

A United Nations Security Council Resolution is Essential to Preventing the Threat to International Peace and Security Posed by Ebola

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The Ebola outbreak in West Africa is an imminent threat to international peace and security—not only for health, but also for food, housing, travel, trade, and commerce in an entire region. The outbreak has already crossed international borders between Guinea, Sierra Leone, Liberia, Nigeria and Senegal, with the potential to spread far beyond—both within Africa and to other continents. Two of the hardest hit countries in West Africa—Sierra Leone and Liberia—are post-conflict states, particularly vulnerable to political and civil instability arising as a result of the Ebola disaster.

Government attempts to control the outbreak in all three of the hardest hit countries have resulted in the deployment of national defense and security forces—including mass quarantines and even country-wide lock downs. Clashes between civilians and security forces have increased social and political tensions, while fanning community fear.

Given past internal conflict, mistrust of government security forces is understandable and undermines medical and humanitarian efforts to detect, treat, and control the outbreak.

Civil and Political Breakdown Leading to Uncontrolled Spread

The health systems in the hardest hit countries have already collapsed under the weight of the Ebola outbreak, with a failure not only to treat and contain the outbreak but also to care for people with myriad health conditions, such as AIDS, malaria, and noncommunicable diseases. The collapse of civil and political institutions could follow if governments, with a surge of international assistance, cannot bring the epidemic under control.

Liberian Minister of National Defense, Brownie Samukai, warned the United Nations Security Council (UNSC) that Liberia's national existence is "seriously threatened" by the Ebola outbreak, which "has caused a disruption of the normal functioning of our state."⁴ UN special envoy to

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⁴ M Nichols, "Ebola seriously threatens Liberia's national existence: minister" Reuters. (Sept 9, 2014) <http://www.reuters.com/article/2014/09/09/health-ebola-un-idUSL1N0RA1NA20140909>

Liberia, Karin Landgren, informed the UNSC that “Liberians are facing their gravest threat since war” with “the speed and scale of the loss of lives, and the economic, social, political and security reverberations of the crisis are affecting Liberia profoundly.”⁵

Ebola is a Threat to International Peace and Security

The World Health Organization (WHO) has recognized the Ebola outbreak in West Africa as a threat to global health security. On August 8, the WHO Director-General declared the outbreak a “public health emergency of international concern” (PHEIC). This declaration was made under the International Health Regulations (2005) (IHR): a legally binding international agreement among the 196 states parties obliged to detect, prevent, and control the international spread of disease.

Under the IHR, the WHO Director-General has made temporary recommendations to member states to address a PHEIC regarding persons and goods to prevent or reduce the international spread of disease and avoid unnecessary interference with international trade or traffic. These recommendations, however, are just that—non-binding advice. That is, although the IHR is an international legal treaty, the Director-General lacks authority to ensure compliance.

The IHR similarly place on duty on member states to build core capacities to prevent, detect, and respond to international health threats. The international community—those states that have the wherewithal—also has a duty to help build those capacities. Yet, states have failed to comply and the IHR offers no remedy. There is no provision under the IHR for the international mobilization of health workers, goods (e.g., personal protective equipment), or peacekeepers. The IHR grant the WHO no express authority to establish an international system of coordination and control to lead a response to a global health security threat.

Beyond the lack of power, the WHO is starved for funding, and relatively recently severely cut its budget including the loss of crucial professional staff expert in outbreak rapid response and control. Although the WHO’s Constitution mandates the agency to be the leading and coordinating organization for world health, the agency has instead seen itself more of a technical body, leaving even poor countries with fragile health systems to primarily fend for themselves.

The Ebola crisis in West Africa is in desperate need of this type of a well-coordinated, well-lead international response: not only for the peace and security of the region but also on humanitarian grounds and to ensure global health security.

The UN Security Council Must Act to Ensure that Ebola Does Not Undermine International Peace and Security

The UN Security Council is charged with the essential duty to maintain international peace and security.⁶ Article 25 of its Charter obligates UN Members “to accept and carry out the decisions

⁵ M Nichols, “Ebola seriously threatens Liberia’s national existence: minister” Reuters. (Sept 9, 2014) <http://www.reuters.com/article/2014/09/09/health-ebola-un-idUSL1N0RA1NA20140909>

⁶ UN Charter, art 24(1).

of the Security Council....” Standing alone among UN organs, the Security Council, therefore, has the mandate and power to lead and coordinate an international response to this unprecedented disease epidemic, which threatens not only the security of an entire region but also has a potential to undermine peace and security globally. As a result, a UNSC declaration could transform the international response, not only raising the political visibility and legitimacy of international development assistance for health, but also to authoritatively take charge, and lead, a coordinated and systematic global mobilization.

The Security Council has the express authority to “determine the existence of any threat to the peace” and take measures to preserve or restore international peace and security.⁷ These measures can (and this case should) entail interventions that do not involve the use of armed force, but can still be effective by calling on UN members to act.⁸ United Nations members, in order to contribute to the maintenance of international peace and security, undertake to make available to the Security Council “assistance and facilities, including rights of passage, necessary for the purpose of maintaining international peace and security.”⁹ This would include calling upon UN members to deploy healthcare and public health workers (including doctors, nurses, and epidemiologists) and peacekeepers to protect civilians and healthcare workers and support public health measures such as contact tracing and safe isolation.

In sum, a UNSC resolution could establish a well-coordinated and orderly international response to this unprecedented health crisis. This is desperately needed because current aid efforts are still based on the boundaries of state borders, often (and disturbingly) associated with historical colonial ties.

Precedent for UNSC Resolutions on Public Health Emergencies

The UNSC has previously passed two resolutions on HIV/AIDS founded on the principle that the pandemic posed a threat to international peace and security. In 2000, the UNSC held a special session on HIV/AIDS recognizing that the pandemic “was not simply a humanitarian issue.” “If a country loses so many of its resources in fighting a disease which takes down a third of its population, it’s going to be destabilized, so it is a security issue.”¹⁰ UNSC Resolution 1308, adopted on 17 July 2000, recognizing “the importance of a coordinated international response to the HIV/AIDS pandemic, given its possible growing impact on social instability and emergency situations.”

UNSC Resolution 1983, adopted on 7 June 2011, found that “HIV poses one of the most formidable challenges to the development, progress and stability of societies and requires an exceptional and comprehensive global response, and noting with satisfaction the unprecedented global response of Member States.”

⁷ UN Charter, art 39.

⁸ UN Charter, art 41.

⁹ UN Charter, art 43(1).

¹⁰ Richard Holbrooke, US UN Ambassador as quoted in Frontline, “Interview” (March 7, 2005) (“<http://www.pbs.org/wgbh/pages/frontline/aids/interviews/holbrooke.html>”)

Threats to international peace and security caused by public health emergencies are directly within the scope of the UNSC's power. These two Security Council resolutions transformed the international response to AIDS, ultimately creating the Global Fund to mobilize resources. This is a time for the Security Council to take charge of the international response to Ebola encompassing all actors and based on need rather than historical ties.

Decisive and swift UNSC action would raise the political visibility of this epidemic, ensuring that human resources, treatment facilities, and supplies are quickly distributed to meet the overwhelming needs. This action is urgently needed to restore health and human security, as well as the economy of an entire region. A failure to take this historic opportunity would threaten the peace, security, stability, and economy of West Africa and risk the health of all of humanity.