

LAYING THE FOUNDATION FOR FREE TRADE AGREEMENTS TO INCLUDE A HEALTH CHAPTER

*Chang-fa Lo**

ABSTRACT

The IHR (2005) represents an improvement in the ways and means of dealing with diseases of international concern. Procedurally, there are also some innovative methods that Member States are expected to adopt and implement. One such approach is the emphasis on international cooperation. There are different options available to achieve the objective of international cooperation, including bilateral cooperation, regional cooperation, cooperation under the intervention of the WHO, and cooperation between Member States and the WHO.

Traditionally, bilateral or regional cooperation on health matters is not conducted in a frequent or consistent manner. Since the conclusion of the new IHR, the need for some form of bilateral or regional cooperation arrangement is more pressing. This paper argues that the use of FTA as a vehicle to conduct bilateral or regional cooperation is appropriate. It also suggests the health contents to be covered by the FTA.

If countries are to use FTAs as a legal means to deal with health matters, the expectation of the new IHR concerning bilateral and regional cooperation and collaboration could be realized in a quicker and more effective manner, partly due to the already comprehensive FTA network between and among countries and partly due to the relatively efficient institutional arrangement in place under the respective FTAs.

* NTU Chair Professor of the College of Law, National Taiwan University

KEYWORDS: *IHR (2005); FTA; GATS; GATT 1994; WHO; WTO*

