The Development of National Health Legislation in Europe:  
The Contribution of International Organizations

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1. Introduction

In this article, I propose to focus on the role of international organizations, both governmental and nongovernmental, in developing what may be described as 'international health legislation' as well as guidelines, recommendations, etc. that may, in some countries and jurisdictions, lead to the development of national laws and regulations in the health and related sectors. It would have been impossible to write, or even conceive of, this article without the pioneering work of three persons. The first is the late Norman Howard-Jones (1950, 1975), whose work on the early development of international public health law has almost biblical status for scholars in the field. The second is Valentin Mikhailov (1984), for whose legal treatise on the development of international health law there is no real parallel in the English language. The third is Michel Bélanger (1983, 1989), who has made major and indeed unequalled contributions to the field of international health law.

Certain of the chapters in Mikhailov's book have been rendered obsolete by political developments in recent years, but it is interesting to identify those chapter headings that still have relevance and that will be partly echoed in this chapter. They are as follows:

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1. The concept of international medical law (and international health law)

II. Origin and development of forms of inter-State cooperation in the health field from the standpoint of international law

III. Aspects of the structure and activities of the World Health Organization from the standpoint of international law

VI. The role of international law in the control of particularly serious infectious diseases and certain other infectious diseases

VII. Agreements relating to the control of venereal diseases and prostitution

VIII. The control of narcotics and psychotropic substances; problems in the control of the abuse of alcoholic beverages

IX. Standardization of pharmaceutical and biological products; control of the quality of pharmaceutical preparations

X. Codex food standards

I have not included the fields of international humanitarian law, international environmental law, and those aspects of bioethics that may be described as 'micro-ethical' rather than 'macro-ethical' in scope. Furthermore, the sheer volume of certain aspects, such as international and European food safety law, international and European occupational health standards, etc., are not covered systematically, and only a major volume could really do justice to those areas in the European countries.

I propose to focus initially on international human rights law as it affects health, before discussing the contributions of WHO, the United Nations itself, other United Nations bodies and organizations, other international intergovernmental organizations, etc.

2. International human rights law as it affects health

There are numerous provisions on health and health-related matters in international human rights instruments. Perhaps the most fundamental is paragraph 1 of Article 25 of the Universal Declaration of Human Rights (1948), which reads as follows:

1. Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.