REFORMING AFRICAN HEALTH LAWS TO COMBAT SUBSTANDARD AND FALSIFIED MEDICAL PRODUCTS: BEYOND COVID-19

Philip Osarobo Odiase*

ABSTRACT

The multi-faceted problem of substandard and falsified medical-pharmaceutical products remains a threat to the right to life of the people of Africa. Studies show that one out of every ten pharmaceutical products circulating within the continent of Africa is either substandard or falsified. Sadly, the volume of substandard and falsified medical-pharmaceutical products in the region surged upwards during the Covid-19. Investigations conducted within the period attribute the prevalence of substandard and falsified medical products in the continent to weak regulatory legal frameworks among other factors. This article draws from the empirical studies conducted by selected international organisations. Since the problem of substandard and falsified medical products is of a transnational nature, this article argues for the harmonisation of legislation by African States to curb the menace of substandard and falsified medical-pharmaceutical products.

1. INTRODUCTION

Epidemiologically, science is yet to discover medications that can effectively treat many viral diseases including novel Coronavirus disease 2019 (covid-19)[1] which hit the world in late December 2019.[2] For now, the best approaches to managing viral diseases remain containment, vaccination and use of drugs to treat or mitigate the effect on infected persons.[3] Consequently, the first response to the outbreak of covid-19 by

* Senior lecturer, Faculty of Law, Adekunle Ajasin University, Nigeria

1 World Health Organization (WHO), '*Timeline of WHO's Response to Covid-19'* (30 July 2020) available at <https://www.who.int/news-room/detail/29-06-2020-covidtimeline> (last accessed 20 September 2020).

2 Federica Paddeu and Freya Jephcott, '*COVID-19 and Defences in the Law of State Responsibility*: Part II' *European Journal of International Law*, available at <https://www. ejiltalk.org/covid-19-and-defences-in-the-law-of-state-responsibility-part-ii/> (accessed 21 September 2020).

3 *ibid*.