Book Reviews

A BOOK REVIEW ON "GLOBAL HEALTH LAW & POLICY: ENSURING JUSTICE FOR A HEALTHIER WORLD" EDITED BY LAWRENCE O. GOSTIN & BENJAMIN MASON MEIER (OXFORD UNIVERSITY PRESS, 2023)

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ABSTRACT

As an intellectual field, Global Health Law is constantly evolving, "Global Health Law & Policy: Ensuring Justice for a Healthier World" is a valuable textbook which provides a comprehensive overview of the law and in meeting contemporary global health challenges. In this book review, we highlight the transformative potentials (and limitations) of global health law in addressing global determinants of health, which set an ambitious goal for international law to attain global health with justice through purposive, dynamic collective practice.

KEYWORDS: *global health law, governance health governance, World Health Organization, global health diplomacy, international law, international*

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Professors Lawrence O. Gostin and Benjamin Mason Meier's meticulously edited book, *Global Health Law & Policy: Ensuring Justice for a Healthier World*, is a valuable resource for those interested in global health law. Specifically designed to introduce global health law for the next generation of scholars and practitioners, the book is an indispensable resource for understanding contemporary global health challenges and exploring potential pathways forward. It features an impressive roster of authors who explore various contemporary global health challenges, bringing fresh, if not thought-provoking, perspectives.

The book's release comes amid a turbulent time marked by unrelenting global crises—extreme natural events, food insecurity, and escalating living costs, alongside the Russo-Ukrainian War and the Israel-Hamas War. The book also arrives at a critical juncture where the world is witnessing a significant challenge to the global legal order, with the COVID-19 pandemic drawing renewed attention to global governance and underlining the pressing need for ongoing legal reform at the World Health Organization (hereinafter "WHO").

Despite these challenges threatening international health cooperation and exposing the fragility of forging consensuses in global health, Professors Gostin and Meier remind readers in the preface that "[t]he modern foundations of global health arose from the ashes of crisis." Instead of dwelling on the world's polarization, they implore, "[t]hese uncertain times for global health call for the advancement of global health law." Recognizing the need for health cooperation, Professors Lawrence O. Gostin and Alexandra Finch remind readers that "[t]o advance public health in a globalizing world, health institutions and instruments must look beyond the actions of singular nations to address a larger set of global health determinants."[1] The book underscores the world's interconnectedness and the pressing need to address global determinants of health, setting an ambitious goal for international law to attain global health with justice.

Hence, in spite of these increasingly challenging times for global health, the book maintains a sense of pragmatic optimism. This optimism is based on a belief in human rights, equity, and social justice as detailed in Chapter 4, beautifully written by Professors Judith Bueno de Mesquita and Lisa Forman. Throughout the book, other authors draw from these principles to demonstrate instances where these principles could promote unity amidst division and discord. However, *Global Health Law & Policy* stay grounded. It does not simply prescribe aspirational ideals but acknowledges the complexity of the impending global health challenges, remaining pragmatic and cautious.

[1] GLOBAL HEALTH LAW & POLICY: ENSURING JUSTICE FOR A HEALTHIER WORLD 21 (Lawrence O. Gostin & Benjamin Mason Meier eds., 2023).

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This book serves as both an introduction and a comprehensive guide to global health law and policy. It is divided into four sections. The first section introduces the key players and norms of global health in a globalized world. The second section focuses on governance for disease prevention and health promotion at the global level. The third section delves into economic institutions, corporate regulation, and global health funding. The fourth section tackles international legal efforts to combat emerging health threats such as Antimicrobial Resistance (AMR), sexual and reproductive health and rights, health in conflict situations, climate change, and universal health coverage. Each chapter offers key concepts and principles, backed up with real-world case studies to illustrate these concepts in practical scenarios. The chapters conclude with discussion questions to foster further conversation.

Global health law, a subfield of international law, is undergoing considerable growth and transformation, particularly in the wake of the COVID-19 pandemic. This book seeks to elucidate and demonstrate ways in which law can be harnessed, along with its limitations, to address health inequalities. It offers a critical perspective on neoliberalism and acknowledges the impact of colonialism on global health. These two viewpoints, which were not included in their previous book, "Foundations of Global Health & Human Rights", signify an increasing awareness and sensitivity to historical injustices in the current era.

As such, it is perhaps unsurprisingly, a common thread that weaves through different chapters and topics is the impacts of the global economic development governance on global health. Chapter 11 specifically explores the legacy of the International Monetary Fund (IMF) and World Bank's structural adjustment programs on global health, skillfully written by Professor Diane A. Desierto and Eric Patterson. They note that these economic programs led to a notable decrease in public spending on healthcare services in the recipient countries, consequently diminishing the capacities of countries to effectively respond to and anticipate the emergence of public health challenges and crises.

This examination shows the complex ways in which global economic policies can impact health outcomes negatively across time and space. This critical perspective is maintained throughout the book. Professors Benjamin Mason Meier and Matiangai Sirleaf, for instance, highlight how "[c]olonial mentalities in global health continue to influence the underlying assumptions and structuring of global health law and policy." They suggest that "[d]ecolonization of the international order could be achieved by revisiting the redistributive and reparative project embodied in the Declaration of Alma-Ata—seeking health equity both within and between countries."[2] Professors Meier and Sirleaf urge that "[a]t this crossroads in global health

[2] *Id.* at 84.

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governance, it is critical that the global community take stock of the changing actors in global health and consider how governance approaches must be changed drastically to achieve sustainable development and redress the legacy of colonialism in global health law and policy."[3]

Professor Gian Luca Burci and Mr. Björn Kümmel write skillfully about the various ways in which politics intertwined with health and health outcomes. They note, "[i]n the development of global health law and policy, global health diplomacy frames the governance of global institutions, and global health governance influences how diplomatic processes play out and which actors can influence their development." This suggests that global health diplomacy is central to global health. Therefore, "[the] global health diplomacy must advance decisive normative and political values in the development of global health law."[4]

Professors Pedro A. Villarreal and Lauren Tonti emphasize the need for a rules-based legal order for international infectious disease control. This matter has recently regained political traction as a global health security issue. However, the securitization of health can lead to counterproductive outcomes and has "tested the limits of global health law".[5] Therefore, Professors Villarreal and Tonti argue that improving the system of rules-based governance over infectious disease control requires a better understanding of how global health law has failed in previous responses.[6] This aligns with the book's objective to educate students, who are poised to shape future responses to communicable disease threats.

Professors Roger Magnusson and Lawrence O. Gostin examine the influence of commercial determinants on the worldwide spread of non-communicable diseases (hereinafter "NCDs") and associated risk factors. They demonstrate how the increasing prevalence of NCDs has escalated to pandemic proportions, prompting concerted efforts to regulate transnational industries through global health law. Professors Magnusson and Gostin maintain that "[a]ddressing commercial determinants of health in a globalizing world will require global health law".[7] They argue that developing legal skills will foster a culture of accountability.

Professors Priscila Rodriguez and Eric Rosenthal emphasize the shift in mental health care from institutions to community inclusion. This chapter frames disability as equal in dignity and rights, which empowers individuals with mental health issues. It also discusses contemporary concerns over humanitarian crises, specifically referencing the mental health challenges in

[3] *Id.* at 86.
[4] *Id.* at 139.
[5] *Id.* at 162.
[6] *Id.* at 167.
[7] *Id.* at 198.

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conflict zones, using the war in Ukraine as a case study. This timely examination sheds nuanced light on the humanitarian crisis on mental health.

Professor Marlies Hesselman and Benjamin Mason Meier focus on environmental health, noting that "[p]oor water quality and polluted air disproportionately impact children under five, while low- and middle-income countries bear the greatest share of environmental challenges." Professor Hesselman and Meier underscore how global structural inequalities are implicated in "environmental racism" placing populations living in the Global South with disproportionate burdens and impacts. Calling for just and inclusive institutional designs to promote global health, policymaking processes need to be inclusive and participatory at the international level.

Professors Stéphanie Dagron and Jennifer Hasselgård-Rowe conduct a comprehensive examination of the global development agenda's evolution, with a particular focus on its use of health to promote sustainable development. They discuss the implications of the 2030 Agenda and sustainable development on global health law, and how international law can be utilized to improve global health. Recognizing the importance of social justice and solidarity in the global order, they remind readers that international development is a foundation for peace, with health playing a pivotal role in facilitating this development.[8]

Professors Lisa Forman, Katrina Perehudoff, and Chuan-Feng Wu examine the impact of international trade governance on global health. They also explore how global health advocates have challenged international trade law by refocusing on the impacts of international trade on health.

Professors Roojin Habbi and Thana C. de Campos-Rudinsky introduce and draw attention to the commercial determinants of health, where transnational corporations can wield power in shaping the physical and social environments in which people are born, flourish, and live.

Professors Sam Halabi and Lawrence Gostin examine how global health funding agencies support the world's most vulnerable populations. They look at how the law has become a vital factor in shaping new financing agreements and governance partnerships in global health, among other things. Professors Halabi and Gostin also observe the dynamics and geographical locations of these agencies, echoing previously raised colonial criticisms, urging that "there remains a need to decolonize funding institutions and provide greater equity in the distribution of funds."[9]

In Section IV addressing rising Health Threats, Professors *Isaac Weldon, Steven J. Hoffman, Mark Eccleston-Turner, Michelle Rourke, Aziza Ahmed, Terry McGovern, Jocelyn Getgen Kestenbaum, Benjamin Mason*

[8] *Id.* at 280.
[9] *Id.* at 381.

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Meier, Alexandra Phelan, Kim van Daalen, Lawrence O. Gostin, and *Benjamin Mason Meier* expound on a range of diverse health challenges: antimicrobial resistance, pathogen sharing, sexual reproductive health and rights, health in conflict, and climate change, urging readers to adopt a global perspective, where "global health is interconnected with global coordination".[10]

Much work remains in global health law and policies. For instance, addressing the human rights implications of emerging technologies that have global impacts such as artificial intelligence; translating abstract human rights principles into operational actions in local contexts. In addition, engaging with contributions and perspectives from scholars and practitioners worldwide, especially those from underrepresented regions and countries in the Global South, is vital. Their unique insights and experiences can provide a much-needed diversity of thought, which can help to enrich and refine the conversation around global health law and policies. For example, the recent recriminalization of abortion in certain countries like the United States, juxtaposed with its decriminalization in Argentina, illustrates that sexual reproductive rights are a global issue, not confined to the Global South. Sharing country-specific lessons, as well as legal and advocacy strategies based on international legal frameworks, can highlight the struggles and progress in sexual reproductive rights.

This book aims to promote a more equitable world and serves as an introduction to global health law, facilitating informed discussions at national and international levels. As the current WHO legal officer states, "global health law [. . .] is being 'practiced' in legal offices, national health ministries, and public and private sector organizations around the world; and, amid reforms, it is of direct and growing relevance to the health of every human being."[11] This book is a must-read for anyone who seeks to be involved in global health, both in theory and practice. It provides students and practitioners with the foundational knowledge needed to tackle the significant challenges facing global health.

[10] *Id.* at 520.
[11] *Id.* at 553.

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REFERENCE

Book

Gostin, Lawrence O. & Benjamin Mason Meier (eds.) (2023), GLOBAL HEALTH LAW & POLICY: ENSURING JUSTICE FOR A HEALTHIER WORLD.

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