# (Virtual) T16P03 / Global governance and pandemic prevention: the role of policy, law and systems

**Topic :** T16 / GLOBAL POLICY

**Chair :** Tarra Penney (York University)

**Second Chair :** Chloe Clifford Astbury (York University)

**Third Chair :** Mary Wiktorowicz (York University)

## GENERAL OBJECTIVES, RESEARCH QUESTIONS AND SCIENTIFIC RELEVANCE

**Background**
With the current global pandemic and simultaneous calls for a coordinated response to prevent zoonotic disease emergence and transmission, there is an urgent need to examine global and national governance responses to prevention. As evidence is key to ensuring the effectiveness of these responses, understanding the role of multiple forms of evidence in the development of governance strategies must also be prioritized.

From a One Health perspective, these governance responses will necessitate an integration of evidence and perspectives particularly at the intersection of the food, environment and health systems that give rise to poor health and inequalities. They will also rely on synergies between national and global governance institutions and structures to effectively address transnational threats to health.

Developing an actionable and evidence-based global governance approach for pandemic prevention presents significant challenges. Efforts to understand and shape policies, laws and systems must be based on an awareness of their inherent complexity and dynamism, as well as consider the intended and unintended consequences of introducing or changing governance structures.

**Research questions**
How have global or national governance approaches addressed pandemic prevention at the population level? How have these approaches been informed by evidence and considered the inherent complexities related to policy, law and/or systems?

**Objectives**
This session aims to showcase examples from recent empirical or theoretical approaches to global or national governance related to the prevention of pandemics. Specifically, efforts that have addressed the complexity of policy, law and systems and those that have considered intended and unintended consequence toward the health of populations will be highlighted.

**Scientific relevance**
Progress toward pandemic prevention at a global scale requires advances in the use of empirical and theoretical knowledge to inform national and global governance approaches. The aim is to explore national and global examples via the panel and discuss what is working, not working and how we can improve our efforts to develop relevant and robust global governance approaches to prevent pandemics and improve health and health equity.

## CALL FOR PAPERS

**Papers expected**
We invite empirical, normative and theoretical papers that explore global or national governance in the context of disease prevention and work to support a coordinated response to prevent zoonotic disease emergence and transmission. These could include institutional analyses, systems analyses, legal analyses, comparative case-studies, evaluations of policy or research interventions, policy analyses etc.

In particular, we welcome work that has one or more of the following characteristics:

* Focuses on the mitigation of unintended consequences
* Applies an equity and/or ethical lens
* Explores the intersection between global and national governance for pandemic prevention

* Considers or identifies governance strategies for pandemic prevention that demand collaboration across sectors, such as health and the environment
* Interrogates tensions in governance strategies at different levels and across different sectors
* Highlights opportunities for integrated approaches to governance
* Employs multiple methods or lines of inquiry to understand approaches to governance for pandemic prevention
* Incorporates an understanding of the complexity of governance strategies and of the systems in which they are implemented
* Applies a One Health perspective

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## Session 1AFTERNOON SESSION, VIRTUAL

Wednesday, July 7th 16:30 to 18:30 (Virtual 29)

### (Virtual) Prevention of emerging infectious diseases: a scoping review of policy evaluations

Chloe Clifford Astbury (York University)

Tarra Penney (York University)

The increased frequency of zoonotic emerging infectious diseases (EIDs) has been attributed to ecological, behavioural and socioeconomic change, and is predicted to continue to amplify in the coming years (1). In light of this, a call has been issued to move from a reactive policy response to a preventative one (1,2).

Developing effective policies for the prevention of zoonotic EIDs has emerged as a priority. A number of approaches have been implemented to reduce the risk of disease spillover events, including surveillance of the pool of viruses in wildlife (3); enhanced food safety measures in both the livestock and wildlife value chain (4); controls on wildlife hunting, trade and consumption; and phasing out unsustainable agriculture practices (5). Given the range of possible risk factors that might contribute to emerging zoonoses, a 'One Health' response has been advocated, requiring coordination between institutions and government departments involved in health, trade, agriculture and the environment (6).

While there a range of potential preventative policies, a comprehensive understanding of how a range of multi-sectoral actions have been evaluated, and what evidence there is of their effectiveness, is lacking. This study will involve a systematic scoping review of the literature to answer the following research questions:

1. What population health policies aimed at preventing the spillover of emerging infectious diseases of zoonotic origin have been evaluated?
    a. What types of policies?
    b. Which policy actors (single department, multi-sectoral, whole of government)?
2. How are these interventions evaluated?
    a. What methods/study designs?
    b. What outcomes?
3. What is the evidence around the relative effectiveness of these interventions?

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5. United Nations Environment Programme, International Livestock Research Institute. Preventing the next pandemic: Zoonotic diseases and how to break the chain of transmission. Nairobi, Kenya; 2020 p. 82.

6. Mazet JAK, Uhart MM, Keyyu JD. Stakeholders in One Health. Rev sci tech Off int Epiz. 2014

Aug;33(2):443–52.

### (Virtual) Evaluating the global governance of pandemic prevention: One Health approach

Mary Wiktorowicz (York University)

Mitigating the impacts of the current pandemic is necessary, however, an enhanced governance response is needed to prevent future pandemics. To what extent has a One Health approach that conceives of human, animal and environmental health as intricately linked been used to govern wildlife trade from which SARS (2003) and SARS-Cov2 (2019) are believed to have emerged?

As some of the causal pathways of zoonoses emergent from wildlife trade and their externalities disregard state borders, governance mechanisms with an international and multisectoral dimension are required for pandemic prevention. We evaluate the governance of wildlife trade supply chains, considering food and health security, by analyzing the manner in which global health, biodiversity, trade, and food governance systems could be better coordinated to break the causal link through which the wildlife trade leads to pandemics.

We conduct an institutional analysis to understand how the governance of wildlife trade is addressed within and across global multilateral agreements. Our analysis involved identifying global governance structures and policies that influence state-level decisions and implementation approaches. A scoping review and key informant interviews with international governance secretariats are used to map and compare international agreements in order to identify the extent to which international agreements, such as the Convention on Biological Diversity, align with the One Health approach. An institutional gap was uncovered at the intersectoral juncture of trade, health, biodiversity, and food governance systems. Initiatives to coordinate across sectors to foster enhanced wildlife stewardship in order to prevent emergent zoonoses have been insufficient to date. For instance, the FAO-OIE-WHO Tripartite guidelines addressing zoonotic disease exclude guidance on potential regulatory mechanisms. Despite efforts to address this institutional gap, the response of international institutions has been ineffective as the emergence of the COVID-19 pandemic reflects.

### (Virtual) Nation-states against the test of Covid-19 transnational challenge: the pandemic response in the EU and the outlook for integration and multilateralism

Francesco Violi (Canterbury Christ Church University)

Carlo Maria Palermo (Centro Studi Problemi Internazionali (Sesto SG, Italy))

Matilde Ceron (European University Institute)

The paper investigates from a federalist perspective the case of Covid-19 demonstrating the inadequacy of nation-state centred institutions against transnational challenges justifying the need of a (federal) evolution of European integration.

The Pandemic is per se a ‘perfect’ Transnational issue: started in China, rapidly affected Western States and the world.

Perceived as a ‘far-away’ problem, the International community failed to join the common prevention and action measures.

From a theoretical perspective, the pandemic response during the first wave represents a quintessential example of the limits of international governance: as Bull explained, a ‘mature anarchy’ develops a societal framework (Bull, 1977). Main institutions shaped their convenience.

Concerning the EU, this path has been confirmed: moreover, even the highly regulated European Union who has joined an advanced level of cooperation failed to catch at first time the appropriate level of action. According to the current EU legal framework, national level advocates exclusive competences on health matters, living just little room to European level, with the peculiar exception of Common Market (Ceron et. Al, 2020; Palermo, 2020).

Moreover, spatial diffusion has been not occasional: it followed a known scheme, going after international communication lines, as historically documented.

As a result, most globalised regions in Europe have been hit: Covid-19 early affected main globalised

regions (e.g. Lombardy, French Great East) (Ceron et. Al, 2020).

Sars-Cov-2, as all crises, stressed up governments and governance. In this case, we can see clearly the coexistence between supranational and national dimensions (Scholte, 2000). However, it has been clear how some key decisions should be taken at the supranational level within the European Union.

Even though the lack of coordination on health initially prevented a quick economic common response, the Commission rapidly suspended the SGP paired with the protective umbrella of the ECB. This demonstrated the contrast in terms of outcome, between one of the least Europeanised areas and one the most Europeanised ones.

Nevertheless, differences among EU Members States are far to be overcome: just a hard negotiation and a full commitment both by the German Presidency and the European Commission, bring back the EU Member States to reach a credible agreement on Next Generation EU in order to support efforts made by Governments and citizens to overcome the Pandemic shock.

From the perspective of federalist literature, the pandemic demonstrated that health is not only a common good per se to preserve, but it has countless ramifications.

Social issues, Financial shortage (both on Public and Private level) are just early examples. One of these is internal security, one of the cornerstones, for federal polities to come into existence (Riker, 1964). However, the pandemic and the demand for common action and for common solidarity at EU level vindicates Burgess' argument (Burgess, 2012) that the federal spirit, i.e. a combination of values, like solidarity, common values, mutual assistance among the others, is the cornerstone for a successful federal political system.

## (Virtual) The Legitimate Use of Emergency Powers in Response to Pandemics

Gah-Kai Leung (University of Warwick)

**The Legitimate Use of Emergency Powers in Response to Pandemics**

Managing pandemics from an institutional and public policy perspective requires an account of how international institutions should respond to pandemics in a manner consistent with international law. It also requires identifying the potential damage wreaked by a pandemic and the distributive consequences of that damage. As pandemics are by definition global in nature, they will require effective preparedness and response policies at the global level as well as other levels (e.g. national, municipal, the local community).

This paper focuses on one major issue that must be addressed in any successful account of an international framework for pandemic response: the appropriate use of emergency powers by international organizations to prevent a pandemic from escalating. Once emergency powers are invoked, they may either become normalized in the international order or be contained by it; the former is known as the ratchet effect whereas the latter is known as the rollback effect (Kreuder-Sonnen 2019: ch.1; Posner and Vermeule 2003). The risk of normalization has been an ongoing worry with the institutional response to COVID-19, because of the swathe of emergency powers invoked by authorities to control the virus (Kavanagh and Singh 2020: 1007). Emergency powers may be normatively problematic because they allow institutions to circumvent norms of democratic oversight (cf. Honig 2009), which would in turn lead to a loss of confidence in international institutions and therefore a crisis in the legitimacy of international law.

Thus, this paper examines the conditions under which international organizations may legitimately trigger emergency powers in response to pandemics. Drawing on the work of Buchanan and Keohane (2004), it proposes the following accountability conditions for emergency powers, in order to safeguard the legitimacy of international law. First, there must be a clear international mandate for emergency powers, requiring the consent of a broad coalition of states. Second, states must make an evidence-based case for emergency powers and agree to be scrutinized by an impartial body after the crisis is over. Third, states that undertake emergency action will be held accountable for the proportionality of the powers used and will be required to justify their powers where they conflict with other demands of international law (for example, where emergency powers put pressure on international human rights law). Fourth, sanctions will be imposed on states that use disproportionate or excessive force in their exercise of emergency powers, subject to the findings of the impartial body.

This paper contributes to the literature on pandemic preparedness in (at least) two ways. First, it engages with the literature on emergency powers and demonstrates the importance of thinking about emergency powers for international pandemic prevention. Second, it engages with the literature on legitimacy by proposing a set of accountability conditions for the exercise of emergency powers. Such a proposal will ensure that global pandemic response will not resort to undue or excessive force in the use of emergency

powers, thus protecting the legitimacy of international institutions.

### (Virtual) COVID-19 Measures of Japan and Privacy Rights

Mue I (Shizuoka University)

Novel pneumonia-like disease, COVID-19 is still an ongoing threat. Each government has been using different measures, from stringent restrictions on activities and movement (lockdown) to mass collection of personal information through information and communication technology (ICT), such as contact tracing applications, depending on the situation of infection by countries. On the other hand, the COVID-19 measures implemented by the Government of Japan, "Japan Model", are unique as they do not contain neither mass collection and usage of personal information of the general population nor strict lockdown. With "Japan Model", Japan has managed to overcome the first and second wave of COVID-19 in 2020, with newly infected per million capita being much lower than western countries. Tedros Adhanom Director-General of the WHO evaluated that '(in Japan,) death cases are low and hence is successful". Therefore, it is clear that internationally, Japan had been considered as a successful case in containing the spread of COVID-19.

However, through the implementation of COVID-19 measures, issues such as delay in digitalisation and lack of legitimacy and understanding in personal information protection between the government and general population have become clear. As the systematic structure and personal information protection legislation differ depending on local governments, digitalisation throughout the nation and implementing ICT measures to contain COVID-19 have been delayed compared to many other countries.

In 2000, the Government of Japan set out a vision to lead the IT society and be the world's most advanced IT nation by 2005. However, it is clear from its COVID-19 measures that materialisation of digital strategy and the establishment of infrastructure for digitalisation is not as successful in Japan. For instance, the introduction of Health Center Real-time Information-sharing System on COVID-19 (HER-SYS) is very much delayed, and the usage rate of contact tracing application, COCOA is much lower than expected to the point that it is not helpful as a measure to contain COVID-19. As for the background to such issues, apart from the personal information legislation's problems, overemphasised privacy rights, and lack of unification of mindset on privacy and handling personal information between the government and the general population can be pointed out.

Implementation of policies utilising information technology is unavoidable for Japan, aiming to be the world's leading IT nation. Furthermore, better recognition of privacy rights and review on personal information legislation are urgent tasks for Japan. Simultaneously, a materialisation of digitalisation and review on legislation, and clarification on the reasons behind mismatch on personal information protection between the government and general population are also necessary to be considered as soon as possible.

With such background, this paper will analyse the following two points from the perspectives of policies and privacy rights protection, after clarifying the COVID-19 measures taken by the Government of Japan. First, this paper will clarify HER-SYS and COCOA's legitimacy with personal information legislation and related issues. Then this paper will also examine the mindsets of personal information protection and privacy rights in Japan.