (eds), *Global Health Law & Policy: Ensuring Justice for a Healthier World* (Oxford University Press, 2023) xv.

³⁰ Lawrence O Gostin and Benjamin Mason Meier, ‘Introduction: Foundations of Global Health Law & Policy’ in Lawrence O Gostin and Benjamin Mason Meier (eds), *Global Health Law & Policy: Ensuring Justice for a Healthier World* (Oxford University Press, 2023) 1.

Organization ('WHO') Director-General Dr Tedros Adhanom Ghebreyesus³¹ and an afterword by Steven Solomon of WHO's Legal Office.³²

The book is designed for academic purposes with a list of guiding questions and a bibliography supporting each chapter of the book. Although intended as a teaching tool, the book takes on advanced topics and would best suit students who already have a basic knowledge of international law.

Global Health Law & Policy is timely and relevant as the world continues to recover from the COVID-19 pandemic and continues to face multiple global health crises. Indeed, the book begins with a moving dedication to those who died in the COVID-19 pandemic and has a clear desire to demonstrate how global health law and policy can be used to build a healthier world.³³

Accordingly, the book's focus on global health law covers how it interacts with both domestic and international law and binding and non-binding instruments. Importantly, the role of soft law receives significant attention given its importance in practice to global health law and policy, as do non-health treaty regimes, including human rights, trade and the environment and their interrelationships. Though the book largely covers international law, its strength is its consideration of a wide range of fields of international law, including tensions between various subspecialties that impact on justice in global health. Further, it adopts a multidisciplinary approach, drawing on fields such as sociology, economics and history in its analysis. Contributing authors are cognisant of the importance of an intersectional approach to global health law and policy. The book also promotes a multisectoral and "health in all policies" approach to maximise the impact of global health law and policy.

The significant expertise of the contributing authors is evident throughout the book, and as experienced practitioners of global health law, the reviewers found the book very informative. The editors are to be commended for selecting contributing authors who have expertise across a range of specialisations and geographical perspectives. Unlike many US-published textbooks, both the contributors and case studies cover a wide range of countries, providing the book with a truly global analysis of global health law and policy. Another strength of the book is its focus on the ongoing impacts of colonialism on global health that are acknowledged throughout the book. Similarly, the book pleasingly focuses on the financing and institutional practicalities of organisations like the WHO, World Bank and WTO in ways law textbooks often do not.

The book contains almost 600 pages of substantive content over 20 chapters and is very comprehensive. Though in its entirety, it may cover too much ground for what is usually a one-semester elective subject where other readings are included in the syllabus, global health law teachers will find it very easy to selectively assign chapters from the book to suit their class requirements.

³¹ Tedros Adhanom Ghebreyesus, 'Foreword: The Law as a Fundamental Determinant of Global Health' in Lawrence O Gostin and Benjamin Mason Meier (eds), *Global Health Law & Policy: Ensuring Justice for a Healthier World* (Oxford University Press, 2023) xi.

³² Steven Solomon, 'Afterword: Foundational Information for a New Generation' in Lawrence O Gostin and Benjamin Mason Meier (eds), *Global Health Law & Policy: Ensuring Justice for a Healthier World* (Oxford University Press, 2023) 551.

³³ 'Dedication' in Lawrence O Gostin and Benjamin Mason Meier (eds), *Global Health Law & Policy: Ensuring Justice for a Healthier World* (Oxford University Press, 2023).

Similarly, students as well as global health practitioners will appreciate being able to explore specific chapters based on their interests.

In terms of the limitations of the book, although the book generally flows well, sometimes the chapters still feel self-contained despite the intention for the book to be read as one textbook. This is less of a concern with later chapters that deal with specialised areas that do not overlap across chapters, but early chapters that provide conceptual overviews of the field can be repetitive as basic concepts and history are explained from different angles. Topics that repeat across several chapters include, for example, the history of the 19th and early 20th century International Sanitary Conferences and International Sanitary Conventions (precursors to the WHO's *International Health Regulations*),³⁴ the shift from comprehensive primary health care to selective basic packages in the priorities of global health funders³⁵ and the adoption of the Sustainable Development Goals.³⁶ While having this repeated content allows one to examine the topic from different perspectives and selectively assign chapters for teaching, the first half of the book in particular does feel repetitive if read cover to cover.

There are also some absences. Section III, covering international economic concepts, for example, does not cover international investment law, which is surprising given the widespread concerns for tobacco control caused by investment disputes brought by Philip Morris entities against Australia and Uruguay over tobacco packaging and labelling³⁷ and the Eli Lilly cases against Canada regarding access to medicines.³⁸ Other topics that could potentially have been included in the book include the UN drug control regime³⁹ in relation to drug policy, harm reduction, palliative care and access to medicines;⁴⁰ occupational

³⁴ See Gostin and Finch (n 9) 23–5; Sekalala and Habibi (n 10) 41, 44–45; Burci and Kümmel (n 13) 121; Villarreal and Tonti (n 14) 148–50.

³⁵ See Meier and Sirleaf (n 11) 71; Burci and Kümmel (n 13) 123; Halabi and Gostin (n 22) 367; Gostin and Meier, 'Universal Health Coverage: Whole of Government Approaches to Determinants of Health' (n 28) 528–9.

³⁶ *Transforming Our World: The 2030 Agenda for Sustainable Development*, GA Res 70/1, UN GAOR, 70th sess, Agenda Items 15 and 116, UN Doc A/Res/70/1 (21 October 2015, adopted 25 September 2015). See Meier and Sirleaf (n 11) 80–4; Dagron and Hasselgård-Rowe (n 18); Desierto and Patterson (n 19) 298–300; Gostin and Meier, 'Universal Health Coverage: Whole of Government Approaches to Determinants of Health' (n 28) 533, 535–7, 539–40, 543.

³⁷ *Philip Morris Brands Sàrl v Uruguay (Award)* (ICSID Arbitral Tribunal, Case No ARB/10/7, 28 June 2016); *Philip Morris Asia Limited v Commonwealth of Australia (Final Award Regarding Costs)* (Permanent Court of Arbitration, Case No 2012-12, 8 March 2017).

³⁸ *Eli Lilly & Company v Canada (Final Award)* (ICSID Arbitral Tribunal, Case No UNCT/14/2, 8 March 2017).

³⁹ Relating primarily to the treaty regime established by the *Single Convention on Narcotic Drugs*, opened for signature 30 March 1961, 520 UNTS 151 (entered into force 13 December 1964); *Convention on Psychotropic Substances*, opened for signature 21 February 1971, 1019 UNTS 175 (entered into force 16 August 1976); *United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances*, opened for signature 20 December 1988, 1582 UNTS 95 (11 November 1990).

⁴⁰ See, eg, Felicia Marie Knaul et al, 'Alleviating the Access Abyss in Palliative Care and Pain Relief: An Imperative of Universal Health Coverage' (2018) 391(10128) *Lancet* 1391.

health in International Labour Organization treaties;⁴¹ or migration and health.⁴² However, given the wide range of activities that affect health, these absences are unavoidable in any book that aims to cover the field (and are a feature of all books on global health law to date), and the book overall does an admirable job of covering the different areas of global health law practice and representing the issues.

In many ways, these limitations are less a critique of the book and more a demonstration of how global health law is still very much a fragmented discipline, both by subspeciality of international law and by health issue. The chapter on trade, for example, is excellent on the access-to-medicines issues that have arisen out of the HIV and COVID-19 pandemics.⁴³ But it has much less to say on the trade issues that have been the focus of those working on NCDs, with key topics like front-of-package food labelling⁴⁴ or alcohol warning labels at the WTO⁴⁵ not mentioned in the chapter (although there is a case study on tobacco plain packaging at the WTO).⁴⁶ It is striking how different the emphasis is even within the same topic when viewed from the lens of different disease groups — one can easily imagine a totally different distribution of topics on trade and global health, had NCDs rather than infectious diseases been the starting point. The book overall also demonstrates the tremendous differences between the types of law that apply to, for example, mental health as compared to infectious disease pandemics, or to NCDs as compared to protecting health care in conflict, or to sexual and reproductive health as compared to environmental health. The sheer breadth of what a book on global health law has to encompass means it is valuable to have a book that provides an overview about how different areas of international law interact with different issues in global health.

The book has an optimistic perspective on international law as a tool for justice in global health. At the same time, it acknowledges the colonial roots of global health and their ongoing impacts as well as the continued effects of racism and gender inequities in global health.⁴⁷ It also discusses the growing threat of right-wing populism to global health, particularly in the context of sexual and reproductive health and rights.⁴⁸ However, this discussion could have benefited from a further exploration of strategies being employed by an increasing number of national and transnational coalitions of populist and conservative political and

⁴¹ For a list of these conventions, see International Labour Organization, *List of Instruments by Subject and Status: Occupational Health* (Web Page) <<https://normlex.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12030:0::NO:::>>, archived at <<https://perma.cc/3G2L-KW9J>>.

⁴² See, eg, Ibrahim Abubakar et al, 'The UCL-Lancet Commission on Migration and Health: The Health of a World on the Move' (2018) 392(10164) *Lancet* 2606.

⁴³ Forman, Perehudoff and Wu (n 20).

⁴⁴ See, eg, Anne Marie Thow et al, 'Nutrition Labelling is a Trade Policy Issue: Lessons from an Analysis of Specific Trade Concerns at the World Trade Organization' (2018) 33(4) *Health Promotion International* 561.

⁴⁵ See, eg, Paula O'Brien and Andrew D Mitchell, 'On the Bottle: Health Information, Alcohol Labelling and the WTO Technical Barriers to Trade Agreement' (2018) 18(1) *QUT Law Review* 124.

⁴⁶ Forman, Perehudoff and Wu (n 20) 327–8.

⁴⁷ See, eg, de Mesquita and Forman (n 12); Hesselman and Meier (n 17); Ahmed and Terry (n 25).

⁴⁸ Ahmed and McGovern (n 25) 461–3.

religious actors to refute commitments and established understandings of international human rights law that impact health,⁴⁹ including the interpretive approach of ‘human rights originalism’ to limit States’ responsibilities to provide healthcare, such as abortion services.⁵⁰ Similarly, the book has less to say about the co-option of international law by modern bad faith actors, such as the tobacco industry, to the detriment of health.⁵¹

As the COVID-19 pandemic has shown, health touches on and is influenced by almost every aspect of human society. Books on global health law are therefore ambitious projects. *Global Health Law & Policy* is no different and does an admirable job in not only providing expert perspectives across a complex and wide-ranging field but doing so in a way that provides an accessible introduction to students to the range of topics in modern global health law.

SUZANNE ZHOU,* TARISHI DESAI* AND MARY GRACE ANNE ROSALES
STO-DOMINGO†

⁴⁹ See, eg, Gráinne De Búrca and Katharine G Young, ‘The (Mis)Appropriation of Human Rights by the New Global Right: An Introduction to the Symposium’ (2023) 21(1) *International Journal of Constitutional Law* 205.

⁵⁰ See, eg, Katharine G Young, ‘Human Rights Originalism’ (2022) 110(5) *Georgetown Law Journal* 1097.

⁵¹ See, eg, Neiloy R Sircar and Stella A Bialous, ‘Tobacco Industry’s Human Rights Makeover: An Archival Review of British American Tobacco’s Human Rights Rhetorical Veneer’ (2024) 33(1) *Tobacco Control* 67.

* BMus/LLB (Melbourne), LLM (Cantab), Manager–Prevention, McCabe Centre for Law and Cancer.

* BA(Hons)/BCom, JD (Melbourne), Manager–Treatment & Supportive Care, McCabe Centre for Law and Cancer.

† BA.Philo, JD (Manila). Regional Manager for Asia, McCabe Centre for Law and Cancer.