

Book Reviews

International Law and Infectious Diseases.

David P. Fidler. Oxford University Press, 1999.

This thoughtful book should find its readership among health professionals, lawyers, international relations scholars, and activists addressing issues of infectious diseases in the context of public health, international trade, environment protection, or war. Its chapters include the following topics: a historical overview, International Health Regulations, international legal framework, trade law, human rights law, war and weapons, environmental law, international relations, and a Draft Framework Convention on Global Infectious Disease Prevention and Control.

Early attempts at controlling the epidemic spread of diseases by quarantining international shipping vessels were costly and ineffective. Beginning in the mid-19th century, a series of international sanitary conferences sought legal agreements among states to reconcile the competing demands of commerce and public health. As microbes and their vectors do not respect international boundaries, David Fidler has chosen a rich subject for this study of international legal regulation.

In democracies at least, rational trade policies may be swayed by popular concerns; for example, bans on certain foodstuffs may be more driven by the public's fear of disease than by good science. The International Health Regulations, which are supposed to address these issues, are outdated, limited in scope, and not respected. Fidler therefore proposes a broader international convention on global infectious disease prevention and control, which would incorporate revised international health regulations; he provides a draft convention for consideration.

As AIDS now kills more people globally than any other infectious disease, Fidler's discussion of the right to health and the confluence of human rights and public health in the context of the AIDS pandemic is of particular interest. Yet his draft convention of nation-states does not address either the incapacity of the states that are worst affected or the importance of active participation by nongovernmental organizations and transnational corporations. Present-day international law seems incapable of addressing the broader issue of collective international responsibility to act in the face of the global AIDS pandemic.

The book is well paced and scholarly. Fidler's analysis is cautious, but he does not shrink from discussing the failure of the World Health Organization to apply the successes of international legal regulation in fields such as international trade, aviation, labor standards, and the environment to infectious diseases and public health. One of the many ironies delineated in the book is the resurgence of interest in international legal solutions to public health challenges when science and medicine fail to provide enduring national solutions.

Interest in international public health law waned in the 20th century, when vaccination and improvements in public services and hygiene reduced or eliminated the threats of smallpox, plague, cholera, and yellow fever. Yet today, the increasing speed and scale of global trade and population movements pose new risks from emerging and reemerging diseases. Fidler's proposed international convention on global infectious disease prevention and control would represent progress toward addressing these concerns and deserves serious consideration.

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