

**DRAFT DECLARATION**

*The Chamber of Deputies of the Nation*

**DECLARE**

Express **CONCERN** and **REJECTION** regarding the probable existence of a possible subscription to a **PANDEMIC AGREEMENT** within the framework of the World Health Organization (WHO) and regarding the modification of the **INTERNATIONAL HEALTH REGULATIONS (IHR)**. The approval of a pandemic agreement and/or modification of the RSI would restrict and replace the health sovereignty of the Argentine Republic, affecting not only health in a broad sense (physical and psychological) but also threatening the freedom and property of citizens. of our country.

By virtue of the aforementioned, it is essential to clarify that the Argentine state is the one who, through its federal government, exercises its powers and attributions conferred by the rule of the national constitution and laws. In this framework, it is necessary **ALERT** about the topics to be discussed at the **77th World Health Assembly to be held in the city of Geneva, Switzerland between May 27 and June 1, 2024.**

**BELTRAN BENEDIT.**

**National Deputy for Entre Ríos.**

**CO-SIGNATORS.**

1. Deputy Alida Ferreyra.
2. Deputy Manuel Quintar.
3. Deputy Guillermo Montenegro.
4. Deputy Lilia Lemoine.
5. Representative Lourdes Micaela Arrieta.
6. Deputy María Fernanda Araujo.
7. Deputy María Inés Quiroz.
8. Representative Rocío Bonnacci.
9. Representative Lorena Villaverde.
10. Representative Karina Bachev.
11. Deputy Anibal Tortoriello.
12. Deputy Gabriel Bornoroni.
13. Representative Florencia Klipauka Lewtak.
14. Deputy Gerardo Huesen.

## FUNDAMENTS.

Mr. president:

The purpose of this project is to highlight and highlight the imminent danger to the health sovereignty of the ARGENTINE REPUBLIC in the event of a possible approval of a Pandemic Agreement within the framework of the WHO which would violate the individual freedoms not only of the citizens of the Argentine Republic but of all countries adhering to said treaty, also affecting the exchange of goods and services on a global scale.

In the next WORLD HEALTH ASSEMBLY TO BE HELD IN THE CITY OF GENEVA FROM MAY 27 TO JUNE 1, 2024, the pandemic treaty under the slogan "**All for health, health for all**"<sup>1</sup> will be on the agenda. In that sense, it is essential to make known the seriousness of said treaty given that, if approved, it would imply devastating consequences for our country in:

- ✓ **Sovereignty:** Upon approval of said treaty, the States Parties would support the purposes of the WHO by committing to comply with the obligations of this agreement. In this way, through the justification of "prevention of future pandemics" and "access to health", the WHO would interfere in the internal affairs of the acceding states in health matters. Said delegation of sovereignty would consist of granting it absolute power in health matters that would affect not only the freedom of Argentines, but also the country in its commercial relations, mainly in the MERCOSUR bloc. Therefore, the importance of expressing the **REPUDIATE of this agreement by enforcing the rule of the NATIONAL CONSTITUTION through article 75, paragraph 24.**
- ✓ **Restriction on freedom of mobility:** In the event that Argentina adheres to said treaty with the approval of the Honorable Congress of the Nation, the WHO would define when there would be a pandemic and our country would have to abide by the confinement if said organization so decides. The COVID-19 pandemic is a faithful reminder of what happened in our country.
- ✓ **Business relationships:** The exchange of goods and services in the case of delegation of health sovereignty would be affected in the event of future pandemics, thus affecting the international economic relations of the Argentine Republic with its commercial partners, especially with the members of MERCOSUR.
- ✓ **The WHO talks about "equity"** as a central aspect regarding the prevention, preparation, response and recovery from pandemics, both at the national level (that is, within the territory of the acceding states), and at the international level between States. This implies that the state parties, by imperative of the WHO, comply with facilitating equity in all phases of prevention, preparation, response, and recovery of health systems in the face of possible pandemics. In that sense, **the danger here is that**

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<sup>1</sup><https://www.who.int/es/about/accountability/governance/world-health-assembly/seventy-seventh>

**Governments should prepare and adapt their health systems according to WHO guidelines**

- ✓ The aforementioned does not only imply adapting the health system, but the countries that adhere to this agreement must modify their legal and administrative system. In that sense, Dr. Meryl Naas, in her article dated 03/16/2024 stipulates: ***The Pandemic Agreement requires nations to create a legal and administrative path to allow the use of medicines and vaccines without a license and also requires the waiver of all liability actions for side effects of vaccines.***<sup>2</sup>
- ✓ **Possible pandemics:** In the different versions of the texts of the pandemic agreement and in accordance with the principle of "prevention" of pandemics, accession to said treaty gives full authority to the WHO to take preventive measures against "possible pandemics." This would imply any type of binding measures.

As stated above and considering that the ARGENTINE REPUBLIC is part of the international community, this Honorable Congress of the Nation must urgently become aware of the devastating consequences that the approval of said treaty would imply for the country. In that sense, after the COVID-19 pandemic, it is important to make known, through various media and digital media, the intention of the WHO, whose purpose is evident: to establish global governance by taking away from national states the power to exercise their power. health sovereignty. Such is the case that, to date, there is no consensus among the member countries regarding the text of said treaty. Therefore, it is important that the WHO nexus designated by the ARGENTINE REPUBLIC marks the country's position in extending said instrument and making the pertinent reservations in accordance with the Vienna Convention on Treaty Rights.

The COVID-19 pandemic was a rehearsal of what was said above where states have reacted in a joint, organized and alienated way to the "WHO recommendations", restricting the freedom and property of their citizens. In addition, vaccination has been carried out with doses such as ASTRAZENECA, which has been withdrawn from the market due to side effects.. In this sense, it is essential to highlight that in the event of an international treaty delegating health sovereignty to the WHO, it would imply the cessation of all liability actions against laboratories for side effects.

The challenges that the international community faces entering the first quarter of the 21st century are varied and of great relevance. To this day they affect (and their consequences will also affect) the relationship of states among themselves and that of human beings on a global scale. In that sense, since the fall of the Soviet Union, humanity has experienced great changes as a result of the relationship between countries, but the interference and pressure of international organizations has never been seen in such a noticeable and visible way. By virtue of this, the questions that our country should rethink (and also alert its main trading partners) would be the

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<sup>2</sup>[https://merylnass.substack.com/p/what-can-parliamentarians-do-about?utm\\_source=publicationsearch](https://merylnass.substack.com/p/what-can-parliamentarians-do-about?utm_source=publicationsearch)

following:

- ✓ What is the role of international organizations?
- ✓ What is the limit of these in the interference of the internal legal orders of the countries that have signed the United Nations charter?
- ✓ What is the meaning and significance of global governance?

In the ARGENTINE REPUBLIC, **The NATIONAL CONSTITUTION is the basis of the legal system and any law and/or treaty and/or regulation and/or ordinance that violates it is invalid.** In the same way and informative title, the international human rights treaties contemplated in article 75, paragraph 22 have the same hierarchy as the Magna Carta given that the purpose of these **It is to protect human beings in their entirety: their life, freedom and property which, in short, guarantee their dignity.**

Consequently, it is essential to highlight what emanates from paragraph 24 of the referenced article 75 of the NATIONAL CONSTITUTION. Within the powers of the Honorable Congress of the Nation, the aforementioned paragraph stipulates:

***Approve integration treaties that delegate powers and jurisdiction to supranational organizations under conditions of reciprocity and equality, and that respect the democratic order and human rights. The rules issued as a consequence have a higher hierarchy than the laws.***

***The approval of these treaties with Latin American States will require the absolute majority of all the members of each Chamber. In the case of treaties with other States, the National Congress, with the absolute majority of the members present in each Chamber, will declare the convenience of approving the treaty and it can only be approved with the vote of the absolute majority of the entire of the members of each Chamber, after one hundred and twenty days of the declaratory act.***

***The denunciation of the treaties referred to in this subsection will require the prior approval of the absolute majority of all the members of each Chamber.***

The text of the Magna Carta is clear given that it is an institutional mechanism for the approval of treaties with other states and also with supranational organizations. Thus, regarding an eventual or probable subscription by the Argentine state to a pandemic treaty with the WHO, the members of the Honorable Congress of the Nation and the entire federal government should evaluate its viability by responding to the following questions:

- 1) What would be the conditions of reciprocity and equality in favour of the ARGENTINE REPUBLIC?
- 2) Would the democratic order and human rights of Argentine citizens be respected in the face of a pandemic agreement with the WHO?
- 3) How would the WHO be financed by the Argentine state if it adhered to said treaty?
- 4) Would there be freedom of expression linked to providing information about a pandemic?

and/or eventual pandemic? What would be the sources of information in the event of a possible outbreak once the treaty is signed?

Once again, the COVID-19 pandemic has demonstrated and exemplified that neither the democratic order nor human rights were guaranteed. The adoption of restrictive measures on freedom on a global scale and especially in the ARGENTINE REPUBLIC, were a faithful reflection that what was emanated in the first part of article 75, paragraph 24 would not be guaranteed with a pandemic agreement. In that sense, **the delicate fact of delegating sovereignty in health matters to an international organization would imply a serious error given that the WHO is the one who would decide when there would be a pandemic and would adopt measures simply because of "possible pandemics."** **Likewise, it would also exercise police power to the acceding states in:**

- ✓ **It would have a monopoly on information about the evolution of an outbreak;**
- ✓ **It would also impose a state of siege for an indefinite period in the name of public health.**

Correspondingly to the aforementioned, the Argentine experience of COVID-19 reflects what was highlighted and highlighted above. In that sense, the Argentine government of then president Dr. Alberto Fernández restricted freedoms by committing crimes. The violation of the decree of necessity and urgency that decreed "social and mandatory preventive isolation" (ASPO) due to the events that occurred on 07/20/2020 was public knowledge. Along these lines, another example of crimes in a pandemic was the aberrant existence of an exclusive vaccination center that implied the resignation of the Minister of Health, Dr. Gines González García.

The damage to Argentine citizens by the previous administration was devastating: violation of freedoms affecting not only property rights (prohibition of working) but also life (130,000 compatriots dead), also affecting mental health as a consequence of the confinement. Such is the case, that to date there is not a single person convicted or imprisoned for the aforementioned.

Based on the aforementioned, **If there was CORRUPTION IN THE HIGHEST SPHERES OF POWER in the midst of a pandemic, what can we expect from the WHO IF OUR HEALTH SOVEREIGNTY IS DELEGATED TO IT? Would it perhaps be a faithful reflection of the measures adopted by the previous administration that presided over the country for the constitutional period 2019-2023?**

The Argentine experience in decreeing the ASPO, made under the motto "the state takes care of you," was a clear demonstration that the WHO recommendations were implemented through the imposition of a cruel state. In that sense, an excellent example is found in the first article of the **DECNU-2020-297-APN-PTE** dated 03/19/2020 with immediate effect from 03/20/2020. It stipulates:

***In order to protect public health, which constitutes an inalienable obligation of the national State, the measure of "social isolation, preventive***

*and mandatory" in the terms indicated in this decree. It will be in effect from March 20 to March 31, inclusive, of the current year, and this period may be extended for as long as it is considered necessary in response to the epidemiological situation.<sup>3</sup>*

**This provision is adopted within the framework of the pandemic declaration issued by the World Health Organization (WHO), the Health Emergency expanded by Decree No. 260/20 and its amendment, and in response to the evolution of the epidemiological situation, in relation to CORONAVIRUS- COVID 19**

Evidently, several countries have adopted restrictive measures on freedom due to the "declarations and recommendations" of the WHO. ***By virtue of this, given the approval of a pandemic agreement on a global scale, it is likely that the Argentine experience will be repeated on a global scale with one difference: the change of interlocutor in power of the WHO.***

Likewise, it is worth noting that to date, the WHO should not have interference in the decision-making of countries since it issues "recommendations." **"RECOMMENDING DOES NOT MEAN TO COMPLY, BUT IT INVOLVES DECIDING WITH AUTONOMY TO CONSIDER OR DECLINE THEM".**

Additionally, the concern of the Chamber of Deputies of the Honorable Congress of the Nation lies in the arguments and foundations mentioned above and that is why **It is essential that the population and the national government become aware of this pandemic agreement within the framework of the WHO, which, without a doubt, would violate the basic rights enshrined in the NATIONAL CONSTITUTION, condemning millions to the restriction of their individual freedoms, affecting life and property. with the probable scenario of a state of siege.** The empire of the NATIONAL CONSTITUTION in the ARGENTINE REPUBLIC must prevail against the attempts and pressures of international organizations whose purpose is clear: the installation of a supranational agenda with police power that, in addition, would be financed by the public coffers of the adhering states.

However, as stated above, the pressure emitted by international and/or regional organizations on domestic legal systems has worked. In this framework, within the Argentine legal system, we find some examples:

- 1) Public Health Law 27491: said law mentions:
  - ✓ Article 1 - The purpose of this law is to regulate the implementation of a public policy for the control of diseases preventable by vaccination.
  - ✓ Art. 2 - For the purposes of this law, vaccination is understood as a preventive and highly effective public health strategy. It is considered a social good, subject to the following principles:
    - a) Free vaccines and access to vaccination services, with social equity for all stages of life;
    - b) **Obligation for residents to apply vaccines** ;

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<sup>3</sup><https://www.boletinoficial.gob.ar/detalleAviso/primera/227042/20200320>



**c) Prevalence of public health over private interest;**

d) Availability of vaccines and vaccination services;

- ✓ **Subsection a) article 18** says that they are functions of the enforcement authority:..." **Keep the National Vaccination Calendar updated in accordance with scientific criteria based on the national and international epidemiological and health situation,**<sup>1</sup> in order to protect the vaccinated individual and the community"

2) Law No. 27,287 creates the NATIONAL SYSTEM FOR INTEGRAL RISK MANAGEMENT AND CIVIL PROTECTION (SINAGIR), which aims to integrate the actions and articulate the functioning of the national government agencies, the provincial governments, the Autonomous City of Buenos Aires and municipal governments, non-governmental organizations and civil society, to strengthen and optimize actions aimed at risk reduction, crisis management and recovery. In that sense, SINAGIR currently operates the Technical Commission whose name changed from Health and Sanitation to "Health, Sanitation and Environment" taking the concept of "One Health" that comes from the WHO.

- ✓ The **RESOL-2023-3846-APN-MS** takes into account the aforementioned and in that sense, the Ministry of Health approved *the PREPARATION AND RESPONSE PLAN FOR PUBLIC HEALTH EVENTS OF NATIONAL OR INTERNATIONAL IMPORTANCE WITH EPIDEMIC AND/OR PANDEMIC POTENTIAL.*
- ✓ Complementing the aforementioned, the annex to said resolution whose reference is IF-2023-137117108-APN-UGA#MS is part of the aforementioned resolution. This report responds to the WHO precepts in the event of possible catastrophes such as COVID-19.<sup>4</sup>

Corollary to the arguments stated above, these are also applicable to the urgency and foolishness of also expressing the **STRONG REJECTION OF THE MODIFICATION OF THE INTERNATIONAL HEALTH REGULATIONS.** In this sense, it is essential to know the RSI framework given that:

- ✓ **"...is a legally binding instrument that covers measures to prevent the international spread of infectious diseases. The IHR, approved by the 58th World Health Assembly in 2005 through [resolution WHA58.3.1 \(PDF\)](#) constitutes the legal framework that, among other aspects, defines basic national capacities, including at points of entry, for the management of acute public health events of potential or actual importance at both national and international levels, as well as related administrative procedures."**<sup>5</sup>

It is because of that **OUR COUNTRY MUST STRONGLY OPPOSE**

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<sup>4</sup><https://bancos.salud.gob.ar/recurso/plan-de-preparacion-y-respuesta-para-eventos-de-salud-publicade-importancia-nacional-o>

<sup>5</sup><https://www.paho.org/es/topics/international-health-regulations>

**ALL CHANGES IN THE RSI** based on the experience lived in the COVID-19 pandemic. The IHR met WHO's governance objective through population control and surveillance. In that sense, beyond article 75 paragraphs 22 and 24 of the Magna Carta as an institutional spring, the ARGENTINE REPUBLIC also has legal and regulatory instruments for the purposes of expressing its position opposing the RSI as well as the pandemic agreement.

The Vienna Convention on the Law of Treaties of 1969, which was ratified by the Honorable Congress of the Nation in 1972 under Law 19865, enshrines "... the principles of international law incorporated in the Charter of the United Nations, such as the principles of equal rights and of the self-determination of peoples, of the sovereign equality and independence of all States, of non-interference in the internal affairs of States, of the prohibition of the threat or use of force and of universal respect for human rights and fundamental freedoms of all and the effectiveness of such rights and freedoms. Furthermore, section 2 specifies the "formulation of reservations" from article 19<sup>6</sup>:

***A State may formulate a reservation at the time of signing, ratifying, accepting, approving or acceding to a treaty, unless:***

- a) That the reservation is prohibited by the treaty;***
- b) That the treaty provides that only certain reservations, among which the reservation in question does not appear; either***
- c) That, in cases not provided for in sections a and b, the reservation is incompatible with the object and purpose of the treaty.***

In that sense, Law 19865 provides a clear legal framework: in the case of negotiation to modify the IHR and/or a pandemic treaty, the ARGENTINE REPUBLIC should exercise all reservations that imply a violation of the freedom, health and property of citizens.

In the same vein as what was said above, article 75, paragraph 24 of the Magna Carta must prevail, as well as, it is essential to highlight and highlight that this Honorable Chamber of Deputies DOES NOT SEAT A SECRET SESSION for these matters as stipulated in the articles 31 and 33 of the regulations of said chamber under the pretext of "public health." They themselves state:

- ✓ **Article 31**. Public sessions. Sessions ~~secret~~ *The sessions will be public, but may be declared secret, prior resolution of the Chamber*, approved by the vote of the absolute majority.
- ✓ **Article 33**: Attendance at the secret session. In the secret sessions, in addition to the members of the Chamber and their secretaries, only the senators of the Nation, the ministers, the secretaries of State, other officials whose presence is authorized by the body and the stenographers who

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[6https://servicios.infoleg.gob.ar/infolegInternet/anexos/215000-219999/217116/norma.htm](https://servicios.infoleg.gob.ar/infolegInternet/anexos/215000-219999/217116/norma.htm)



the president appoints. Said officials and stenographers must take a special oath, before the president, to maintain secrecy.

Additionally, any public health issue that involves violating basic and fundamental rights must be publicized. Furthermore, considering the experience in the COVID-19 pandemic, this Honorable Chamber of Deputy of the Nation, in the event of the existence of public health projects with parliamentary processing covered by articles 31 and 33 of the regulations, the article should also apply 34 of the same that expresses:

- ✓ **Article 34. Prosecution of a secret session in public session After a secret session has begun, the Chamber may make it public, whenever it deems appropriate.**

Considering the above, it is essential that the COMMISSION OF FOREIGN RELATIONS AND WORSHIP of the Honorable Chamber of Deputies of the Nation take cognizance of this matter due to the seriousness it implies: **delegate Argentine sovereignty in the name of public health.** Furthermore, in accordance with the aforementioned, there would be devastating consequences for the country in economic matters given that the trade flow would be affected mainly with the MERCOSUR partners. In this sense, it is suggested to transmit to the MINISTRY OF FOREIGN RELATIONS, INTERNATIONAL TRADE AND WORSHIP, that it arbitrate the necessary means in order to give immediate notice to the member countries of MERCOSUR through their ambassadors in our country as well as, to the international community.

Likewise, it is imperative that public officials (especially those who exercise functions in health matters and foreign policy) carry out live monitoring of the **77th World Health Assembly from May 27 to June 1, 2024 by accessing:**

<https://www.who.int/es/about/accountability/governance/world-healthassembly/seventy-seventh>

For the arguments and foundations set forth above, the Legislators are requested to adhere to this project whose content responds to the defense of the rule of the NATIONAL CONSTITUTION that promotes the right to health of Argentines without delegating their sovereignty or violating their rights. of property or individual freedoms.

**BELTRAN BENEDIT.**

**National Deputy for Entre Ríos.**

**CO-SIGNATORS.**

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