

**ECONOMIC  
AND  
SOCIAL COUNCIL**

**CONSEIL  
ECONOMIQUE  
ET SOCIAL**

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TECHNICAL PREPARATORY COMMITTEE  
FOR THE INTERNATIONAL HEALTH CONFERENCE

SECOND DRAFT OF CONSTITUTIONAL PROPOSALS  
PREPARED BY DRAFTING SUB-COMMITTEE

WORLD HEALTH ORGANIZATION

I. PREAMBLE

The States parties to this World Convention recognize the following truths, as basic to the harmonious relationships between all peoples of the world.

Health is a state of physical fitness and of mental and social well-being, not only the absence of infirmity and disease.

The right to health is one of the fundamental rights to which every human being is entitled, without distinction of race, religion, political belief, economic or social condition.

The fundamental freedoms can be obtained and maintained only when peoples are healthy, well nourished and protected against disease.

Health is an essential factor in the attainment of security and well-being for individuals and States.

Satisfactory individual and collective emotional health is essential to the harmony of human relations.

Healthy development of the child toward world citizenship is of paramount importance.

The extension of the fullest benefits of medical, psychological and related knowledge to all people is a necessary goal to be attained.

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

Unequal levels of development in different countries in matters concerning the promotion of health and control of communicable diseases constitute a common danger.

Informed opinion and active co-operation on the part of the public are of the utmost importance in the development of the health of the people.

Governments have a responsibility for the health of their peoples which can be secured only by the provision of adequate health services.

Maximum efficiency of health services demands the co-operation and joint action of all States.

The Charter of the United Nations recognizes the need for the solution of international health problems in order to attain peaceful and friendly relations among nations.

Recognizing these truths, the parties to this World Convention,  
HEREBY ESTABLISH

the World Health Organization as a specialized agency through which States will co-operate for the protection and promotion of health throughout the world.

## II. AIMS AND OBJECTIVES

The aims and objectives of the World Health Organization are, through international collaboration and mutual assistance,

- (a) to achieve the highest possible state of physical and mental health for all peoples;
- (b) to prevent the occurrence and to control the spread of disease;
- (c) to stimulate the development and improvement of health services, both preventive and curative;
- (d) to provide information, counsel and assistance in the field of health and medical care;
- (e) to achieve the highest possible level of education and knowledge in all subjects pertaining to health;
- (f) to weld together for effective action the scientific and professional groups which contribute to the advancement of health; and
- (g) to contribute to the harmony of human relations.

Functions

In order to achieve the above-mentioned aims and objectives the World Health Organization should be the general directing and co-ordinating authority in international health work, whether the work is done by the Organization itself, or in conjunction with other agencies. Its functions should be:

- (a) to assist governments in strengthening their national health services;
- (b) to furnish appropriate technical assistance, and in emergencies to give necessary aid at the request of governments;
- (c) to assist in developing an informed public opinion among all peoples on matters of health;
- (d) to stimulate and advance work to eradicate disease, particularly of an epidemic, endemic or social nature;
- (e) to promote research in the field of health;
- (f) to promote maternal and child health and welfare;
- (g) to foster such mental health activities as necessary to improve and harmonize human relations;
- (h) to foster education through improved standards of teaching and training in the health, medical and related professions by means of fellowships, courses, study tours and exchanges of visits and other practicable means;
- (i) to study administrative and social techniques affecting sanitation and medical care from a curative and preventive point of view as regards both medical and hospital practice;
- (j) to develop central information services and the interchange of information with respect to health and medical care;
- (k) to promote with the co-operation of other specialized agencies, the improvement of nutrition, working conditions, housing and other factors related to environmental hygiene and sanitation;

- (l) to establish and maintain an epidemiological and statistical service for the collection, analysis, interpretation, and dissemination of information pertaining to health and related subjects;
- (m) to develop, establish and promote international standards with respect to pharmaceutical, biological and related products;
- (n) to standardize diagnostic procedures as desirable;
- (o) to establish and revise as necessary international nomenclatures of diseases, causes of death, and public health practice;
- (p) to promote conventions, regulations and agreements with respect to international health and sanitary matters and to perform functions and duties assigned thereby;
- (q) to provide or assist in providing, upon the request of the United Nations, health services and facilities to special groups, including the peoples of trustee territories and displaced persons;
- (r) to establish and maintain effective collaboration with the United Nations and with its affiliated organizations, with national health administrations and with such other organizations as may be deemed appropriate; and
- (s) generally to take all necessary and appropriate action to implement the purposes of the organization.

### III. MEMBERSHIP

1. Membership in the World Health Organization is open to all States of the world.
2. Members of the United Nations shall become Members of the World Health Organization by signing the Constitution of the Organization without reservation as to ratification by depositing their respective instruments of acceptance with the Secretary-General of the United Nations.
3. States not Members of the United Nations may become Members of the World Health Organization subject to the conditions of the agreement to be reached between the Organization and the United Nations.

4. Under exceptional circumstances, which, in the opinion of the Board, justify such action, voting privileges in the Organization and services to a Member State may be suspended. Such action may also be taken in cases of failure to meet financial obligations to the Organization.

Voting privileges and services so suspended may be restored by the same authority.+

#### IV. ORGANS

The work of the World Health Organization (hereinafter called the Organization) shall be carried out by:

- (a) the World Health Conference (hereinafter called the Conference);
- (b) the Executive Board (hereinafter called the Board);
- (c) the Director-General;
- (d) the Secretariat.

#### V. WORLD HEALTH CONFERENCE

##### 1. Composition

The Conference should be composed of delegates from Member States. Each Member State should be represented by not more than three delegates, one of whom should be designated by the Member State as Chief Delegate.

(Alternative: a single delegate.) Alternates and advisers may be permitted to accompany delegates. In selecting their delegates due regard should be paid by the Member States to the technical nature of the work of the Organization. (Alternative: The delegate should be chosen from among persons most qualified by their technical competence in the health field, preferably representing the national health administration of the Member State.) Each Member State should have one vote in the Conference.

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+ A State would retain a right to appeal under other provisions of the constitution as they stand at present, since there is no provision for expulsion and it could send a delegate to the Conference, who could raise the matter there.

## 2. Meetings

The Conference should meet in regular session at least once a year, the place of each meeting to be determined at the previous session. Extraordinary meetings of the Conference, when necessary, should be called by the Executive Board. The Conference should adopt its own rules of procedure and should select its President for each session.

## 3. Functions

The Conference should:-

- (a) determine the broad policies of the Organization;
- (b) elect the members of the Executive Board and appoint the Director-General;
- (c) review and approve reports and activities of the Board and of the Director-General; instruct the Board in regard to matters upon which action, study, investigation and report may be considered desirable; and supervise the financial policies and operation of the Organization;
- (d) have the authority to recommend new conventions or amendments of existing conventions with respect to any appropriate matter within the scope of the Organization. They shall become operative as to each Member State when accepted by it in accordance with its constitutional procedures;
- (e) instruct the Director-General to bring to the attention of Member States and to international organizations any matter with respect to health which the Conference might consider appropriate;
- (f) have the authority to adopt regulations prescribing:-
  - (i) sanitary and quarantine requirements and other procedures designed to prevent the international spread of disease;
  - (ii) nomenclature with respect to diseases, causes of death, public health practice and standards with regard to diagnostic procedures for international use;

(iii) standards with respect to the safety, purity and potency of drugs moving in international commerce under names in official pharmacopoeae;

(iv) standards with respect to the safety, purity and potency of biologic products moving in international commerce;

(v) conditions with respect to labelling pharmaceutical products moving in international commerce;

Such regulations should become effective as to all Member States of the Organization after due notice has been given of their adoption by the Conference, except for such Members as may notify the Director-General of rejection or reservations within the period stated in the notice;

(g) be empowered to invite any governmental or non-governmental organization which has responsibilities related to those of the Organization to appoint representatives who shall participate in one or more of its meetings or of the Committees and Conferences convened under its authority on the conditions prescribed by the Conference. No such representative should have the right to vote. In the case of national organizations, invitations should be issued only with the consent of the government concerned;

(h) the Conference should consider recommendations bearing on health made by the General Assembly, the Economic and Social Council, the Security and Trusteeship Councils, and report to them on the steps taken to give effect to such recommendations. The Conference should report on its activities to the Economic and Social Council in accordance with the agreement to be reached between the Organization and the United Nations;

(i) take any other appropriate action to further the purposes of the Organization.

## VI. EXECUTIVE BOARD

### 1. Composition

The Board should be composed of (a fixed number not less than twelve and not more than eighteen) persons designated by as many Member States, each of these

States designating to the Board a person technically qualified in the field of health from among its delegates to the Conference.

The Conference should name the States privileged to designate a member to the Board. In the case of each State so named this privilege should extend for a period of three years, being immediately renewable by the Conference. The members of the Board should exercise the powers delegated to them by the Conference on behalf of the whole Conference. The Board should elect its own Chairman and officers from among its members and adopt its own rules of procedure. The Board should meet at least twice a year and should determine its own place of meeting.

The first Conference should name (twelve to eighteen) States privileged to designate members to the Board, of these States one-third should hold the privilege for one year, one-third for two years and one-third for three years, as determined by lot. Succeeding Conferences should name States to replace those retiring.

## 2. Functions

The Board should be responsible for giving effect to the policies of the Organization, act as the executive organ of the Organization and should perform such other functions as may be delegated to it by the Conference. It should study all questions within its competence and in particular it should:-

- (a) advise the Conference on questions referred to it by the latter and on those assigned to it by conventions, regulations and agreements;
- (b) submit advice or proposals to the Conference on its own initiative;
- (c) prepare the agenda of meetings of the Conference;
- (d) submit to the Conference for consideration and approval a general programme of work covering a specific period;
- (e) be authorized within the limits of the funds at its disposal, to take any emergency measures necessitated by events requiring immediate action within the scope of the general functions and financial processes of the Organization. In particular it should be able to authorize the Director-General to take the necessary steps to combat epidemics, participate in the organization of health relief to victims of a calamity, and undertake studies and research the urgency of which has been drawn to its attention by any State or by the Director-General.



## VII. THE DIRECTOR-GENERAL AND SECRETARIAT

1. The Director-General should be appointed by the Conference, on nomination of the Board, for a period of five years under such conditions as the Conference may approve, and should be eligible for re-appointment for such period as the Conference may determine; he should be subject to removal by the Conference for valid cause.+
2. The Director-General should be ex-officio Secretary of the Conference, the Board and all commissions and committees of the Organization and of conferences convened by it. He should be empowered to delegate these secretaryships. The Director-General should be the chief administrative and technical officer of the Organization.
3. The Director-General should, in the discharge of his duties, have direct access to the national health administrations.++
4. The Director-General should prepare and submit to the Board the annual budget estimates of the Organization.
5. The Director-General should appoint the staff of the Secretariat in accordance with the staff regulations to be approved by the Conference. The paramount consideration in the employment of the staff and in the determination of the conditions of service should be the necessity of securing the highest standards of efficiency, competence, and integrity. Due regard should be paid to the importance of recruiting the staff on as wide a geographical basis as possible.

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+ Note: Such removal should be governed by any principles adopted by the United Nations for removal of equally high officials for cause.

++ Note: This paragraph is not intended to invest the Director-General and Secretariat with a right to communicate with national health administrations at any levels, or with any branches or dependent organizations of the national health administrations, at their own discretion. On such matters, the Director-General and Secretariat would act with the consent of the competent authorities in each national health administration. The arrangements would vary so much from country to country that it has been thought better not to attempt any definition in the constitution.

6. The qualifications, salary, tenure, retirement, and conditions of service of the Director-General, assistants and members of the staff of the Secretariat should be fixed, so far as is practicable in conformity with those for members of the staff of the Secretariat of the United Nations and of the specialized agencies which may be brought into relationship with the United Nations as provided for in Article 63 of the Charter of the United Nations.

7. In the performance of their duties, the Director-General and staff should be responsible only to the Organization. Their responsibilities should be exclusively international in character, and they should not seek or receive instructions in regard to the discharge thereof from any authority external to the Organization.

#### VIII. COMMITTEES

1. The Board should establish such committees as the Conference may authorize, and should be empowered, on its own initiative or on the proposal of the Director-General, to establish any other committees that it may consider desirable to serve any purpose within the scope of the Organization.+

2. The question of the continuance of each committee, except those specifically appointed to serve for a period longer than one year, should be reviewed each year by the Board.

3. The Board should be empowered to provide for the creation of, or the participation by the Organization in, joint or mixed committees with other organizations and to provide for the representation of the Organization in committees set up by other organizations, as may be considered desirable.

#### IX. CONFERENCES

The Conference, or in cases of emergency, the Board, should have the power to convene general, technical, regional or other special conferences to consider any matter within the scope of the Organization, and may provide for the representation at such conferences, in such manner as it may determine, of international organizations, and, with the consent of the government concerned, of national organizations.

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+ Note: This provision was interpreted by the Chairman of the Technical Preparatory Committee to allow for the appointment of a General Advisory Committee but it was the consensus of the Technical Preparatory Committee that it would be inadvisable to establish such a Committee immediately.

The Board should provide for representation of the Organization in conferences in which the Organization has an interest which are called by competent outside authorities.

#### X. HEADQUARTERS

The headquarters of the Organization shall be located at.....+

#### XI. REGIONAL ARRANGEMENTS ++

##### ALTERNATE A

#### 1. Regional Committees

(a) Regional Committees representing Member States of the respective regions, should be established by the Conference, to meet the special need of the States of any particular region.

(b) A regional committee may have delegated to it by the Conference such functions as the following:-

(i) to fix policies governing matters of an exclusively regional scope;

(ii) to supervise the activities of the respective regional offices;

+ Note: The discussions of the Technical Preparatory Committee revealed that there was full agreement on the principle that the headquarters should be located at or near a recognized centre of health activity of high order, and that the headquarters should have readily available efficient facilities for telegraphic and radio communications and international travel.

There was difference of opinion regarding the desirability of locating the headquarters of the Organization at the seat of the United Nations. Those in favour of such location pointed to factors of economy of administration, availability of common conference and technical staffs, libraries and other services, availability of strong communications facilities, close liaison with the United Nations, its various organs and other agencies located at that site, and to the strength to be derived in the public mind from intimate association with the United Nations. Those opposed to locating the World Health Organization at the seat of the United Nations pointed to the desirability of dissociating the Organization as far as possible from the political matters which would be a large concern of the United Nations. They called attention to the fact that other specialized agencies, e.g. UNESCO and the International Monetary Fund, had selected sites other than the seat of the United Nations and suggested that certain of the administrative advantages of location at the site of the United Nations could be obtained by locating the World Health Organization at the site of a regional office of the United Nations.

++ Note: The discussions of the Technical Preparatory Committee revealed a certain amount of difference of opinion in regard to proposals for regional arrangements and the Committee decided to present to alternates. A vote taken showed nine experts favouring Alternate A and six experts favouring Alternate B.

(iii) to co-operate with the respective regional committees of the United Nations and with those of other specialized agencies;

(iv) to recommend additional regional appropriations by the governments of the respective regions, if the proportion of the central budget of the Organization allotted to that region is insufficient for the carrying out of the regional functions.

2. There shall be constituted, besides the regional committees, regional offices entrusted with the carrying out of the decisions of the Conference, the Board or the Director-General, and of the regional committees within the scope of the latter's powers.

Regional offices may be created in either of two ways, by the Conference or by the transformation of already existing regional organizations; this transformation would be carried out according to agreements ratified by the Conference.

Toward that end, special transitional arrangements should be made by the Conference with regional health agencies in areas where such agencies already exist, taking into account the existing conventions, in such a way that their facilities and services may be fully utilized without interruption and with a view to developing them as quickly as practicable into regional offices of the Organization, or parts of such offices.

There should not be more than one regional office in any one region.

#### ALTERNATE B

##### 1. Regional Committees

(a) Regional Committees, representing Member States of the respective regions, should be established by the Conference, to meet the special needs of the States of any particular region.

(b) A regional committee may have delegated to it by the Conference such functions as the following:-

- (i) to fix policies governing matters of an exclusively regional scope;
- (ii) to supervise the activities of the respective regional offices;
- (iii) to co-operate with the respective regional committees of the United Nations and with those of other specialized agencies;
- (iv) to recommend additional regional appropriations by the governments of the respective regions, if the proportion of the central budget of the Organization allotted to that region is insufficient for the carrying out of the regional functions.

2. Regional Offices

- (a) Regional Offices should be established by the Director-General under the instructions of the Conference;
- (b) A Regional Office shall have such regional functions as may be assigned to it by the Conference.

3. Regional Agencies

Special arrangements should be made by the Conference with regional inter-governmental health agencies, with a view to their facilities and services being utilized to the fullest possible extent, as regional offices of the Organization.

XII. BUDGET AND EXPENSES

- 1. The Director-General should prepare and submit to the Board the annual budget estimates of the Organization. The Board should consider and submit such budget estimates, with such recommendations as it may deem advisable, to the Conference for its consideration and action.
- 2. Subject to such agreement as may be reached with the United Nations, the Conference should approve the budget estimates and should make the apportionment of expenses among the Member States in accordance with the

scale appended hereto.+

3. The Conference or the Board acting on behalf of the Conference should be empowered to accept and administer gifts and bequests to the Organization, provided that the conditions of such gifts or bequests are acceptable to the Conference or the Board, acting on behalf of the Conference, and are consistent with the purposes and the policies of the Organization.

4. Subject to such agreement as may be reached with the United Nations, the administrative part of the budget should be subject to the same process of scrutiny as the budget of the United Nations.

5. A special fund to be used at the discretion of the Board should be provided for emergencies and unforeseen contingencies.

#### XIII. VOTING

Decisions of the Conference, of the Board, of committees and of conferences convened by the Organization should be taken by majority vote of the members thereof who are present and voting, except where otherwise provided in the Charter of the Organization.

#### XIV. REPORTS SUBMITTED BY STATES

1. Each Member State should report annually to the Organization on the actions taken progressively to improve the health of its people.
2. Each Member State should report annually on the action taken with respect to recommendations made to it by the Organization, and with respect to conventions, regulations and agreements.
3. Each Member State should communicate currently to the Organization pertinent laws, regulations, official reports and statistics concerning health, and should transmit on request of the Organization such additional information pertaining to health as may be practicable.

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+ Note: Provisional scale to be developed by June Conference.

4. Each Member State should also provide statistical and epidemiological reports in a manner to be determined by the Organization.

#### XV. LEGAL STATUS +

The Organization should enjoy in the territory of each of its Member States complete independence and such legal capacity, privileges, and immunities as may be necessary for the exercise of its functions and the fulfilment of its purposes. Representatives of Member States, officials and administrative personnel of the Organization should similarly enjoy the same independence and such exemptions, privileges and immunities as are necessary for the independent exercise of their functions in connection with the Organization. The Conference should be empowered to make recommendations to the Member States as to the details of the application of the foregoing principles.

#### XVI. RELATIONS WITH OTHER ORGANIZATIONS

##### 1. Relations with the United Nations

The Organization should be brought into relationship with the United Nations as soon as practicable, as one of the specialized agencies referred to in Article 57 of the Charter of the United Nations, through the

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+ Note: The privileges to be enjoyed by the Organization, its members and personnel, should not be less than those enjoyed by the United Nations Organization, or any other specialized agency, e.g. the necessary priority for postal, telegraph, cable and wireless communications, and exemption from taxation, customs, etc. etc.

conclusion of an agreement with the United Nations in accordance with Article 63 of the Charter, which agreement should be subject to approval by the Conference. +

2. Relations with Specialized Inter-governmental Organizations

(a) The Conference should be authorized to establish effective relationships with specialized inter-governmental organizations as may be desirable.

The Board or Director-General should be authorized in emergency to develop provisional relationships with such organizations subject to later consideration by the Conference.

(b) The Organization should be authorized to assume the functions and acquire the resources, assets and liabilities, of any

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+Note: The Technical Preparatory Committee took cognizance of the fact that the Economic and Social Council has decided that the items which should be subject to negotiations with specialized agencies to be brought into relationship with the United Nations are as follows:

- (a) reciprocal representation
- (b) exchange of information and documents
- (c) co-ordination commission of the Economic and Social Council
- (d) recommendations to the specialized agencies
- (e) reports
- (f) decisions of the Security Council
- (g) assistance to the Trusteeship Council
- (h) requests for advisory opinions
- (i) requests for information by the Court
- (j) budgetary and financial relationships
- (k) liaison
- (l) proposal of agenda items
- (m) rules of procedure
- (n) common fiscal services
- (o) personnel arrangements
- (p) privileges and immunities
- (q) administrative technical
- (r) technical services
- (s) central statistical service
- (t) location of headquarters



specialized inter-governmental organization or agency whose purposes and functions lie within the scope of the Organization, either through mutually acceptable arrangements with the competent authorities of such organizations, or as may be conferred upon the Organization by international convention or agreement.

3. Relations with Non-governmental Organizations

The Conference should be authorized to establish effective relationship with non-governmental international organizations and, with the consent of the State concerned, with national organizations.

The Board or Director-General should be authorized in emergency to develop provisional relationships with such organization subject to later consideration by the Conference.

XVII. AMENDMENTS

1. Amendments to the Charter involving new obligations for Member States should require the approval of the Conference by a vote concurred in by a two-thirds majority of all the members of the Conference and should take effect on acceptance by two-thirds of the Member States for each Member State accepting the amendment and thereafter for each remaining Member State on acceptance by it.
2. Other amendments should take effect on adoption by the Conference by a vote concurred in by a two-thirds majority of all members of the Governing Body.

XVIII. ENTRY INTO FORCE

1. The Charter should come into force when it has been signed without reservation in regard to ratification, or instruments of ratification have been deposited with the Secretary-General of the United Nations, on behalf of the Governments of at least fifteen signatory States.
2. The Charter should come into force in respect of each of the other Governments of the signatory States on the date of signature on its behalf, unless such signature is made with a reservation in regard to ratification, in which event the Charter should come into force in respect of such Government on the date of the deposit of its instrument of ratification.

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