

Planetary Health Law:
Global Health Security and a Changing Environment
Syllabus
Fourth Term, 2024

Faculty Contact Information

Professor Alexandra Phelan

Email: aphelan4@jhu.edu

Course Description

- Explores how humanity's health is dependent on the flourishing of the natural environment.
- Examines how international law, policy, and governance respond to environmental disruption and global health consequences.
- Discusses treaties and frameworks responding to global change events, including pandemics, biodiversity loss, and climate change.
- Interrogates colonialism's role in planetary ill-health and international law's development.
- Explores pathways to respond to the inequitable distribution of health, economic, and social impacts and benefits from planetary health disruption.

Course Background

In recent years, a new field known as “planetary health” has emerged in response to deficiencies in addressing threats to human health and natural systems. Planetary health is grounded in the understanding that humanity's health is dependent on the flourishing of the natural environment, and that many impacts on human health, including outbreaks that cause pandemics like COVID-19 and influenza, directly arise from human-caused disruptions to the Earth's natural systems, such as climate change and biodiversity loss. The distribution of economic, health, and social benefits from this disruption has also been inequitable, raising questions of global justice and rights. This is a complex mega-problem for humanity, global health, and human rights: particularly as countries not afforded opportunities to lift their populations out of poverty seek equitable development.

International cooperation to address these challenges has been fragmented: international treaties and international organizations are siloed into subject matter areas including global health law, international human rights law, and international environmental law. As a result, states have failed to address the complexity and interconnectedness of planetary health, leading to conflicts that undermine pandemic preparedness, issues with access to genetic resources for global health and equitable benefits sharing, and threats to health and rights from gaps in climate change adaptation.

Planetary health law seeks to bring together issues in one field to address the complex challenge of global change. Planetary health law seeks to achieve the highest attainable standard of health, wellbeing and equity worldwide, through judicious attention to the human systems – political, economic, and social – that shape the future of humanity and the Earth's natural systems that define the safe environmental limits within which humanity can flourish with dignity.

Planetary Health Law: Global Health Security and a Changing Environment will examine the origins and define the field of planetary health law. Through case study and statutory analysis of international legal instruments, students will examine how law seeks to protect global health security and prevent pandemics and public health emergencies of international concern for diseases like

COVID-19, SARS, Ebola, and Zika, and other global health challenges arising from lack of access to clean water, nutritious food, and shelter. The course will examine why one country's virus hunter is another's biopirate, and the public health and equity issues arising from access and benefit sharing laws aimed at rectifying colonial exploitation, preventing biodiversity loss, and implications for global health. The course will also examine international legal responses to climate change, and their consideration of global health in climate change adaptation and mitigation efforts. Finally, students will examine the potential of planetary health law as a field for addressing these challenges in a multi-disciplinary synthesis of complex challenges in the face of global change.

Learning Objectives

- 1) Assess the role of international law and governance in addressing critical planetary health challenges;
- 2) Apply the concepts of planetary health as they relate to international and global law and policy responses;
- 3) Distinguish the different international legal frameworks for global health and the environment;
- 4) Critique the utility of novel framings, emerging fields, and alternative approaches to solve global challenges;
- 5) Evaluate the impacts of international laws on global health justice; and
- 6) Generate approaches to the use of law and governance for solving multi-sectoral, transnational health problems.

Methods of Assessment

- Participation (Discussion Forum, Lectures, LiveTalks) – 10%
- Mid-Term Quiz – 20%
- Case Study Presentation (LiveTalks) – 30%
- Final Essay – 40%

Readings

Students will need to read all assigned readings prior to class. Students should familiarize themselves with the overall structure and objectives of assigned legal instruments/legislation. The assigned text provides a baseline of the field of planetary health. Given the significant changes to the field over the last three years, several readings for this class are assigned from different sources. A full list of readings is below.

Required Readings

The assigned text for the course is: Samuel Myers & Howard Frumkin, *Planetary Health: Protecting Nature to Protect Ourselves* (2020) (**Text**).

Several planetary health case studies will be used throughout the course to ground the discussions during the Live Talks. These are selected from: Duff H., Faerron Guzmán, C., Almada, A., Golden, C., and Myers, S. "Planetary Health Case Studies: An Anthology of Solutions" 2020; <https://doi.org/10.5822/phanth9678>.

Legal Instruments

For each topic, there are also assigned international legal instruments, such as treaties. Students are expected to be familiar with the general outline and structure of instruments, and we will apply them together in class to the relevant topics. In addition, the legal instrument analysis will provide case study examples of issues leading to the development of international laws and emerging issues from implementation of laws.

- WHO, Constitution (1948). PDF:
<https://apps.who.int/gb/bd/PDF/bd47/EN/constitution-en.pdf>
- WHO, Negotiating Draft of the WHO CA+ (2023). PDF:
https://apps.who.int/gb/inb/pdf_files/inb7/A_INB7_3-en.pdf
- WHO, International Health Regulations (2005). PDF:
<https://www.who.int/publications/i/item/9789241580496>
- Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits that Arise from their Use (2010). PDF:
<https://www.cbd.int/abs/doc/protocol/nagoya-protocol-en.pdf>
- WHO, Pandemic Influenza Preparedness Framework (2011). PDF:
<https://iris.who.int/bitstream/handle/10665/341850/9789240024854-eng.pdf?sequence=1>
- United Nations Framework Convention on Climate Change (1992). PDF:
https://unfccc.int/files/essential_background/background_publications_htmlpdf/application/pdf/conveng.pdf

Recommended Reading

Gostin, Global Health Law (2014, Harvard University Press).

This is the defining textbook in the field of global health law, but it is now out of date. This book still provides a good foundation and may be useful. It is currently being rewritten for a second edition (2025) so I am not assigning it as a required textbook. This book is referred to in the readings as “Gostin GHL”.

Lectures and Readings

I. Foundations

Planetary health law brings together the emerging concept and practice of planetary health with the practice and theory of international law. While each field has separate histories and foundations, both grapple with trying to find cohesion from fragmented expertise on global and interdisciplinary issues and the pursuit of equity and distributive justice. Here, we examine the foundations of both fields, their origins, and how they have changed over time.

Lecture 1

1.1 The State of Planetary Health

Required Readings

1. Text: Ch 1, Ch 4
2. Horton R, Beaglehole R, Bonita R, Raeburn J, McKee M, Wall S. From public to planetary health: a manifesto. *The Lancet*. 2014;383(9920):847
3. Whitmee S, Haines A, Beyrer C, et al. Safeguarding human health in the Anthropocene epoch: report of The Rockefeller Foundation–Lancet Commission on planetary health. *The Lancet*. 2015;386(10007):1973-2028: 1973-4 (read Executive Summary, however this report will be a useful resource to refer to throughout the course.)
4. Richardson K, Steffen W, Lucht W, *et al*. Earth beyond six of nine planetary boundaries. *Science Advances* (2023) **9**: eadh2458.

1.2 International Fields and Governance

Required Readings

1. Text: Ch 2
2. WHO, Thirteenth General Programme of Work 2019-2023, Available at: <https://apps.who.int/iris/rest/bitstreams/1230570/retrieve>, pp1-10.
3. WHO, FAQs: Extending the Thirteenth General Programme of Work 2019-2023 to 2025, Available at: https://cdn.who.int/media/docs/default-source/documents/about-us/thirteenth-general-programme/gpw13-extension_faq_11aug22.pdf?sfvrsn=94f007d6_2, pp1-2.

Live Talk 1

Planetary Health Law

Lecture 2

2.1 International Law

Required Readings

1. Koh, H. H. Why Do Nations Obey International Law? *Yale Law Journal* 1997, *106* (8), 2599: 2599-2603
2. Gostin & Mason Meier, Introducing Global Health Law. *The Journal of Law and Medicine* 47(2019): 788-793.

Recommended Readings

1. Gostin GHL, pp32-58.

2.2 The Human Right to Health

Required Readings

1. Committee on Economic, Social and Cultural Rights, General Comment No 14 (2000) - The right to the highest attainable standard of health (Article 12 of the International Covenant on Economic, Social and Cultural Rights). Available at: <https://digitallibrary.un.org/record/425041?ln=en>
2. J.M. Mann, L. Gostin, S. Gruskin, T. Brennan, Z. Lazzarini; H. Fineberg, 'Health and Human Rights', *Health and Human Rights* (1994) 1(1). Available at: <https://www.hsph.harvard.edu/hhrjournal/wp-content/uploads/sites/2469/2014/03/4-Mann.pdf>
3. Mesquita, JBd., A. Kapilashrami, and B. M. Meier. 'Strengthening Human Rights in Global Health Law: Lessons from the COVID-19 Response.' (2021): <http://repository.essex.ac.uk/30204/1/SSRN-id3849742.pdf>

Recommended Readings

1. Gostin GHL, pp 243-269

II. International Law for Infectious Disease

International laws for controlling the spread of infectious disease were some of the earliest international laws between nations. Successive epidemics, including the COVID-19 pandemic, have tested the limits of these laws.

Lecture 3

3.1 Histories of Global Health Law-Making

Required Readings

1. D.P. Fidler, 'The globalization of public health: the first 100 years of international health diplomacy', 79 *Bulletin of the World Health Organization* (2001), pp. 842-49.
2. O. Aginam, 'The nineteenth century colonial fingerprints on public health diplomacy: A postcolonial view', 1 *Law, Social Justice & Global Development Journal* (2003).
3. *Legality of the Use by a State of Nuclear Weapons in Armed Conflict, Advisory Opinion*, I.C.J. Reports 1996, 66. Available at: <https://www.icj-cij.org/sites/default/files/case-related/93/093-19960708-ADV-01-00-EN.pdf>

Legal Instruments

1. WHO, Constitution (1948). PDF: <https://apps.who.int/gb/bd/PDF/bd47/EN/constitution-en.pdf>

Recommended Readings

1. Gostin GHL: pp 89-128

Live Talk 2

Case Studies A, B, C

Lecture 4

4.1 The International Health Regulations

Required Readings

1. Text: Ch 6
2. L.O. Gostin, R. Katz, 'The International Health Regulations: The Governing Framework for Global Health Security (2016)', 94 *Milbank Quarterly* (2016). Available at: <https://scholarship.law.georgetown.edu/facpub/1770/>
3. WHO, Report of the Review Committee regarding amendments to the International Health Regulations (2005). Available at: https://apps.who.int/gb/wgihhr/pdf_files/wgihhr2/A_WGIIHR2_5-en.pdf, pp10-25

Legal Instruments

1. WHO, International Health Regulations (2005, 3ed). PDF:
<https://www.who.int/publications/i/item/9789241580496>

Recommended Readings

1. Gostin GHL: pp 177-204
2. A White, Epidemic Orientalism: Race, Capital and the Governance of Infectious Disease (2023)

4.2 Public Health Emergencies of International Concern

Required Readings

1. Gostin, L., Phelan, A., Coutinho, A. G., Eccleston-Turner, M., Erondy, N., Filani, O., Inglesby, T., Katz, R., Maleche, A., Nuzzo, J. B., Tomori, O., & Kavanagh, M. (2019). Ebola in the Democratic Republic of the Congo: Time to sound a global alert? *The Lancet* 393(10172). Available at: [https://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(19\)30243-0/fulltext](https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(19)30243-0/fulltext)
2. Phelan, A. L., Katz, R., & Gostin, L. O. (2020). The Novel Coronavirus Originating in Wuhan, China: Challenges for Global Health Governance. *JAMA*. 323(8):709-710. Available at: <https://jamanetwork.com/journals/jama/fullarticle/2760500>
3. Mullen, L., Potter, C., Gostin, L. O., Cicero, A., & Nuzzo, J. B. (2020). An analysis of International Health Regulations Emergency Committees and Public Health Emergency of International Concern Designations. *BMJ Global Health*, 5(6), e002502. Available at: <https://doi.org/10.1136/bmjgh-2020-002502>

Mid Term Quiz

Lecture 5

5.1 International Trade Law

Required Readings

1. Text: Ch 5
2. Okonjo-Iweala, N. Trade in the Time of Pandemics (28 Jan, 2021) Think Global Health. Available at: <https://www.thinkglobalhealth.org/article/trade-time-pandemics>

Recommended Readings

1. Orford A. Why it's time to terminate the TRIPS Agreement. ANU Kirby Lecture 2022. Available at: <https://www.youtube.com/watch?v=jQGQe5-j1M>
2. Gostin GHL, pp. 270-302

5.2 Pandemics, Climate Change & Intellectual Property

Required Readings

1. Thambisetty, S., McMahon, A., McDonagh, L., Yoon Kang, H., & Dutfield, G. (2022). Addressing vaccine inequity during the COVID-19 pandemic: The TRIPS intellectual property waiver proposal & beyond. *Cambridge Law Journal*, 1–42.
2. Phelan AL. The Environment, a Changing Climate, and Planetary Health. In: Gostin L, Meier BM, eds. *Foundations of Global Health & Human Rights*. Oxford University Press; 2020:417, pp431-432
3. Hutchison, Cameron J., Does TRIPS Facilitate or Impede Climate Change Technology Transfer into Developing Countries? (October 18, 2012). University of Ottawa Law & Technology Journal, Vol. 3, pp. 517-537

Live Talk 3
Case Studies D, E, F

III. Biodiversity & Global Health

Human health is intricately tied to biodiversity: from spillover to surveillance to new medicines, laws to govern biodiversity seek to redress injustices, but do they do so in a way that benefits health? Unintended consequences have been a feature of efforts to address biodiversity: how do we ensure law making to protect both health and our environment?

Lecture 6

6.1 Virus Hunters versus Biopirates: Accessing Genetic Resources and Equitable Sharing of Benefits

Readings

1. Text: Ch 17
2. Sedyaningsih, E. R., Isfandari, S., Soendoro, T., & Supari, S. F. (2008). Towards mutual trust, transparency and equity in virus sharing mechanism: The avian influenza case of Indonesia. *Annals of the Academy of Medicine, Singapore*, 37(6). Available at: <https://annals.edu.sg/pdf/37VolNo6Jun2008/V37N6p482.pdf>
3. Evans, N. G., Hills, K., & Levine, A. C. (2020). How Should the WHO Guide Access and Benefit Sharing During Infectious Disease Outbreaks? *AMA Journal of Ethics*, 22(1), Article 1. <https://doi.org/10.1001/amajethics.2020.28>.
4. Rourke, M., Eccleston-Turner, M., Phelan, A., & Gostin, L. (2020). Policy opportunities to enhance sharing for pandemic research. *Science*, 368(6492), Article 6492. <https://doi.org/10/ggx96v>

Legal Instruments

1. Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity (2014)
2. WHO, Pandemic Influenza Preparedness Framework for the Sharing of Influenza Viruses and Access to Vaccines and Other Benefits (2011)

IV. Adapting to a Changing Climate

As we enter the inter-pandemic era, what role can and should international law play in building forward better? How can we address the fragmentation between areas of international law, for a more planetary health law.

Lecture 7

7.1 International Climate Law

Readings

1. Text: Ch 8
2. Phelan, A. L. (2020). The Environment, a Changing Climate, and Planetary Health. In L. O. Gostin & B. M. Meier (Eds.), *Foundations of Global Health & Human Rights*. Oxford University Press. <https://doi.org/10.1093/oso/9780197528297.003.0020>
3. Editorial. A tale of two emergencies. *The Lancet Planetary Health*. 2020;4(3):e86.
4. Phillips CA, Caldas A, Cleetus R, et al. Compound climate risks in the COVID-19 pandemic. *Nature Climate Change*. Published online 2020:1-3.

Live Talk 4
Case Studies G, H

Lecture 8

8.1 A Pandemic Treaty

Readings

1. Phelan, A. L., & Carlson, C. J. (2022). A treaty to break the pandemic cycle. *Science*. <https://doi.org/10.1126/science.abq5917>
2. Phelan & Sirleaf, International Legal Mechanisms for Decolonizing Global Health Law *JLME* (2023): <https://www.cambridge.org/core/journals/journal-of-law-medicine-and-ethics/article/decolonization-of-global-health-law-lessons-from-international-environmental-law/73BEC86DEBD9D007D15CC355B448554D>
3. Hodgson, T. F., Habibi, R., Meier, B. M., Sekalala, S., Seiderman, I., Falchetta, T., Schwarz, T., Tayler, L., Tait, S., Staberock, G., & Davis, S. (Meg). (2021, November 20). Human Rights Must Guide a Pandemic Treaty. *Health and Human Rights Journal*. <https://www.hhrjournal.org/2021/11/human-rights-must-guide-a-pandemic-treaty/>
4. Phelan, A. L. The World Health Organization's Pandemic Treaty. *BMJ* 2023, 380, p463. <https://doi.org/10.1136/bmj.p463>
5. Aginam, O. (n.d.). The World Health Assembly Special Session and the Pandemic Treaty Controversy. *Think Global Health*. Retrieved February 12, 2022, from <https://www.thinkglobalhealth.org/article/world-health-assembly-special-session-and-pandemic-treaty-controversy>

Legal Instruments

1. WHO, Negotiating Draft of the WHO CA+ (2023).

8.2 Planetary Health Law: Reflections on the Field

Readings

1. Text: Ch 18, Afterword
2. Carlson, C. J. & Phelan, A. L. A choice between two futures for pandemic recovery. *The Lancet Planetary Health* 4, e545–e546 (2020).
3. Ip E.C. An Emergent Planetary Health Law. *International & Comparative Law Quarterly* 2023; 72: 1047–67.

Live Talk Details

Live Talk 1	<p>Welcome</p> <p>Guest Lecture: Planetary Health, Professor Samuel Myers</p>
Live Talk 2	<p><u>Case study A:</u></p> <p>Duff H., Faerron Guzmán, C., Almada, A., Golden, C., and Myers, S. “Health and Haze: A Science-Driven Policy Approach to Southeast Asia’s Annual Occurrence.” Planetary Health Case Studies: An Anthology of Solutions. 2020; https://doi.org/10.5822/phanth9678_1</p> <p><u>Case study B:</u></p> <p>Duff H., Faerron Guzmán, C., Almada, A., Golden, C., and Myers, S. "Dams and Disease: An Ecological Solution to Schistosomiasis in Senegal." Planetary Health Case Studies: An Anthology of Solutions. 2020; https://doi.org/10.5822/phanth9678_2</p> <p><u>Case study C:</u></p> <p>Duff H., Faerron Guzmán, C., Almada, A., Golden, C., and Myers, S. “Going Circular: How Restoring a River Ecosystem in Chile's Capital City has Benefited Human Health and Economics.” Planetary Health Case Studies: An Anthology of Solutions. 2020; https://doi.org/10.5822/phanth9678_4</p>
Live Talk 3	<p><u>Case study D:</u></p> <p>Duff H., Faerron Guzmán, C., Almada, A., Golden, C., and Myers, S. “Putting Food Needs First: How Alternative Proteins Could Save Madagascar's Endangered Biodiversity.” Planetary Health Case Studies: An Anthology of Solutions. 2020; https://doi.org/10.5822/phanth9678_5</p> <p><u>Case study E:</u></p> <p>Duff H., Faerron Guzmán, C., Almada, A., Golden, C., and Myers, S. "Typhoid and Torrents: The Link Between Downstream Health and Upstream Actions." Planetary Health Case Studies: An Anthology of Solutions. 2020; https://doi.org/10.5822/phanth9678_6</p> <p><u>Case study F:</u></p> <p>Duff H., Faerron Guzmán, C., Almada, A., Golden, C., and Myers, S. “Medical Clinics for Planetary Health: The Surprising Link Between Logging and Healthcare in Indonesia.” Planetary Health Case Studies: An Anthology of Solutions. 2020; https://doi.org/10.5822/phanth9678_3</p>

Live Talk 4Case study G:

Duff H., Faerron Guzmán, C., Almada, A., Golden, C., and Myers, S. “Today's Solutions for the Future of Food.” Planetary Health Case Studies: An Anthology of Solutions. 2020; https://doi.org/10.5822/phanth9678_7

Case study H:

Duff H., Faerron Guzmán, C., Almada, A., Golden, C., and Myers, S. “The Interconnectedness of People and Planet: Learning from Māori Worldviews.” Planetary Health Case Studies: An Anthology of Solutions. 2020; https://doi.org/10.5822/phanth9678_10

Assessment Discussion