

Is the WHO going to take over American sovereignty?

What does it mean that the World Health Organization (WHO) could take over sovereignty or supersede the Constitution?

- A U.S. agreement with the WHO falls under international law.
- International law is very fluid. It relies upon customs, agreements, and what we allow to happen.
- The sovereign will of nation states are the ultimate authority.
- International law governs the relationships between sovereign nations.
- Currently, there's no global, centralized authority over countries and territories of the world.
- Sovereignty is independence. It is "the consent of the governed," and the ability to make decisions about our own affairs.
- We're now on the edge of losing sovereignty, based on proposed amendments to the International Health Regulations (IHR) combined with a pandemic treaty. The IHR and the treaty will change our relationships, responsibilities, and behaviors in relation to other countries around the world. They will be legally binding.
- **We do have a structure of government meant to protect against this: our Constitution with its checks and balances between the branches. Congress must have oversight over treaties and keep an eye on executive agreements to make sure the President doesn't overstep bounds. Now is the time for Congress to act!**

What could happen in America, without consent of the people, based on international agreements?

- Triggers of increased authority of executive agencies based on WHO declarations. The Centers for Disease Control (CDC) already has regulations to claim authority to detain and examine people if the WHO declares an emergency, even without a U.S. declaration.
- We are already funneling billions to the WHO and the World Bank in the name of global health. At this moment, those contributions are voluntary, but that would very likely change.
- Intellectual property-sharing agreements are already being put into place, especially for vaccines.
- A huge increase in sharing of health and personal data, pathogens, and genetic sequences.
- We could agree to abide by a centralized global governance panel or simply the Director General of the WHO when a health emergency is declared.
- A pandemic treaty could pave the way for the Good Health Pass or other digital health passports to become the norm.

Actions and Talking Points

1. Tell your U.S. Representative to support HR 419, the No Taxpayer Funding for the WHO Act.
2. Tell lawmakers the IHR amendments are a treaty, not an executive agreement, because they will critically alter the obligations and responsibilities of the United States.
3. Congress can pass a law to override the 2017 CDC definition of public health emergency by codifying one of their own that has nothing to do with the WHO.
4. The pandemic treaty should have the advice and consent of two-thirds majority in the Senate, per Article II, Section 2 of the U.S. Constitution. Let's make sure our lawmakers are aware of this!

International Health Regulations (IHR)

The IHR is already in place, last amended 2005. The WHO will consider these amendments at the World Health Assembly in May 2022.

Key proposed changes:

- Adds Public Health Emergency of Regional Concern (PHERC) and Intermediate Health Alert
- New Compliance Committee
- WHO Director General or Regional Directors could declare an emergency without input from that member nation.
- Fast tracks changes to the amendments from a two-year process to a six-month process.
- Greatly expands health surveillance and decreases the threshold for verifiability of data before the WHO acts.

The IHR will be treated as federal law without input from our elected representatives. Unless Congress decides it is a treaty and no longer an executive agreement, there's no need for Congress to pass legislation for implementation. It is self-executing.

2017 CDC Regulation Update:

Added a new definition of public health emergency to trigger CDC authority to include WHO declaration of emergency without a declaration in the U.S.

Timeline

1948 - Joint Resolution of Congress authorizing the U.S. to join the WHO (This is the authorizing statute upon which presidents with HHS have authority to make executive agreements that don't require the advice and consent of the Senate.)

2005 - IHR amended to include any disease declared a concern and create the PHEIC

2007 - U.S. accepts the IHR amendments with the reservation that the U.S. will comply if the regulations do not interfere with the independent health decisions of states in the U.S.

2020 JANUARY - U.S. Declaration of Public Health Emergency by the HHS Secretary, under the Public Health Service Act

2020 JANUARY - WHO Declaration of Public Health Emergency of International Concern (PHEIC)

2020 MARCH - U.S. Declaration of Emergency by the President, triggering FEMA authority under the Stafford Act

2020 MARCH - WHO Declaration of pandemic

2020 APRIL - President Trump initiates process to

Pandemic Treaty

Negotiations are ongoing around the globe and the treaty is being drafted. It will be “[a]n opportunity to enhance, update, and strengthen the leading and coordinating role of the WHO and its function to act as the directing and coordinating authority on international health work in light of the 21st century global health landscape.”

We can likely expect to see provisions on:

- “Equity” to ensure a declared health emergency is treated the same way, no matter the economy or concerns of a country.
- Expanding the WHO’s “One Health” approach to include environment and animals in the health equation.
- Sharing health data and information across many industries and across the globe.
- Money. The WHO needs “adequate and sustainable financing so that the WHO can play a leading and coordinating role in global health.”
- Increased sharing of pathogens, genetic information, biological samples, data, and technology.
- “Global coordinated actions to address the misinformation, disinformation, and stigmatization that undermine public health.”
- Teeth to enforce compliance with WHO decisions, including possible sanctions or trade and travel restrictions.
- A centralized governance during a declared emergency.

remove the U.S. from the WHO.

2021 JANUARY - President Biden reinstates U.S. participation in the WHO.

2021 DECEMBER - WHO Special WHA (second in the history of the WHO) convenes to talk about coronavirus, creates the Intergovernmental Negotiating Body (INB) tasked with drafting the Pandemic Treaty.

2022 JANUARY - U.S. submits proposed IHR Amendments to the WHO

2022 MARCH - European Council announces negotiations will start on Pandemic Treaty.

2022 APRIL - INB first public meeting, seeking input on substantive parts of treaty

2022 MAY - World Health Assembly to consider IHR Amendments

2022 JUNE - Second INB Meeting scheduled to discuss Pandemic Treaty

2022 AUGUST - Draft treaty expected

2024 MAY - 77th WHA, Pandemic Treaty to be presented for adoption

