

Article

TO DECLARE OR NOT TO DECLARE: THE CONTROVERSY OVER DECLARING A PUBLIC HEALTH EMERGENCY OF INTERNATIONAL CONCERN FOR THE EBOLA OUTBREAK IN THE DEMOCRATIC REPUBLIC OF THE CONGO

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ABSTRACT

Recommendations by the Emergency Committee operating under the International Health Regulations (2005) (hereinafter "IHR") that the Director-General of the World Health Organization should not declare the Ebola outbreak in the Democratic Republic of the Congo a public health emergency of international concern sparked a sustained controversy in global health. The controversy exposed disagreements about the meaning and effectiveness of IHR provisions, the scope of the Emergency Committee's authority, and utility of the Director-General's power to declare a public health emergency of international concern. This article analyzes this controversy from its beginnings in October 2018 through the Director-General's declaration in July 2019 that the Ebola outbreak in the Democratic Republic of the Congo constituted a public health

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emergency of international concern. The article argues that the controversy inflicted serious damage on the IHR because the Emergency Committee abused its authority under the IHR and acted outside the authority the IHR prescribes for this committee. The damage done, and the manner in which it happened, raises bigger questions about the IHR's meaning, influence, and future in global health governance.

KEYWORDS: *Democratic Republic of the Congo, Director-General, Ebola, Emergency Committee, global health governance, International Health Regulations, public health emergency of international concern, Temporary Recommendations, trade and travel measures, World Health Organization*