

Forming International Instrument Through One Health Approach for Health Justice

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Abstract

Covid-19 is the proof that human health depends on animal and environmental health, these objects have interlinked with each other and provide impact to each other. Therefore, since international instruments have been formed, it will need the approach which is able to present these objects as the concerns to reach the global understanding on how to deal with pandemic situations, this is introduced through the one health approach for health justice, because disparities in COVID-19 infections, disease outcomes, and access to healthcare were stark and linked not only to health care system discrimination and inequality, but also to inequity throughout society. The purpose of this research is to discuss the importance of one health for health justice as the concept and approach to form international instruments. The method of this research uses qualitative methods and uses normative legal research or library research includes research on legal principles and this presents indirect data through scientific articles and books of the library conducted and supported with secondary and tertiary data. The discussion illustrates that one health as the approach which recognizes human, health and environment have bound each other and interlinked. Therefore, this approach will introduce the integration of interdisciplinary and cross-sectoral cooperation such as health diplomacy as a forum for negotiation between various states. In the end it shows that everyone may play an important role as the actor to promote the health of the populace in the future, one health concern will focus on zoonotic diseases, antimicrobial resistance, and food security for the future pandemic treaty. Health diplomacy through WHO can make a forum for International Health Regulations (IHR) requiring countries to designate a National IHR Focal Point.

Keywords: *One Health; Covid-19; Zoonotic Disease; Health Diplomacy.*

1. INTRODUCTION

People have witnessed for more than thousands of years that covid-19 was not the first infectious disease humans ever experienced. Humans have passed many pandemic situations such as Cholera, Spanish Flu, even HIV/Aids which are still happening around until today.¹ However, Covid-19 occurred in the era of digitalization and the spread of this disease is much faster than the previous

¹ David M. Morens and Anthony S. Fauci, "Emerging Infectious Diseases: Threats to Human Health and Global Stability," *PLoS Pathogens* 9, no. 7 (July 2013), <https://doi.org/10.1371/journal.ppat.1003467>.

infectious disease due to development of technology that makes the border become less far, however how to deal with this disease are still big questions.

The establishment of covid-19 as a pandemic situation by WHO in 11 of March 2022 pushed the needs on immediate response of the countries in the matter of prevention and control of its transmission.² In the meantime, people are not aware of what they are facing until the victims from this virus are present.

The term pandemic itself is used in the situation where a disease spreads throughout the global extension, the disease movement tracing from one place to place against the population immunity, whether it is associated with the previous existing organism or a new one and most importantly also measures from its infection severity.³

Until the WHO announces it as a pandemic the spread of the infection has increased 13-fold outside China with prediction it will be expected to increase more. And this has been proved and causing chaos to the people and governments worldwide. The people's mobility is already high, while countries have imposed whether partial or complete border closures to foreign nationals even for their own citizens and residents, they are expected to stay outside of their countries due to the state concern of the virus deployment.⁴ Therefore, the only similar things which was done by the states was to restrict their countries entrance from the foreign visitors but at the same time countries are suffering from the impact of this outbreaks, such as travel restrictions causing loss in airplane companies, the state's economic situation are suffers due to the limitation of business operational and even the overwhelming in health-care system which was not prepared to handle the pandemic situations.

Human health is at the center of deserving global attention and the amount of more victims is dependent on the local government's policy. For Example, Singapore was lauded as highly effective Covid-19 Management due to the low number of deaths from the virus, for long periods of the pandemic, Singapore was ranked first in Bloomberg's Covid-19 resilience by handling three crucial trade-offs.⁵ In contrast, if we investigate how Indonesia's deal with Covid-19 was seen as capricious whether the state wanted to implement full-lockdown or partial lockdown or even in the end by implementing herd-immunity policies.⁶ As a result, even though Singapore reported the highest cases of Covid-19 sufferer however the trend also shows that it is the country with the highest recovery patient from covid-19, turns out Indonesia reported as the second in South East Asia and have the highest amount of death and at the same time experience twice less number of recovered patient compare to Singapore.⁷

² Domenico Cucinotta and Maurizio Vanelli, "WHO Declares COVID-19 a Pandemic," *Acta Biomedica* 91, no. 1 (2020): 157–60, <https://doi.org/10.23750/abm.v91i1.9397>.

³ David M. Morens, Gregory K. Folkers, and Anthony S. Fauci, "What Is a Pandemic?," *The Journal of Infectious Diseases* 200, no. 7 (October 2009): 1018–21, <https://doi.org/10.1086/644537>.

⁴ Phillip Connor, "More than Nine-in-Ten People Worldwide Live in Countries with Travel Restrictions amid COVID-19," Pew Research Center, April 1, 2020, <https://www.pewresearch.org/short-reads/2020/04/01/more-than-nine-in-ten-people-worldwide-live-in-countries-with-travel-restrictions-amid-covid-19/>.

⁵ Gwendolyn Thong et al., "How Singapore Is Handling the Pandemic," Policy Forum, June 23, 2021, <https://www.policyforum.net/how-singapore-is-handling-the-pandemic/>.

⁶ Susan Olivia, John Gibson, and Rus'an Nasrudin, "Indonesia in the Time of Covid-19," *Bulletin of Indonesian Economic Studies* 56, no. 2 (May 3, 2020): 143–74, <https://doi.org/10.1080/00074918.2020.1798581>.

⁷ Shantanu Kumar Pani, Neng Huei Lin, and Saginela RavindraBabu, "Association of COVID-19 Pandemic with Meteorological Parameters over Singapore," *Science of the Total Environment* 740 (October 20, 2020), <https://doi.org/10.1016/j.scitotenv.2020.148888>.

This situation leads to trust issues at the time when some country reopens their border, particularly for developing countries such as Indonesia, for a couple of Months Indonesia was banned to travel to Singapore and Malaysia due to consideration that Indonesia does not have a decent policy to tackle the outbreak.⁸

Contingent on the different treatment to the covid-19 outbreak, the WHO together with the state member are come to negotiate solutions to the matter, there are two main concerns first was questioning the urgency of new rules under international concern through international legal instrument, since the existing rules is proved to have limitation in the reporting mechanism on IHR reporting system to WHO of disease control measures. The current IHR system has little power to ensure governments comply with their responsibilities or report accurately on their core capacities to prepare and respond to health emergencies.⁹ Secondly the voice of developing countries demanding equity on the measures on health emergency matters such as access to vaccines and other health emergency products. Therefore, everyone agrees that we need something more than what people already have.¹⁰

Also, disparities in COVID-19 infections, disease outcomes, and access to healthcare were stark and linked not only to health care system discrimination and inequality, but also to inequity throughout society. So we need health justice, it can provide a model for addressing these disparities by demanding legal and policy responses that are structural, supportive, and empowering. Health justice also demands that policymakers and health officials prioritize the provision of material resources and legal protections over interventions aimed at inducing or mandating individual behavior change. Health justice in the COVID-19 pandemic requires a collective effort to address the root causes of health inequities and ensure that all individuals and communities have access to the resources and support they need to stay healthy and safe.¹¹ To realize health justice is by implementing the international instrument of the one health concept.

One of the efforts was by establish new international instrument by explores into the concept of 'One Health', the idea will look up to the improvement of state's core capacities in dealing with pandemic situations such as through legislation, coordination, surveillance and most important the ability of the rules to enforce the state to comply their obligation and rights by relaying on the scientific result.¹² The main thesis of this study is: by introducing the perspective of One Health as an old concept however this is a new method in the legal field.

org/10.1016/j.scitotenv.2020.140112.

⁸ Resty Woro Yuniar, "Malaysia - Indonesia: Malaysia Larang Masuk WNI Pemegang Visa Jangka Panjang, Pekerja Migran Dan Mahasiswa 'Sedih,'" *BBC News Indonesia*, September 3, 2020, <https://www.bbc.com/indonesia/indonesia-54002044>.

⁹ Elliot Hannon et al., "Why We Still Need a Pandemic Treaty," *The Lancet Global Health* 10, no. 9 (September 1, 2022): e1232–33, [https://doi.org/10.1016/S2214-109X\(22\)00278-9](https://doi.org/10.1016/S2214-109X(22)00278-9).

¹⁰ Ronald Labonté et al., "A Pandemic Treaty, Revised International Health Regulations, or Both?," *Globalization and Health* 17, no. 1 (December 1, 2021), <https://doi.org/10.1186/s12992-021-00779-0>.

¹¹ Lindsay F. Wiley et al., "INTRODUCTION: What Is Health Justice?," *The Journal of Law, Medicine & Ethics : A Journal of the American Society of Law, Medicine & Ethics* 50, no. 4 (2022): 636–40, <https://doi.org/10.1017/jme.2023.2>.

¹² WHO, "One Health High-Level Expert Panel (OHHLEP)," World Health Organization, 2023, <https://www.who.int/groups/one-health-high-level-expert-panel/meetings-and-working-groups>.

To achieve these regulations, health diplomacy is also needed, which has a vital role because it can be an important element in making foreign policies, development strategies, international agreements, and international health regulations for all.¹³ Health diplomacy is very important because health issues such as the COVID-19 pandemic require collective cooperation with other countries. For example, China carried out diplomacy such as mask assistance to China at the start of Covid-19 assisted by more than 58 donor countries, including Pakistan, Australia, Bahrain, Germany, Suriname, and others. Then China also provided assistance through vaccinations to various countries.¹⁴ China is also carrying out health diplomacy with Africa.¹⁵ Japan also carried out health diplomacy globally by working together to build public-private partnerships and leading the G8 Kyushu-Okinawa Summit in 2000 which resulted in the establishment of the Global Fund to Fight AIDS, Tuberculosis and Malaria.¹⁶ The US also created a health diplomacy office to support the diplomacy mechanisms they are carrying out in the health sector and distribute aid through the US-Fund, such as solve HIV/AIDS.¹⁷

One of the forms of Health Diplomacy with Multilateral Treaties and Agreements such as WHO which made the Framework Convention on Tobacco Control (FCTC) and the revised International Health Regulations, which passed in 2005¹⁸ and this becomes a forum for negotiating health mechanisms.¹⁹ Health diplomacy is also a new development model for south-south cooperation in which the partner relationship is more equal.²⁰ Achieving one Health requires steps to carry out international health regulations, and achieving the nation of the pandemic treaty requires diplomatic steps, which become an important forum for negotiations on global policy issues that shape and influence the global environment for Health; in this case, Health diplomacy.

The study aims to provide acknowledgement other than legal perspective that an approach in forming international instruments should be taken from other resources. The concept of One Health will work as a soft law, meaning a contribution to the existing law by forming a new recommendation the law might have missed.²¹ and negotiations through health diplomacy mechanisms will be very helpful.

The study is based on a normative legal approach by using international literature and international instruments. To reach the complete concept to the object of this study

¹³ WHO, "Health Diplomacy: Global Health Needs Global Health Diplomacy," World Health Organization, 2015, <https://www.emro.who.int/health-topics/health-diplomacy/about-health-diplomacy.html>.

¹⁴ Moritz Rudolf, "China's Global Health Diplomacy: Revisiting Beijing's Pre- and Post-COVID-19 Outreach Efforts" (Berlin, October 2022).

¹⁵ Gordon C. Shen and Victoria Y. Fan, "China's Provincial Diplomacy to Africa: Applications to Health Cooperation," *Contemporary Politics* 20, no. 2 (2014): 182–208, <https://doi.org/10.1080/13569775.2014.907993>.

¹⁶ Shinzo Abe, "Japan's Strategy for Global Health Diplomacy: Why It Matters," *The Lancet* 382, no. 9896 (2013): 915–16, [https://doi.org/10.1016/S0140-6736\(13\)61639-6](https://doi.org/10.1016/S0140-6736(13)61639-6).

¹⁷ Susan Jaffe, "The USA and Global Health Diplomacy: Goals and Challenges," *The Lancet* 381, no. 9872 (2013): 1087, [https://doi.org/10.1016/S0140-6736\(13\)60746-1](https://doi.org/10.1016/S0140-6736(13)60746-1).

¹⁸ Rebecca Katz et al., "Defining Health Diplomacy: Changing Demands in the Era of Globalization," *The Milbank Quarterly* 89, no. 3 (2011): 503–23.

¹⁹ Kelley Lee and Richard Smith, "What Is 'Global Health Diplomacy'? A Conceptual Review," *Global Health Governance* 5, no. 1 (2011): 1–13, <https://www.researchgate.net/publication/261833347>.

²⁰ Paulo Marchiori Buss and Miriam Faid, "Power Shifts in Global Health Diplomacy and New Models of Development: South–South Cooperation," in *Global Health Diplomacy* (Springer New York, 2013), 305–22, https://doi.org/10.1007/978-1-4614-5401-4_21.

²¹ Dinah L Shelton, "Soft Law," *GWU Legal Studies Research Paper* 322, no. 1 (2008), https://scholarship.law.gwu.edu/faculty_publications.

the author also conducted library data from a health perspective by examining and analyzing the correlation between Health Science and international regulation. In the end of the research, it will conduct the understanding of legal terms from the science basis. This study also relies on the pluralistic approach which considers that the concept of legal field should consider more than one ultimate standpoint.

2. ANALYSIS AND DISCUSSION

2.1 What is Health Justice?

Health justice refers to the concept of ensuring that all individuals have an equal opportunity to achieve good health and well-being, regardless of their social or economic circumstances. It involves addressing the social determinants of health, such as poverty, discrimination, and environmental factors, that contribute to health inequities. Health justice aims to reduce or eliminate health differences that result from avoidable and unfair factors, and to create equal opportunities for health for all individuals.²² It also involves partnering with community members to address health issues and advocating for policies and laws that prevent health inequity and increase individual capability.²³ In essence, health justice seeks to ensure that everyone has the same chance to be free from health hazards, fully participate in society, and access opportunities.²⁴

For health inclusion, the tool that the state can use is the concept of health justice²⁵ and The Network of Public Health Law said “*Health justice gives human dignity to everyone, regardless of who they are or where they come from. It means access to equitable and affordable quality care for all.*”²⁶ This means that health justice is important to fulfill human dignity.

Assoc Prof Borwornsom Leerapan in Thailand National Security Office said: “*there are three areas of health justice, namely 1) Procedural Justice consists of accuracy, consistency, impartiality, reversibility, transparency and voice. In short, good governance is the key indicator; 2) Distributive Justice there is five principles, namely efficiency, necessity, the right to health, affordability and equal opportunities; 3) Corrective Justice is The government’s responsibility to its people affected by the pandemic and the government’s obligation to provide proper protection for all, for example by providing vaccinations and good health services for all.*”²⁷ Therefore, it is very important for the government to implement procedural justice, distributive justice, and corrective justice to provide health justice.

²² Emily A Benfer, “Health Justice: A Framework (and Call to Action) for the Elimination of Health Inequity and Social Injustice,” *American University Law Review* 65, no. 2 (2015): 65.

²³ Benfer, 63–75.

²⁴ Benfer, 6.

²⁵ Maranda C. Ward, “Health Justice As a Tool to Fight Existing and Future Pandemics,” Centers for Disease Control and Prevention, May 31, 2023, <https://blogs.cdc.gov/healthequity/2023/05/31/health-justice-as-a-tool-to-fight-existing-and-future-pandemics/>.

²⁶ “Health Justice: Empowering Public Health and Advancing Health Equity,” The Network for Public Health Law, September 12, 2018, <https://www.networkforphl.org/news-insights/health-justice-empowering-public-health-and-advancing-health-equity/>.

²⁷ “Health Justice as Fundamental Human Right in Academic Views,” Thailand National Health Security Office, February 10, 2022, <https://eng.nhso.go.th/view/1/DescriptionNews/Health-justice-as-fundamental-human-right-in-academic-views/417/EN-US>.

The principle of health justice is based on a distinctively social ethic of care that reframes the relationship between health care, public health, and the social determinants of health. It demands that social justice should be embraced as a core value of health law and policy writ large. Health justice situates access to health care within a capacious model of the social determinants of health, recognizing that health outcomes are influenced by social, economic, and political factors. Overall, the principle of health justice seeks to eliminate health inequities and secure collective interests in access to health care and healthy living conditions, while empowering individuals and communities to create and sustain conditions that support health and justice for all.²⁸

COVID-19 has exacerbated health disparities during and after the pandemic for several reasons: 1) Limited access to healthcare services, including testing, treatment, and vaccination, can disproportionately affect marginalized communities, leading to delays in diagnosis and treatment of COVID-19. This lack of access can contribute to higher rates of severe illness and mortality within these populations; 2) Limited access to accurate and timely information about COVID-19, as well as language barriers and digital divides, can hinder marginalized communities' ability to make informed decisions about their health and access available resources; 3) Low-income populations are more likely to work in essential jobs that cannot be performed remotely, increasing their risk of exposure to the virus. Additionally, economic instability and lack of access to resources such as paid sick leave and healthcare coverage can further exacerbate the impact of the pandemic on these communities.²⁹

Health justice can combat inequality during a pandemic by addressing the root causes of health disparities and ensuring equitable access to resources and support. Some key ways in which health justice can combat inequality during a pandemic include:³⁰

1. Addressing Structural Determinants: Health justice focuses on addressing the structural determinants of health that are the root cause of health inequities, such as social and economic policies that create unequal conditions in health care, employment, housing, and education.
2. Prioritizing Material Resources and Legal Protections: Health justice demands that policymakers prioritize the provision of material resources and legal protections over interventions aimed at inducing or mandating individual behavior change. This ensures that individuals and communities have access to the resources they need to stay healthy and safe.
3. Collective Action and Community Engagement: Health justice requires reforms developed through collective action grounded in community engagement, empowerment, and participatory parity. This approach ensures that the needs and voices of communities affected by health inequities are central to decision-making processes.

²⁸ Wiley et al., "INTRODUCTION: What Is Health Justice?"

²⁹ Emily A Benfer et al., "Health Justice Strategies to Combat the Pandemic: Eliminating Discrimination, Poverty, and Health Disparities During and After COVID-19," *Yale Journal of Health Policy, Law, and Ethics* 19, no. 3 (2020): 123–71.

³⁰ Wiley et al., "INTRODUCTION: What Is Health Justice?," 2–3.

4. Structural, Supportive, and Empowering Responses: Health justice demands legal and policy responses that are structural, supportive, and empowering, aiming to eliminate disparities and ensure that all individuals and communities have access to the resources and support they need during a pandemic.

So, by addressing these key aspects, health justice can play a crucial role in combating inequality during a pandemic and ensuring that everyone has the opportunity to achieve optimal health outcomes. Another approach to implementing health justice is using the concept of one health, which also talks about the importance of health justice for all with various backgrounds and using regulations.

2.2 What is One Health?

The term One Health is used in many different contexts and by people with varying backgrounds, consequently it could be defined as a concept, as a method, even as a principle with multidisciplinary approach and perspective derived from the consideration that human, animal and environment are sharing many features which relevant to each other.³¹ In the old saying that “we human health depends on the health of animals and our environment”.

This term refers to the health of humans which has been thoroughly discussed from philosophy medicine since the 1970s, even though the concept of animal health has been less discussed. For the environment itself, people have been considering it for hundreds of years due to the rising impact of global warming. The human health concept is also further divided into the population level ranging for more than individual level. It is known as herd health mainly used in monitoring, works in disease surveillance and indirectly reaching the aspect of safeguarding the microbiological quality of food or animal of origin, likewise included food safety standard.³²

A One health perspective might result in more holistic studies, as different perspectives will meet from different backgrounds and interests. One health could unify this perspective into one focus of an area which is monodisciplinary.³³ Furthermore, one health as an approach may create a scientific environment which not only presents laboratory equipment but also could maintain the urgency of the legal field to form regulation by based on the scientific research.

The scope of One Health as developed by “One Health Sweden and One Health Sweden” illustrates in one health umbrella.³⁴

³¹ Henrik Lerner and Charlotte Berg, “The Concept of Health in One Health and Some Practical Implications for Research and Education: What Is One Health?,” *Infection Ecology & Epidemiology* 5, no. 1 (January 2015): 25300, <https://doi.org/10.3402/iee.v5.25300>.

³² Lerner and Berg.

³³ Lerner and Berg, 5.

³⁴ Lerner and Berg, 2.

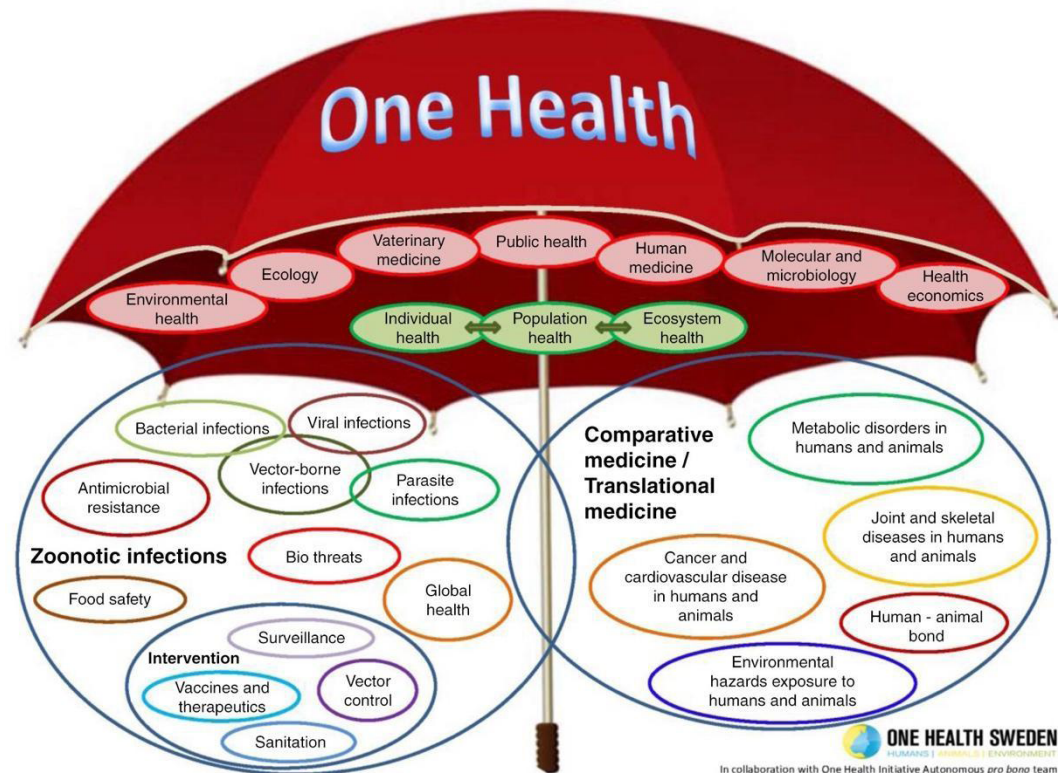


Figure 1. One Health Umbrella

Source: Centre For International Law (2022), National University Of Singapore.

As previously discussed, the concept of one health could also play an important role in the legal field as a resource for the soft law and hard law under international instruments. Gian Luca Burci conveyed that in the legal terms one health as something and still be developing, further Helene DePooter also mentions that one health in the legal field could be understood as a method, where this method will work as a foundation to form an international instrument.³⁵

The terms of one health currently been discussed among scholars since the emergence of zoonotic disease treating human lives, not only concern to the matter of covid-19 itself but also the previous infectious disease which was happen and some even still developing around us, this impact of infectious disease transmission in the future are unavoidable due to close relationship and interaction between human, animals and their environment.³⁶ The result of careless treatment to the animal handling leads to the rate of attack of pathogens, the wildlife animal and even for the domestic one could become a candidate reservoir for numerous emerging viral infectious diseases. For example, exotic animals are being traded worldwide and have become a booming business, this trade

³⁵ CIL-NUS, "One Health and International Law," Centre for International Law National University of Singapore, March 8, 2022, <https://cil.nus.edu.sg/event/one-health-and-international-law-on-zoom/>.

³⁶ Khan Sharun et al., "SARS-CoV-2 Infection in Farmed Minks, Associated Zoonotic Concerns, and Importance of the One Health Approach during the Ongoing COVID-19 Pandemic," *Veterinary Quarterly* 41, no. 1 (2021): 50–60, <https://doi.org/10.1080/01652176.2020.1867776>.

even promotes further by the development of technology through the digital market.³⁷ The existence of a convention on international Trade in endangered species of wild fauna and Flora (CITES) is still not enough to combat these practices, not every country is voluntarily implementing this international obligation in a fully responsible way. Some countries even have the wild animals as a traditional and unique consumption for example like China through their wet wild market where most of the virus comes from this site likewise the covid-19 also derived from this.

One health as a concept and method have proved its result in combating infectious diseases both between humans and animals and even from animals to animals, the collaboration principle under One health concept have bring together multidisciplinary works including veterinary medicine, public health, environmental sciences, even social sciences has led to not only the identification of rabies variant but also a recommendation to the establishment of surveillance system in monitoring the outbreaks and finally development of effective vaccine against the virus.³⁸ Other than this, the work even shows it results in identifying the temperatures which might affect the pathogen transmission, for example the heat temperatures in some countries of SouthEast Asia could lead to the effective spread of covid-19 virus.³⁹

Based on this consideration, one health is the right concept to come into force in the legal system. The idea of an international instrument will have one health as a resource and measures whether to add or reorganize the existing rules under International Health Regulation. The actors will probably provide recommendations in the matter of zoonotic diseases and environmental issues and will introduce the role of scientists at the most basic level and clinicians at the applied level to imply a post pandemic ecosystem.

2.3 Health Diplomacy

Health Diplomacy is a mechanism for managing risks in a country that is carried out collectively to make it more effective. The existence of this type of diplomacy will provide space for the state to exercise soft power and goodwill for humanitarian purposes. Health diplomacy can reduce costs and exchange information within the framework of establishing good international health regulations.⁴⁰

According to WHO, the three main objectives of Health diplomacy are: 1) Health insurance and better population health; 2) improve relations between countries with a commitment to cooperation between various actors to improve Health; 3) there will be justice to support each other in reducing poverty and increasing equity.⁴¹

Health Diplomacy goes beyond medical matters, but has also become an important instrument in foreign policy, trade and health. There are seven elements in carrying

³⁷ Jani Hall, "Exotic Pet Trade, Explained," National Geographic, February 21, 2019, <https://www.nationalgeographic.com/animals/article/exotic-pet-trade>.

³⁸ Asma Hassani and Gulfaraz Khan, "Human-Animal Interaction and the Emergence of SARS-CoV-2," *JMIR Public Health and Surveillance* 6, no. 4 (October 1, 2020), <https://doi.org/10.2196/22117>.

³⁹ Pani, Lin, and RavindraBabu, "Association of COVID-19 Pandemic with Meteorological Parameters over Singapore."

⁴⁰ Tanisha M. Fazal, "Health Diplomacy in Pandemical Times," *International Organization*, 2020, <https://doi.org/10.1017/S0020818320000326>.

⁴¹ Diplo, "Health Diplomacy," [diplomacy.edu](https://www.diplomacy.edu), accessed November 9, 2023, <https://www.diplomacy.edu/topics/health-diplomacy/>.

out Health diplomacy, namely: 1) negotiating to promote Health in the face of other interests; 2) building governance mechanisms that support Health; 3) create alliances in support of Health outcomes; 4) building and managing relationships between donors and stakeholders; 5) responding to a public health crisis; 6) improve relations between countries; 7) contribute to peace and security.⁴²

There are various forms of Health diplomacy that can be carried out, namely: 1) negotiating and implementing national and international agreements related to Health; 2) coordinating and responding quickly to health emergencies such as pandemics, natural disasters and other humanitarian crises; 3) promote knowledge, good practices and technical assistance in order to strengthen the health system; 4) establishing international forums as an effort to encourage priority sources of global health data; 5) build mutual trust by cooperating on interstate issues to improve diplomatic relations and make the Region more stable.⁴³

Actors who have an important role in conducting Health diplomacy are:⁴⁴

1. Government and Health agencies at the national level because they have an important role in planning, implementing, and evaluating policies by negotiating, making rules, and carrying out other collaborations related to Health.
2. International organizations such as the World Health Organization (WHO), the Joint United Nations Program on HIV/AIDS (UNAIDS), and the United Nations Children's Fund (UNICEF) have an important role as stakeholders in the health sector can provide technical assistance, international coordination related health problems.
3. Bilateral and multilateral donors, such as The United States Agency for International Development (USAID), The European Union (EU), The World Bank and other organizations that can provide financial assistance to developing countries to improve their health system
4. Non Governmental organizations (NGOs) by providing health services, research, or conducting health-related advocacy, and can provide an important role in capacity building; NGOs such as Save the Children, Medecins Sans Frontieres (doctors without Border), the Bill & Melinda Gates Foundations and others.
5. Private Sector: Companies can make a diplomatic contribution by conducting research and development related to Health, can do advocacy, and conduct public-private partnerships.
6. Academic and research institutions can provide advice on Health and programs based on comprehensive research results from universities or other research institutions.
7. Groups of professional workers, such as associations of doctors, nurses or others, can become actors in Health diplomacy according to their knowledge capacity and carry out advocacy.
8. Civil society can carry out policy advocacy to the government so that people can receive good health services.

⁴² Ilona Kickbusch and Austin Liu, "Global Health Diplomacy—Reconstructing Power and Governance," *The Lancet* 399, no. 10341 (June 4, 2022): 2156–66, [https://doi.org/10.1016/S0140-6736\(22\)00583-9](https://doi.org/10.1016/S0140-6736(22)00583-9).

⁴³ Diplo, "Health Diplomacy."

⁴⁴ Diplo.

Health Diplomacy has an important role in pushing for international Health regulation because in diplomacy, various steps can be taken to achieve common goals, and it is not just the work of one or two parties; all parties are needed from the government, non-governmental organizations, to civil society to make a joint regulation so that Health services can be carried out more effectively and maximally, such as WHO makes regulations on health that have been approved by 196 member countries. The International Health Regulation requires countries to designate a National IHR Focal Point.⁴⁵

2.4 One Health and International Health Regulations

The nature of International Law is based on the humanity interest, it concludes everything regarding the matter of humans and their public interest within the transnational area.⁴⁶ By viewing international law in this perspective, means that at the time when a disease is spread throughout the nations it also means that it becomes the concern of international law, the scope of international law then unlimited.

All along the years the WHO is formed under the UN system as one of the UN bodies which concern the matter of health welfare. WHO has a purpose to promote health including a response in mitigating health emergencies such as identifying, mitigating and managing risks etc.⁴⁷ For this purpose it is surely then needed the collaborative action with multidisciplinary approach considering the impact of climate change and the development of pathogens which leads to the spread of disease from animal to human due to the environment obstruction. This is then called a pandemic situation.

Commonly, people acknowledge a pandemic as a situation where infectious disease spreads uncontrollable, the break suddenly attends throughout the neighborhood and attacks the populace's immunity. However, if we investigate the scientific basis, there are several measurements to conclude a situation as pandemic based on several categories:⁴⁸

- Widegeographicextensionmeansthattherecognitionofthepathogentobetransmitted within the transregional of the world, interregional and global.
- The movement of the disease could be traced from place to place such as the virus spreading from one person to another and might be lighted in some area due to the weather influence.
- Not every virus could be categorized as a pandemic, the low rates transmission is rarely classified as a pandemic even when they are widely spread. In contrast, pandemic generates the situation where the virus not only has a high attack to the populace immunities but also an explosive spread where multiple cases are appearing in a short period of time.

⁴⁵ WHO, "International Health Regulations," World Health Organization, accessed November 9, 2023, https://www.who.int/health-topics/international-health-regulations#tab=tab_1.

⁴⁶ Sefriyani, *Pengantar Hukum Internasional* (Jakarta: Raja Grafindo Persada, 2015).

⁴⁷ WHO, "About WHO: What We Do," World Health Organization, accessed November 9, 2023, <https://www.who.int/about/what-we-do#:~:text=WHO%20works%20worldwide%20to%20promote,better%20health%20and%20well-being>.

⁴⁸ Morens, Folkers, and Fauci, "What Is a Pandemic?"

- Most of the virus since it first emerges are relying on the immunity of the populace, however this is not enough since most of the pathogens are developed into variants until it then disappears.
- The term pandemic also refers to a new disease or associated with the existing pathogens.
- The disease considers as a contagious one based on the recognition of the public health officials
- The term pandemic also refers to a disease which has an acute or severe impact to the human's body even if it resulted in death during the outbreaks.

Subsequently, this term of pandemic is used by the WHO to notice the outbreak through the measurement requirements of Public Health Emergency of International Concern (PHEIC). When the categories are meet the recognition of PHEIC it will also need an immediate response as the obligation to the state's member as mentions under the International Health Regulation, the IHR was established in 1969 and lastly revised in 2005 in purpose to cover six emerged diseases at the time and are legally binding to the WHO state's member which obliged the state to report events of international health importance.⁴⁹

The character of emerging disease in PHEIC have the significant as the terms pandemic has, PHEIC could be measures through several instruments, which are conducted from:⁵⁰

- Inclusion of state's data concerning the disease
- It complies Annex 2 of IHR
- The committee's advice
- Scientific evidence and pertinent data
- The risk assessment for human health and it outbreak possibilities fatal rate

The inferences on PHEIC status will be accountable for the concerned country to do several abilities which are to detect, assess, report specific diseases and respond to the public health events. It also responds to the travel restrictions whether through the airport or even ground crossing and ports with concern to limit the contagiousness to the neighboring countries.

IHR have been revised several times, since the last revision in 2005 there are some additions in the regulation such as the wide scope of the diseases and also covered the health risks that might affect human health such as the measurement of surveillance systems and also to build up the state's core capacities during the outbreak.⁵¹ Including financial resilience, health politics through international attention and even how to provide interim recommendations to the countries concerning infectious diseases which spread through the borders.

However, IHR is still facing some challenges due to the development of a complicated international problem, even though the IHR is bound to the state's member of WHO,

⁴⁹ CDC, "International Health Regulations (IHR)," Centers for Disease Control and Prevention, April 26, 2022, <https://www.cdc.gov/globalhealth/healthprotection/ghs/ihr/index.html#:~:text=The%20World%20Health%20Assembly%20first,of%20international%20public%20health%20importance>.

⁵⁰ Hilton Tarnama Putra M and Jarkasi Anwar, "China Responsibility in Case of Covid 19 Pandemic Under International Law," *Nurani Hukum* 4, no. 2 (December 15, 2021), <https://doi.org/10.51825/nhk.v4i2.12628>.

⁵¹ WHO, "International Health Regulations."

however it also does not have the enforcement power to provide sanctions to the state who violates the regulation under IHR norms. As mentioned under Article 75 of WHO constitution if the dispute arises due to state interpretation or application of WHO constitution it will be settled through direct dialogue or negotiations, however if the problem goes further then it will refer to the International Court of Justice.⁵² Taking the example back to China during the spread of Covid-19, the late notification to the WHO concerning the spread of the case, the IHR was not able to imply sanctions or even fines through its regulation, since the rules under IHR norms are only considers as an outbreaks measurement however the IHR have mentions under article 6 it should be notice within 24 hours and China was failed to comply with this rules. Nevertheless, WHO then recommends the countries to take immediate response by implementing preventive measures such as by keeping the distance or travel restrictions to the countries.

This failure then becomes an adjacent lesson, global health is not merely only the matter of health however it also contains the economic matters, political will of international interest even the matter of human rights.

On that account, One Health then currently has been paid attention and the expertise have proved its triumph in the previous cases, the concept of One Health moving as the view to share responsibilities and duty to everyone to cooperate through international collaboration in order to avoid major public health emergencies. The involvement of multiple areas such as agriculture, urban planning, veterinarian medicine, international trade ecosystem and even financing programs which will be introduced to many levels including to the communities, farmers and even the indigenous people, hence in the international scope will involve international organizations and global programs.

One Health will be translated into a method in the legal field, it means that in processing international instruments will done by viewing the recommendation which resulted from one health expertise, this has been proved through the One Health High Level Expert Panel(OHHLEP), the OHHLEP is the collaboration between four international organizations which are FAO, UNEP, WHO and OIE and was met in November 2020 at the Paris Peace forum to further enhance their cross sectoral collaboration by creating a multidisciplinary approach of One Health concept in forming the new rules of international instrument concerning the pandemic treaty.

OHHLEP is not a new organization, they are containing the existing international organizations but interlinked in one purpose to form recommendations to the upcoming pandemic treaty which is expected to be present in 2023. OHHLEP intends to meet 5-6 times in a year by addressing a portfolio of key issues, knowledge and evidence gaps to prevent the emergence of zoonoses. The result is a report containing recommendations based on the knowledge and evidence on one Health for global, regional, national, and local applied to be summarized as an annual panel report.⁵³

OHHLEP have held their meeting five times since 19 May 2021 through virtual meetings, each of the meetings addressing different issues.

⁵² Putra M and Anwar, "China Responsibility in Case of Covid 19 Pandemic Under International Law."

⁵³ WHO, "One Health High-Level Expert Panel (OHHLEP)."

Tabel 1. One Health High Level Expert Panel (OHHLEP) Meetings

MEETINGS	RESULT
First Meeting ¹ 17-18 May 2021	Result: - Agreed definition upon One Health - Establishment of working group to facilitate intersessional work - Reflecting and connecting with existing one health project and initiatives - Linking to the broad community of one health experts - Developing strategi for communicating to the public
Second Meeting ² (Agenda of Working Group progress Presentations) 29-30 July 2021	Result: - WG 1: OH definition should lean on broader systematic perspective to capture zoonotic threats: dynamics of ecosystem and animal diseases - WG 2 : systematic review on literature collection of non-peer reviewed documents & evidence of OH implementation. - WG 3: identifying fragmentation in existing OH surveillance system (presents the steps of outbreak response) - WG 4: Finding on remain gaps on change in agriculture and land use and continued to identify the driver's factor - Conclusion: the initiative of One Sustainable health, the needs of other specific expertise it can be flagged to the chairs
Third Meeting ³ (Agenda of Progress report of OHHLEOP working Group) 1-30 September 2021	Result: - WG 1: Finalized definition of OH (including broad agreement of theory change, next agenda is developed best practices and implementation strategies) - WG 2: obtain greater regional and country level input such as via survey - WG 3: mapping on OH surveillance structures based on 21 key features of an ideal OH surveillance system - WG 4: identified the drivers causing of spillover and subsequent spread of diseases

MEETINGS	RESULT
Fourth Meeting ⁴ 1-9 December	Result: - WG1: development of OH definition, such as wider concepts of biological resistance, assumptions, and barriers of OH implementation, and drivers of threats to OH - WG2: further scientific writing on OH which plan to be published underway including discussion on building capacities initiative - WG 3: surveillance system should have more consideration on other sectors role including financing, public safety, NGO such as research and academic institutes. - WG 4: any actual control measures need to be pathogen and locally context specific.
Fifth Meeting ⁵ 24-25 February 2022	Result: - The idea to form mechanism within their expertise and recommendations to the pandemic treaty

Source: by researcher from OHHLEP Virtual Meeting, 2021

2.4 The Nation of Pandemic Treaty

To date, an international regulation concerning public health matters refers to the WHO Constitution and derivatives into the International Health Regulation as a response to the increasing of travel and trade, moreover the interface between human and animal which rely on the environment where climate change is around. After the fifth time of the OHHLEP virtual meeting the discussion on pandemic treaty has noticed the stage where the formation of the law will be relayed on the scientific basis from the perspective of one health commitment.

The IHR purpose was to “prevent, protect against, control and provide public health response to the international spread of disease in ways that are commensurate with and restricted to public health risks, and which avoid unnecessary interference with international traffic and trade.”⁵⁴ The concept under IHR is addressing that all countries share the same responsibility to provide a decent healthcare system that is strong and more reliable to identify public health events.

However, IHR was proved not enough at the time when Covid-19 emerged, the state compliance is under question, many problems occurred during the pandemic. According to the acknowledgement of Pandemic Treaty Introduction at least several problems have been discussed:⁵⁵

⁵⁴ WHO, *International Health Regulations*, 2nd ed. (Switzerland: World Health Organization, 2008).

⁵⁵ WHO, “A Potential Framework Convention on Pandemic Preparedness and Response,” World Health Organization, March 18, 2021, https://apps.who.int/gb/COVID-19/pdf_files/2021/18_03/Item3.pdf.

- The dynamic and uneven due to lack of data driven by variable public health responses and further complicated by variants concern
- Difficulties in case and clusters investigations, contact tracing and supported quarantine of contact remains insufficient in most countries
- The health care systems and workers have saved countless lives but are under extreme pressure in capacity and their capabilities, financial resources, access to vital commodities supplies
- The misinformation and disinformation, people are hardly to reach access uncredible information continue to shape perceptions and undermine the application of evidence based
- Disrupted in global, regional, and national market
- Lack of comprehensive preparedness

Based on this problems mapping, the notion of Pandemic Treaty to be prepared by the WHO together through OHLEP recommendations and state member will do further negotiations according to Article 19 of WHO constitution and Rule 41 of procedure of WHO Health assembly where the health assembly has the authority to negotiate and agree on convention agreements with respect to the WHO competency however also without leaving the potential framework of the IHR role in international public health matter including the method and concept under One Health approach.⁵⁶

3. CONCLUSION

Health justice becomes very important to provide health services for everyone because health justice refers to the concept of ensuring that all individuals have equal opportunities to achieve good health and well-being with various backgrounds. This is in line with the concept of one health which has a concept that discusses health for all and also health for non-humans (animal and environment). One health refers to the multidisciplinary perspectives whether as a concept, method or even approach derived from the consideration that human, animal, and environment are one system which interlinked and affected each other. Under the one health umbrella the collaboration might be occurring from environmental health, ecology, veterinary, health economics even will also have strong relations to the legal field where the policy to all these recommendations will come to it.

Health Diplomacy is crucial in realizing this because it involves various actors and is relevant to health issues. This diplomacy can provide technical assistance, funding, capacity building, to policy advocacy to make good regulations for maximum health services.

The terms of one health are currently imaged due to the emergence of covid-19 where the existing regulations failed to tackle the crisis through International Health Regulation (2005) although this regulation have been several times amended. According to IHR the pandemic situation refers to PHEIC concern and this should be reported

⁵⁶ WHO, "First Meeting of Intergovernmental Negotiating Body to Draft and Negotiate a WHO Convention, Agreement or Other International Instrument on Pandemic Prevention, Preparedness, and Response" (Geneva, February 24, 2022), https://apps.who.int/gb/inb/pdf_files/inb1/A_INB1_3b-en.pdf.

in 24 hours as the case is confirmed, however since there are sanctions under IHR mechanism it becomes clear that this would not push the country to obey the regulation.

Therefore, through the one health approach then the WHO takes the initiative together with FAO, UNEP, OIE to form the One Health High Level Expert Panel (OHHLEP) and have been held the meeting for five times and planning to have annual report based on the five times meeting in a year which divided into groups and groups report and recommendations. Until recently, the fifth meeting resulted in the formation of an international convention on pandemic Treaty however without leaving the norms under IHR and adding the commitment to the one health concept.

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