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The Biden Administration's Decision to Rejoin the World Health Organization: A Power Move or a Faulty Move?

VERONICA J. MINA[†]

I. INTRODUCTION

On July 7, 2020, the Donald Trump administration declared that it would be removing the United States from the World Health Organization (“WHO”) on July 6, 2021, despite facing significant backlash.¹ Fast forward to January 2021, Joseph R. Biden was inaugurated the 46th President of the United States.² Just hours after his inauguration, President Biden signed several executive orders, one of which declared that the United States would be rejoining the World Health Organization, effective immediately, as a leader against the COVID-19 pandemic and in a fight for improving global health.³ Part II discusses the World Health Organization and its purpose.⁴ Part III.A discusses the negative implications for the United States of

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1. Jacob Knutson, *Trump Administration Notifies UN of Intent to Withdraw from WHO*, AXIOS (July 7, 2020), <https://www.axios.com/trump-withdraw-world-health-organization-757cd93d-d085-4cdf-acdd-6194f0f0789b.html>.

2. Jacob Pramuk, *Joe Biden is Sworn in as President: 'Democracy has Prevailed'*, CNBC, <https://www.cnbc.com/2021/01/20/joe-biden-sworn-in-46th-president-united-states.html> (Jan 20, 2021, 11:49 AM).

3. *Letter to His Excellency Antonio Guterres*, THE WHITE HOUSE, <https://www.whitehouse.gov/briefing-room/statements-releases/2021/01/20/letter-his-excellency-antonio-guterres/> (last visited Feb. 26, 2021).

4. See *infra* Section II.

being a part of the World Health Organization.⁵ Part III.B discusses the positive implications of the United States' decision to rejoin the WHO.⁶ Part III.C acknowledges the damage created by the Trump administration's intention to withdraw from the WHO and the United States' responsibility to carry out damage control.⁷ Finally, Part IV concludes with whether the United States' decision to rejoin the WHO was in fact a power move (or in other words, a good move) or instead, a faulty move.⁸

II. BACKGROUND

When diplomats formed the United Nations in 1945, one of the things they discussed was setting up a global health organization.⁹ Three years later, the WHO was created on April 7, 1948, a day now celebrated as World Health Day.¹⁰ The Organization is the directing and coordinating authority on international health within the United Nations system and works to help individuals from around the world attain the highest possible level of health.¹¹ The WHO's mission is to "promote health, keep the world safe and serve the vulnerable, with measurable impact for people at country level."¹² To serve this mission, the WHO works to ensure that "a billion more people have universal health coverage, to protect a billion more people from health emergencies and provide a further billion people with better health and well-being."¹³ While WHO does not directly fund health

5. *See infra* Section III.A.

6. *See infra* Section III.B.

7. *See infra* Section III.C.

8. *See infra* Section IV.

9. *History of WHO*, WORLD HEALTH ORG., <https://www.who.int/about/who-we-are/history> (last visited Feb. 26, 2021).

10. *Id.* The Organization is currently led by Director General Dr. Tedros Adhanom Ghebreyesus, who was elected to a five-year term beginning July 2017. *The U.S. Government and the World Health Organization*, KFF (Jan. 25, 2021) <https://www.kff.org/global-health-policy/fact-sheet/the-u-s-government-and-the-world-health-organization/>. The World Health Assembly (WHA), comprised of representatives from WHO's 194 member states, is the supreme decision-making body for the agency and is convened annually. It is responsible for selecting the DG, setting priorities and approving WHO's budget and activities. *Id.*

11. *Our Values, Our DNA*, WORLD HEALTH ORG., <https://www.who.int/about/who-we-are/our-values> (last visited Feb. 26, 2021).

12. *Id.*

13. *What We Do*, WORLD HEALTH ORG., <https://www.who.int/about/what-we-do> (last visited Feb. 26, 2021).

For universal health coverage, the WHO (1) focuses on primary health care to improve access to quality essential services; (2) works towards sustainable financing and financial protection; (3) improves access to essential medicines and health products; (4) trains the

services and programs in countries, it does provide supplies and other support during emergencies and carries out programs funded by donors.¹⁴ Notwithstanding its lack of direct funding of health services and programs, the agency has played a key role in a number of global health achievements.¹⁵

Today, more than 7,000 people from 150 countries work for the Organization in 150 WHO offices in countries, territories and areas, six regional offices, at the Global Serve Centre in Malaysia and at the headquarters in Geneva, Switzerland.¹⁶ Through the generous help of its 194 member states, as well as other agencies and organizations around the world, the Organization has an annual budget of approximately \$2.4 billion.¹⁷ Unsurprisingly, becoming a member of the WHO, as with any organization, requires adherence to its rules and guidelines. Of relevance here is the WHO's policy on withdrawing from the WHO, which explains that countries must give a year's notice of intent to withdraw.¹⁸ Former President Trump abided by this rule in 2020, and President Biden swiftly acted to

health workforce and advises on labour policies; (5) supports people's participation in national health policies; and (6) improves monitoring, data and information. *Id.*

For health emergencies, the WHO (1) prepares for emergencies by identifying, mitigating and managing risks; (2) preventing emergencies and supporting development of tools necessary during outbreaks; (3) detecting and responding to acute health emergencies; and (4) supporting delivery of essential health services in fragile settings. *Id.*

For health and well-being, the WHO (1) addresses social determinants; (2) promotes intersectoral approaches for health; and (3) prioritizes health in all policies and healthy settings. *Id.*

Through its work, the WHO addresses (1) human capital across the life-course; (2) noncommunicable disease prevention; (3) mental health promotion; (4) climate change in small island developing states; (5) antimicrobial resistance; and (6) elimination and eradication of high-impact communicable diseases. *Id.*

14. KFF, *supra* note 10.

15. *Id.* (including the Alma-Ata Declaration on primary health care (1978), the eradication of smallpox (formally recognized in 1980), the Framework Convention on Tobacco Control (adopted in 2003), and the 2005 revision of the International Health Regulations (IHR), an international agreement that outlines roles and responsibilities in preparing for and responding to international health emergencies).

16. WHO – *Organizational Structure*, WORLD HEALTH ORG., <https://www.who.int/about/who-we-are/structure> (last visited Feb. 26, 2021).

17. Karen Weintraub, *Biden Administration Renewed Support for World Health Organization is 'Good News for America and the World,' Scientists Say*, USA TODAY (Jan. 24, 2021, 1:19 PM) <https://www.usatoday.com/story/news/health/2021/01/22/scientists-applaud-biden-decision-rejoin-world-health-organization/4243377001/>; see also KFF, *supra* note 10 (breaking down the percentage of contributions by *assessed* contributions, *voluntary* contribution, and *other revenue*).

18. Weintraub, *supra* note 17.

reverse his decision in 2021. The implications of both President's actions are analyzed below.

III. ANALYSIS

A. *The Negative Implications of Remaining in the WHO*

The United States is by far the largest donor to the WHO out of any country, contributing more than 14% of its total budget.¹⁹ In 2018–2019, the United States paid approximately \$893 million to the WHO, consisting of both member dues and voluntary contributions.²⁰ Meanwhile, the next highest contributing country – the UK – only contributed \$434.8 million.²¹ Prior to its cessation of providing money to WHO in April 2020, the United States had already contributed \$58 million.²² Aside from these significant monetary figures, President Trump's frustration with the WHO was not solely financially motivated. In fact, one of the former president's main reasons for withdrawing from the WHO was that the WHO "reacted too slowly" to the outbreak of COVID-19 in Wuhan, China, and was too accepting of and too effusive about the Chinese government's response to it.²³ The President's frustration, although hastily driven to get the COVID-19 virus under control, is not without justification. The reality is that the WHO has no powers to enforce anything and all it can do is ask to be invited into other countries.²⁴ Further, rejoining the WHO also means that the act must be followed by an agreement to provide more financial support since it is "completely unsustainable financially."²⁵ As a result, remaining in the WHO becomes challenging when significant monetary investments are being made with little to no ability to enforce the desires of its members.

19. Knutson, *supra* note 1. Contrast this with China, who only contributed .21% in 2018–2019. Bethany Allen-Ebrahimian, *The U.S. Gives Far More Money to the WHO than China Does*, AXIOS (Apr. 15, 2020) <https://www.axios.com/us-gives-more-money-who-china-does-dbf670e3-6855-41b4-b976-8edaf40f7b97.html>.

20. *Id.*

21. *Id.*

22. Weintraub, *supra* note 17.

23. Jamey Keaten, *Biden's US Revives Support for WHO, Reversing Trump Retreat*, AP (Jan. 21, 2021) <https://apnews.com/article/us-who-support-006ed181e016afa55d4cea30af236227>.

24. Maria Cheng & Jamey Keaten, *Panel: China, WHO Should Have Acted Quicker to Stop Pandemic*, AP (Jan. 19, 2021) <https://apnews.com/article/who-china-act-quicker-stop-coronavirus-c9204041b189cebbec84559c03529f4>.

25. Weintraub, *supra* note 17.

B. *The Positive Implications of Remaining in the WHO*

Despite the seemingly negative implications of remaining in the WHO, the positives outweigh the negatives. First, the public sentiment towards rejoining the WHO has been outstanding, with the director of the O’Neill Institute for National and Global Health Law at Georgetown University, an immunologist at Harvard T.H. Chan School of Public Health, the director of Global Health and HIV Policy at the Henry J. Kaiser Family Foundation, the head of the National Institute of Allergy and Infectious Disease, and the WHO Director all expressing immense gratification and relief for President Biden’s decision to put America at the front-stage of fighting the COVID pandemic and providing “leadership in how to do global health well.”²⁶ Leaders across the globe have recognized that “[t]he world has always been a better place when the U.S. plays a leadership role in solving global health problems including the fight against HIV/AIDS, malaria, polio and other diseases.”²⁷

There are also short term and long-term effects of the United States’ decision to rejoin the WHO. In the short term, the “United States retracting its notice of withdrawal means that it will fulfill its financial obligations to the organization and stop its drawdown of U.S.-provided staff.”²⁸ In the longer term, “U.S. participation means it will help advance pandemic preparedness, reverse the health consequences of climate change, and promote better health globally.”²⁹ The director of Global Health Policy and Politics Initiative at Georgetown University explained that the United States’ reentry into the Organization sends “an incredibly important signal” about the administration’s commitment to global health.³⁰ More importantly, “[w]hen you’re dealing with a global pandemic, you have to have an international connectivity.”³¹ Simply put, the United States is needed on the center stage to fight this pandemic, and in the most literal sense, the future of the world could very likely depend on it. Without its presence, the fight to increase global health becomes

26. Weintraub, *supra* note 17.

27. Keaten, *supra* note 23.

28. Weintraub, *supra* note 17.

29. Weintraub, *supra* note 17 (explaining further that the U.S.’s commitment to strengthening the International Health Regulations not only reinforces the U.S.’s return to multilateralism, but is also important to rebuild the norms of acceptable conduct by countries in responding to global health security threats).

30. Maggie Ryan, *The US Rejoins the WHO Under the Biden Administration – Here’s Why That’s Important*, POPSUGAR (Jan. 21, 2021), <https://www.popsugar.com/fitness/why-did-joe-biden-rejoin-world-health-organization-48123284>.

31. *Id.*

significantly more difficult.

Additionally, the potential negative consequences of withdrawing from the WHO could have been catastrophic, not just for the world but for the United States as well. First, an American withdrawal from the WHO could wreak profound damage on the global effort to eradicate polio and could undermine the world's ability to detect and respond to disease threats.³² Second, the ranks of WHO's staff are "swollen with Americans."³³ It is unclear what would happen to Americans in its ranks, including Maria Van Kerkhove, the WHO's leading expert on coronaviruses, because United States nationals would no longer be eligible for employment.³⁴ Third, withdrawing United States membership could, among other things, interfere with clinical trials that are essential to the development of vaccines, which citizens of the United States as well as others in the world need.³⁵ Given these dire consequences, supporting the WHO is absolutely critical to the world's efforts for a better coordinated response against COVID-19.³⁶ As the U.N. spokesman Stephane Dujarric succinctly put it, "[n]ow is the time for unity and for the international community to work together in solidarity to stop this virus and its shattering consequences."³⁷

C. *The United States Must Now Prioritize Damage-Control*

Aside from the vast optimism that surrounds the Biden administration's decision to rejoin the WHO, the United States still has a long way to come back in mending its relationship with the WHO and other global actors. "While rejoining the WHO, COVAX [a multinational partnership to ensure equal access to a COVID vaccine] and the global health community is crucial," Barry Bloom, an immunologist at Harvard T.H. Chan School of Public Health, explains that "the U.S. has lost credibility by failing to contain the COVID-19 pandemic. Providing cash and rejoining conversations

32. Helen Branswell, *Experts Warn of Dire Global Health Consequences if U.S. Withdraws from the World Health Organization*, STAT (May 30, 2020), <https://www.statnews.com/2020/05/30/who-withdrawal-dire-consequences/>.

33. *Id.* Additionally, the U.S. is currently home to 82 WHO collaborating centers. Andrew Joseph & Helen Branswell, *Trump: U.S. Will Terminate Relationship with the World Health Organization in the Wake of COVID-19 Pandemic*, STAT (May 29, 2020), <https://www.statnews.com/2020/05/29/trump-us-terminate-who-relationship/>.

34. Branswell, *supra* note 32.

35. Joseph & Branswell, *supra* note 33.

36. Margaret Besheer, *Biden Orders US to Rejoin Paris Climate Accord, WHO*, VOA (Jan. 20, 2021, 7:02 PM), <https://www.voanews.com/usa/us-politics/biden-orders-us-rejoin-paris-climate-accord-who>.

37. *Id.*

won't be enough to restore that global authority.”³⁸ Others seem to agree with this sentiment as well. Sarah Bermeo, an associate professor of public policy and political science describes the current United States-WHO relationship as “uncertain.”³⁹

The damage created by the Trump administration was also financial. Other organizations, like The Bill and Melinda Gates Foundation, the United Kingdom government and other European countries have had to increase their financial support to the WHO significantly after the Trump administration decided not to cooperate.⁴⁰ As far as health progress goes, once the Trump administration announced its plans to withdraw from the WHO, “it set in motion a process that took effort away from other priorities, including the current pandemic and other WHO activities.”⁴¹ Importantly, the United States lost the trust of the global community when it revoked its contribution to the WHO.⁴² As a result, “a key difficulty will be global wariness in relying too much on U.S. leadership, even if world leaders are inclined to give the Biden administration the benefit of the doubt.”⁴³ Ultimately, by showing the fragility of the United States leadership and willingness to invalidate prior agreements even over the objection of Congress, the Trump administration has done lasting harm to the credibility of the United States government in international relations.⁴⁴ “Trust takes time to build and it is only partially in the hands of the [new] administration.”⁴⁵

IV. CONCLUSION

The United States created a world of uncertainty and panic on July 7, 2020, when the Trump administration opted to withdraw from the WHO. The negative implications of remaining in the WHO were not small by any means,⁴⁶ however the negative implications of

38. Weintraub, *supra* note 17.

39. Michael Penn, *A Fresh Start for the U.S. and the WHO?*, DUKE GLOB. HEALTH INST. (Dec. 2, 2020), <https://globalhealth.duke.edu/news/fresh-start-us-and-who>.

40. *Id.*

41. *Id.* (explaining that staff at the WHO were obliged to react not only to the possible forthcoming withdrawal, but also to the threat by the Trump administration to reallocate currently due money).

42. *Id.*

43. *Id.*

44. *Id.*

45. *Id.*

46. *See supra* Section III.A.

potentially withdrawing from the WHO were much greater, including depriving the WHO of its biggest financial supporter, pausing the efforts to fight the COVID-19 pandemic, and losing the trust of not just the WHO, but other global players around the world.⁴⁷ The Biden administration ultimately made the correct decision in rejoining the WHO, allowing the United States to gain its place back on the world stage, to help advance pandemic preparedness and to signal the administration's overall commitment to global health.⁴⁸ The United States will still have to exert significant effort in controlling the damage done by the Trump administration's decision,⁴⁹ however, now the United States can finally start to take the lead once again and become a leader that the world trusts. "We have a long way to come back,"⁵⁰ but the United States has now taken the first step in doing so by making a power move.

47. *See supra* Section III.C.

48. *See supra* Section III.B.

49. *See supra* Section III.C.

50. Weintraub, *supra* note 17.