

# INTERNATIONAL LEGAL COOPERATION TO COMBAT COMMUNICABLE DISEASES: INCREASING IMPORTANCE OF SOFT LAW FRAMEWORKS

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## ABSTRACT

*Contrary to the belief that the development of science and technology would eradicate the serious communicable diseases, emerging and re-emerging infectious diseases are one of the most serious worldwide threats to human security. In fact, during the first five years of the 21st century, global health security has already been threatened twice by the Severe Acute Respiratory Syndrome (SARS) and the Highly Pathogenic Avian Influenza (HPAI). This paper explores the possibilities and limitations of the role of international law in detecting and containing severe communicable diseases and preparing for pandemics. The effectiveness of the International Health Regulations (IHR) revised at the World Health Organization (WHO) in May 2005 is examined*

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*first. As legally-binding rules, now covering an “public health emergency of international concern” even one caused by acts of terrorism, the potential of IHR as a primary tool for effectively preventing and containing communicable diseases will be evaluated. The significance of SC Res.1540 as a linchpin to better combat bioterrorism, or man-made communicable diseases will also be discussed. SC Res.1540 serves as a point of focus for existing legal instruments on topics ranging from arms control and disarmament agreements, to anti-terrorism conventions with universal jurisdiction, and export and transportation control regimes have one focus. While there is no panacea to fight threats of natural and man-made communicable diseases, these threats would be mitigated to a large extent by appropriate international cooperative measures based on both legally-binding and legally non-binding instruments.*

**KEYWORDS:** WHO; IHR; communicable diseases; HPAI; bioterrorism; SC Res.1540

## **I. INTRODUCTION: COMMUNICABLE DISEASE AS A GLOBAL THREAT**

The unprecedented increase of movement of people, animals and goods in today’s globalized society has brought a somewhat unexpected threat to mankind. A few decades ago, it was widely believed that the power of science and technology would eradicate serious communicable diseases in the near future. It was beyond imagination at that time that international society in the first decade of the 21st century would define emerging and re-emerging communicable diseases as one of the most serious threats to human security.

It was in May 2003 that the World Health Organization (WHO) characterized Severe Acute Respiratory Syndrome (SARS) “as the first severe infectious disease to immerge in the 21st century, [that] poses a serious threat to global health security, the livelihood of populations, the functioning of health systems, and the stability and growth of economies.”<sup>1</sup>

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<sup>1</sup> 56th WHA, agenda item 14.16, WHA 56.29 (May 28, 2003).