

Pressekonferenz,
Bern, 24. Mai 2023

WHO-Machtausbau:

*Gefahr für unsere
Verfassungsmässige Grundordnung
Was tun?*

MLaw Philipp Kruse
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WHO

PREAMBLE TO THE CONSTITUTION

The STATES parties to this Constitution declare, in conformity with the Charter of the United Nations, that the following principles are basic to the happiness, harmonious relations and security of all peoples:

Health is a state of complete physical, mental, and social well-being and not merely the absence of disease or infirmity.

The enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being without distinction of race, religion, political belief, economic or social condition.

The health of all peoples is fundamental to the attainment of peace and security and is dependent upon the fullest cooperation of individuals and States.

The achievement of any State in the promotion and protection of health is of value to all.

Unequal development in different countries in the promotion of health and control of disease, especially communicable disease, is a common danger.

Healthy development of the child is of basic importance; the ability to live harmoniously in a changing total environment is essential to such development.

The extension to all peoples of the benefits of medical, psychological, and related knowledge is essential to the fullest attainment of health.

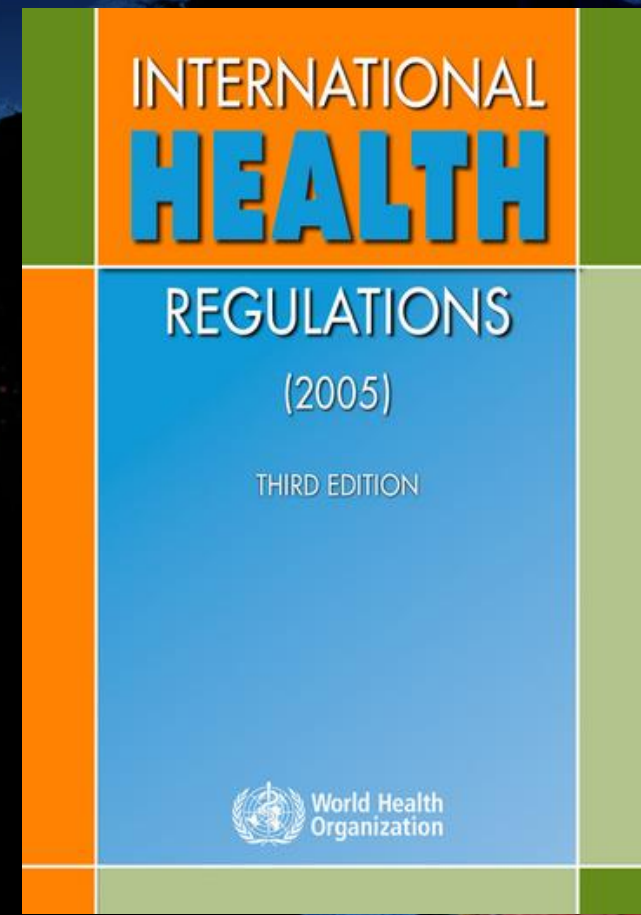
Informed opinion and active cooperation on the part of the public are of the utmost importance in the improvement of the health of the people.

Governments have a responsibility for the health of their peoples which can be fulfilled only by the provisions of adequate health and social measures.

ACCEPTING THESE PRINCIPLES, and for the purpose of cooperation among themselves and with others to promote and protect the health of all peoples, the contracting parties agree to the present Constitution and hereby establish the World Health Organization as a specialized agency within the terms of Article 57 of the Charter of the United Nations.

Art. 22 WHO-Verf.

REVISION



Internat. Gesundheitsvorschriften (CH: IGV 2007)

WHO-Verfassung (1948)

WHO

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World Health Organization

FOURTH MEETING OF THE INTERGOVERNMENTAL NEGOTIATING BODY TO DRAFT AND NEGOTIATE A WHO CONVENTION, AGREEMENT OR OTHER INTERNATIONAL INSTRUMENT ON PANDEMIC PREVENTION, PREPAREDNESS AND RESPONSE
Provisional agenda item 3

A/INB/4/3
1 February 2023

NEU

19/20 WHO-Verf.

**Zero draft of the WHO CA+
for the consideration of the Intergovernmental
Negotiating Body at its fourth meeting**

WHO-Verfassung (1948)

Neuer Pandemievertrag

2 parallele WHO-Projekte:

77 WHA
Mai 2024

Internat. Health
Regulations (IHR)

WHO-Const. 22
[[Working Group on
amendments of the IHR](#)]

Drafting +
Verhandlung

Einfache
Mehrheit

In Krafttreten
nach 12M,
sofern keine
Zurückweisung
innert 10 M
(IHR Art. 59.1)

TREATY

WHO-Const. 19/20
[[Intergovernmental
Negotiations Body to draft
...](#)]

Drafting +
Verhandlung

2/3-
Mehrheit

Ratifikation:
innert 18 M
(WHO-Const. Art. 19/20)

Nov. 2025

Anpassungen der IHR | **Stand 1.12.2022**



Nachfolgend:
Auswahl der Anpassungen

Article-by-Article Compilation of Proposed Amendments to the International Health Regulations (2005) submitted in accordance with decision WHA75(9) (2022)

The Working Group on Amendments to the International Health Regulations (WGIHR) at its first meeting on 14–15 November 2022 decided that “the Secretariat shall also publish online an article-

Quelle:

Article-by-Article Compilation of Proposed Amendments to the IHR (publiziert Ende Nov. 2022);

Link: https://apps.who.int/gb/wgihp/pdf_files/wgihp1/WGIHR_Compilation-en.pdf

[https://www.who.int/teams/ihr/ihr-review-committees/review-committee-regarding-amendments-to-the-international-health-regulations-\(2005\)](https://www.who.int/teams/ihr/ihr-review-committees/review-committee-regarding-amendments-to-the-international-health-regulations-(2005))

1. WHO-Empfehlungen, NEU: BINDEND

Article 1 Definitions

1. For the purposes of the International Health Regulations (hereinafter “the IHR” or “Regulations”):

(...)

“standing recommendation” means ~~non-binding~~ advice issued by WHO for specific ongoing public health risks pursuant to Article 16 regarding appropriate health measures for routine or periodic application needed to prevent or reduce the international spread of disease and minimize interference with international traffic;

“temporary recommendation” means ~~non-binding~~ advice issued by WHO pursuant to Article 15 for application on a time-limited, risk-specific basis, in response to a public health emergency of international concern, so as to prevent or reduce the international spread of disease and minimize interference with international traffic;

Quelle:

Article-by-Article Compilation of Proposed Amendments to the IHR;

Link: https://apps.who.int/gb/wgihhr/pdf_files/wgihhr1/WGIHR_Compilation-en.pdf

1. WHO-Empfehlungen, NEU: BINDEND

NEW Article 13A WHO Led International Public Health Response

1. States Parties recognize WHO as the guidance and coordinating authority of international public health response during public health Emergency of International Concern and undertake to follow WHO's recommendations in their international public health response.

Quelle:

Article-by-Article Compilation of Proposed Amendments to the IHR; NEW Art. 13A (S. 12);

Link: https://apps.who.int/gb/wgih/pdf_files/wgih1/WGIHR_Compilation-en.pdf

1. WHO-Empfehlungen, NEU: BINDEND

Article 42 Implementation of health measures

Health measures taken pursuant to these Regulations, including the recommendations made under Article 15 and 16, shall be initiated and completed without delay by all State Parties, and applied in a transparent, equitable and non-discriminatory manner. State Parties shall also take measures to ensure Non-State Actors operating in their respective territories comply with such measures.

Quelle:

Article-by-Article Compilation of Proposed Amendments to the IHR;

Link: https://apps.who.int/gb/wgihhr/pdf_files/wgihhr1/WGIHR_Compilation-en.pdf

1. WHO-Empfehlungen, NEU: BINDEND

Article 53A - Establishment of an Implementation Committee

The State Parties shall establish an Implementation Committee, comprising of all States Parties meeting annually, that shall be responsible for:

New Article 54 bis – Implementation^{4]}

1. The Health Assembly shall be responsible to oversee and promote the effective implementation of these Regulations. For that purpose, Parties shall meet every two years, in a dedicated segment during the regular annual session of the Health Assembly.

Quelle:

Article-by-Article Compilation of Proposed Amendments to the IHR;

Link: https://apps.who.int/gb/wgihhr/pdf_files/wgihhr1/WGIHR_Compilation-en.pdf

Internat. Gesundheitsvorschriften (IGV) / (IHR)

Kritikpunkt zu Art. 1: “Empfehlungen” der WHO zu Covid-19

The image shows a screenshot of the WHO website. At the top, there are logos for the World Health Organization, Western Pacific, and Mongolia. Below this is a navigation bar with 'Home', 'Health topics', and 'Our work'. The main content area features a large blue box titled 'RT-PCR tests' with the subtitle '(Reverse transcription polymerase chain reaction test)'. Below this, there are two bullet points: 'Tests with the highest diagnostic accuracy' and 'Cost more'. A red oval highlights the text 'RT-PCR test' in the left sidebar. Below the blue box, there is a grey box titled 'Recommendations for national SARS-CoV-2 testing strategies and diagnostic capacities' with the subtitle 'Interim guidance' and the date '25 June 2021'. The WHO logo is visible in the bottom right corner of the grey box.

World Health Organization
Western Pacific
Mongolia

Home / Multimedia / Item / RT-PCR test

RT-PCR test

19 November 2020 | graphics (social media tile)

RT-PCR tests
(Reverse transcription polymerase chain reaction test)

- Tests with the highest diagnostic accuracy
- Cost more

Recommendations for national SARS-CoV-2 testing strategies and diagnostic capacities

Interim guidance
25 June 2021

World Health Organization

Quellen:

1.) <https://apps.who.int/iris/bitstream/handle/10665/342002/WHO-2019-nCoV-lab-testing-2021.1-eng.pdf?sequence=1&isAllowed=y>;

2.) <https://www.who.int/westernpacific/emergencies/covid-19/information/covid-19-testing>

Internat. Gesundheitsvorschriften (IGV) / (IHR)

Kritikpunkt zu Art. 1: “**Imperative Empfehlungen**” der WHO zu Covid-19

Achieving 70% COVID-19 Immunization Coverage by Mid-2022

The IAVG is therefore calling for:

Achievement of 70% coverage with COVID-19 vaccines in all countries as **a global imperative.**

Quelle:

<https://www.who.int/news/item/23-12-2021-achieving-70-covid-19-immunization-coverage-by-mid-2022>



Einfluss der WHO auf die Schweiz bereits seit Jan. 2020



Meetings des IHR Emergency Committee betr. Covid-19

«The Director-General declared that the outbreak of COVID-19 continues to constitute a PHEIC. He accepted the advice of the Committee to WHO and issued the Committee's advice to States Parties as Temporary Recommendations under the IHR (2005).»



2. Menschenwürde und Grundrechte sollen ersetzt werden durch: „**EQUITY**“: = *Gleichviele Impfdosen für alle Länder; etc.*

Article 3 Principles

1. The implementation of these Regulations shall be with ~~full respect for the dignity, human rights and fundamental freedoms of persons~~ **based on the principles of equity, inclusivity, coherence and in accordance with their common but differentiated responsibilities of the States Parties, taking into consideration their social and economic development.**

(...)

2 bis. The States Parties shall develop and maintain capacities to implement the Regulations in accordance with their Common But Differentiate Responsibilities and Respective Capabilities (CBDR-RC), availability of international financial assistance and shared technological resources, and in this regard, primary preference shall be given to the establishment of functioning public health systems resilient to public health emergencies.

Quelle: WHO, [Internationale Gesundheitsvorschriften](#)

Article-by-Article Compilation of Proposed Amendments to the IHR (Version Publ.: Ende Nov. 2022);

Link: https://apps.who.int/gb/wgihhr/pdf_files/wgihhr1/WGIHR_Compilation-en.pdf

NEW PANDEMIC TREATY

https://apps.who.int/gb/inb/pdf_files/inb4/A_INB4_3-en.pdf



**FOURTH MEETING OF THE INTERGOVERNMENTAL
NEGOTIATING BODY TO DRAFT AND NEGOTIATE
A WHO CONVENTION, AGREEMENT OR OTHER
INTERNATIONAL INSTRUMENT ON PANDEMIC
PREVENTION, PREPAREDNESS AND RESPONSE
Provisional agenda item 3**

*Nachfolgend:
Auswahl wichtiger Anpassungen*

**A/INB/4/3
1 February 2023**

**Zero draft of the WHO CA+
for the consideration of the Intergovernmental
Negotiating Body at its fourth meeting**

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1 February 2023**

NEW PANDEMIC TREATY

https://apps.who.int/gb/inb/pdf_files/inb4/A_INB4_3-en.pdf

Chapter V.	Coordination, collaboration and cooperation for pandemic prevention, preparedness, response and health system recovery.....	22
Article 15.	<u>Global coordination</u> , collaboration and cooperation	22
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Chapter VI.	<u>Financing</u> for pandemic prevention, preparedness, response and recovery of health systems	25
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**Zero draft of the WHO CA+
for the consideration of the Intergovernmental
Negotiating Body at its fourth meeting**

**A/INB/4/3
1 February 2023**

NEW PANDEMIC TREATY

https://apps.who.int/gb/inb/pdf_files/inb4/A_INB4_3-en.pdf

Article 18. One Health

[1.-4.]

5. The Parties commit to strengthen synergies with other existing relevant instruments that address the drivers of pandemics, such as climate change, biodiversity loss, ecosystem degradation and increased risks at the human-animal-environment interface due to human activities.

6. The Parties commit to strengthen multisectoral, coordinated, interoperable and integrated One Health surveillance systems and strengthen laboratory capacity to identify and assess the risks and emergence of pathogens and variants with pandemic potential, in order to minimize spill-over events, mutations and the risks associated with zoonotic neglected tropical and vector-borne diseases, with a view to preventing small-scale outbreaks in wildlife or domesticated animals from becoming a pandemic.

Kritik am NEW PANDEMIC TREATY

(Draft ZERO; Version 1. Feb. 2023)

„INFODEMIC“ (Propaganda; Zensur etc.): Ausbau und Vereinheitlichung in allen Staaten (Art. 17):

(b) conduct regular social listening and analysis to identify the prevalence and profiles of misinformation, which contribute to design communications and messaging strategies for the public to counteract misinformation, disinformation and false news, thereby strengthening public trust; and

Art. 17 stärkt nicht nur die Macht der WHO zur einseitigen Information (Propaganda). Vielmehr stärkt dieser Artikel auch die alleinige Macht der WHO, universell zu bestimmen, welche Information erlaubt sind und welche nicht.

= **Der absolute FREIPASS für global-zentralisierte WHO-PROPAGANDA und ZENSUR; für institutionalisierte Täuschung und Desinformation.**

Kernelemente der verfassungsmässigen Grundordnung BV 1999

- 1. Legalitäts- u. Verhältnismässigkeitsprinzip (statt Willkürprinzip: BV 5; 9; 36)**
- 2. Gewaltentrennung und Gewaltenhemmung**
(Aufgabenverteilung gem. Verfassung; Checks & Balances; BV 140-142; 164 I; 169f.; 174; 191c)
- 3. Wirksamer Schutz der Menschenrechte (BV 36; EpG)**
4. [...]

Kernelemente der verfassungsmässigen Grundordnung BV 1999

4. Demokratische Mitwirkungs-, Kontroll und Informationsrechte; **unverfälschte Willensbildung des Volkes** für sämtliche grundlegenden Entscheide (BV 9; 34 II; StGB 181; 258; etc.).
5. Priorisierung staatlicher Aufgaben gemäss Verfassung (Art. 2 BV)
6. Etc.

2 parallele WHO-Projekte:

77 WHA
Mai 2024

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Regulations (IHR)

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**2/3-
Mehrheit**

Ratifikation:
innert 18 M
(WHO-Const. Art. 19/20)

Nov. 2025

Information durch Bundesrat? Homepage BAG?



The screenshot shows the homepage of the Bundesamt für Gesundheit (BAG) in German. The header includes the Swiss flag and the text 'Schweizerische Eidgenossenschaft', 'Confédération suisse', 'Confederazione Svizzera', and 'Confederaziun svizra'. The main navigation bar has categories like 'Das BAG', 'Gesund leben', 'Krankheiten', 'Medizin & Forschung', 'Versicherungen', 'Strategie & Politik', 'Berufe im Gesundheitswesen', and 'Gesetze & Bewilligungen'. The breadcrumb trail reads: 'Bundesamt für Gesundheit BAG > Strategie & Politik > Internationale Beziehungen > Multilaterale Zusammenarbeit > Weltgesundheitsorganisation (WHO)'. The main content area features a left sidebar with a back arrow and 'Multilaterale Zusammenarbeit', and a main heading 'Weltgesundheitsorganisation (WHO)' with a print icon. Below the heading, it states: 'Die WHO setzt sich seit 75 Jahren dafür ein, die Gesundheit und das Wohlergehen der Menschen zu stärken. Dazu gehört, möglichst allen einen guten Zugang zu einer guten Gesundheitsversorgung zu ermöglichen,'.

Quelle:
Homepage BAG

Link:
<https://www.bag.admin.ch/bag/de/home/strategie-und-politik/internationale-beziehungen/multilaterale-zusammenarbeit/organisation-mondiale-sante.html>

Information durch Bundesrat? Homepage BAG?

Intergovernmental Negotiating Body (INB)

Zwischenstaatliches Verhandlungsgremium

Die Weltgesundheitsversammlung hat an ihrer Sondersitzung Ende 2021 im Konsens ein zwischenstaatliches Verhandlungsgremium eingesetzt. Das Gremium soll bis zur Weltgesundheitsversammlung im Mai 2024 erste Entwürfe präsentieren. Bis zu einem Abschluss der Verhandlungen kann es jedoch noch mehrere Jahre dauern. Zu diesem frühen Zeitpunkt der Verhandlungen sind die Inhalte des Übereinkommens noch nicht geklärt. Das Verhandlungsgremium hat sich am 21. Juli 2022 auf ein rechtlich verbindliches Übereinkommen unter Artikel 19 der WHO-Verfassung geeinigt.

Quelle:

Homepage BAG

Link:

<https://www.bag.admin.ch/bag/de/home/strategie-und-politik/internationale-beziehungen/multilaterale-zusammenarbeit/organisation-mondiale-sante/inb.html>

KERNFORDERUNGEN:

1. Sofortiger Abbruch der Verhandlungen IHR und CA+
2. **Optimierung der CH Autonomie in der Gesundheitsvorsorge**
(Info-Austausch mit WHO ist gut; Verpflichtende Vorgaben sind abzulehnen.)
3. Internationale Untersuchung des Pandemie-Managements der WHO: Kollateralschäden etc. | = Qualitätskontrolle!
4. Beachtung grundlegender Rechtsprinzipien bei zukünftigen Abkommen: => **Verantwortlichkeit statt Immunität**
4.1 – 4.10 [...]