



Reevaluating Global Health and International Law: The Relationship between Regime Interaction and Legal Fragmentation among Mechanisms Governing the Public Health Sphere

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Introduction

- ◆ Although theorizing about international law fragmentation is a well-researched corner of academia, whether this phenomenon could be leveraged to progress health governance across the world is not.¹
- ◆ As global health necessitates interaction between these various regimes, the field must pursue subsequent legal enforcements which acknowledge co-existing relationships of interpretation between conventions.²
- ◆ Only through reorganizing what “health” consists of, and gauging the wide collection of documents which govern health at the international level, can the true power of global health law come to fruition.
- ◆ Fragmentation: uneven development in inter-state relations, where institutions develop independent from one another.³
- ◆ Regime: set of implicit or explicit principles, norms, rules, and decision-making procedures around which expectations converge in an area of international relations.⁴
- ◆ Regime interaction: coordination and cooperation across international fora with a view to identify possible common goals (or sub-goals) and shared principles.⁵
- ◆ This research seeks to determine the impact of international law on global health.

Objectives

- ◆ Aim 1: to determine the impact of fragmentation in international law on global health.
- ◆ Aim 2: to determine the impact of regime interaction in international law on global health.

Methods

- ◆ Design: modified systematic review
- ◆ Database searched: HeinOnline legal database
- ◆ Inclusion criteria: a) Research studies examining the field of global health law in relation to fragmentation, regime interaction or both; b) publication dates between 1995-2022; c) published in English language; d) explicit use of the term “global health law.”
- ◆ Exclusion criteria: a) Articles not openly sourced; b) articles addressing national policies rather than international conventions.
- ◆ Search terms: Global Health Law; Fragmentation; Regime Interaction; International Law
- ◆ Search terms were combined as follows: “title:(global health law);” “((((‘regime interaction’) AND title:(‘fragmentation’)) AND (‘international law’))”

References

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4. Phelan, Alexandra J. “International Law and the Sharing of Pathogens: From Fragmented Conflict to Plural Coherence.” S.J.D. Dissertation, Georgetown University Law Center, 2019.
5. Margaret A. Young, ed., *Trading Fish, Saving Fish: The Interaction between Regimes in International Law*. Cambridge Studies in International and Comparative Law. Cambridge: Cambridge University Press, 2011.
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Results

- ◆ What is the impact of international law on global health?
 - ◆ Literature yielded 34 research studies; criteria excluded 29 articles.
- ◆ Aim 1: What is the impact of fragmentation in international law on global health?
 - ◆ Of 20 publication results addressing fragmentation in international law, 15 articles reviewed concluded that fragmentation is an unintentional diplomatic mechanism in global health law.
 - ◆ Fragmentation in international law hinders global health, but unintentionally rather than as an intentional diplomatic mechanism.
- ◆ Aim 2: What is the impact of regime interaction in international law on global health?
 - ◆ Of 14 publication results addressing regime interaction in international law, 12 articles reviewed concluded that regime interaction provides benefits to global health law when used intentionally.
 - ◆ Regime interaction in international law equitably advances global health, when use intentionally by countries to influence the global health law regime.

Discussion

- ◆ Results showed that fragmentation unintentionally impacts global health, hampering progress in the global health law regime for diverse reasons.
- ◆ Results also showed that regime interaction can intentionally impact global health, as a mechanism to equitably advance the global health law regime.
- ◆ Low- and middle-income countries can use regime interaction to combat against fragmentation in the international law sphere.

Limitations

- ◆ As Lawrence Gostin and Allyn Taylor first defined global health law as a regime in 2008, previous identifications of the regime as “international health law” were included.⁶
- ◆ As the International Law Commission released its report on fragmentation in 2005, previous identifications of regime interaction as “harmonization” or “coherence” were included.⁷