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# Biden Admin Negotiates Deal to Give WHO Authority Over US Pandemic Policies

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A logo is pictured outside a building of the World Health Organization (WHO) in Geneva, Switzerland, in a file photo. (Denis Balibouse/Reuters)



By [Kevin Stocklin](#)

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## *News Analysis*

The Biden administration is preparing to sign up the United States to a “legally binding” accord with the World Health Organization (WHO) that experts say would give the Geneva-based United Nations health agency the authority to dictate America’s policies during a pandemic.

Despite widespread criticism of the WHO’s response to the COVID pandemic, U.S. Health and Human Services Secretary Xavier Becerra joined with WHO Director-General Tedros Adhanom Ghebreyesus in September 2022 to [announce](#) “the U.S.-WHO Strategic Dialogue.” Together, they developed a “platform to maximize the longstanding U.S.-WHO partnership, and to protect and promote the health of all people around the globe, including the American people.”

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These discussions and others spawned the “zero draft” ([pdf](#)) of a pandemic treaty, published on Feb. 1, which now seeks ratification by all 194 WHO member states. A meeting of the WHO’s Intergovernmental Negotiating Body is scheduled for Feb. 27 to work out the final terms, which members will then sign.

Written under the banner of “the world together equitably,” the zero draft grants the WHO the power to declare and manage a global pandemic emergency. Once a health emergency is declared, all signatories, including the United States, would submit to the authority of the WHO regarding treatments, government regulations such as lockdowns and vaccine mandates, global supply chains, and monitoring and surveillance of populations.

The question of whether an international treaty has the power to dictate domestic policy without lawmakers’ approval is a contentious one. “Treaties don’t override our Constitution,” wrote Rep. Thomas Massie (R-Ky.) on Twitter on Feb. 27.

“If a treaty purports to supersede our Constitution, that treaty is unenforceable,” Massie wrote.

## Centralized Pandemic Response

But others are wary of international agreements that could centralize authority or the response to pandemics.

“They want to see a centralized, vaccine-and-medication-based response, and a very restrictive response in terms of controlling populations,” David Bell, a public health physician and former WHO staffer specializing in epidemic policy, told The Epoch Times. “They get to decide what is a health emergency, and they are putting in place a surveillance mechanism that will ensure that there are potential emergencies to declare.”

The WHO pandemic treaty is part of a two-track effort, coinciding with an initiative by the World Health Assembly to create new global pandemic regulations that experts fear would also supersede the laws of member states. The World Health Assembly is the rule-making body of the WHO, comprised of representatives from the member states.

“Both [initiatives] are fatally dangerous,” Francis Boyle, professor of international law at the University of Illinois College of Law, told The Epoch Times. “Either one or both would set up a worldwide medical police state under the control of the WHO, and in particular WHO Director-General Tedros.

“If either one or both of these go through, Tedros or his successor will be able to issue orders that will go all the way down the pipe to your primary care physicians.”

Physician Meryl Nass told The Epoch Times: “If these rules go through as currently drafted, I, as a doctor, will be told what I am allowed to give a patient and what I am prohibited from giving a patient, whenever the WHO declares a public health emergency. So they can tell you you’re getting remdesivir, but you can’t have

hydroxychloroquine or ivermectin. What they're also saying is they believe in equity, which means everybody in the world gets vaccinated, whether or not you need it, whether or not you're already immune."

Regarding medical treatments, the accord would require member nations to "monitor and regulate against substandard and falsified pandemic-related products." Based on previous WHO and Biden administration policy, this would likely include forcing populations to take newly developed vaccines, while preventing doctors from prescribing nonvaccine treatments or medicines.

## Circumventing Senate, Constitution?

A key question surrounding the accord is whether the Biden administration can bind the United States to treaties and agreements without Senate consent, which is required under the Constitution. The zero draft concedes that, per international law, treaties between countries must be ratified by national legislatures, thus respecting the right of their citizens to consent.

However, the draft also includes a clause that the accord will go into effect on a "provisional" basis as soon as it's signed by delegates to the WHO and would, therefore, be legally binding on members without being ratified by legislatures.

"Whoever drafted this clause knew as much about U.S. constitutional law and international law as I did, and deliberately drafted it to circumvent the power of the Senate to give its advice and consent to treaties, to provisionally bring it into force immediately upon signature," Boyle said. In addition, "the Biden administration will take the position that this is an international executive agreement that the president can conclude of his own accord without approval by Congress and is binding on the United States of America, including all state and local democratically elected officials, governors, attorney generals, and health officials."

There are several U.S. Supreme Court decisions that may support the Biden administration's position, according to Boyle. They include [State of Missouri v. Holland](#), in which the Supreme Court ruled that treaties supersede state laws, while other decisions, such as [United States v. Belmont](#), ruled that executive agreements without Senate consent can be legally binding, with the force of treaties.

There are parallels between the WHO pandemic accord and a recent Organization for Economic Co-operation and Development (OECD) global tax agreement, which the Biden administration signed on to, although Republicans say has “[no path forward](#)” to legislative approval. In the OECD agreement, punitive terms are built in that allow foreign countries to punish American companies if the deal isn't ratified by the United States.

As with the OECD tax agreement, administration officials are attempting to appeal to international organizations to impose policies that have been rejected by America's voters. Under the U.S. Constitution, health care doesn't fall under the authority of the federal government; it's the domain of the states. The Biden administration found this to be an unwelcome impediment to its attempts to impose vaccine and mask mandates on Americans when courts ruled that federal agencies didn't have the authority to do so, according to Boyle.

“To circumvent that, they went to the WHO, for either the regulations or the treaty, to get around domestic opposition,” Boyle said.

According to the zero draft, signatories would agree to “strengthen the capacity and performance of national regulatory authorities and increase the harmonization of regulatory requirements at the international and regional level.” They will also implement a “whole-of-government and whole-of-society approach at the national level” that will include national governments, local governments, and private companies.

The zero draft stated that the new accord is necessary because of “the catastrophic failure of the international community in showing solidarity and equity in response to the coronavirus disease (COVID-19) pandemic.”

A report from the WHO's Independent Panel for Pandemic Preparedness and Response ([pdf](#)) characterized the WHO's performance as a "toxic cocktail" of bad decisions. Co-Chair Ellen Johnson Sirleaf told [the BBC](#) it was due to "a myriad of failures, gaps, and delays." The solutions proposed by that report, however, didn't suggest more local autonomy or diversified decision-making, but rather greater centralization, more power, and more money for the WHO.

## 'One Health Surveillance' and Misinformation

The WHO pandemic agreement calls for member states to implement "One Health surveillance." One Health is a concept that has been embraced by the United Nations, the Centers for Disease Control and Prevention, the World Bank, and other global organizations.

"The term originally meant a way of seeing human and animal health as linked—they sometimes are—so that you could improve human health by acting more broadly," Bell said. "It has become hijacked and now is used to claim that all human activities, and all issues within the biosphere, affect health, and are therefore within Public Health's remit. So public health can be deemed to include climate, or racism, or fisheries management, and this is being used to claim that addressing carbon emissions is a health issue and therefore a health 'emergency.'"

The WHO zero draft states that "'One Health surveillance' means ..." leaving the definition to be worked out in future drafts. Whatever One Health surveillance ultimately entails, however, the signatories must invest in it, implement it, and "strengthen" it. In September 2022, the World Bank approved a [Financial Intermediary Fund](#) to finance, among other things, One Health surveillance.

Signatories also agree to support the official narrative when it comes to information about a pandemic. Specifically, they will "conduct regular social listening and analysis to identify the prevalence and profiles of misinformation" and "design communications and

messaging strategies for the public to counteract misinformation, disinformation and false news, thereby strengthening public trust.”

This aligns with efforts by the Biden administration to, as former White House press secretary Jennifer Psaki [put it](#), “make sure social media companies are aware of the latest narratives dangerous to public health ... and engage with them to better understand the enforcement of social media platform policies.” Meanwhile, U.N. Undersecretary-General Melissa Fleming [stated](#) at a 2022 World Economic Forum panel in Davos, Switzerland, on “Tackling Disinformation,” “We own the science and we think that the world should know it.”

The official narrative during the COVID pandemic included support for lockdowns, school closures, and masking—all of which have since proven to be ineffective in stopping the spread of the virus and damaging to public health. A group of more than 900,000 doctors, epidemiologists, and public health scientists jointly signed the [Great Barrington Declaration](#) in 2020, expressing “grave concerns about the damaging physical and mental health impacts of the prevailing COVID-19 policies.” This declaration was widely derided as dangerous misinformation and was censored on social media.

“The views that they crushed were orthodox public health,” Bell said. Until 2019, public health guidelines “specifically said that things like prolonged border closures, closing stores, etc. were harmful, particularly for low-income people, and shouldn’t be done beyond a few weeks.”

Those who pushed for lockdowns “were very clear that what they were recommending for COVID was going to be extremely harmful, and that the harm would outweigh the benefit,” Bell said. “They were clear because they wrote that down before, and there’s nothing new in the idea that impoverishing people reduces life expectancy. Something dramatically changed their minds, and that something wasn’t evidence, so we can only assume that it was pressure from vested interests.”

In January, a [survey](#) presented at the World Economic Forum found that public trust in government has plummeted since the start of the pandemic, though attendees were at a loss to explain the reasons for the decline in trust. Instead, the discussion at the panel, titled “Disrupting Distrust,” focused on combating rogue news sources that challenged the central narrative.

## U.S. Membership in the WHO

In July 2020, then-President Donald Trump withdrew the United States from membership in the WHO. Citing the health agency’s dismal performance in responding to the COVID pandemic and its ties to the Chinese Communist Party, Trump said that U.S. funding of about a half-billion dollars per year would also cease.

In response, then-presidential-candidate Joe Biden vowed, “On my first day as President, I will rejoin the WHO and restore our leadership on the world stage.” Biden kept his promise and took it one step further, negotiating the pandemic accord.

Today, GOP lawmakers are attempting to revive the effort to take the United States out of the WHO. On Jan. 12, House Republicans introduced the “No Taxpayer Funding for the World Health Organization Act,” which was sponsored by 16 representatives.

“Funneling millions of taxpayer dollars to the corrupt World Health Organization that serves the Chinese Communist Party is a slap in the face to hardworking American families struggling under record high inflation, and to all those whose lives and livelihoods were ruined and destroyed by the COVID pandemic.” Rep. Chip Roy (R-Texas), the proposal’s lead sponsor, stated.

“The WHO ... praised China for their ‘leadership’ at the beginning of COVID-19 and has done nothing to hold the Chinese Communist Party accountable for the spread of COVID-19.”

The pandemic accord, a spokesman for Roy told The Epoch Times, “is just another reason to defund the WHO.”

## Redefining Sovereignty and Human Rights

The zero draft of the accord states that national sovereignty remains a priority, but within limits.

“States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to determine and manage their approach to public health,” the draft declares, “provided that activities within their jurisdiction or control do not cause damage to their peoples and other countries.”

The accord states that human rights are also important, and it mandates that “people living under any restrictions on the freedom of movement, such as quarantines and isolations, have sufficient access to medication, health services and other necessities and rights.” The accord presents human rights as “health equity, through resolute action on social, environmental, cultural, political and economic determinants of health.”

In line with that concept, countries such as Austria went so far as to criminalize the refusal to take the COVID vaccine. Within the United States, places that included New York City mandated vaccine passports for access to public spaces, dividing its residents into a privileged vaccinated class and a second-tier unvaccinated class.

However, others see human rights not in terms of collective health but rather as individual rights, including such things as personal sovereignty, the ability of individuals to make their own choices, the right of people to have a voice in medical decisions that affect them, free speech, and freedom of movement and assembly.

Following World War II and the state-control ideologies of fascism, national socialism, and communism, “it was realized that there has to be a fundamental understanding that individuals are sovereign,” Bell

said. Human rights declarations after the war emphasized that, even during times of crisis, “we are born with rights, we’re all equal, and those rights are inviolable. That is being very much watered down or wiped away in order to do this.”

“I think this issue is much, much broader; it’s what sort of society we want to live in. Do we believe in equality or do we believe in a feudal system where we have a few people at the top, controlling society, telling others what to do? That’s the direction we’re going in.”

Officials at the WHO, the U.S. Department of Health and Human Services, and the World Bank didn’t respond by press time to a request by The Epoch Times for comment.

*Update: This article was updated on Feb. 27 to include a quote from Rep. Thomas Massie (R-Ky.).*

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Kevin Stocklin is a business reporter, film producer and former Wall Street banker. He wrote and produced "We All Fall Down: The American Mortgage Crisis," a 2008 documentary on the collapse of the mortgage finance system. His most recent documentary is "The Shadow State," an investigation of the ESG industry.

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