

# Responses to “Operation and Trade- Related Issues of WHO Pandemic Treaty Negotiation”

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## Intersection of Trade & Public Health Laws

- **Pathogen Access and Benefit-Sharing System (PABS)** : Promotes equitable global distribution of medical countermeasures (Art. 12)
  - **Dispute Settlement Mechanism**: Proposes a structured and robust approach (Art. 25).
  - **Alignment with the WTO Framework**: Encourage proactive responsibility within the WTO structure to enhance international collaboration (Art. 13)
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- Should we mirror existing frameworks, rely on them, or establish a new one?
  - How does the new solidarity framework address national priorities for protecting public health

## Equity and PABS

- “Equity” as the core principle in the WHO Accord:
  - Unfair distribution of vaccines, drugs and PPEs during the COVID-19 pandemic
  - The failure of COVAX
- Can the PABS system enhance equity?
  - Is the 20% reservation sufficient or excessive?
  - Balancing treaty obligations with domestic priorities
  - Creating incentives to participate in the system

## Dispute Settlement & Accountability

- Establish a dispute settlement mechanism for the pandemic treaty
  - Ensure the independence of the WHO framework with enforceable measures
  - Leverage public health expertise in dispute resolution
  - However, many issues (e.g., Art. 13bis(1) transparency, Art. 14 regulatory authority, Art. 20 sustainable financing) are compliance concerns rather than disputes.
- How could the treaty ensure accountability of contracting Parties?

## Alignment with Existing Frameworks

- Aligning with trade law:
  - Public health falls under the exceptions of WTO clauses
  - Does WTO collaboration highlight the WHO Accord's reliance? Should they be separate or combined?
- Aligning with human rights law:
  - Collaboration mandates (e.g., Art. 2(1) ICESCR) exist. But does the WHO Accord adhere to international human rights standards?
  - Derogation of human rights during pandemics
- Aligning with domestic law

# Global Solidarity v. Nationalism: The Taiwan Experience

- “One Island, One Destiney” while “Taiwan Can Help”
  - Early and strict border regulations
  - Formation of the national mask team and export restrictions
  - Development of domestic vaccines to ensure self-reliance
- Applying the WHO Accord in Taiwan:
  - Balancing collaboration obligations with prioritizing national health in emergencies
  - Addressing potential conflicts with national security considerations
  - The need for resources to comply with treaty commitments.