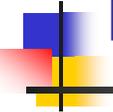


## Objectives

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1. To illustrate how relations between governments are critical in a new era of public health governance
2. To demonstrate the negative consequences of breakdowns in these relations
3. To describe how federal states could protect themselves from this scenario arising in the future



## The New International Health Regulations

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### The Federalism Dilemma



SARS

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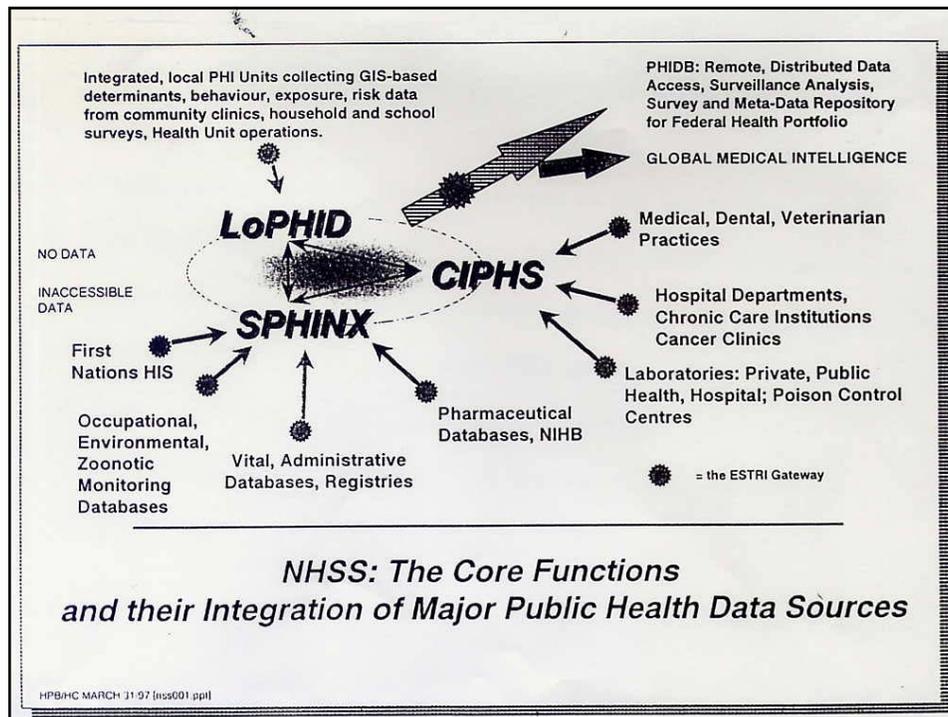
A trial run of the revised IHR



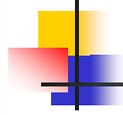
Preparing for a Pandemic

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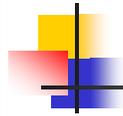
- 1995 Canadian officials began deliberation on the development of a National Health Surveillance System



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- Two auditor general reports comment on delays in developing the system
    - Focus attention on the relationship between federal and provincial governments

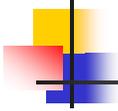


- November 2002, GPHIN identifies outbreak in mainland China
- February 2003, WHO reports on unusual respiratory outbreak
- March 2003, SARS comes to Toronto
  - Surveillance systems and communication inadequate



## SARS Travel Advisory

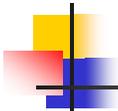
- On April 23, the World Health Organization advised international travelers against all non-essential travel to Toronto.
- WHO SARS travel advisory negatively affected economy of Canada
  - ? 1 billion dollar economic impact on Toronto
  - Questionable scientific basis to the advisory



## Why did we receive the travel advisory?

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- “I don’t think we ever really felt that we were working in true partnership with the province”
- “And that inevitably led to a sense of confusion in the outside world, WHO and other countries, as to how far we had this under control.” – Federal official

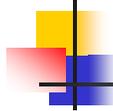


## WHO Criticism

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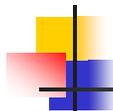
- “SARS has shown us that relationships between federal, or central, and provincial or state governments are very important in public health, and very difficult to establish”.
- “We understand that this has been a problem in China. It certainly has been a problem in Canada, where there have been difficulties between Health Canada and the provincial government”.

- Dr. David Heymann, WHO



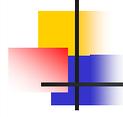
## Federalism Dilemma

- Problems arise when Constitutional authority for international obligations reside at the level of the regional government
- May not be able to guarantee compliance with international agreements

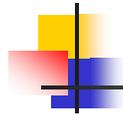


## Regional compliance

- Real disincentives for regions to provide detailed reporting of the status of an outbreak,
  - particularly at an early stage when there is uncertainty about its magnitude
  - and when such reporting could adversely affect industries and tourism to the region.



- Installing surveillance capacity is expensive and can divert resources from more pressing matters
  - Particularly true in developing countries



## International Concerns

- National governments cannot guarantee that they can meet the reporting requirements of the new IHR
- May place other countries at risk
- States are at risk of receiving avoidable travel advisories

## WHO double pincer strategy (D. Fidler)

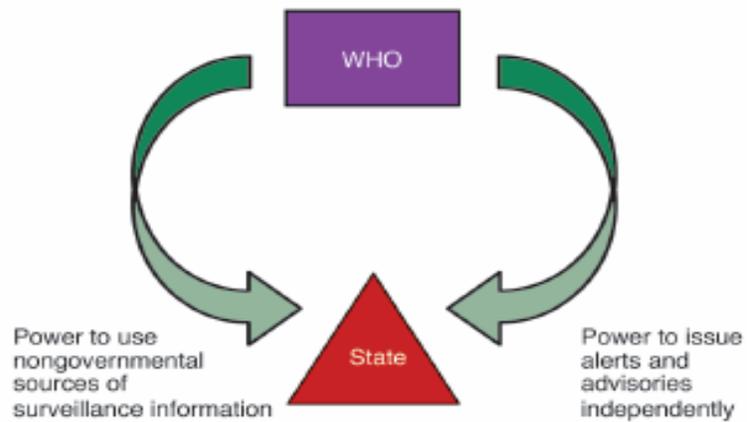


Figure 2

## Federalism Dilemma

**Not unique to Canada**

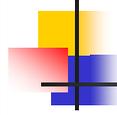
## IHR Reservation

- “For the record, the United States sought a provision that would explicitly recognize the right of federal states to implement the IHRs in a manner that is consistent with the division of rights and responsibilities existing in their constitutionally mandated systems of government. Unfortunately, the IGWG did not accept this straightforward request.”

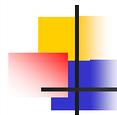
## Hurricane Katrina

- New Orleans devastated by impact of Hurricane and subsequent flooding
- Federal government blamed for inadequate response
- However, emergency response was not federal jurisdiction



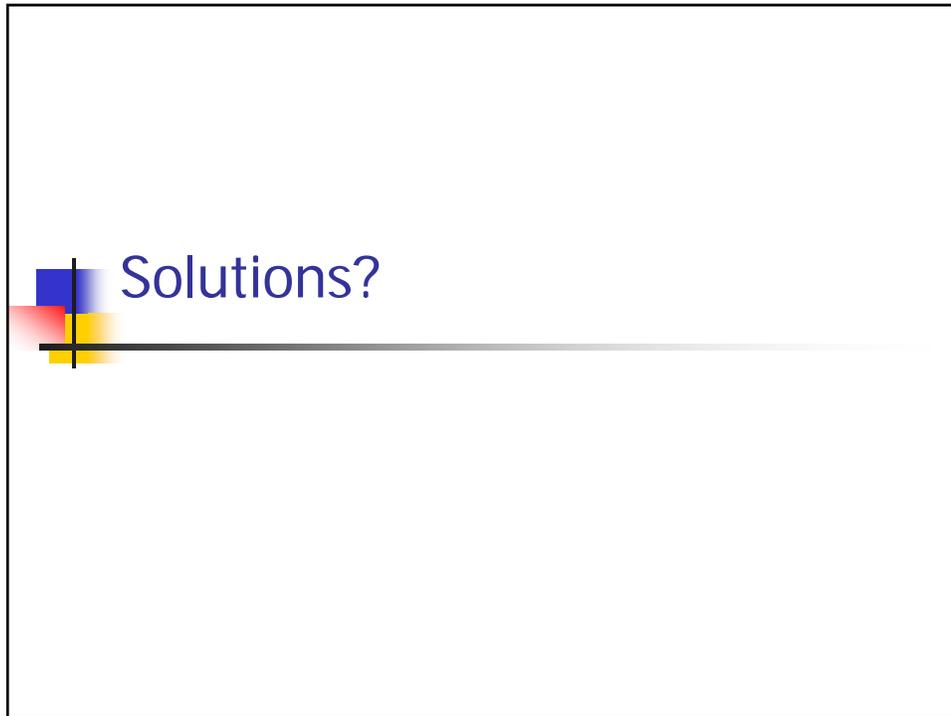


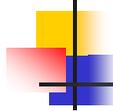
- “To seize control of the mission, Mr. Bush would have had to invoke the Insurrection Act, which allows the president in times of unrest to command active-duty forces into the states to perform law enforcement duties. But decision makers in Washington felt certain that Governor Blanco would have resisted surrendering control of the military relief mission.”
  - New York Times



## Federalizing Emergency Response

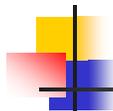
- **Washington considering military's role in a flu pandemic**
  - **Troops might be used to 'effect a quarantine,' Bush says**
- **Think locally on relief**  
federalizing emergency response to catastrophic events would be a disaster as bad as hurricane Katrina.
  - Governor Jeb Bush, Washington post





## Importance of Collaboration

- Ideally federal leadership would be in the context of otherwise collaborative relationships with regional governments.
  - Local public health officials are the backbone of the response
  - Heavy handed top down approaches could damage local response



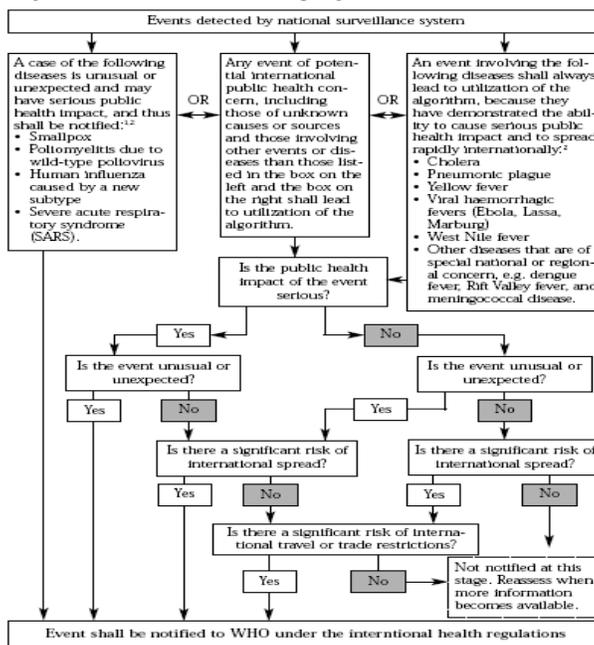
## Reporting requirements

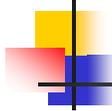
- Data of “national concern” must be made available to the federal government and other regions
  - IG agreements
  - Legislation as a back-up if constitution permits

## Emergency Response

- Countries need to be able to ensure at the minimum federal oversight of an emergency
- ? Role for legislation as a back-up if relations break down
- The “test” for federal intervention could be the IHR decision instrument

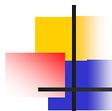
Figure 1  
Decision Instrument for the Assessment and Notification of Events that May Constitute a Public Health Emergency of International Concern





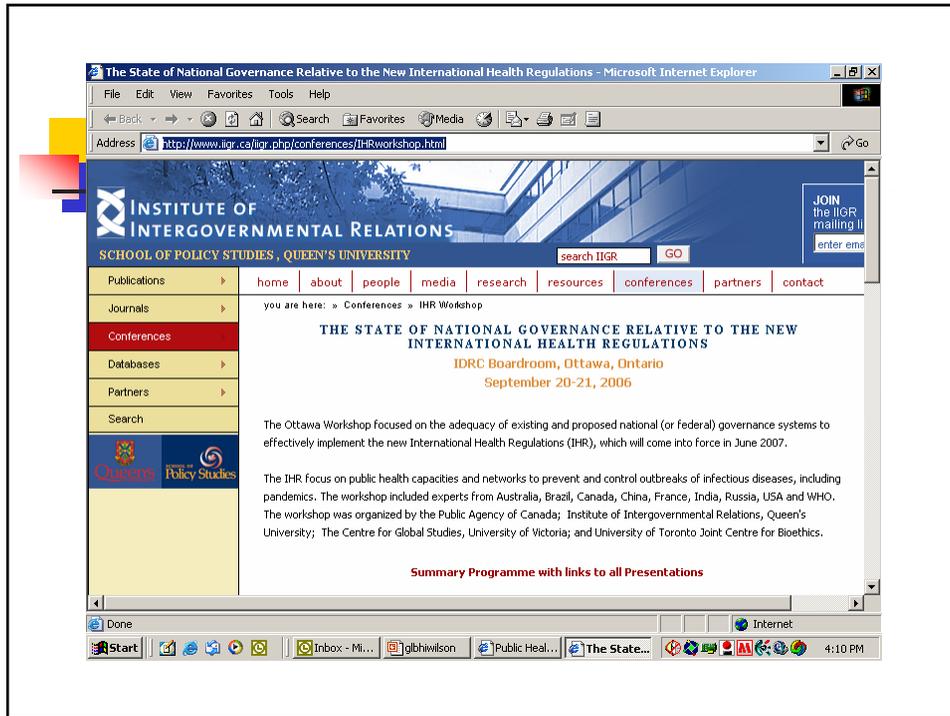
## Surveillance Capacity

- Harmonization of data collection to allow sharing between regions
- Will likely require federal investment in local capacity to ensure that surveillance infrastructure is appropriate to meet IHR requirements
- Conditional funding strategy



## Summary

- Internal governance structures in decentralized states pose a real threat to the ability to implement the IHR effectively
- Need to assume a worst case scenario when developing governance strategy (precautionary governance)



## Questions?

- <http://www.iigr.ca/iigr.php/conferences/IHRworkshop.html>
- [www.publichealthpolicy.org](http://www.publichealthpolicy.org)