

THE ROAD TO OBSERVER STATUS IN THE WORLD HEALTH ASSEMBLY: LESSONS FROM TAIWAN'S LONG JOURNEY

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ABSTRACT

Taiwan was not able to attend meetings of the World Health Organization since 1972 because mainland China opposes it joining the WHO, and because legal limitations established by United Nation Resolution 2758 and the World Health Assembly Resolution 25.1 have prevented its participation under any other status. In 1997, Taiwan's government decided to return to the international health community by seeking observer status in the WHA. Since then, various strategies to gain observer status, including waging a legal battle for the revision of the International Health Regulations, have been tried to no avail. After the Taiwanese presidency changed hands in 2008, cross-strait relations appeared to improve and diplomatic pressure from mainland China has gradually diminished. Finally in April 2009, the WHO Director General sent an invitation to the Department of Health, Taiwan, inviting the Minister of Health to participate in the 62nd WHA in the capacity of an observer. Taiwan was then invited again in 2010 for the 63rd WHA. Issues remaining to be ascertained are as follows: First of all, whether Taiwan's sovereignty will be undermined by accepting the name of Chinese Taipei; secondly, whether Chinese Taipei will be invited to attend each year, even if

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there is another change of government in Taiwan; thirdly, what the responsibilities and obligations for Chinese Taipei are as an observer. Although the legal battle finalizing the language of the IHR (2005) paved the way for Taiwan's participation in the WHO, the saga of Taiwan's return to the WHA bears witness to the reality that political questions can only be resolved through political pR.O.C.esses, not through legal pR.O.C.eedings or legal analyses.

KEYWORDS: *World Health Organization, World Health Assembly, Observer Status, International Health Regulations, Taiwan, Chinese Taipei, Sovereignty*