

International Health Regulations

Amendment or rejection

WHO regulations are designed to protect us – but do we want them?

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(CH-S) In May 2022, the WHO's "World Health Assembly" (WHA) decided to adapt – or "strengthen" – the WHO's "International Health Regulations" (IHR). The reasoning attracted attention: The "corona pandemic" had revealed weaknesses in international "cooperation", gaps that now had to be closed. Immediately, broad resistance formed. While the Federal Council and the "Federal Office of Public Health" (FOPH) see no problem in the amendments to the IHR adopted by the WHA on 1 June 2024, a strong opposition is calling for an "opting out", a rejection of the amendments. The decision must be taken by 19 July 2025 at the latest.

It took a total of nine motions in the Swiss parliament to enable the Federal Council to launch the consultation process¹ on the IHR on 13 November. Previously, it had looked as if the Federal Council would quietly approve the amended IHR without involving parliamentarians, let alone the population. Parliamentarians had recognised the explosive nature of the IHR amendments and demanded a say. In particular, they see the sovereignty of health policy as being threatened by the increasing claim to power of the WHO – an organisation financed mainly by private donors.

Pandemic agreement still outstanding

The contracting parties had actually planned to adopt a new pandemic agreement at the 2024 WHA in Geneva. However, the disagreements were so great that the conclusion was postponed. The agreement is now to be presented by the end of 2024 and put to the vote at the WHA in May 2025. Federal Councillor *Baume-Schneider* has given assurances that it will be submitted to parliament. – A new version of this WHO agreement, which was made public on 14 November 2024, has already been subjected to a legal analysis.²

The Federal Office of Public Health argues in favour of the amendment

The FOPH approves of the amended IHR; the population could be better protected against the

consequences of the next pandemic. "No legislative changes are necessary" to implement the amendments.³

The FOPH would like to be designated by the Federal Council as the "national IHR authority". According to Article 1 of the IHR, this term refers to "... the authority established to coordinate the implementation of these regulations" within Switzerland. The FOPH would therefore coordinate the WHO's regulations with a direct line to the WHO and ensure that they are implemented.

The other view

Lawyers, doctors, publicists and politicians from a range of professional, social and party-political backgrounds have a completely different view of the IHR. Their principle question is not whether or not our laws need to be adapted, but whether we want to adopt the IHR amendments at all and what their consequences are for our health policy and the fundamental rights of citizens.

On the afternoon of 1 June 2024, at a press conference of lawyers from nine different countries, attorney *Philipp Kruse* pointed out that the IHR amendments should not have been voted on in the WHA at all. The WHO constitution requires that the final text be made available to member states at least four months in advance. However, changes were made practically until the last minute, which means that they were made unlawfully.

The IHR contains 66 articles and 9 annexes. They impose enormous obligations on WHO member states, their regions and local authorities. Article 5 – "Monitoring" – is cited here as an example. The article refers to Annex 1, which meticulously regulates the so-called core capacities: "Core capacities required for prevention, monitoring, preparation and response" must be "developed by States Parties within five years". This means that all levels of government, from nation states to local communities, must be prepared for a "pandemic emergency" or "public health emergency of international concern" as defined by the WHO Secretary-General, and be

able to respond to it in accordance with WHO guidelines. The WHO's concomitant power is not limited by quality control or corrective mechanisms – the motto being “the WHO is never wrong”.

As part of the consultation process, comments on the IHR can be submitted until 27 February 2025 at the latest. Various documents are available for those who want to get to work:⁴ the consultation draft (the 2005 IHR with the amendments in German), an explanatory report by the FOPH, two cover letters from the responsible Federal Councillor, Ms Baume-Schneider (SP), the list of addressees and, under “Miscellaneous” in English, the “Communication to the States Parties on Amendments to the International Health Regulations (2005)”, delivered by Tedros Adhanom Ghebreyesus, Director-General of the WHO. He emphasised: “Under Articles 59 and 61 of the IHR, States Parties have a period of time in which to reject the 2024 amendments or express reservations if they so wish”.

The “Aktionsbündnis freie Schweiz” (Alliance for a Free Switzerland) has already responded with an online petition.⁵ The IHR text, which is challenging for the legal layman, has been pored over by lawyers and their findings are now avail-

able to a wide readership. Attention and participation in the debate on the IHR are needed.

(Translation “Swiss Standpoint”)

¹ <https://www.fedlex.admin.ch/de/consultation-procedures/explanations-cp>

“The consultation procedure refers to the phase in the preliminary legislative procedure in which federal government proposals of considerable political, financial, economic, ecological, social or cultural significance are examined in terms of their factual accuracy, enforceability and acceptance. To this end, the bill is submitted to the cantons, the parties represented in the Federal Assembly, the umbrella organisations of the municipalities, cities and mountain regions, the umbrella organisations of the business community and other interested parties in individual cases.”

² <https://abfschweiz.ch/wp-content/uploads/Artikel-20-11-24.pdf>

³ What is confusing here is the fact that a revision of the Epidemics Act (EpidA), proposed by the Federal Council in connection with the IHR, has not yet been “approved” by parliament, nor has the evaluation of the consultation process even been presented. The FOPH’s statement that no legal adjustments are necessary nevertheless strengthens the suspicion that the proposed revision of the EpG has already incorporated the adjustments of the IHR in anticipatory obedience.

⁴ https://www.fedlex.admin.ch/de/consultation-procedures/ongoing#https://fedlex.data.admin.ch/eli/dl/proj/2024/87/cons_1

⁵ <https://opting-out-igv.ch>