



CENTER FOR TRANSNATIONAL LEGAL STUDIES LONDON

Georgetown Law
The Dickson Poon School of Law, King's College London
ESADE Law School
Hebrew University of Jerusalem
National University of Singapore
University of Fribourg (Switzerland)
University of Melbourne
University of Torino
University of Toronto

Health Spending and **Transnational Governance**

Center for Transnational Legal Studies

Swan House, London

Friday, April 25, 2014

9:30 am – 4:45 pm

Conference Description

Health care's growing capabilities offer exciting possibilities for the prevention and cure of illness and disability. But soaring medical costs pose an unprecedented challenge for national budgets. Aging populations, slowing economic growth, and other urgent social needs are forcing countries to set limits on beneficial, even lifesaving medical care. And there is rising evidence that education, economic development, safe food and water, and other social and environmental factors have much greater influence on the health of populations than does medical care.

This conference will consider the domestic, transnational and international governance challenges posed by conflicting pressures to devote resources to health care and to other public needs. We will examine the roles of courts, politics, administrative agencies, and the private sector in managing conflict among these needs – and between the stakeholders that press them – at both the national and global levels. Some of the conference participants will offer new ideas about how to manage such conflict so as improve people's health and well-being while respecting local values and maintaining social peace.

Conference Aims

- To inspire fresh thinking about an urgent challenge for national, transnational and global governance that intimately affects all of our lives.
- To test and enrich this thinking through vigorous exchange among leading scholars, researchers, and practitioners in the fields of law & politics, medicine, public health, and human development
- To stimulate the authorship of papers that effectively convey this thinking, in anticipation of publishing a book that contributes meaningfully to transnational efforts to allocate health resources wisely and to set necessary limits.

About CTLS

CTLS was founded in 2008 as a global partnership of leading law faculties with a shared commitment to addressing pressing problems of transnational law and governance. To this end, CTLS sponsors a unique, London-based education program for law students from around the world, as well as colloquia, lectures, conferences, and other collaborative scholarly projects. CTLS faculty, like CTLS students, come from all over the world; there is no host school or majority nationality. Their common commitment is to engaging, listening to, and challenging each other in an effort to better understand some of the most urgent global governance challenges. Their diverse personal and professional backgrounds make CTLS a uniquely multicultural and interdisciplinary environment.

CTLS currently has 24 partners. The Founding Partners are Georgetown Law, The Dickson Poon School of Law (King's College London), ESADE Law School, Hebrew University of Jerusalem, National University of Singapore, University of Fribourg, University of Melbourne, University of Torino, and University of Toronto. The other CTLS Partner Schools are Al-Quds University, Amsterdam Law School, Bucerius Law School, Católica Global School of Law, Diego Portales University, Free University of Berlin, The Haim Striks School of Law (Colman), Moscow State University, Peking University School of Transnational Law, Pontificia Universidad Javeriana, Renmin University of China Law School, Tecnológico de Monterrey, Universidad de los Andes, University of Auckland, and Yonsei Law School.

AGENDA

9:30 – 10:00: – Registration & Breakfast

10:00 – 10:05: Introduction

10:05 – 11:00: Framing the Challenge: Medical v. Social Needs

This panel will frame the governance challenges posed by soaring medical costs, aging populations, slow economic growth, and pressing social needs in both rich and poor countries. Participants will consider the relative contributions of medical care and other investments in human development to people's well-being.

PRESENTERS: Jessica Allen (UCL), Gregg Bloche (CTLS/Georgetown)

MODERATOR: César Arjona (CTLS/ESADE)

11:00 – 11:10: Break

11:10 – 12:45: Courts, Politics & Administrative Governance: The Struggle over Health Priorities

The struggle over health and medical care priorities has played out in different contexts in different countries, but there are recurring themes, including patients' (& their doctors') strong resistance to withholding of care that, however costly, might yield some benefit. Participants will point to parallels, differences, and lessons learned from health system stakeholders' battles over scarce resources in the courts, government agencies and the political arena.

PRESENTERS: Chris Newdick (Reading), Octavio Ferraz (Warwick), Keith Syrett (Cardiff)

COMMENTATOR: Emily Jackson (LSE)

MODERATOR: Ido Baum (CTLS/COLMAN)

12:45 – 2:00: LUNCH

2:00 – 3:00: Markets & the Privatization of Discretion

The trend toward privatization of both medical insurance and health care provision in many countries has meant privatization of discretion to decide which tests, treatments, and other clinical services are to be provided or paid for. Contracts (and contract law) play a large role in constraining this discretion. Participants will examine several nations' experiences with the privatization of this discretion – and with the conflicts over contract administration that have ensued.

PRESENTERS: Anne Davies (Oxford), Chantal Mak (CTLS/Amsterdam)

COMMENTATOR: Gregg Bloche (CTLS/Georgetown)

MODERATOR: Farrah Ahmed (CTLS/Melbourne)

3:00 – 3:10: BREAK

3:10 – 4:30: Global Health and Governance: Conflict over Resources and Outcomes

Transnational efforts to deal with the world's health problems have greatly intensified in the last decade, and increasing resources have been devoted to initiatives related to global health. This has led to growing debate over priorities, effective governance mechanisms, and individual countries' optimal levels of responsibility and commitment. Participants will critically analyze some of the current efforts and their results, and they will consider some of the alternative governance structures that have been contemplated by the international community.

PRESENTERS: Eduardo J. Gomez (King's College London), Sophie Harman (Queen Mary)

COMMENTATORS: Mariana Mota Prado (CTLS/Toronto) and Patricia Kingori (Oxford)

MODERATOR: Prabha Kotiswaran (Dickson Poon School of Law, King's College London)

4:30 – 4:45: Closing Comments