

THE 2005 INTERNATIONAL HEALTH REGULATIONS: TAIWAN, COMPLIANCE AND THE EXCLUSION PARADOX

*Tsung-ling Lee**

ABSTRACT

Question of compliance continues to puzzle and generate intellectual interest in the global legal discourse; in particular, the worldwide implementation gap in the 2005 International Health Regulations (hereinafter “2005 IHR”) as exposed by the COVID-19 pandemic again has renewed attention on the question. The article focuses on Taiwan as a case study to explore endogenous and exogenous factors underpinning the voluntary compliance of the 2005 IHR. Arguably, Taiwan’s relatively success at containing the pandemic at the one-year mark since the emergence of SARS-CoV-2 first identified in China in 2020 is partly due to public health reforms in the aftermath of 2003 Severe Acute Respiratory Syndrome (SARS). As the world largely fall short of pandemic preparedness as a function of the wide-spread non-compliance of the 2005 IHR, examining the factors underpinning Taiwan’s voluntary compliance offers a more nuanced understanding of compliance where the diffusion of norms occurs absent of enforceable mechanism. Such would contribute to the broader discourse as securing 2005 IHR compliance is a shared challenge. Taiwan’s voluntary compliance is striking as it indirectly reaffirms

* Assistant Professor, Graduate Institute of Health and Biotechnology Law, Taipei Medical University. The author is grateful for the meticulous editorial efforts of the Asian Journal of WTO & International Health Law and Policy editorial team and the anonymous reviewer for the careful reading and helpful comments. All errors remain my own. The author can be reached at: tl265@georgetown.edu.

the central importance of the World Health Organization (hereinafter “WHO”) as a norms-generating global health agency more broadly: as Taiwan’s public health reform has drawn extensively from the WHO norms.

KEYWORDS: *2005 International Health Regulations, World Health Organization, Taiwan, compliance, COVID-19, pandemic, pandemic preparedness*