



Leslyn Lewis
*Member of Parliament
Haldimand—Norfolk*



December 19, 2023

The Honourable Mark Holland
Minister of Health
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Dear Minister,

RE: Response to Petition on Amendments to International Health Regulations

In a recent response to a petition signed by thousands of Canadians expressing their concern regarding amendments to the International Health Regulations (IHRs), your department asserted that Canada “is ensuring that our sovereignty is maintained through any amendments to the IHR” and the government will “ensure that Canadian priorities and values are upheld.”

A number of my constituents, and indeed Canadians across the country, have reached out to me about their ongoing concern with Canada’s adoption of recent amendments to the IHR (2005) that were adopted by the 75th World Health Assembly on May 27, 2022. Almost 19,000 Canadians signed Petition e-4401 within a 30-day period. The petitioners were concerned that Canada was not exercising its right to reject the amendments within 18 months of their formal adoption by the Health Assembly, as set out in Articles 59 and 61 of the IHR (2005).

While your department’s response to the online petition was meant to reassure Canadians that their healthcare sovereignty would not be compromised, several concerning amendments are now in force as a result of Canada’s failure to reject the May 28, 2022 amendments. Please be advised of the following amendments which will drastically affect Canada’s ability to direct and manage its healthcare response during a pandemic:

WHA75.12 proposed amendments to Article 59 (and consequential amendments to Articles 55, 61, 62, and 63) which reduce the time for:

- (1) Rejecting any future amendments to the IHR (2005) from 18 months to 10 months;
- and

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(2) Implementing future changes into Canadian domestic law from 24 months to 12 months.

Firstly, these amendments substantially limit the time for Canada to sufficiently respond and they alter the terms of the original treaty. The petitioners are concerned that these treaty amendments, and now future amendments under the shortened timeline, are not valid and effective unless they have been reviewed and ratified by the House and the Senate. Since 1867, Canada has never operated by lapse of law, silence or inaction as a means of altering fundamental international treaties and agreements, yet this government's silence and inaction is a derogation of the treaty review process.

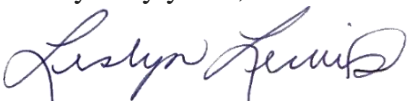
Secondly, these amendments were submitted during the 75th World Health Assembly on May 24, 2022, in violation of Article 55 of the IHR (2005) which provides: "*The text of any proposed amendment shall be communicated to all States Parties by the Director-General at least four (4) months before the Health Assembly at which it is proposed for consideration.*" Such amendments were illegitimately submitted and must therefore be regarded as null and void. The question is, why were they not regarded as null and void by Canada?

Finally, the 10-month period proposed in WHA75.12 would not allow sufficient time for Canada to study and closely examine the 300+ amendments currently being considered by the IHR Amendments Working Group for anticipated distribution to the WHO member states in January 2024 (in compliance with Article 55 of the IHR (2005) and Decision WHA75(9)). This period will be far too short to determine the scale of impacts of these proposed amendments on our domestic laws and the Canadian people. This period will also be far too short to have these amendments go through the parliamentary process and to conduct the necessary public consultations on changes that constitute binding rules on Canada's response to health emergencies. The amendments Canada consented to were in fact adopted in contravention of the founding 1948 World Health Organization Constitution and the IHR (2005).

Considering this alongside the recent references to the pandemic instrument as an accord and not a treaty, thereby signaling that there may be a lower threshold of national scrutiny than that which a formal treaty process would require, all these changes raise immense and justifiable concerns for Canadians about Canada's future healthcare sovereignty.

For all of these reasons, Canadians deserve a more satisfactory and substantive response from you, as the Minister of Health, to their ongoing concerns with the global negotiations on a pandemic instrument and amendments to the IHRs. I look forward to your response to my letter on behalf of thousands of concerned Canadians.

Very truly yours,



Leslyn Lewis
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CC: Dr. Stephen Ellis, Shadow Minister for Health
The Hon. Michael Chong, Shadow Minister for Foreign Affairs