

## **OGA listening session on IHR/Treaty written remarks**

My name is Valerie Borek. I am Associate Director for Stand for Health Freedom. We represent over 600,000 Americans who are very concerned about the United States' relationship with the W. H. O. and the direction this administration is going with that relationship.

One primary concern is the legality--and therefore legitimacy--of the changes to the International Health Regulations. Article 55 of the IHR requires the text of any proposed amendment to be communicated to all members four months before the Health Assembly where it will be considered. The Director General instructed in 2022 that the Working Group for the IHR should follow IHR rules, in his Report to the Health Assembly on Strengthening WHO preparedness for and response to health emergencies.<sup>i</sup>

At a meeting of the working group in October 2023, one of the co-chairs announced they would not be able to meet the deadline to submit compiled amendments before the World Health Assembly. However, W. H. O. Secretariat legal counsel announced that rules of the IHR treaty that the WHO applies to all 194 member states—do not apply to the WHO itself.

So the situation we see is that while the WHO relaxes its own rules for itself, the US continues to support a stronger IHR and pandemic treaty, and a centralized governing role for the WHO. This is extremely problematic because there is no accountability. Americans do not elect WHO governance, and we do not elect delegates who represent us there.

It's notable that the same working group co-chair commented at a World Health Assembly Round Table in 2023 that amendments to the IHR treaty aren't even necessary, but instead we simply need to enforce the rules we already have.

There's been further justification for this waiver of the rules by saying we've already seen the proposed amendments, published in February 2023.<sup>ii</sup> This is also legally insufficient because the text of proposed amendments isn't static. Changes are the whole point of the negotiations that have been happening for almost 2 years now. We also believe there have been additional unseen proposals, as evidenced by a comment at the December meeting by the Japanese delegate referencing new and updated proposals.

Failure to comply with rules goes forward and backwards in time. The 2022 Amendments to the IHR submitted by the US were likely not adopted in accordance with IHR rules, and thus, are invalid. Twelve members of the European Parliament wrote a letter to the WHO Director General, noting the adoption of the amendments by consensus in a plenary session, and demanding evidence of a full Health Assembly vote, but no response was given. If the vote was not conducted according to the IHR treaty, the 2022 amendments are void.

The upcoming pandemic treaty vote should be deferred until the questionable legality of the IHR amendments is answered. The treaty incorporates the IHR. How can countries vote on a document that is incomplete and quite likely illegal? The United States should lead the way in demanding transparency.

<sup>i</sup> (Document A75/17)

<sup>ii</sup> at document A/WGIHR/2/6