

The **W.H.O.** and **AMERICAN DEMOCRACY**

Can proposed changes to the WHO usurp NATIONAL SOVEREIGNTY?

1. US CONSTITUTION
ARTICLE VI:
*"Treaties shall become
Supreme Law of the Land"*

is W.H.O.
membership
a Treaty?
YES!

2a. The **W.H.O. Constitution** &
The **International Health Regulations
IHR (2005)** are listed as current
TREATIES IN FORCE

2b. **W.H.O. Membership** was
APPROVED in 1948
by a **Joint Resolution of Congress**
giving it the same legal weight as a
2/3 majority vote of the Senate

2c. **VIENNA CONVENTION
ARTICLE 5, 1969**
*"Instruments adopted by International
Organizations according to their
internal rules are **treaties.**"*

So What?
These agreements have
been in place for over
50 years!

4a. The IHR Amendments
REMOVE the **PHRASE:**
*"with full respect for the
Dignity,
Human Rights and
Fundamental Freedoms
of persons" (Art. 3)*
and change
"RECOMMENDATIONS"
to legal requirements.

3. The **International Health Regulations
(IHR)** are being **AMENDED**
so that countries will be
FORCED TO OBEY
And there's a new draft document:
The WHO CA+ a.k.a
The Pandemic Treaty
a.k.a the "Bureau Draft"

4b. **THE PANDEMIC TREATY**
implements the
One Health Approach
and **REQUIRES**
members to perform both
**Biological & Informational
SURVEILLANCE**

It also **REQUIRES** members
to **CENSOR INFORMATION**
that counters the **WHO** position.

5. **Missouri v. Holland 1920**
Treaties override the 10th
amendment which reserves
powers to states.

US v. Belmont 1937
The President alone can make
international compacts which
override states' rights.

US v. Pink 1942
*"State law must yield when it is
inconsistent with or impairs...
a treaty or and international
compact or agreement."*

**OK, but there's
No Enforcement
Mechanism!**

So what?
This won't **override** the
US CONSTITUTION
and **BILL of RIGHTS,**
will it?

See Item 1 and these
**Three SUPREME
COURT CASES:**

**OK, but that
won't usurp**
the First Amendment Right to
FREEDOM of SPEECH
or the 4th Amendment
RIGHT to PRIVACY,
will it?
YES IT WILL!

See items 1 and 5.
**Read the
Documents Yourself!**

6a. The **Pandemic Treaty** creates an
**"Implementation and
Compliance Committee"**
The IHR draft creates a
"Compliance Committee"

6b. **NDAA: SEC. 5561.**
**Enhancing the United States'
International Response to
Pandemics.**

*This new piece of legislation directs
US gov agencies to comply with and
adhere to any relevant frameworks that
contribute to Global Health Security.*

7. **WHAT CAN WE DO?**

**READ and SHARE H.R. 79
WHO WITHDRAWAL ACT**
H.R. 79 currently has 49 cosponsors.
Is your representative a cosponsor?

*W.H.O. Membership gives
a **DICTATORIAL REGIME**
an **EQUAL VOICE**
to a **DEMOCRACY,**
and the **W.H.O.** cost the US nearly
\$800 MILLION in 2022.*

May 2024 Vote:
The **IHR (2005)** is already an instru-
ment of international law.
The proposed amendments
WILL PASS INTO LAW
if supported by the
MAJORITY present.

1. The US Constitution Article 6 reads:

This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the Judges in every State, shall be bound thereby; any thing in the constitution or laws of any State to the contrary notwithstanding.
<https://constitution.congress.gov/constitution/>

2a. WHO Membership is a treaty:

US Department of State. **Treaties in Force: A List of Treaties and Other International Agreements of the United States in Force on January 1, 2020.** Page 532. Constitution of the World Health Organization. Done at New York July 22, 1946. Entered into force April 7, 1948; for the United States June 21, 1948. Amendments through May 16, 1998. International health regulations, with annexes and appendices.* Adopted at Geneva May 16-25, 2005. Entered into force June 15, 2007; for the United States July 18, 2007.
<https://www.state.gov/treaties-in-force/>

2b. 22 USC CHAPTER 7, SUBCHAPTER XX: WORLD HEALTH ORGANIZATION

Joint Resolution of Congress providing for the membership and participation by the United States in the World Health Organization and authorizing an appropriation therefor.

<https://uscode.house.gov/statviewer.htm?volume=62&page=441>

2c. Vienna Convention on the Law of Treaties (1969)

Article 5: Treaties constituting international organizations and treaties adopted within an international organization.
The present Convention applies to any treaty which is the constituent instrument of an international organization and to any treaty adopted within an international organization without prejudice to any relevant rules of the organization.

https://legal.un.org/ilc/texts/instruments/english/conventions/1_1_1969.pdf

3. IHR draft amendments

Last update available to public February 6th 2023:

https://apps.who.int/gb/wgihhr/pdf_files/wgihhr2/A_WGIHR2_7-en.pdf

Pandemic Treaty Draft (final name unknown)

Officially known as WHO CA+ or the "Bureau Text"
Current version June 2 2023:

https://apps.who.int/gb/inb/pdf_files/inb5/A_INB5_6-en.pdf

4a. IHR draft amendments include:

Throughout the document, the phrase non-binding is deleted. In legal documents, 'shall' means 'must', and 'may' means 'maybe'.

Article 3 deletes the phrase *"with full respect for the dignity, human rights and fundamental freedoms of persons"* and replaces it with *"the principles of equity, inclusivity, coherence."* Human rights are well defined in international law, 'equity, inclusivity, and coherence' are not.

Article 12 gives the WHO Director General single handed power to declare a Public Health Emergency of International Concern. The definition of PHEIC has been expanded to include 'potential' in addition to 'actual' concerns.

Article 44h: adds financing mechanisms for *"countering the dissemination of false and unreliable information about public health events, preventive and anti-epidemic measures and activities in the media,*

social networks and other ways of disseminating such information."

4b. Draft WHO CA+ Pandemic Treaty:

The WHO CA+ (casually known as the Pandemic Treaty or the "Bureau Text") is built around One Health Policy, which aims to incorporate 'health' into everything in the world.

Article 12: requires development of a *"system [that] shall cover all pathogens with pandemic potential, including their genomic sequences"*

Article 18 requires *"conduct regular community outreach, social listening, and periodic analysis and consultations with civil society organizations and media outlets in order to identify the prevalence and profiles of misinformation, which will contribute to design communications and messaging strategies for the public to counteract misinformation, disinformation and false news, thereby strengthening public trust and promoting adherence to public health and social measures;"*

Article 22 establishes the *"Implementation and Compliance Committee...to facilitate and consider the implementation of, and promote compliance with, the provisions of the WHO CA+ "*

5. Supreme Court Cases

Missouri v. Holland, 1920

<https://supreme.justia.com/cases/federal/us/252/416/>
"Acts of Congress are the supreme law of the land only when made in pursuance of the Constitution, while treaties are declared to be so when made under the authority of the United States. The treaty in question does not contravene any prohibitory words to be found in the Constitution. The only question is whether it is forbidden by some invisible radiation from the general terms of the Tenth Amendment. We must consider what this country has become in deciding what that Amendment has reserved. No doubt the great body of private relations usually fall within the control of the State, but a treaty may override its power: It is not sufficient to rely upon the States. The reliance is vain, and were it otherwise, the question is whether the United States is forbidden to act. We are of opinion that the treaty and statute must be upheld."

United States v Belmont 1937

<https://supreme.justia.com/cases/federal/us/301/324/>
"The international compact was within the competency of the President, and participation by the Senate was unnecessary. The external powers of the United States are to be exercised without regard to state laws or policies. ...we are of opinion that no state policy can prevail against the international compact here involved."

"To permit the validity of the acts of one sovereign State to be reexamined and perhaps condemned by the courts of another would very certainly imperil the amicable relations between governments, and vex the peace of nations." And in respect of what was done here, the Executive had authority to speak as the sole organ of that government. The assignment and the agreements in connection therewith did not, as in the case of treaties, as that term is used in the treaty-making clause of the Constitution (Art. II, § 2), require the advice and consent of the Senate. But an international compact, as this was, is not always a treaty which requires the participation of the Senate."

United States v. Pink 1942

<https://supreme.justia.com/cases/federal/us/315/203/>
"State law must yield when it is inconsistent with or impairs the policy or provisions of a treaty or of an international compact or agreement. Power over external affairs is not shared by the States; it is vested exclusively in the National Government."

6. Compliance

International agreements and treaties become part of international law. Congress is directed to provide funding for their execution, and agencies are directed to follow treaties in force.

IHR compliance: countries are required to comply and report to the WHO.

WHO CA+ Pandemic Treaty Compliance Article 22 establishes the Implementation and Compliance Committee.

NDAA 2023

<https://www.congress.gov/bill/117th-congress/house-bill/7776>

Subtitle D - International Pandemic Preparedness

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-Provides \$5 billion in funding for pandemic preparedness

-Includes the One Health Approach as a valid health framework

-Recognizes "any other valid health frameworks"

-Directs Dept of State, USAID, and DHHS to implement

7. What Can We Do?

WHO Withdrawal Act H.R. 79

<https://www.congress.gov/bill/118th-congress/house-bill/79/text>

Cost of WHO Membership 84% of WHO funding is from voluntary contributions. The largest of these have conflicts of interest as they are invested in vaccine manufacture and distribution: Bill & Melinda Gates Foundation, and GAVI.

In 2022, the World Health Organization spent twice as much money on salaries (\$1.164 billion) as they did on medical supplies and materials (\$551 million).

In 2022 The United States "donated" an additional \$739 million over and above its required assessed payment.

TIME LINE AND NEXT STEPS:

November 27 2023: Last opportunity to reject the amendment to article 59 of the IHR, adopted in May of 2022. This amendment reduces the time to reject future amendments from 18 months to 10 months. This impedes the normal democratic process for activists and lobbyists to contact and inform their representatives.

May 2024: The WHO World Health Assembly will vote at the 77th meeting. The IHR (2005) is already an instrument of international law. The proposed amendments will pass into law if voted in by a simple majority of the members present. If the current amendments are not rejected, the new IHR will become law by May 2025.

The WHO CA+ Pandemic Treaty requires a 2/3 majority vote of the WHA, which will likely occur in **May 2024.**