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Teaching Global Health Law: Preparing the Next Generation for Future Challenges

Global Health Law

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About This Column

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Abstract: Following from sweeping law reforms across the global health landscape, there is a need to prepare the next generation to advance global health law to ensure justice for a healthier world. Educational programs across disciplines have increasingly incorporated the field of global health law, with new courses examining the law and policy frameworks that apply to the new set of public health threats, non-state actors, and regulatory instruments that structure global health. Such interdisciplinary training must be expanded throughout the world to prepare future practitioners to strengthen global health law — ensuring a foundation for global health in legal studies and law and global health studies. Meeting this imperative for global health law teaching — establishing academic courses and textbooks on global legal responses to shared health threats — will be necessary to support students to address the global health challenges of the future.

The field of global health law has never been as vital as it is today. Amid the challenges of the COVID-19 pandemic, the World Health Organization (WHO) is negotiating two binding global health instruments to frame future pandemic responses — revising the International Health Regulations and developing a new Pandemic Agreement. These global health law reforms have raised an imperative to expand the legal workforce to support continuing advancements in global health law and policy. A new generation of students trained in law, governance, policy, and diplomacy will be crucial to ensure justice for a healthier world. This imperative for teaching global health law must support students and scholars to address a wide range of future global health challenges.

An Academic Field Emerges

With globalization giving rise to new public health threats across nations, connecting societies in shared vulnerability, these globalizing forces have created the conditions for the cross-border spread of health threats, including the rapid increase in infectious diseases, commercial determinants of non-communicable diseases, and industrial challenges to environmental health. These global determinants of health have exposed the limitations of domestic public health law.¹ Global health law has become necessary to address these common threats and shared burdens through coordinated action, bridging the gap between global norms and national laws to promote global health.²

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The field of global health law offers the promise of bridging national health authorities to advance public health, framing the norms, processes, and institutions of global governance for health.³ Arising out of international health law — which narrowly focuses on infectious disease regulations among states — global health law has come to encompass an expansive scope of health challenges and legal authorities, including both “hard” law treaties that bind states and “soft” law policy instruments that bring together state and non-state actors. These law and policy frameworks provide a foundation to unite actors against global threats, striving for health equity for the most disadvantaged and presenting a legal framework to structure health efforts by the global community.⁴

As an academic field, global health law has become a basis to study these law and policy frameworks that apply to the new set of public health threats, non-state actors, and regulatory instruments that structure global health. This recognition of new forms of global governance to realize justice in global health led to the seminal treatise, *Global Health Law* (Harvard University Press 2014), which offered an initial definition and theory of the field.⁵ Through an encompassing definition of global health law, with law and policy instruments addressing a range of health challenges across state and non-state actors, the rise of scholarship in the field has examined how a proliferation of international, national, non-governmental, and corporate actors can come together to address a multisectoral array of health determinants.⁶

The expansion of health law scholarship to encompass global health law has provided a foundation to study the law and policy frameworks that structure efforts by the global community to advance global health. Looking beyond the regulation of states through international treaty law, global health law scholarship has analyzed new global policies to facilitate cooperation across state and non-state actors, frame new institutions of global governance, and realize global health with justice.⁷ The

rapidly expanding literature in the field has fostered a generation of global health law scholars, and given rise to the need for educational programs to train future practitioners.

Educational Programs to Train Future Practitioners

In a world of growing global inequities, sustained health challenges, and new pandemic threats, global health law education can support training for a new generation of practitioners to advance law and policy frameworks to support global health. An education in global health law equips practitioners to address global health threats, providing normative knowledge for public health advancement based on internationally agreed standards.⁸ This academic study of the field is designed to inculcate global solidarity in responding to public health issues and emergencies of international concern.⁹ Viewing the world not as a collection of states but as a community whose survival depends on working together, practitioners thus understand the need for “cooperation between governments, to address common challenges and achieve shared goals.”¹⁰ Beyond understanding this imperative for cooperation, practitioners are trained in critical technical skills to support health systems strengthening through the creation of strong national legal and policy infrastructures aligned with global frameworks for disease prevention and health promotion.¹¹

While ongoing global health law reforms remain crucial in establishing a legal foundation for global health, this does not discount the importance of academic instruction to prepare students to address future challenges. These continuing reforms provide further evidence of the need for trained technical experts, whose understanding of current law and policy frameworks will be critical to ensure that future reforms are inclusive and address gaps in protection. Global health law education can demystify global health governance, leveling the playing field in global health diplomacy.¹² With current law reforms criticized for diplomatic

negotiations that are exclusionary of low- and middle-income countries (LMICs), the global health agenda remains driven by high-income countries (HICs) and distorted in ways that marginalize issues relevant to the Global South.¹³ Building capacity in legal frameworks, rights, and responsibilities can thus become crucial for advancing a decolonial approach to global health law, facilitating greater equity in global health. Academic programs must be alive to the history and enduring legacy of colonialism and its impact on global health, which enables the dominance of HICs in shaping global health standards and undermines the agency and autonomy of LMICs.¹⁴

Global health law education has expanded rapidly to meet this need, growing beyond a few course offerings to encompass formal Masters and LL.M. programs in different regions of the world.

These programs often bring together courses across three main domains of study: (1) healthcare law, including courses on insurance law and laws regarding healthcare practice, (2) public health law, including legal aspects of communicable and non-communicable diseases and commercial determinants of health, and (3) global health law, including global health governance, international human rights law, and global health security.¹⁵

With many programs concentrated in HICs, there remain global disparities in global health law education. The United States has become one of the leading providers of national and global health law education, with over 20 health law LL.M. programs across universities.¹⁶ (Similarly, the United States leads the world in global health diplomacy education — with 28 programs nationwide — followed by the United Kingdom (9) and Switzerland (5).¹⁷) Given the geographic location of these programs, the cost of attendance can be prohibitive to scholars from LMICs, even where scholarships are available. This inequity in access to education has led to calls for truly “global” health education, enabling more global health educational programs to be developed

Table 1

Program	Institution	Region
LL.M. in National and Global Health Law	Georgetown University Law Center	North America
LL.M. in Health Law & Global Governance	Georgetown University Law Center/Graduate Institute of International and Development Studies	North America/Europe
LL.M. with a Concentration in Health Law, Ethics and Policy	University of Toronto	North America
LL.M. in Bioethics	McGill University	North America
LL.M. in Health Law	University of Kent	Western Europe
LL.M. in Healthcare Ethics and Law	University of Manchester	Western Europe
Medical Law and Ethics LL.M.	Edinburgh School of Law	Western Europe
LL.M. in Health and Technology Law	University of Groningen	Western Europe
LL.M./MPhil in Sexual & Reproductive Rights in Africa	University of Pretoria (Center for Human Rights), South Africa	Africa
LL.M. in Medical Law	University of KwaZulu Natal, South Africa	Africa

and taught at institutions in LMICs, allowing students in both LMIC and HIC contexts to be exposed to diverse faculty and pedagogy.¹⁸

At the forefront of global health law education, Georgetown University Law Center's Global Health Law LL.M. program was established in 2007, recognizing that law would be a critical tool for shaping healthy countries and societies. The creation of this Georgetown LL.M. program coincided with the creation of the O'Neill Institute for National and Global Health Law — a joint Georgetown University project of the Law Center and School of Nursing and Health Studies.¹⁹ Recognizing the rapidly changing landscape at the intersection of law and governance, Georgetown Law partnered with the Graduate Institute of International and Development Studies in Geneva in 2009 to introduce its second health law LL.M. in Global Health Law and International Institutions.²⁰

Global health law training programs have since expanded dramatically throughout the world. Many early educational programs at the intersection of health and law were spurred by the HIV/AIDS pandemic. For example, universities in Thailand, South Africa, and Ukraine received funding for four clinical legal education programs whose goal was to

create a “cadre of legal professionals to combine their legal skills with an understanding of health issues and the challenges facing underserved and socially marginalized groups.”²¹ The law clinics in these contexts were seen as an important entry-point for engaging law students in health issues of global importance, such as access to medicines and quality of care.²² Continuing demand for global health law courses has grown in an effort to address health inequities through legal education,²³ and in the COVID-19 era, there is seen to be greater demand for courses focused on global health law, particularly addressing legal frameworks and negotiations impacting access to essential medicines and vaccines.²⁴ In China, health law has been identified as a key area of focus for higher education amid the COVID-19 pandemic, as the Chinese government considers new approaches to establishing centers of learning in the field.²⁵

This interdisciplinary education will be crucial to building the future of the field. Faculty have now established a wide range of global health law courses in universities throughout the world — within schools of law, policy, public health, social work, nursing, and medicine. In law schools, global health law courses and clinics tend to include more skills

building, providing instruction that equips practitioners to use the law to advance global health and address factors that promote disease proliferation and affect the ability of people to live healthy lives. Looking beyond law schools, law and policy courses are being designed to provide public health practitioners with an awareness of the legal frameworks that impact or affect their work.²⁶ Courses in global health law now cover a wide breadth of topics, providing students with understanding, for example, of the role of the WHO, the importance of human rights in global health, the impact of international legal frameworks on domestic health delivery, and the intellectual property laws and regimes governing drug patents.²⁷

These courses must expand globally, especially in regions where there remain few global health education programs and few training opportunities for students. New courses are now being developed in LMICs, as seen in Afya na Haki (an African research and training institution that advances health, human rights, and sexual and reproductive health and rights), which recently launched a fully funded one year fellowship program and holds regular training workshops on health and human rights.²⁸ Where a deficit of global health law education programs

remains in LMICs,²⁹ universities or other research entities in HICs have introduced global health law summer schools and internship programs to bridge the knowledge gap and expand education in global health law. For example, the O'Neill Institute at Georgetown Law offers summer and winter internships to law students from around the world, the Global Health Law Consortium offers a global health law summer school in Geneva for global participants with a legal background, and McGill University in Canada and the University of Groningen in The Netherlands offer a global health law summer school open to medical practitioners and health policy and law students.³⁰

The Rise of Academic Resources

To expand education in the field, new educational resources can provide a foundation for greater inclusion of global health in legal studies — and law in global health studies. This interdisciplinary teaching will be necessary to engage the next generation in global health law practice.

A New Academic Association

Global health law education has been catalyzed by academic associations, supporting courses in the field and training for future scholars. Recognizing limitations in legal authority for global health, twenty faculty first came together in early 2019 to form the Global Health Law Consortium, bringing together the collective expertise of academics throughout the world to: develop the academic field; provide authoritative interpretations of legal instruments in global health; and facilitate collaborative global health law research projects.³¹ The work of this Consortium became crucial as the world sought to come together in an unprecedented pandemic response, as policymakers looked to the Consortium's academic research to structure the response to COVID-19 and consider future legal standards in global health governance.³² To support the next generation of the field, scholars in the Consortium have worked together to develop a new Global Health Law Summer School,³³ a new *Journal*

of Global Health Law,³⁴ and a new foundational textbook, *Global Health Law & Policy: Ensuring Justice for a Healthier World* (Oxford University Press 2023).

A New Foundational Textbook

The growing field of global health law requires educational resources to introduce students to the changing global landscape, norms, and diplomacy necessary to support global health governance. However, as the study and practice of global health law has expanded, over the past decade and especially through the COVID-19 response, there remained no academic text to support students and scholars to examine rising legal challenges in global health. In developing a foundational academic textbook that can be employed by faculty throughout the world, the publication of *Global Health Law & Policy* seeks to introduce students to the field — providing a basis to increase the number of courses at the intersection of law and global health. Given the expansive growth of the field, it was necessary to bring together a wide range of the field's leading scholars to develop individual chapters for this seminal textbook — working across the Global Health Law Consortium and complemented by established global health practitioners throughout the world.

Global Health Law & Policy presents an academic foundation for students to understand the global governance necessary to respond to the health threats of the 21st century. Providing a survey of global health law and policy, this textbook (1) explains the conceptual frameworks and governance institutions that define the field, (2) applies global health governance to disease prevention and health promotion, (3) examines economic institutions that influence global health, and (4) analyzes international legal efforts to address rising health threats.³⁵ To complement the theoretical overview in the text, each chapter includes a series of case studies and questions for discussion, highlighting the practical application of law and policy in global health. The adoption of this

textbook across universities, alongside accompanying instructional resources, has provided a new path to accelerate global health law teaching. Through this educational foundation for global health law, providing new resources for classroom instruction, it will be possible to prepare the next generation of policymakers, researchers, and advocates to face ongoing challenges to global health law and policy.

Conclusion

Policymakers remain divided in confronting shared health threats through global legal action, and these uncertain times in global health governance call for a new generation of global health law practitioners. As a basis for capacity building in global health law, *Global Health Law & Policy* seeks to define the academic field of global health law, examine its major doctrinal boundaries, establish its relationship with global governance, and explore its enduring controversies. This initial textbook will support the expansion of teaching in global health law at universities throughout the world, promoting legal courses to address global health and mainstreaming law in global health studies. These rapidly evolving teaching efforts, across disciplines and throughout the world, will be essential to support the future workforce to advance global health law.

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