



Persatuan Pengguna Pulau Pinang Consumers Association of Penang

檳城消費人協會 பினாங்கு பயனீட்டாளர் சங்கம்

Websites:
(in English, BM, Chinese,
& Tamil)
www.consumer.org.my

10 Jalan Masjid Negeri, 11600 Pulau Pinang, Malaysia
Tel: 604-8299511 Fax: 604-8298109
email: consumerofpenang@gmail.com

Press Statement

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CAP: Reject amendments to the International Health Regulations (2005)

The World Health Organisation (WHO) is working on two international legal instruments namely:

- A Pandemic Treaty; and
- Amendments to the existing International Health Regulations (IHR) (2005).

Both these international legal instruments will expand the powers of the WHO to declare pandemics and authorise the manner in which governments shall respond to them. It will establish a global biosecurity architecture involving health surveillance, reporting, and management and the public will have no say in the matter.

It will give the WHO the sole power to make decisions relating to global biosecurity and to implement a global 'vaccine' passport/digital identity, mandatory 'vaccinations', travel restrictions, quarantines, and standardised medical care among others.

Both these international legal documents will be adopted at the World Health Assembly (WHA) in May 2024. Amendments to the IHR are adopted by a simple majority vote by the 194 member nations in the WHA. No further ratification or consent is required by Malaysia's parliament. Neither is the Prime Minister's signature required.

The Treaty on the other hand, requires a two-thirds majority to be adopted after which it has to be ratified by Parliament.

In other words, 194 country delegates can change international law despite reasoned opposition by some country delegates.

It was in this manner (silence procedure) that five amendments spearheaded by the US were adopted on May 27, 2022 at the 75th World Health Assembly in Geneva.

According to Article 61 of the IHR (2005), nations have 18 months to reject amendments which if not rejected, will come into force 24 months after adoption. Hence, these amendments must be rejected by the end of November 2023.

As the situation now stands, there is about one month left in the period in which the Government of Malaysia should invoke Article 61 and reject them by notifying the WHO of their rejection. If Malaysia does not reject the amendments by late November, these amendments will come into force by end of May 2024.

These two legal agreements will have far-reaching consequences for the sovereignty of Malaysia (including all other nations) and their ability to conduct themselves as independent self-governing states in international affairs. According to legal experts the agreements threaten to fundamentally reshape the relationship between the WHO, national governments and citizens.

Despite their national significance, the proposed documents have not garnered attention or interest in the mainstream media neither have they drawn the notice of Parliament.

CAP's memorandum to the Government states that 'the focus on pandemics as the major thrust in global health policy denies the health needs and priorities of the nations in the Global South'.

'It will enable the WHO to have unfettered control that usurps the rights and responsibilities of Member States to determine their national health policies and public health responses which should be based on a nation's own values, needs and priorities'.

In effect all decision-making will be placed in the hands of the WHO (and the Director-General) which is unaccountable; enjoying full diplomatic immunity; an unelected body that will have sweeping, unfettered powers to control, direct, and interfere in the affairs of its Member States and to override fundamental rights of its citizens. There is no system or mechanism that allows WHO's decision making to be challenged.

The main proposals in the draft of the International Health Regulations (2005) amendments include the following:

- The most crucial amendment involves the shortening of the time period during which a nation could formally reject amendments from 18 to 10 months, while the time period it would enter into force from 24 to 12 months.
- Gives the Director-General immense and overriding powers to independently declare public health emergencies, as he/she deems fit.
- Change the recommendations of the IHR (2005) from 'nonbinding' to mandatory instructions that nation-states undertake to follow and implement. This changes the WHO from an advisory body that makes recommendations to nations to a governing body whose 'advice' would be legally binding.

The effect of the amendments to Article 13A and Article 42 would allow the WHA to put sanctions against any nation-state that does not consent to the ruling.

Expand the definition of pandemics and health emergencies including the introduction of the term "potential for harm" rather than "actual harm".

- Give WHO control over certain country resources, including requirements for financial contributions and provision of intellectual property and know-how (within the broad definition of health products).
- Enable the WHO to share country data without consent.
- Establish systematic global collaboration to counter dissent and Member States will be obliged to impose censorship in the event of future crises under the guise of 'tackling misinformation'.
- Powerful Member States and private stakeholders could further use the revised IHR (2005) to legitimise health colonialism and pressure low-income countries into compliance.
- WHO Member States to set up an extensive surveillance system with global digital health certificates, locator forms, global digital vaccine passport system to ensure mass compliance with centralised directives which the WHO will verify regularly through a country review mechanism.

CAP calls on the government to:

- Immediately REJECT the amendments to the five Articles (55, 59, 61, 62, 63) of the International Health Regulations (2005), which were adopted by the 75th World Health Assembly in May 2022. This was accomplished in breach of Article 55 of the IHR (2005).
- Call for a Parliamentary sitting to discuss the WHO Amendments to the International Health Regulations (2005), and its implications for Malaysia.
- REJECT the Amendments to the International Health Regulations (2005) when they will be voted on and adopted at the 77th World Health Assembly in May 2024. Adoption of the Amendments only requires a simple majority of 98 countries. However, because there is no quorum requirement in the WHA, a small number of states who actually are present could result in the WHA chair to move for adoption by consensus if no one dissents (through the silence procedure).

Read the Memorandum here:

<https://consumer.org.my/wp-content/uploads/2023/11/IHR-n-Pandemic-treaty-1-November-2023-final.pdf>

Mohideen Abdul Kader
President
Consumers Association of Penang (CAP)