

Role of UN Specialised Agencies in the Formation of International Healthcare Standards

Summary

The aim of this study is to carry out a comprehensive analysis of how international health standards are shaped by the World Health Organization (WHO), the International Labour Organization (ILO), the Food and Agriculture Organization (FAO) and the World Trade Organization (WTO).

The topicality of this research subject results from the evergrowing globalisation of health problems. International public health problems entail a need for increased international cooperation, exchange of experience and new ideas, and mutual learning how to solve health problems. Activities for health care and health improvement are within the agenda of many international institutions. There is a dispersion and lack of a central coordination point in this area, and the responsibilities of international organisations often remain competitive one to another. It is therefore appropriate to examine the legal basis of lawmaking activities and the role of specialised agencies within the United Nations (UN) system as regards developing international health standards. From a practical point of view, it is advisable to identify the main difficulties and problems that arise in their activities and to propose changes. The planned scientific publication, taking into account the legislation currently in force, provides the opportunity not only to enrich, but also fill the gap in the existing literature on the issues discussed.

The choice of the topic in the form presented at the outset has been dictated by several research problems. The main aim of this study is to comprehensively examine the relationship between the specialised agencies of the UN system: the World Health Organization (WHO), the International Labour Organization (ILO), the Food and Agriculture Organization (FAO) and the World Trade Organization (WTO) in shaping international health standards. It will be of particular importance to answer the questions is it an effective system and does it facilitate

the resolution of international health problems. It is to be expected that these relations are very complex and not all of them have been noticed by scholars in the field, so an attempt of a systemic look at this problem is necessary. The lack of a synthetic monograph and the forward-looking nature of the phenomenon justify addressing the institutionalisation of international cooperation between UN agencies for the health care system. The research problems formulated set the boundaries of the research area.

The basic thesis of the study is that the World Health Organization, the International Labour Organization, the Food and Agriculture Organization and the World Trade Organisation, despite the diverse scope of these organizations, are developing international health standards.

The purpose of this dissertation is to analyse and verify the following research hypotheses: (1) the World Health Organization (WHO) is the main and most important forum for international cooperation on health care; (2) The right to health is a right generating specific obligations which can be effectively monitored and enforced at international level; (3) The World Health Organization (WHO), the International Labour Organization (ILO), the Food and Agriculture Organization (FAO) and the World Trade Organization (WTO) apply a consistent and universal understanding of the right to health.

The structure of the study is composed of the introduction, five chapters preceded by an introduction and ended with a synthetic summary and a conclusion. The whole is complemented by a list of abbreviations and bibliography. Each chapter is assigned a specific role and research task.

The first chapter is primarily of a nature of introduction to the main themes of the dissertation. It contains some terminological clarification by defining the terms used in the dissertation, such as "health" and "public health". Next, the right to health is arranged and hierarchised among other human rights, according to strictly defined criteria, including the sources of the right to health. The origins and evolution of the concept of international public health law was also presented, taking into account the scope and specificity of the right to health as a human right.

The second chapter contains a detailed discussion on the role of the World Health Organization (WHO) in shaping international health standards. More specifically, the chapter analyses the World Health Organization's competence in shaping international health standards. To this end, the evolution of the institutionalisation of international health cooperation was presented, starting from International Sanitary Conferences through the establishment of the World Health Organization. It contains an attempt to answer the question

of whether, and if so, to what extent and how, the World Health Organization can influence Member States through its legal instruments to ensure the widest possible access to health services. The chapter is concluded with a discussion of the world health strategy formulated within the WHO.

The third chapter addresses health care within the International Labour Organization (ILO) system. It presents the origins of the International Labour Organization, taking into account its principles and normative achievements. From the point of view of the research area, the doctoral dissertation examines the content of both acts of international hard law (conventions) and soft law documents (recommendations) relating to health protection and medical care of workers in order to show the evolution of ILO standards.

Chapter four is an analysis of health care in the light of the United Nations Food and Agriculture Organization (FAO) standards. It presents the origins, structure and functions of FAO. In addition, the legislative competences and achievements of this organization were examined. After their presentation, the relationship between FAO and WHO was analysed in the context of ensuring a comprehensive regulatory strategy on food safety issues at the global level. The provisions of the Codex Alimentarius, which constitutes the basic reference point in the field of food safety, were assessed. From the point of view of the issues under examination, it was also extremely important to analyse the cooperation of FAO and WTO for health protection.

The fifth chapter addresses health care in the World Trade Organization (WTO) system. The chapter begins with a presentation of the origins of the World Trade Organization. Then, the issue of health protection in WTO activities was discussed, including WTO agreements related to public health protection. The analysis is complemented with the examination of the issues of trade in pharmaceuticals and patent protection in the context of access to medicines. Finally, the chapter discusses activities undertaken jointly by the World Trade Organization and the World Health Organization for health.

The work is concluded with a recapitulation of the analysis, aiming to verify the presented legal problems.

The source basis for the dissertation are mainly the texts of international documents, usually agreements, along with international case law. When writing the dissertation, original English source texts were mostly used. Authentic texts were the basis for juridical analysis also when the international agreements used have been translated into Polish. Therefore, each time the content of the legal regulations is cited, the footnote contains a reference to the authentic text.

