

24 May 2024

The Hon Prime Minister Christopher Luxon
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The Hon Deputy Prime Minister and Minister of Foreign Affairs and Trade Winston Peters
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The Hon Minister of Health Shane Reti
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By Email Only

Dear Prime Minister, Minister of Health and Minister of Foreign Affairs and Trade

WHO Pandemic Treaty Reforms

New Zealand is set to take part in the Seventy-Seventh World Health Assembly ("**WHA77**") beginning on 27 May 2024.

We are deeply concerned that the New Zealand Government may be considering agreeing to and committing New Zealand to:

1. Significant amendments to the International Health Regulations (2005) ("**IHR Amendments**"); and
2. The Intergovernmental Negotiating Body's convention, agreement or other international instrument on pandemic prevention, preparedness and response ("**WHO Pandemic Treaty**"),

(Pandemic Treaty Reforms).

The instruments referred to above pose a significant threat to New Zealand's autonomy and independence on the global stage. If adopted, and implemented into New Zealand domestic law, the World Health Organisation will hold an unacceptable level of authority, power and influence over New Zealand's affairs under the guise of declaring "Emergencies".

We have received a large volume of correspondence from New Zealanders who are of no specific political persuasion who are rightly concerned about the Pandemic Treaty Reforms. This is reflected in the Government's own public submission campaign, where feedback was sought on earlier versions of both instruments.¹

The WHO demonstrated through the COVID period that its global approach to providing recommendations to respond to actual or perceived public health emergencies consistently resulted in more damage than was prevented and has caused untold losses both economically and socially.

Moreover, there are jurisdictional issues which ought to prevent the IHR Amendments and WHO Pandemic Treaty from being agreed to at WHA77.

¹ <https://www.health.govt.nz/system/files/documents/publications/proposed-amendments-ihp-summary-feedback-apr24.pdf>
feedback on the WHO Pandemic Treaty is still open:
<https://www.mfat.govt.nz/en/peace-rights-and-security/our-work-with-the-un/have-your-say-improving-pandemic-prevention-preparedness-and-response-with-a-legal-instrument>

1. The WHO's constitution establishes the WHO as an advisory and coordinating body only, the function of which is to "assist Governments, upon request, in strengthening health services". The WHO has no power or jurisdiction to implement a WHO Pandemic Treaty which goes well beyond its jurisdiction.
2. Schedule 2, Article 55 of the International Health Regulations require all matters being voted on to be circulated four months in advance of any meeting. The IHR Amendments have not been presented in their final form within that time frame (or even at the date of this letter) and therefore cannot be agreed to at WHA77.
3. In the 25 November 2022 version of the WHO Pandemic Treaty Zero Draft, the final draft was to be delivered 29 March 2024. The final version of the WHO Pandemic Treaty was not presented in final form within this timeframe (or even at the date of this letter) and therefore cannot be agreed at WHA77.
4. Article 21 of the WHO Constitution provides authority for the World Health Assembly to make regulations such as the International Health Regulations. This power is specifically limited to adopting regulations with respect to international matters only and does not provide any authority for IHR Regulations which dictate to member states how they must respond to health "emergencies" domestically.

The Pandemic Treaty Reforms will transform the WHO from an advisory organisation to a supranational health authority dictating how governments must respond to emergencies which the WHO itself declares.

For the reasons above, that outcome is well outside the jurisdictional competence of the WHO and the WHA, and in any event, is unacceptable to many New Zealanders. We call on the Government to reject the IHR Amendments and the WHO Pandemic Treaty at WHA77, alternatively, to insist that voting is postponed so sufficient time can be given to reviewing and considering the Pandemic Treaty Reforms.

Yours faithfully

Council Watch New Zealand

Concerned local government representatives:

Craig Jepson - Kaipara District Council Mayor

Jaspreet Boparai - Southland District Councillor

Elizabeth Mundt - Selwyn District Councillor

Marie Farrell - South Waikato District Councillor

Brent Mackie - Clutha District Councillor

Andy Wichers - Western Bay of Plenty District Councillor

Tracey Coxhead - Western Bay of Plenty District Councillor

Robert Lee - Rotorua Lakes Councillor

Duncan Campbell - Taupo District Councillor

Fiona Underwood - Manawatu District Councillor

Lee Vandervis - Dunedin City Councillor

Steve Bielski - Manawatu District Councillor

Fiona McCabe - Waihopai Toetoe Community Board Member

John McIntyre - Waihopai Toetoe Community Board Member

Chris Herud - Oreti Community Board Member

Dave Diack - Oreti Community Board Member
Katie Allan - Oreti Community Board Member
Tracey Kennedy - Oreti Community Board Member
Karen Maw - Oreti Community Board Member
Gill Booth - Teviot Valley Community Board Member
Tane Webster - Bell Block Community Board Member
Sally Whitaker - Te Awamutu-Kihikihi Community Board Member
Kane Titchener- Te Awamutu-Kihikihi Community Board Member
Sarah Brunton - Waipuna Halswell-Hornby-Riccarton Community Board Member
Ivan Campbell - Rangiora-Ashley Community Board Member
Tim Bartle - Kaiapoi-Tuahiwi Community Board Member
Caroline Hobman - Mercury Bay Community Board Member