

**ECONOMIC
AND
SOCIAL COUNCIL**

**CONSEIL
ECONOMIQUE
ET SOCIAL**

TECHNICAL PREPARATORY COMMITTEE
FOR THE INTERNATIONAL HEALTH CONFERENCE

Thirteenth Meeting held on Wednesday, 27 March 1946
at 2.30 p.m. at the Palais d'Orsay, Paris.

Chairman: Dr. René SAND

1. Legal Status (Document E/H/PC/W.9, Section XV)

The Secretary, Mr. CALDERWOOD, was asked to provide additional information regarding the question of legal status which had been discussed that morning. On his suggestion, it was agreed to add in the second sentence, after the word "officials", the words "administrative personnel" and to insert the word "exemptions" after the word "privileges". The sentence would then read, "Representatives of Member States, officials, and administrative personnel shall similarly enjoy the same independence and such privileges, exemptions and immunities as are necessary for the independent exercise of their functions in connection with the Organization." Mr. CALDERWOOD also thought it necessary for the Committee to state the additional privileges and exemptions to be required by the future Organization, for example, the priority for communications already mentioned.

2. Members of the Organization

According to Dr. CHISHOLM, the text proposed in document E/H/PC/W.10 was only a beginning, and would have to be supplemented when the Committee had reached decisions on the question of the penalties applicable to a State Member and on that of withdrawal from the Organization.

A general discussion then ensued on these two important points.

(a) Penalties

Dr. CHISHOLM, supported by Dr. MANI, expressed the view that in the case of biological warfare, for example, the guilty State

should be deprived of the benefit of all services of the Organization. Dr. PIERRET questioned whether, as a matter of principle, the World Health Organization could possess the right of imposing penalties, since this right might be regarded as the sole prerogative of the Security Council. He wondered, furthermore, what such penalties would be. Would they consist, for example, of the suspension of all services, or of all except the epidemiological service? Dr. EVANG asked which organ of the future Organization would be competent to decide on penalties, and the general opinion of the Committee was that this organ should be the Conference, and, in case of emergency, the Executive Board. Finally, Dr. KOPANARIS suggested that a special committee might be appointed to report on the expediency and nature of the penalties to be applied.

(b) Withdrawal

The Committee then considered the question of the possible withdrawal of States Members of the Organization. A clause providing for such a withdrawal existed in the constitution of the F.A.O. but not in that of UNESCO. It was also to be found in the constitution of the Office International d'Hygiène Publique, which provided for a year's notice being given before the end of seven year periods, in the absence of which notice membership was tacitly renewed. In the Health Section of the League of Nations the question did not arise, as the general rule of the League of Nations applied, namely two years' notice. Since the United Nations Charter had no clause providing for the withdrawal of States Members, this being apparently a deliberate omission, the Committee agreed to omit from the new constitution, also, any mention of the possibility of withdrawal of the Members.

(c) Non-Member States

Dr. CAVAILLON having inquired as to the solution adopted with regard to the participation of States which were not members of the United Nations, it was stated that paragraph 3 of document E/H/PC/W.10 covered this point.

He then asked what treatment would be applied to political entities which did not fall within the category of States or colonies, but constituted a political unit with a special status, such as protectorates or mandated territories. He cited the example of Morocco.

Dr. EVANG suggested that all States admitted to the United Nations should also form part of the World Health Organization, and the CHAIRMAN thought that paragraph 2 and 3 of document E/H/PC/W.10 covered all possibilities.

In answer to a question about the procedure adopted by the Office International d'Hygiène Publique and the Health Organization of the League of Nations, Drs. PIERRET and BIRAUD said that political factors had always been disregarded by these technical bodies, and admissions had been made entirely on the basis of health considerations. The Office International d'Hygiène Publique had established relations with Governments, whereas the Health Organization had dealt with health administrations. Dr. CAVAILLON thought that these procedures were interesting and should be noted by the Committee, whose object was to find a solution enabling all bodies to be associated with the work of the future Organization for the defence of health. It was pointed out that the question under debate raised numerous points of law, including that of the separate political capacity of the States Members of a Federation, those of the right of voting, the allocation of financial contributions, etc., and the Committee decided that the Drafting Sub-Committee should examine these problems and prepare a draft.

3. Relations with Other Organizations

The Committee based its discussion of relations of the future Organization with other bodies on document E/H/PC/12. Add.3.

(a) Relations with United Nations

With regard to the relations with the United Nations, the CHAIRMAN pointed out that there was no substantial difference between the four preliminary drafts before the Committee. The list contained in Sir Wilson Jameson's draft (E/H/PC/9) was adopted, with the addition of the words, "pensions, funds, etc." to II on page 2.

(b) Relations with Other Specialized Organizations or Agencies.

Paragraph 1 of the draft submitted by Drs. Cavaillon and Leclainche was adopted; the text of paragraph 2 was amended to read as follows:- "Official agreements shall be concluded subject to the approval of the Conference and in urgent cases of the Executive Board;" and

the Committee substituted for paragraph 3 of the Cavaillon-Leclainche draft, the text contained in Dr. Parran's draft, E/H/PC/6, Chapter XVI, paragraph (b) under the heading "Relations with other specialized inter-governmental organizations."

(c) Relations with Private International Organizations

The Committee noted the similarity between the Parran and the Cavaillon-Leclainche drafts on this subject, and decided to adopt the text of the Cavaillon-Leclainche draft, the heading being amended to read, "Relations with Non-Governmental International Organizations."

4. Entry into Force

The text of the draft submitted by Dr. Cavaillon-Leclainche draft was withdrawn and that of Dr. Parran, adopted.

The only question which gave rise to discussion was the minimum number of ratifications required for the entry into force of the diplomatic instrument, certain experts thinking it unnecessary to fix a definite figure immediately and others maintaining the contrary point of view. The Committee eventually adopted the figure of "fifteen signatory States".

5. Amendments

In the examination of the text of the draft submitted by Dr. Parran (E/H/PC/6, page 11) under heading XVII "Amendments", Dr. MACKENZIE asked for further information regarding amendments which would involve new obligations for Member States and those not involving such obligations. It was sometimes difficult to distinguish between these two categories. Dr. PARRAN stated that only amendments which quite obviously did not involve new obligations would be placed in the second category. His text was merely a reproduction of the similar clause already adopted in the constitution of the F.A.O. and UNESCO.

The text of this draft was adopted by the Committee.

The meeting rose at 5.00 p.m.
