



Liberty Fighters Network

Est. 2016 - A voluntary association without gain (*Universitas*)

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Date: 14 Augustus 2025

URGENT

ATTENTION: **PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA**

Mr. Cyril Ramaphosa

c/o Ms. Malebo Sibiya

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cc. **MINISTER OF INTERNATIONAL RELATIONS AND COOPERATION**

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c/o Ms. A Maraba

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cc.

MINISTER OF HEALTH

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SPEAKER OF THE NATIONAL ASSEMBLY

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CHAIRPERSON OF THE NATIONAL COUNCIL OF PROVINCES

Ms. Nosilivere Winifred Magadla

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Dear President

RE: FORMAL OBJECTION TO THE ADOPTION OF THE AMENDED INTERNATIONAL HEALTH REGULATIONS (IHR) BY “CONSENSUS” AND NOTICE TO CHALLENGE THE CONSTITUTIONAL VALIDITY OF THE INTERNATIONAL HEALTH REGULATIONS ACT, 1974

1. Liberty Fighters Network (“LFN”) is a well-known civil justice voluntary association without gain and we are acting in the interests of both our members and the public and are committed to promoting accountability, transparency, and the protection of public health and safety.
2. As representatives of the Cabinet, it is reasonably assumed that both you, Mr. President, and the copied Ministers, will bring the content of this letter to the attention of all other ministers and deputies, in so far it may be required.
3. We refer to the adoption by the Seventy-seventh World Health Assembly (“WHA”) on 1 June 2024 of amendments to the International Health Regulations (2005) (“IHR”), purportedly adopted by “*consensus*”, and due to enter into force internationally on or about 19 September 2025.
4. We further refer to the ***International Health Regulations Act, 1974 (Act No. 28 of 1974)*** (“IHR Act”), in terms of which the President, and later the Minister of Health and Population

Development, were empowered to incorporate amendments to the IHR into South African law by proclamation in the *Government Gazette*.

5. It is common cause that:
 - 5.1. The IHR Act has only been amended twice, and at no point were the IHR (2005) or any subsequent amendments formally incorporated into South African domestic law *via* proclamation under the IHR Act or *via* any other Act of Parliament.
 - 5.2. The only version of the IHR currently given domestic effect by the IHR Act is the 1969 iteration (if indeed still operative and not repealed), rendering South Africa's domestic IHR framework substantively obsolete.
 - 5.3. Section 3(4) of the IHR Act, requiring that proclamations be tabled before both Houses of Parliament within 14 days, does not amount to **parliamentary approval** as required by Section 231(2) of the Constitution of the Republic of South Africa, 1996 ("Constitution"), nor does it facilitate the constitutionally mandated public participation process under Sections 59 and 72.
6. In terms of Section 231 of the Constitution:
 - 6.1. An international agreement binds the Republic only after approval by resolution in both the National Assembly and the NCOP; and
 - 6.2. An international agreement becomes law in the Republic only when enacted into law by national legislation.
7. The adoption of the amended IHR by "*consensus*" at the WHA — without Parliamentary approval, without a public participation process, and without domestic legislation incorporating such amendments — is incapable of conferring direct domestic legal force upon the amended IHR.

8. It is the considered position of LFN that:
 - 8.1. The IHR Act, in its current form, is outdated, inconsistent with the Constitution, and constitutionally invalid to the extent that it permits the President or Minister of Health and Population Development (a position not filled at present) to incorporate binding international instruments by proclamation without parliamentary debate, approval, and public participation.
 - 8.2. Any attempt to domesticate the amended IHR through proclamation under the IHR Act — without full compliance with Section 231 and the constitutional public participation requirements — would be unlawful, invalid, and susceptible to review and setting aside by a competent court.
 - 8.3. The mere “*consensus*” adoption of the amended IHR at the WHA is insufficient to bind South Africa domestically in the absence of explicit parliamentary ratification and enabling legislation.
9. Accordingly, LFN herewith:
 - 9.1. **Formally objects** to any purported domestic adoption or implementation of the amended IHR on the basis of “*consensus*” alone, without due parliamentary and public processes.
 - 9.2. Places the State on notice that LFN **intends to approach a competent court** to seek:
 - 9.2.1. A declaration that the IHR Act is unconstitutional and invalid to the extent of the defects outlined above; and
 - 9.2.2. A declaration that any purported adoption or implementation of the amended IHR without parliamentary approval is constitutionally invalid.

10. Requests **urgent written confirmation**, within **fourteen (14) calendar days** of the date of this letter, of:
 - 10.1. Whether South Africa lodged any formal rejection or reservation of the amended IHR within the prescribed period;
 - 10.2. The Executive's intention, if any, to domesticate the amended IHR through proclamation under the IHR Act, and the anticipated timelines; and
 - 10.3. Whether any parliamentary process has been initiated or is planned in relation to the amended IHR.
11. Should no substantive response be received within the stipulated 14-day period, LFN shall proceed, without further notice, to approach a competent court to obtain the relief set out above, together with any ancillary or alternative relief.
12. LFN fully reserves all rights.

Yours Faithfully,



Reyno D. De Beer

President: Liberty Fighters Network

On behalf of our members & interest of the Public