Chapter Five

Responding to Public Health Emergencies in Failed States

The correlation between State failure and global health is an international issue of paramount importance. In fact, when a State is unable to control and prevent the spreading of communicable diseases in parts or in the entirety of its territory, the threat of disease may become global.

Based on the definition of State failure elaborated in the previous chapters, this chapter focuses on the mechanisms that the international community may adopt to address to the threat of an uncontrolled spreading of disease developing into an international risk.

1. Health Emergencies as Global Security Issues

Health has become a central tenant of international law. Its importance is recognized in several international agreements, including in international and regional human rights treaties.1 Similarly, global health2 has developed into a centerpiece of international law and international relations. The U.N.

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2 The term ‘global health’ is preferred in this section to ‘international health’ because, as Støre et al. explains “‘global health’ is rapidly overtaking the paradigm of ‘international health’ as the organizing principle for health cooperation. While the latter term focuses on relations among sovereign nations, the concept of global health encompasses health affairs within and among nations-states, as well as transnational challenges not defined by political borders. Global health thus recognizes multiple actor groups in the production of health, including but not limited to national government.” J.G. Støre, J. Welch and L. Chen, Health and Security for a Global Century, in L. Chen, J. Leaning and V. Narasimhan, Global Health Challenges for Human Security 67–68 (2003).
Charter references the need to collaborate on health issues in several articles, and several international organizations have been created with mandates related to health.

Moreover, in the last twenty years, the importance of global health has increased for several reasons.

First, the development of faster, easier and cheaper transportation methods has brought about a phenomenal increase in the movement of people and goods. At the same time, new technologies for the conservation of perishable goods have increased their international trade. Notably, however, both improvements have also made it easier for diseases to spread faster and to more distant locations. In fact, easier movement of people and goods facilitated the spreading, emergence and reemergence of infectious diseases in both human and animals.

Second, ‘globalization’ has, to a certain extent, undermined the ability of one State to alone protect its people from the spreading of infectious diseases. As a result, only collective efforts can efficiently address public health emergencies. As Fidler concludes, “most public health experts agree that the distinction between national and international public health is no longer relevant because globalization has enabled pathogenic microbes to spread illness and death globally.” Diseases like tuberculosis, malaria and cholera are still widespread in many regions. Further, some of their pathogens are becoming drug-resistant, and some of these diseases are again spreading in previously disease-free regions. For example, cases of West Nile fever were recently diagnosed in New York City. Additionally, a new wave of tuberculosis – which is resistant to usual medications – has been found in

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3 Article 13 states “The General Assembly shall initiate studies and make recommendations for the purpose of (b) promoting international co-operation in the […] health fields”. Article 55 affirms "With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, the United Nations shall promote: (b) solutions of international economics, social, health.” Article 57 further states: “The various specialized agencies, established by intergovernmental agreement and having wide international responsibilities, as defined in their basic instruments, in […] health, and related fields, shall be brought into relationship with the United Nations in accordance with the provision of Article 63.” Finally, Article 62 states “The Economic and Social Council may make or initiate studies and reports with respect to […] health and related matters and may make recommendations with respect to any such matters to the General Assembly, to the Members of the United Nations, and to the specialized agencies concerned.”

4 For example the World Health Organization (WHO), the United Nations Children’s Fund (UNICEF), UNAIDS.