

COUNTERACTING THE MENACE OF AVIAN INFLUENZA THROUGH INTERNATIONAL OBLIGATIONS

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Introduction

¹Avian influenza can generally be described as a virus which originates from birds that have the potential to affect humans at a larger extent. The predicament of avian influenza has started to develop as a human pandemic. ²The severe impact of influenza like diseases can be traced during 1918 Spanish Avian flu pandemic killing 30-50 million people globally, however this is not the first time the world had witnessed such Flu's .For example the bubonic plague during the 14th Century that travelled across Europe from China caused a large scale effect to the human population .These instances clearly proves the fact that there is a definite public health risk involved and such diseases are capable enough to transcend national boundaries. The pandemic of avian flu cannot just be constrained to a group of people or a single country but the magnitude involves the international community as a whole demanding certain responsibilities and obligations to all World Health Organization Member States. This research solely addresses the dire need to prevent this pandemic from an International Law perspective with specific reference to migratory birds which is one among the abundant carrier of such avian diseases and further this paper also gives an expository to the legality involved in culling of such migratory species carrying diseases.

Forestalling avian influenza –World Health Organization

³As enshrined in the Preamble of World Health Organization “Every government has the responsibility to make sure that the health of their citizens should be of the highest priority and every State should make sure that they provide adequate health measures. ⁴Combating infectious diseases such as avian influenza demands a definite need to strike sustainability

¹Fred.F.Ferri, Ferri's Clinical Advisor ;Page No.657 (2nd edition 2015)

² Linda.M.Mcmanus, Richard.N.Mitchell,Pathobiology of Human Disease: A Dynamic Encyclopedia of Disease Mechanisms; 1071 (First edition 2014)

³ Gian Luca Burci, Claude-Henri Vignes, World Health Organization; Page No.28 (2014)

⁴ N. Pieter M. O'Leary, Cock-a-Doodle-Do: Pandemic Avian Influenza and the Legal Preparation and Consequences of an H5N1 Influenza Outbreak, Health Matrix ,Volume 16 ,Issue 2,Page No.523

with legal controls and civil liberties. Until and unless a balance is ensured among the international community a stringent measure cannot be taken in order to prepare for a possible outbreak. ⁵The world is much closer to encounter another pandemic since 1968 and hence, by bearing in mind Article 1 of the WHO Constitution which clearly envisages the objective of the World Health Organization that there shall be an attainment of adequate level of health by all the people. The States have an obligation to ensure that such outbreak is prevented. ⁶The chances of H1N1 is very much endemic throughout Asia inspite of vigorous preventive measures which includes culling of 140 million poultry birds. The major transmitter of such avian viruses are the wild migratory birds and control has also become a strenuous task. One of the major reasons why preventing the spread of avian diseases is difficult is because the threat assessment or the evolution of threat is hard to predict and further the afflicted countries do not have credible information systems on disease transmission. Veterinary extensions can be one feasible way to minimize the damage caused by the flu along with the increase of surveillance in the rural areas bearing in mind the traditional home slaughter and consumption of diseased birds. Next comes the availability of vaccination, there exist inadequate medical supplies which are not equally distributed among WHO member states that ultimately leads to failure in the prevention of a pandemic in future. The risk of a pandemic is directly proportional to the human exposure and infections that are likely to spread .In order to control the spread of flu in humans, States ought to make sure that the disease is not likely to spread among the animals especially the poultry and migratory species. Several instances like SARS, the bubonic plague etc. should actually make the international community understand the impact of avian disease and States should consider it as an alarm to take necessary national and international actions especially surveillance and reporting of any possibilities of an outbreak must improve. Further, the WHO must effectively and efficiently increase the establishment of an international stockpile of antiviral drugs. This will definitely serve the best interest of the international community and it should also cater the needs of the most affected population. World Health Organization should further make sure that there is an equal distribution of vaccines to all countries irrespective of its economical differences bearing in mind ⁷Article 22 of the International Covenant on Civil and Political rights which states that no restrictions can be placed on the exercise of rights other than those

⁵ World Health Organization, WHO Strategic Plan for Pandemic Influenza, [www.who.int](http://www.who.int/csr/resources/publications/influenza/StregPlanEPR_GIP_2006_2.pdf?ua=1) (2007),http://www.who.int/csr/resources/publications/influenza/StregPlanEPR_GIP_2006_2.pdf?ua=1.

⁶ World Health Organization, Responding to the avian influenza pandemic threat Recommended strategic actions,(2005) http://apps.who.int/iris/bitstream/handle/10665/69103/WHO_CDS_CSR_GIP_05_8_eng.pdf;jsessionid=F496E8C6B99AABDA947F1E442AEC3FE9?sequence=1.

⁷ International Covenant on Civil and Political Rights,1976; Art.22, cl. 2.

prescribed by law in the matters concerning the protection of public health. Apart from the global response WHO should make sure that the regional agencies play an active part in ensuring the manufacturing of their own vaccines that ultimately decreases the demand which helps in building up seasonal vaccines for the control of pandemics in the mere future. The Developing and Underdeveloped Countries should work closely with WHO for evaluating the preparedness status in their own country and should also address the factors affecting their growth in mitigating avian diseases. WHO should insist the vulnerable states to enhance and increase the utilization of seasonal influenza vaccines, however, achievement of this goal requires a progress in country's National policies and Domestic laws. This can be done through national vaccination programs which has the capability to even reach the grass route parts of the Nation.

Migratory Birds – The host of avian influenza

⁸Migration of birds generally takes place twice a year travelling north during northern hemisphere summer and south during northern hemisphere winter following approximately eight major flyways. Sometimes, these flyways overlap polar continental areas. Despite the fact that migrations generally occurs longitudinally from a north to south direction, the overlapping of flyways sometimes cause a viral transmission in routes and thus migration occurs from east-west (latitudinal). During this time these Migratory birds come in contact with different species which shares a common breeding ground which is mostly freshwater systems. The chances of species getting prone to avian diseases are high and once the species get affected with the disease, it carries the virus along different flyways thereby spreading diseases both longitudinally and latitudinally. ⁹Further high population of migratory birds can also be witnessed in few intermediate locations along the migratory routes and these locations can be called as the important bird areas. The stops along the migratory pathways are the time when these birds get vulnerable to avian diseases because it might give an opportunity for the migratory birds to come in contact with the domestic birds. It is a common custom in many rural areas that the domestic birds are often left unrestricted and made to wander along the grasslands .These practices allow the domestic birds to interact with the migratory birds

⁸ Nina Kishore, Jeff Smith, The Global Network for Avian Influenza Surveillance Act (GNAIS): Environmental Context, Legislative Solution, and Policy Analysis, mpaenvironment.ei.columbia.edu(June ,2014),<http://mpaenvironment.ei.columbia.edu/files/2014/06/avianFlufinalReport.pdf>.

⁹ *IBID*

especially along the water bodies which thereby facilitates the spread of avian diseases between the migratory and domestic birds.

Legality with regard to the culling of Migratory birds

¹⁰The spread of Avian diseases has now become a matter concerning public health and this often leads to a misassumption that the migratory birds are the only reason for the epidemic. There are many instances where the migratory birds are being culled and harassed with no proper reason and purpose. States should avoid unjustified culling just for the sake of counterproductive measures. The concept of culling is a skeptical approach because this leads to destruction of the habitat. ¹¹The 9th meeting held in Paris with the parties to the convention on wetlands, resolution IX.23 was adopted which dealt with highly pathogenic avian influenza and its consequences for wetland and water bird conservation. The resolution supports WHO, The Food and Agriculture Organization and OIE which considers lethal responses such as culling is not a feasible mechanism and may augment the problem by causing further dispersion of infected birds.

Can culling be considered as a permissible means to prevent Avian flu ?

Culling of migratory birds is the least action a State can take and such situation arises only when the pandemic is of an extreme case resulting in severe effect over human lives. There are cases where due to improper information and media hysteria culling of wild birds are reported for the sake of preventing H5NI bird flu. Proper investigation should be carried out before attributing the cause of avian influenza to migratory birds. Further culling of such migratory species should not be done according to the States own whims and fancies because disturbance of migratory species can cause huge habitat destruction and hence culling cannot always be a counterproductive action. ¹²Article III of the Convention on Migratory Species clearly states that Range states of a migratory species listed in Appendix I shall prohibit the taking of animals belonging to such species. Exceptions may be made to this prohibition only if extraordinary circumstances so require. Culling cannot always be considered derogatory.

¹³Article 9 of the Birds Directive of European Union allows Member States to permit

¹⁰ Avian Influenza and Wild Birds, cms.int,

http://www.cms.int/sites/default/files/document/ScC14_Inf_07_Avian_influenza_brochure_E_0.pdf.

¹¹Parties to the Convention on Wetlands (Ramsar, Iran, 1971), Resolution IX.23 -Highly pathogenic avian influenza and its consequences for wetland and water bird conservation and wise use, archive.ramsar.org (November 2005), http://archive.ramsar.org/pdf/res/key_res_ix_23_e.pdf.

¹²Convention on the Conservation of Migratory Species of Wild Animals, 1983 ;Art.III

¹³ Information Note on Avian Influenza and Migratory Birds ,ec.europa.eu (July 20,2006), http://ec.europa.eu/environment/nature/conservation/wildbirds/birdflue/docs/info_on_avian_influenza.pdf.

exceptions and get involved in the act of culling: for public health and safety; air safety; to prevent serious damage to crops, livestock, fisheries. The provisions laid down under Article 9 can only be exercised in extremely limited cases if there exist a scientific proven evidence that demonstrates the need for such activities like culling. This could further be judged only on a case by case basis and no State should entail activities like culling from infected areas unless and until appropriate situation demands. Further the State can resort to such activity only when there is an imminent threat to public health. The State can take defense through provisions laid down under Draft Articles on State Responsibility which was drafted by International Law Commission in the year 2001. ¹⁴As per Article 25 of Draft Articles on State Responsibility a State can take necessity as a ground for precluding wrongfulness because an act of Culling can sometimes be considered as an internationally wrongful act and calls for International Responsibility as stated under Article 1 of Draft Articles on State Responsibility. Necessity shall be taken into consideration only in an exceptional case where there exist no other way and the only way a State can safeguard its essential interest when threatened by a grave and imminent peril is by not performing an international obligation for the time being which has a lesser weight or urgency. Necessity can never be invoked by a State as a ground or defense for precluding wrongfulness in the cases where the international obligation that is in question excludes the possibility of invoking necessity or when the State on its own has contributed to the situation of necessity. The concept of necessity can further be explained clearly with the ¹⁵Caroline incident in 1837 where the British forces entered into the United States territory and destroyed the vessel owned by the United States which carried its military personnel along with other material to Canadian insurgents. The then British minister took defense over the situation and stated it as an act of necessity that involves self-defense and justified by stating that it was an absolute necessity involving a measure of precaution.

It is thus pertinent to note that culling is neither a completely acceptable action nor a derogative action and it has its own conundrum. The concept of culling is like a double headed sword and hence it cannot be used as a preventive measure.

¹⁴ James Crawford, *State Responsibility: The General Part*; Page No. 307(2013)

¹⁵Malcolm N. Shaw, *International Law*, Page No. 820(Seventh Edition 2014)

International Health Regulations and Domestic Action plan

¹⁶The only set of binding rules that are exclusively designed to control the spread of infectious diseases are the International Health Regulations (IHR). The IHR has its origin through the constitution of WHO and as enshrined under Article 22, the WHO gives authority to adopt regulations in the matters concerning prevention of international spread of the diseases through quarantine requirements, sanitary and other procedures. In the recent times the world can witness growing cross-border travel and thus new challenges need to be tackled to prevent infectious diseases. The updated IHR have considered public health as an international concern and is trying to make effective communication between WHO and the State parties. The revised IHR was adopted in the year 2005 which clearly focuses on increasing the scope of IHR and have also come up with obligations upon WHO member states. ¹⁷As envisaged under Article 2 of IHR, the main purpose of the Regulations are to provide a proper public health response with regard to the international spread of diseases. The major outcomes of revised IHR regulations are the *National Focal Point* (Article 4 of the IHR) that has to be established by all member states. Its main purpose is to increase communication among member states with regard to any avian disease that is likely to transmit and also stresses member States to pass information on potential health threats. Further as per the new IHR, countries must mandatorily notify all events that involves the concern of public health within 24 hours of assessing the situation. The IHR can be called as the whole set of package. As per Article 5 it requires the State parties to build the capacity that could detect and report any events which disrupt public health. This can be done through community level surveillance that detect any events that involves death or diseases caused by flu. If many cases are reported in short intervals the information should be sent to national level to take necessary precautions. This can be considered as an intermediate level to prevent the effect of virus.

IHR and Breach of Obligation

¹⁸Firstly, there exist no sanctions with regard to the breach of IHR. The loopholes involved in compliance to IHR can be traced with the provisions laid down for Surveillance and response obligations and its applicability. For example, as per Article 6 States have to notify all

¹⁶ Barbara Von Tigerstrom, The Revised International Health Regulations and Restraint of National Health Measures, Health Law J, Vol No. 13, Page No. 36

¹⁷ World Health Organization, International Health Regulations; Page No.10 (Second Edition 2005)

¹⁸ Patti Troutbeck, Avian Influenza and International Law: Obligations upon Affected States, OYLR, 2006, Page No. 23

possible events involving public health to WHO. However, this can only be done if countries have proper capabilities to do so for detecting and assessing the events under Article 5. So, if any Under Developed Country did not have the source to detect any disease then there exist no possible means to communicate to the World Health Organization and hence, such actions does not amount to breach of international obligation .The same can be witnessed under ¹⁹Article 13 which states that each State should have public health capacities for providing appropriate support by increasing laboratory and specialized staff but the regulations are silent upon what level of support a state should provide and what if there arises a circumstance where a State provides very minimal level of support that doesn't solve the purpose of IHR. There exists inadequate clarity as to what really amounts to the breach of International Health Regulations. Above all if a breach was found on the State party, defense can be taken under ²⁰Article 23 of Draft Articles of State Responsibility wherein it states that wrongfulness of a State can be precluded if the occurrence is due to an unforeseen event and is totally beyond the control of the State thus making it an impossible event to perform the obligation mentioned under IHR. This concept is called as *Force Majeure*. ²¹*Rainbow warrior* case is one such example where France relied upon this concept as a circumstance for precluding wrongfulness of its conduct of removing the officers from Hao and later was not returned back following a medical treatment. Lastly, if States do not have the capacity to build resources that could effectively respond to public threats then it will not enable them to act accordingly and tackle emergencies on a 24 hour basis as required by Annex 1 of the International Health Regulations. Hence, there exist complications in enabling a State to be on par with IHR and meeting the responsibility is a hard task for most of the developing and under developed nations.

Avian influenza and International Human rights

²²Over the decades the world has witnessed an alarming rate of outbreaks that involves disruption to public health. The preamble of World Health Organization clearly states the fact that it is a Fundamental Right of every human to attain the highest standard of health. ²³ Everyone should have an unrestricted access to health services without suffering any

¹⁹International Health Regulations,2005; Art.13 , cl.1.

²⁰ Draft articles on Responsibility of States for Internationally Wrongful Acts, 2001 ; Art.23

²¹ France-New Zealand Arbitration Tribunal, 82 I.L.R. 500 (1990)

²²Human rights considerations with regard to pandemic influenza, unicef.org (June 29,2009),https://www.unicef.org/influenzaresources/files/Human_rights_considerations_with_regard_to_pandemic_influenza_unite_branded.pdf .

²³ Dr Tedros Adhanom Ghebreyesus, Health is a fundamental human right, who.int(December 10, 2017),<http://www.who.int/mediacentre/news/statements/fundamental-human-right/en/> .

hardships. Health therefore, as a Human Right entails legal obligation upon every State to ensure access to affordable and timely health care. The right to Health is one of the internationally agreed rights and should be given the most priority. One of the core principles of Human Rights involves accountability of the State. The duty bearers of each State is answerable for the observance of Human rights and non-state actors also play a key role in attaining proper health care for all citizens in a country. The World Health Organization has made several commitments in mainstreaming Human Rights into health care programs both on the National and Regional level. The WHO further is strengthening its capacity to integrate a Human Rights based approach to health. The concept of 'Right to Health' has seen a rapid growth under International Law with more significant health policies. The International Law does not merely provide the right to health care but also broadens the perspective of Health. As far as Avian influenza is concerned there isn't any statues or legally binding instruments that are exclusively available. However, several international instruments provide safeguard to every citizen from deprivation of life.²⁴ Article 6 of the International Covenant on Civil and Political Rights clearly states that every human has the inherent Right to Life and that right can be protected by law and further no person shall be arbitrarily deprived of his life. Further, even in the matters concerning²⁵ LCB v. UK the Court widened the scope of Article 2(1) on ECHR and directed States to take appropriate steps to safeguard the lives of all citizens within the country's territory and hence, this makes it clear that every State owes obligation to its citizen to provide high standard of living by safeguarding public health. Article 12 of International Covenant on Economic, Social and Cultural Rights urges Parties to take necessary actions for the prevention, treatment and control of any epidemic, occupational and other diseases .Hence, the State is entitled to provide vaccines on timely manner during the pandemic or as a precautionary means if any region is vulnerable to avian diseases. The obligation requires state to adopt certain legislative measures that could fully realize Right to Health and further, the State should also initiate a national health plan that provides immunization against infectious diseases to ensure the protection of its citizens from Flu's.²⁶ In extreme cases public health laws may authorize isolation of individuals or a group of people. However, such powers can be exercised only on a public health consideration without discrimination of race, gender or any other inappropriate criteria. Minimizing infectious diseases should be of an utmost priority in the public health law and States need to

²⁴ International Covenant on Civil and Political Rights, 1966; Art.6

²⁵ LCB v United Kingdom, Judgment, Merits, App No 23413/94, Case No 14/1997/798/1001, [1998] ECHR 49, ECHR 1998-III, (1999) 27 EHRR 212, IHRL 3274 (ECHR 1998), 9th June 1998, European Court of Human Rights [ECHR]

²⁶ Professor Roger Magnusson, Advancing the right to health: the vital role of law; Page No.152 (2017)

respond effectively to control the outbreaks of infectious diseases through appropriate legal powers.

International Response and Preparedness Towards Pandemic Outbreaks

World Health Organization primarily adopted two resolutions with regard to SARS and Infectious Disease Control at its Fifty-sixth annual meeting of World Health Assembly on May 28, 2003. All member states were advised to act in compliance with the resolution and take necessary actions in order to strengthen global and domestic efforts to address the outbreak of SARS and its impact.²⁷ The Pandemic influenza preparedness Framework for the sharing of influenza viruses and access to vaccines and other benefits which was adopted on May 24, 2011, had clearly recognized the imminent need for all member states to have a strong commitment to prevent the effect and cause of H5NI and other influenza viruses that could potentially harm humans to a larger extent. Further, The Framework also urges the member states to act in conformity with WHA resolution 60.28 and provide equal access to vaccines and other benefits to all WHO member states. The framework also ensured member states in prioritizing important benefits such as assessment of public health with transparent guidelines, Transfer of technology, skills and methods in protecting the world from pandemics, Risk assessment and prior warning information systems and services in Member States. As per the objectives envisaged under this framework, all developed nations with advanced laboratories and effective surveillance mechanism are asked to closely associate themselves and work with World Health Organization in order to develop research capacity relating to influenza type diseases and actively participate in assessment and response.

In order to attain equal distribution and flow of vaccines, member states should act in compliance with WHA resolution 61.21 and 60.28 thereby, understanding the fact that Intellectual Property Rights shall not prevent any states from protecting public health. However, the sovereign rights of the biological resources of a State need to be recognized.

Further, there should be a collective action plan when it comes to matters concerning mitigation of public health risk.

²⁷World Health Organization, Pandemic influenza preparedness Framework for the sharing of influenza viruses and access to vaccines and other benefits, www.who.int (May 24, 2017), http://apps.who.int/iris/bitstream/handle/10665/44796/9789241503082_eng.pdf;jsessionid=12A99632725F802A8F4999B87AD9492E?sequence=1.

Sustainable Funding Mechanism

The main idea behind this framework is to put forward the concept of Sustainable Financing of pandemic influenza preparedness benefit sharing system. Stakeholders and Member States are requested to make reasonable contributions in the form of donations to WHO which ultimately improves global preparedness and response for pandemic influenza. These funds will also help in conducting disease burden studies, improvising surveillance capacity, strengthening laboratories, deployment of vaccines and also antiviral medicines. Eventhough member states are urged to support the speedy implementation of WHO action plans for increasing the availability of vaccines by 2015 as enshrined under framework sections 6.13.1 and 6.13.2 but there has not been reasonable development with regard to proper supply of vaccines.

Role of Global Influenza Surveillance and Response System (GISRS)

GISRS play a crucial role when it comes to protection of Influenza like diseases.²⁸The review committee on the functioning of International Health Regulations (2005) which was exclusively established for tackling the pandemic (H1N1) made a statement that “ this was the first time that a worldwide laboratory initiative was well- coordinated for an extended period of time” which was also gratefully observed by World Health Assembly in 2011. The concept of GISRS till date serves as the best precedent for the future scientist who would like to dedicate their career towards influenza surveillance and response. GISRS generally shares ideas and resources in a manner that would serve the public welfare. The concept of GISRS also paves way to effective and efficient global health security with its unique ability to rapidly identify any outbreaks and also appropriately respond for the same.

²⁹Objectives of GISRS

- To efficiently detect any emerging influenza viruses.
- Assessment of risk and mitigating potential pandemics in the mere future .
- Real time virus monitoring through GISRS laboratories .
- A global mechanism for emerging viruses in order to ensure that world is adequately prepared for emerging threats .
- Information sharing and networking systems as a method of precaution.

²⁸ World Health Organization, Implementation of the International Health Regulations (2005): Report of the Review Committee on the Functioning of the International Health Regulations (2005) in relation to Pandemic (H1N1)2009, [www.who.int](http://apps.who.int/gb/ebwha/pdf_files/WHA64/A64_10-en.pdf?ua=1) (May 5, 2011), http://apps.who.int/gb/ebwha/pdf_files/WHA64/A64_10-en.pdf?ua=1.

²⁹ World Health Organization, Global Influenza Surveillance and Response System (GISRS), [www.who.int](http://www.who.int/csr/disease/OP_GISRS_FINAL.pdf)(2015),http://www.who.int/csr/disease/OP_GISRS_FINAL.pdf.

GISRS generally operates through a network basis with the establishment of National Influenza System and these systems are designated by the National Ministry of Health (recognized by WHO). The main advantage of GISRS is to keep track on the evolution of Influenza virus and to also keep proper checks and balance on public health and safety. However, in 2016 during Pandemic Influenza Preparedness Framework meetings it was recommended that “The Director General should address the lack of formalized representation in GISRS Network and such representations should be established as soon as possible to easily trace help and support when needed”. GISRS presently comprises of several institutions which are designated by member states and it has been recognized by WHO as National Influenza Centers. GISRS is also invited to PIP framework meetings for consultation with WHO Regional office and its essential regulatory laboratories. The WHO would select one or more GISRS members when required and WHO will take into account the principles with regard to scientific expertise and Geographical rotation. GISRS member will also be given an opportunity to provide inputs, if any, for further advancements. In spite of reasonable advancement in technology, humans are always vulnerable when it comes to protection from such pandemics and there is still a mountain to climb.

Conclusion

Based on the above facts and findings the authors strictly believe the fact that the concept of Avian Flu has not got much attention amongst the global community thereby failing to understand its impact. The provisions and principles laid down with regard to Influenza type diseases come up with its own loopholes thus, leading to the failure in the protection of Mankind. There is a definite need for an exclusive set of legally binding instruments not only among the States that are most vulnerable to Avian flu’s but to the international community as a whole. Further, on a very disappointing note, The World Health Organization were also not successful in preventing the States from the breach of International Health Regulations and this proves the fact that the world is very lethargic towards the approach to epidemics such as Avian Flu. The doctrine of State Responsibility should be strongly invoked for the Breach of International Health Regulations and any other regulations that have priority over the health of Mankind.

Implications are also needed with regard to breeding and maintenance of poultry farms and every State should take necessary steps to make sure that these poultry animals do not come in contact with Migratory birds that have the capability to spread diseases in a larger extent. World Health Organization on the other hand can establish a separate database to record and scrutinize the impact of avian flu. The database needs to be updated by all WHO member states and it should contain the number of deaths, people affected by infectious diseases, States response and also Vaccines available. By this means WHO can have checks and balances over its Member states. Convention on the Conservation of Migratory Species of Wild Animals is also silent upon the concept of Culling and its exceptions thus, failing to ascertain when culling is necessary and hence this gives a skeptical approach on the minds of international community. As far as the Human rights are concerned the WHO should make sure that every global citizen gets vaccinations and medications on a timely manner to control the flow of virus. Every country's national policy should consider Right to Health as the basic right and utmost priority must be given by taking necessary legislative measure to protect its citizens from any infectious diseases. Finally, World Health Organization needs to make sure that all Member States are fully aware of the impact that Avian Influenza could create and further, urge member states to establish proper capacity building mechanism incorporating as a part of their domestic action plan to mitigate any pandemic in the future.