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Onderwerp:

WHO –Notice of reservation regarding the 2022 Amendments to the International Health Regulations 2005 dated 28 May 2022



Tweede Kamer

DER STATEN-GENERAAL

WHO –NOTICE OF RESERVATION REGARDING THE 2022 AMENDMENTS TO THE INTERNATIONAL HEALTH REGULATIONS 2005 DATED 28 MAY 2022

World Health Organization
Tedros Adhanom Ghebreyesus
Director - General
Avenue Appia 20
1211 Geneva
Switzerland

The Hague, November 28, 2023

WHO –Notice of reservation regarding the 2022 Amendments to the International Health Regulations 2005 dated 28 May 2022

Dear Director - General Ghebreyesus,

I the undersigned, member of the Parliament of the Kingdom of the Netherlands, notify you of our reservation regarding the 2022 Amendments to the International Health Regulations of 2005 (https://apps.who.int/gb/ebwha/pdf_files/WHA75/A75_R12-en.pdf) (hereafter the "**2022 Amendments**"), based on the laws of The Netherlands. The International Health Regulations of 2005 will be referred to as "**IHR 2005**".

On June 21, 2023, Member of Parliament Pepijn van Houwelingen and 29 other Members of Parliament have sent a letter to the chair of the Parliament requiring our Parliament's approval of the 2022 Amendments, because the 2022 Amendments are considered a treaty or protocol to a treaty which requires approval by the Dutch Parliament. (<https://open.overheid.nl/documenten/oep-2e923f960e67155df9cf44b5ea2f66146a795aa7/pdf>) Member of Parliament Pepijn van Houwelingen indicated on Twitter, on October 25th 2023, that a formal notice would be send on behalf of the Kingdom of The Netherlands to WHO that the 2022 Amendments would be subject to the formal approval by the Dutch Parliament. This notice constitutes a formal reservation on behalf of the Kingdom of The Netherlands that it can only be bound by the 2022 Amendments after the Dutch Parliament has approved the 2022

Amendments. Until now, no evidence of such notice to WHO on the reservation has been received by us. I notify you, in my capacity of Member of Parliament, of the reservation that the 2022 Amendments require the approval of the Dutch Parliament before the 2022 Amendments can enter into force in The Netherlands.

Pursuant to the 2022 Amendments the period for rejection of amendments to the IHR 2005 is reduced from 18 months to 10 months after adoption and notification. The 2022 Amendments reduce the possibility for members of WHO to reject or make reservations to amendments of the IHR 2005. That is why we object to the 2022 Amendments. We also observe that based on the information available at the WHO website, the Amendments were accepted during the Committee A meeting on 27 May 2022, without a normal voting procedure being in place (<https://www.youtube.com/watch?v=M393lvg1650&t=466s>) The chair to the meeting simply asked whether anybody objected to the 2022 Amendments. Pursuant to Article 60 paragraph (b) of the WHO Constitution, General Assembly decisions on other questions than those subject to a two thirds requirement "shall be made by a majority of the Members present and voting". This means that a record must be made of which Members are present and the outcome of the voting procedure. This requirement was not met. Therefore, the 2022 Amendments must be considered null and void, if there is no prove of a vote. Pursuant to Article 55 paragraph 2 of the IHR 2005, the text of any proposed amendment needs to be communicated to all States Parties by the Director-General at least 4 months before the Health Assembly. This requirement was also not observed.

Could you please make this letter part of the public record of the WHO and publish this letter on the WHO website.

I will send a copy of this letter to the Minister of Foreign Affairs of the Netherlands, Mrs. Bruins Slot, to the general secretariat of the European Union and to the chair of both houses of our Parliament and the chair of the European Parliament.

Yours sincerely,

Wybren van Haga



Member of the Dutch Parliament