Dear

Re: World Health Organisation (‘WHO’) Pandemic Treaty

We trust that as a public representative you will be fully cognisant that the World Health Assembly (‘WHA’) Intergovernmental Negotiating Body (‘INB’) are to identify the substantive elements of the WHO Pandemic Treaty under Article 1(3) of the WHA adopted decision on 1st December 2021 (‘adopted decision’) titled ‘The World Together: Establishment of an intergovernmental negotiating body to strengthen pandemic prevention, preparedness and response’, no later than the second meeting scheduled to take place before 1st August 2022.

In written answer to Question Number 397 913751/22) by Róisín Shortall T.D. Minister Donnelly stated:

“The COVID-19 pandemic has demonstrated that the global status quo in terms of pandemic preparedness and response is not acceptable. Therefore, Ireland supports the WHO led process to negotiate a binding legal instrument on pandemic preparedness and response”.

The Irish People have not been asked to vote by Referendum on the question of whether they ‘support’ a ‘binding legal instrument on pandemic preparedness and response’ under Article 19 (Treaty) or Article 21 (Regulation) of the WHO Constitution. The Minister for Health and Official delegates (to date the delegates have not been published) to the WHA from the Department of Health ('Official delegates') should make clear to the INB that Ireland can only agree to an Article 23 (Recommendation) agreement in the absence of a People’s Referendum under Article 6 of the Irish Constitution.

Minister Donnelly nor the Officials in the Department of Health have the legal authority or power to agree to a WHO binding Pandemic Treaty in the absence of a People’s Referendum.

The people of Ireland are not convinced with Minister Donnelly’s response that: “The requirements of the Irish Constitution will, of course, be respected in Ireland’s position towards the negotiations and my department will engage with the Office of the Attorney General in relation to any concerns that may arise in this regard….”.

The people of Ireland witnessed the erosion of our rights over the past two years as a result of the State enacting emergency Covid-19 legislation. Primary legislation passed by the Oireachtas and secondary legislation created by Minister Donnelly was rushed through at lightning speed with no pre-legislative scrutiny or regard to our constitutional, civil and human rights. To suggest that the people of Ireland have faith in the Department of Health negotiating with the Attorney General’s Office so that the Irish Constitution will “of course be respected”’, demonstrates that the Minister for Health requires reflection on the extent of damage caused to public trust by the State.

Minister Donnelly’s statement that the WHO Pandemic Treaty is “…currently in the very early stages of negotiation, it is not possible at this time to determine if the instrument will contain provisions that have any of the legal ramifications outlined, nor has it been determined what form the instrument shall take” shows either a lack of knowledge or an attempt to diminish the extent of the WHO’s powers under Article 2 of its Constitution in force since 1948.

It is fundamental that public representatives act on behalf of their constituent’s interests by calling for a public debate in the Oireachtas to clarify Ireland’s formal position on the WHO Pandemic Treaty. Public representatives must represent the interests of the people they serve by demanding that the Minister for Health and Official delegates notify the INB by formal record, prior to its second meeting, that Ireland cannot agree to a WHO measure (i.e. a legally binding treaty) without holding a People’s Referendum.

Dr Tedros Adhanom Ghebreyesus, WHO Director-General, made an announcement himself that the decision by the WHA to draft a WHO Pandemic Treaty is ‘historic’ in nature.

The historical significance of a WHO Pandemic Treaty must be officially recognised by the Minister for Health. There has only been one other WHA ratified Treaty since the WHO's formation on 7th April 1948. The WHO Framework Convention on Tobacco Control (WHO FCTC) was adopted by the World Health Assembly on 21 May 2003 and entered into force on 27 February 2005.

Such an historic WHO Pandemic Treaty with far reaching consequences on all aspects of people's health and preparedness and response measures to a declared health emergency, requires the democratic approval of the people of Ireland.

The people of Ireland do not agree with Minister Donnelly that as the INB are in the “very early stages of negotiation” it is not possible to determine whether the WHO agreed legal instrument will have ramifications on the Irish Constitution. This is the time for democratic debate on the issue in the Oirechtas so that the public are fully informed at each stage of the INB negotiated agreement, including the drafting of the proposed WHO Pandemic Treaty. The people of Ireland are not prepared to risk a future situation whereby the WHO declared a pandemic and a WHO Pandemic Treaty is voted on by Member Countries at an emergency WHA meeting.

Now is the time to open public debate in the Oireachtas on the potential magnitude of the WHO Pandemic Treaty on the people of Ireland’s power under Article 6(1) of the Irish Constitution to designate the rulers of the State and, in final appeal, to decide all questions of national policy, according to the requirements of the common good.

No doubt as a public representative you will agree that a democratic process requires full transparency, openness and accountability. It is therefore important that Minister Donnelly informs the public of the details of the Department of Health’s Official Delegates to the WHA who are negotiating with the INB. It is also fundamental that the Minister for Health discloses to all public representatives in the Oireachtas details of all funding to the WHO. In particular, it is of public interest that people are fully aware that the second largest contributor and the largest private donator is the Bill and Melinda Gates Foundation who funded the WHO to a tune of 1 billion last year. It is clearly important that the public are aware of such private donations and the conflict of interest that can arise which in turn may influence public health decisions.

The public have a right to be informed and actively engage in each stage of the INB negotiated agreement, including the drafting of such an historical instrument. The Minister for Health and Official Delegates to the WHA have already failed in their public duties to serve the interests of the public by NOT informing the public of the WHO’s public participation portal on the first question of the substantive elements of the pandemic preparedness and response agreement. The written contributions portal closed at 3pm on Wednesday 13th April and the Minister for Health and Official delegates to the WHA therefore failed in their duty to notify members of the public of their right to submit written contributions. This cannot happen again as the public have a right to citizen participation.

We trust that as a public representative you will do all in your power to protect our Sovereignty under the Irish Constitution by demanding that the Minister for Health and the Official delegates to the WHA do not agree to a legally binding WHO Pandemic Treaty in the absence of a People’s Referendum.

On Easter week, the Minister for Health and the Official Delegates to the WHA should be reminded of the words of the 1916 Proclamation declaring the right of the people of Ireland to unfettered control of Irish destinies. As a public representative you are under a duty to ensure that on this there can be no compromise

We await your reply **as a matter of urgency**

Reply to freedomtruthpeaceireland@gmail.com

Yours sincerely