

The Treaty That Cannot Be



By Paul Engel

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- The WHO Pandemic Agreement includes a lot of powers for this U.N. agency.
- Many claims about what would happen should President Biden sign this agreement.
- Except all of the claims that this “treaty” would be legally binding in the United States are not true.

The World Health Organization’s (WHO) Pandemic Agreement has been in the news again lately. Not only does this United Nation organization want the power to take over the world in a “health emergency”, but numerous politicians and commentators keep claiming that if Joe Biden signs this treaty, it would be legally binding. The truth is that is just not true, for several reasons.

The WHO Pandemic Treaty

With all of this talk about the WHO treaty, you may be surprised to find out it doesn’t call itself a treaty. Rather its actual title is the [WHO Pandemic Agreement](#). This detail will become important later in this article. As you may expect, this agreement starts with some grandiose statements, many of which are just as grandly wrong.

Recognizing that the World Health Organization is fundamental to strengthening pandemic prevention, preparedness and response, as it is the directing and coordinating authority on international health work,

[Revised draft of the negotiating text of the WHO Pandemic Agreement](#)

As more and more information comes to light, we find that recommendations from WHO regarding lockdowns, masks, and the mRNA “vaccine” puts in question how effective they were in preventing the spread of the pandemic. Which brings into question the purpose of this agreement.

The objective of the WHO Pandemic Agreement, guided by equity, and the principles and approaches set forth herein, is to prevent, prepare for and respond to pandemics.

[Revised draft of the negotiating text of the WHO Pandemic Agreement](#)

Who would decide how to prevent, prepare, and respond to pandemics under this agreement? It shouldn't surprise anyone that it would be the bureaucrats in the WHO calling the shots. While much of the agreement's language is fairly vague, that doesn't mean there aren't problems. Language like this:

The Parties commit to take measures to progressively strengthen pandemic prevention and coordinated multisectoral surveillance, taking into account national capacities and national and regional circumstances. ...

The Parties shall contribute to the further development and updating of international standards and guidelines to detect, reduce risks of, monitor and manage zoonotic spill-over and spill-back, in collaboration with WHO and relevant intergovernmental organizations. ...

[and]

Each Party commits to develop, strengthen and maintain its health system, including primary health care, for pandemic prevention, preparedness and response, taking into account the need for equity and resilience, with a view to the progressive

realization of universal health coverage.

[Revised draft of the negotiating text of the WHO Pandemic Agreement](#)

There is plenty of room in this language for the WHO to claim sovereignty over every country that signs on. This becomes quite apparent when you start reading Article 19 of the agreement.

1. The Parties shall cooperate, directly and/or through relevant regional or international bodies, to sustainably strengthen pandemic prevention, preparedness and response capacities in countries, particularly developing countries, which are Parties to the WHO Pandemic Agreement or the International Health Regulations (2005) (hereinafter referred to collectively as “Cooperating Parties”), ...
2. The Parties shall, upon request, facilitate the provision of technical assistance and support for those Cooperating Parties that have requested such assistance or support, in particular developing countries, either bilaterally or through relevant regional and/or international organizations.

[Revised draft of the negotiating text of the WHO Pandemic Agreement](#) – Article 19

What are these “Cooperating Parties” supposed to cooperate on? Sharing technical, scientific, and legal expertise. Oh, and financial support as well. The part that got my attention was the inclusion of the International Health Regulations into this agreement. As you may have heard, there have been some interesting amendments proposed to these regulations. Amendments like:

“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;

[Article by Article Compilation of Proposed Amendments to the International Health Regulations \(2005\) submitted by States Parties in the context of Decision WHA75](#)

Notice how these “recommendations” would no longer be non binding? I guess that means the WHO would consider these recommendations legally binding on parties to these agreements. Furthermore, these amended regulations have an amended purpose.

The purpose and scope of these Regulations are to prevent, protect against, prepare, control and provide a public health response to the international spread of diseases including through health systems readiness and resilience in ways that are commensurate with and restricted to public health risk all risks with a potential to impact public health, and which avoid unnecessary interference with international traffic and trade, livelihoods, human rights, and equitable access to health products and health care technologies and know how.

[Article by Article Compilation of Proposed Amendments to the International Health Regulations \(2005\) submitted by States Parties in the context of Decision WHA75](#)

There are also some fundamental principles that need to be considered.

The implementation of these Regulations shall be guided by the

goal of their universal application for the protection of all people of the world from the international spread of disease. When implementing these Regulations, Parties and WHO should exercise precaution, in particular when dealing with unknown pathogens.

[Article by Article Compilation of Proposed Amendments to the International Health Regulations \(2005\) submitted by States Parties in the context of Decision WHA75](#)

Even with this brief look at these two documents, I hope you can see why so many people are concerned about the loss of sovereignty should the Biden Administration sign on to these two agreements. However, there are the constitutional issues we need to examine as well.

The Constitutional Issues

To truly understand the lie that is being told about this agreement, we need to start with an examination of the Treaty and Supremacy Clauses.

No president has the authority to sign a treaty on their own. As Article II clearly states, the President:

He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur;

[U.S. Constitution, Article II, Section 2, Clause 2](#)

So if Joe Biden follows through with his promise to sign the WHO Pandemic Agreement, legally it will be meaningless in the United States unless and until the Senate consents to it. "But Paul" you say, "this is not a treaty, it's an agreement." While some have claimed that the President can bind the United States to international agreements as long as they are not treaties, that isn't true. Look at the Tenth Amendment.

The powers not delegated to the United States by the

Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

[U.S. Constitution, Amendment X](#)

Read the Constitution and you will not find the power to sign binding international agreements delegated to the President. The only place the power to sign such documents lies is in the Treaty Clause, which requires both the advice and consent of the Senate.

What if the Senate consents to this agreement, wouldn't that make it legally binding? Which leads us to the Supremacy Clause

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land;

[U.S. Constitution, Article VI, Clause 2](#)

In order for any treaty to be considered the supreme law of the land, it must be made under the authority of the United States. Where does the United States get its authority? From the Constitution of course. So, in order for a treaty, or any "treaty like device", to be considered legally binding on the United States, the Several States, or any of its people, it must exercise a power that the Constitution has already delegated to the United States. Look very closely and you will not find the power to regulate public health delegated to the United States. You may ask, "But what if it's an emergency?" Look again and you'll see, there is no emergency clause in the Constitution. That means, whether or not an American president signs the agreement or the accompanying International Health Regulations, these rules are not legally binding upon the United States. They will only have an effect here if the American people are distracted by lies.

The Treaty “Shell Game”

As a young boy, I learned about a game played in the streets, a game you could not win. The game is called “Three Card Monte”. A variation of the shell game, it works by distracting the “mark” while you play with the cards. Something very similar appears to be happening with the WHO agreement. Just as the Monte dealer cries out “Watch the lady, keep track of the lady!”, people today are crying “If Joe Biden signs this agreement American sovereignty will end!” Nothing any president can do can take away your sovereignty. Sadly, most Americans have voluntarily given up their sovereignty by falling for the lies that the president can do things via international agreement that he cannot do under the Constitution.

Let’s picture a future where some American president has signed the WHO Pandemic Agreement and the International Health Regulations, and the Senate has “ratified” these treaties. What happens then? First, since these “treaties” were not made under the authority of the United States, they are not the supreme law of the land. Further, the signing of these “treaties” would be an unconstitutional act.

An unconstitutional act is not a law; it confers no rights; it imposes no duties; it affords no protection; it creates no office; it is in legal contemplation as inoperative as though it had never been passed.

[Norton v. Shelby County, 118 U.S. 425 \(1886\)](#)

Then again, since members of Congress seem almost universally ignorant of the document they took an oath to support, I’m sure the vast majority would think these false treaties valid. However, any legislative acts made in support of these fake “treaties” would not be constitutional, and therefore void. As Alexander Hamilton said in Federalist #78:

There is no position which depends on clearer principles, than

that every act of a delegated authority, contrary to the tenor of the commission under which it is exercised, is void. No legislative act, therefore, contrary to the Constitution, can be valid. To deny this, would be to affirm, that the deputy is greater than his principal; that the servant is above his master; that the representatives of the people are superior to the people themselves; that men acting by virtue of powers, may do not only what their powers do not authorize, but what they forbid.

[Alexander Hamilton – Federalist Papers #78](#)

Since neither the President nor Congress is likely to recognize the criminal activities they were committing, many would look to the courts to protect us. Since these justices went to the same law schools that refuse to teach the supreme law of the land, can we really expect protection from this branch of government? A quick look at the Supremacy Clause should show you not only that the decision of a court is not part of the supreme law of the land, but that the judges are bound to the Constitution, not the other way around. Of course, that will not stop those in government, at all levels, from turning their back on their oaths of office and attempting to place free citizens under the thumb of these tyrannical “treaties”. Which leaves us with only one way to protect our rights and where we should have started in the first place: With We the People.

Conclusion

So where does this leave us? I fully expect President Biden will sign the WHO Pandemic Agreement. Why would he do so? I believe that’s pretty obvious as well. There are forces in the world that believe they know better than everyone else. How we should live our lives, how we should spend our money, and how we should treat an emergency like a pandemic. The only way these people can have that kind of power is by creating a government above the nations. That is what the United Nations

has become, and with the help of the World Health Organization, the World Economic Forum, and our own sellouts in the United States, they will subjugate us to the will of others.

I'm reminded of the famous picture from Tiananmen Square. The one of a single man standing before a tank. A single man, standing for his rights and those of his family. A single man, alone, but willing to do what is right. I don't think those who would stand against these "treaties" would be alone. I believe there are hundreds, maybe even thousands, of Americans who recognize that the Constitution of the United States is their legal authority to stand athwart those who would implement these fake "treaties" and say no. They recognize that there is not a court, legislature, or executive in this country who can legally violate the supreme law of the land, and are willing to stand for that conviction. Because anyone who would sign such an agreement, vote for legislation to implement such an agreement, or decide a case in favor of such an agreement, is not merely acting against their oath of office. They are committing insurrection:

A rising or rebellion of citizens against their government, usually manifested by acts of violence.

[Insurrection – The Free Legal Dictionary](#)

You see, the dirty little secret that everyone seems to be forgetting is that, in the United States, the government is not the person in office, but the offices created by the Constitution. And when someone attempts to subvert the words of the Constitution, they are subverting the only legal government for the United States. Should these international organization attempt to subvert the Constitution, it could be said they are levying war against the United States. Meaning anyone who gave them aid and comfort would be committing treason. If you've followed The Constitution Study for any length of time, you should know that I do not use the term

“treason” lightly.

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