

What can lawmakers do to stop the Pandemic Agreement (Treaty) and amendments to the International Health Regulations (2005) (IHR) from going forward at the 77th World Health Assembly (WHA) meeting, taking place from May 27 to June 1, 2024?

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May 6, 2024

1. The easiest way forward is to ask your government to demand a delay in the process, according to the WHO's failure to meet the IHR Article 55 notice requirement.

There are less than 3 weeks until the World Health Assembly meets, and yet there are no final drafts of either treaty. Negotiations are continuing, with meetings scheduled up until May 17.

Clearly, nations will not have sufficient time to evaluate either final document prior to a vote, particularly as translating the documents into many languages will consume even more time. The Netherlands' lower house of Parliament has already instructed its government to request a delay, and if there is no delay, instructed its government to vote NO on both treaties.

Amendments to the International Health Regulations are required to be shared at least 4 months before a vote on them, according to [IHR \(2005\) Article 55\(2\)](#):

*"The text of **any** proposed amendment shall be communicated to all States Parties by the Director-General at least four months before the Health Assembly at which it is proposed for consideration."*

Confirming this deadline, the WHO's IHR amendments Review Committee noted in its October 23, 2022 [Terms of Reference](#) that:

*"January 2024: WGIHR (the Working Group negotiating the IHR) submits their **final package** of proposed amendments to the DG who will communicate them to all States Parties in accordance with Article 55.2, for the consideration of the Seventy-seventh World Health Assembly"*

The WHO incontrovertibly missed this deadline, despite excusing itself by claiming to interpret these documents differently than their clear meaning.

While the Pandemic Agreement is a new document, and there is no specific timeline by which it is required to be shared with all member states, the WHO's [Rules of Procedure \(Rule 14\)](#) require that all documents be made available 6 weeks ahead of a proposed meeting:

"Copies of all reports and other documents relating to the provisional agenda of any session shall be made available on the Internet and sent by the Director-General to Members and Associate Members and to participating intergovernmental organizations"

at the same time as the provisional agenda or not less than six weeks before the commencement of a regular session of the Health Assembly"

This '6 week' requirement clearly applies to the Pandemic Agreement. Therefore, the deadlines required for completing and presenting both documents to the member states, according to the WHO's own rules, have been disregarded.¹

Instead, the WHO appears to be making up new procedures while ignoring its existing rules. The WHO is supposed to be the servant of its member states, not their master, and it has no right to ignore the rules and push ahead with votes for anything at this late date.

2. Can your states or provinces assert their legal sovereignty over healthcare?

The United States Constitution places responsibility for healthcare in the states and not the federal government. Two states, Florida and Utah, have already passed legislation denying jurisdiction to the WHO in their states. Several other states are in the process of passing legislation that will also deny jurisdiction to the WHO, and in some cases deny jurisdiction to the UN and the World Economic Forum as well.

If your nation regulates healthcare at the level of the state or province, this may be a valid strategy for you as well.

Furthermore, in the European Union, the EU government's level of competence to make healthcare decisions for its member nations is questionable, and its right to negotiate with the WHO, to vote and to make decisions on health should be explored.

3. Is the proliferation or transfer of biological warfare agents, also known as Potential Pandemic Pathogens or Select Agents, legal in your nation?

In the United States, domestic [regulations](#) implementing the 1972 Biological Weapons Convention places legal restrictions on activities that are planned for the [WHO's BioHub](#) and Pathogen Access and Benefit Sharing system (Pandemic Agreement Article 12). These agents cannot be transferred without permission from the US government, and there are restrictions on shipping them commercially. These issues have not been addressed in any drafts of the Pandemic Agreement, which advocates widespread sharing of pathogens in a manner that is illegal in the US.

4. Has your Parliament addressed the question of whether the WHO's pandemic prevention, preparedness and response (PPPR) program is more likely to reduce pandemics or increase them? Improve pandemic management or worsen it?

Increasing the number of laboratories that handle, transfer and study potential pandemic pathogens increases the risk of lab leaks, accidents and deliberate release. Putting the genetic

¹ https://www.ghr.agency/wp-content/uploads/2024/05/New-open-letter-GHRA-1.May_public.pdf

sequences of pathogens online, as the WHO documents require, opens the door to hackers downloading the sequences and producing the pathogens.

There are many reasons to think that the transformation of the WHO into the governor of world health during pandemics, and in some cases between pandemics, could be problematic for global health.

The WHO is not a center of pandemic expertise. Its handling of the two largest Ebola epidemics in 2014 and 2018-9, the 2009 swine flu pandemic and COVID leave much to be desired. Who decided that increased legal authority should be put into the hands of the WHO, given its poor track record on providing pandemic advice and managing pandemics? Who decided that a "one-size-fits-all" approach to pandemic management, everywhere in the world, was desirable? There has been no review of the WHO's functioning during COVID, which should be required before handing more authority to the organization.

5. Does your government know that the Pandemic Agreement would give a blank check to the WHO, both in terms of the cost of its new programs, but also in terms of the scope of what the WHO will be able to do?

Drafts of the Pandemic Agreement propose creating a Conference of Parties, which will make its own rules and create its own subcommittees. It will also be responsible for financial aspects of the PPPR program. There are very few specifics in the drafts. The World Bank has estimated a yearly cost for the program, including 'One Health,' of \$41 billion dollars yearly, more than ten times the current WHO budget.

Dues cover only 15% of the WHO budget. Current dues might only cover 1% of the transformed WHO budget. Who will pay the rest? What benefits will donors expect to receive? Will nations be forced to take on considerable debt for the new program? Who will loan the money for the Global Biodefense Agenda when there will never be positive financial returns?

6. Demand that individual votes on the two instruments be recorded (in other words, a roll call vote must be taken) and that votes must take place in the full World Health Assembly, with a quorum present.

The WHO Constitution provides several possible procedures for voting. Yet prior votes on IHR (2005) amendments did not follow the rules. It seems that a questionable "consensus procedure" took place in May 2022 in Committee A regarding amendments to the IHR (2005), as shown in the WHO's videos, but that the full WHA never voted, as required.

Twelve Members of the European Parliament wrote to the WHO Director-General in November 2023 asking for evidence that a WHA vote on the 2022 amendments took place. They requested an answer in 48 hours. Three months later, they had received no reply.

The UK Health Minister said in Parliament on December 18, 2023, that all prior decisions on IHR amendments had been decided by consensus. This implies there has never been a vote on

IHR amendments. Encourage your government to demand a vote according to the rules, and that a roll call is taken so nations will be accountable for their votes.

7. Demand that your Parliament must ratify any treaties that your nation signs.

In the US, the present Administration has said it planned to sign both instruments as Executive Agreements, bypassing Congress. Many Congressmembers, including 49 Senators, are demanding that the Senate ratify the documents, which will require a 2/3 vote in favor. A 2/3 majority will be very difficult to achieve when 49% of the Senate has asked the US to withdraw support of the instruments.

8. Point out that WHO officials are dishonest

Why would our nations turn over management of pandemics to a dishonest agency?

- a) The Pandemic Agreement states it will not usurp national sovereignty. The WHO's Director-General has repeatedly [said](#) the same thing. But this is clearly not true. It was disputed by the [UK's former Attorney-General](#) and by [49 US Senators](#), among others.
- b) The Pandemic Agreement has had 5 different names during its negotiations.
- c) The WHO's principal legal officer, Steven Solomon, misled the WGIHR regarding the text and meaning of Article 55(2) of the IHR. He claimed that because the Working Group is neither a State Party nor the Director-General himself, the four-month advance notice for submission of amendments rule in Article 55 did not apply, which is a gross misinterpretation of the document.²

9. Point out that the amendments and Pandemic Agreement are unconstitutional

In the US, strong arguments can be made that these instruments transgress the 1st, 4th, 10th and 14th amendments to the Constitution. They also transgress other Constitutions, for example by abrogating free speech.

10. The WHO was created in 1948 to provide advice and charitable assistance to nations, when requested. These instruments would transform it into a "Biohub" library of potential pandemic pathogens, and the governor of global health during public health emergencies (or likely ones) whenever the WHO Director-General unilaterally declares them.

Has your Parliament discussed the ramifications of this transformation, and whether these changes in the nature of the organization is what it wishes to support? These instruments delegate administrative authority to an unelected, non-governmental entity, a unique and rare development in international law.

Your nation can withdraw from the negotiations, and/or announce that it will not be bound by either treaty.

² <https://simonmercieca.com/2023/11/30/why-does-the-who-get-to-ignore-the-rules-it-doesnt-like-but-it-expects-the-world-to-obey-all-the-rules-it-makes/>

