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SOCIAL COUNCIL**

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ORIGINAL: ENGLISH

INTERNATIONAL HEALTH CONFERENCE

SUMMARY RECORD OF PLENARY SESSION, COMMITTEE III (LEGAL QUESTIONS)

FOURTH MEETING

Held at Hunter College, Wednesday, 3 July 1946 at 2:15 p.m.

Chairman: Dr. EVANG (Norway)

Associate Membership

The CHAIRMAN announced that the Netherlands delegation had requested that discussion of the question of associate membership should be further postponed.

The committee agreed.

Question Referred by the General Committee

The CHAIRMAN announced that the General Committee had referred to Committee III the question of the manner in which the functions of the Office international d'hygiène publique should be absorbed into the World Health Organization. Before the committee was open to general discussion, the representative of the Office would make a statement.

Statement of the Representative of the Office international d'hygiène publique

Dr. GAUD (Office international d'hygiène publique) stated that after the conclusion of the Paris conference, the Office had held a meeting in April to study its position relative to the new World Health Organization. The text of the decisions reached by the special legal commission created by the Office had been distributed to the members of the committee. In reaching those decisions the commission of the Office had wished, first of all, to support the decision of the Preparatory Committee to establish a single efficient and powerful world health organization, and secondly, to preserve existing international conventions.

He recalled that the Office had been created for a period of seven years,^a with the agreement renewable at the end of each seven-year period between all member states not giving notice of termination a year in advance. The present agreement extended to 15 November 1950 according to Article 5 of the Rome Convention, the High Contracting Parties reserved the right to make changes in the existing agreement with the unanimous consent of all signatory parties. Since this was not now possible, he suggested that the proper procedure to follow at this time was to draft an agreement for integration of the Office with the World Health Organization which would respect the constitutions of both organizations. Thus during the transitory period, constitutional arrangements could be made which would provide for the quick integration of the Office with the World Health Organization.

Dr. Gaud emphasized that in reaching these conclusions, the legal commission of the Office wished only to clarify and facilitate the process of integration. Since the Office international d'hygiène publique and the International Sanitary Conventions were closely associated, it would be necessary for the conference to consider and act upon the two matters together.

General Discussion

The CHAIRMAN expressed the appreciation of the committee for Dr. Gaud's clear statement and suggested that the process of integration would mean not the end, but rather a rebirth of the functions of the Office. As a basis for the discussion to follow, the CHAIRMAN read Resolution VI (Journal, Economic and Social Council, Page 151) and the observations of the Economic and Social Council (E/H/2, Page 4, Paragraph 5) approving the absorption of the Office international d'hygiène publique by the World Health Organization as recommended by the Preparatory Committee. He also called attention to the opinion expressed during the discussions of the Economic and Social Council. (E/H/2 Annex 1, Page 7, Paragraph XVII 2 (b).)

Dr. STAMPAR (Yugoslavia) stated that although everyone would agree that both the Office international d'hygiène publique and the Health Organization of the League of Nations had performed excellent work, the fact that there existed two international health organizations had led to many difficulties and conflicting interests. He was sure that the conference would agree that this mistake should not be repeated.

Certain legal problems existed, he said, in view of the fact that the Office had been established by the Rome Convention, that a new international agreement was now being drafted to establish the World Health Organization, and that the Charter of the United Nations clearly provided that all health organizations should be brought into relationship with the United Nations through the Economic and Social Council, but these problems would not constitute major difficulties. It was clear that all were unanimous in approving the incorporation of the Paris office into the World Health Organization. Since this Organization would not come into being immediately he suggested that the work of the Office should be intrusted to the Interim Commission, which could work out further details of complete absorption.

Dr. VAN DEN BERG (Netherlands) thought that the problem of absorption would be complex both in its formal and material aspects. He suggested approaching the matter from the material side, pointing out that formal and legal problems would then be easier to solve. He proposed that the entire matter be referred to a co-ordinating committee which could draft the agreement for submission to a plenary session of the committee.

The CHAIRMAN stated that before further considering the motion of the delegate for the Netherlands, he would call upon those delegates who had requested the floor.

This was agreed by the committee.

Dr. MACCORMACK (Eire) stated that he was in entire agreement with the statements of the delegates of Yugoslavia and the Netherlands. He wished to call attention to the peculiar situation in which the government of Eire now found itself. Although it had contributed to the Office internationale d'hygiène publique for many years and thus felt justified in claiming the right to vote on its disposition, it was represented at the present conference only by an observer. He therefore requested clarification of the position of his government before signature of the suggested protocol.

Dr. TREFFI (Syria) agreed that in view of the present juridical status of the Office internationale d'hygiène publique and its connection with international conventions and with the founding of international health services, it be incorporated into the

World Health Organization. He further proposed that this incorporation should be accomplished by replacing the Rome Convention with a new convention signed by the members of the United Nations.

Mr. SANDIFER (United States) stated his full agreement with the statement of the Yugoslav delegate. He pointed out that there is a general agreement on the establishment of a single world health organization in order to avoid duplication of health services such as would occur if UNRRA, the Office international d'hygiene publique, and the Health Commission of the League of Nations continued to exist. The only problem was to find an orderly and regular means of transferring the functions of the Office to World Health Organization with as little delay as possible. The United States delegation felt that these should be transferred to the Interim Commission which they hoped would be set up and had therefore for purposes of discussion prepared a draft protocol (REL/W.11) which had been distributed to members of the committee.

He pointed out that two important problems existed: first, the transfer of the present duties and responsibilities of the Office to the World Health Organization or its Interim Commission; second, the transfer of its functions established by existing international conventions. A solution to these problems had been provided for in the draft protocol mentioned.

He approved the statement of the delegate of Eire as calling attention to an important point, the need of universal membership in the World Health Organization. It was desirable that those nations not members of the United Nations but invited to send observers to this conference become members of the World Health Organization.

Dr. MEDVED (Ukraine) stated that the conference was unanimous in supporting the new world health organization since no international health organization now existing could satisfy all member nations. He reiterated the opinion which his delegation supported by those of the USSR and Byelorussia had expressed in relation to Section XIII of the Report of the Preparatory Commission, that no organizations parallel to the World Health Organization should continue to exist. He submitted that all states must

agree to cease membership in all other international health organizations, and also not to create new ones. This principle, he said, must be written into the constitution of the World Health Organization, and means must be found for terminating membership in other organizations.

Another question was the material belongings and personnel of these organizations. He pointed out that in Committee II, it had been decided that the personnel of the World Health Organization would be appointed by the Director-General on the basis of experience and ability. He felt that this decision was of primary importance and that there should be no automatic transfer of the personnel of existing organizations to the new world organization. If this were to occur, the World Health Organization would not be a new organization but merely a conglomeration of old ones. States must agree to liquidate existing organizations, and personnel must be selected on an individual basis. As regards the material possessions of the existing organizations, these must be transferred to the World Health Organization.

General VAUCEL (France) wished to clarify the position of his delegation regarding the Office international d'hygiène publique, more particularly because of the close association of France with the Office both through its location and its personnel. The French delegation was in support of the plan for absorption of the Office by the World Health Organization. He asked that the realities of the situation be faced, that, of the signatories to the Rome Convention, some were represented only by observers and some not at all, and that the perfection of the performance of the Paris office would be difficult to duplicate immediately in a new organization. He approved the suggestion of the delegate of the Netherlands that the matter be referred to a sub-committee, and the statement of Dr. Gaud as supplying the best basis for discussion.

Dr. MOLL (El Salvador) also called attention to the problem of the position of the signatories to the Rome Convention who were not represented or represented only by observers. He hoped that the delegate of the Ukraine did not mean to indicate that the presence of delegates at this conference implies their dissatisfaction with existing organizations, since the contrary was true in the

case of the members of the Pan-American Sanitary Bureau. He added that the members of the Pan-American Sanitary Bureau would make a strong defense of its personnel as regards plans for employment and retirement.

Dr. BIRAUD (Secretary-General) in response to Dr. Moll, stated that the fact that some delegates were present only as observers did not mean that they would be unable to sign the constitution of the World Health Organization on the same basis, with minor reservations, as the delegates of member states of the United Nations.

Dr. MOLL (El Salvador) called attention to the fact that some nations signatory to the Rome Convention were not represented at all.

Dr. LEON (Mexico) emphasized that it was essential that the functions and responsibilities of the Office international d'hygiene publique, as established by international convention, be taken over completely by the World Organization so that the valuable work of the Office should not disappear. He approved the suggestion that the matter of legal procedures be referred to sub-committee, and stated that the United States draft would furnish a good basis for discussion.

Mr. VALLAT (United Kingdom) expressed the appreciation of his nation for the pioneer work of the Office which had been essential to the promotion of the health standards of the world. He approved the suggestion that the matter of transfer procedure be referred to a sub-committee, and proposed that this sub-committee be the drafting committee of Committee III.

Mr. COTE (Canada) stated his agreement in substance with the draft of the United States delegation, and seconded the motion of the delegate of the United Kingdom that the question be referred to the drafting committee.

Dr. MEDVED (Ukraine) stated that Dr. Moll had misunderstood his statement which was not meant to imply that the Pan-American Sanitary Bureau had not been satisfactory to its members. He had wished to emphasize that it was essential to create a world health organization which would give satisfactory service to all member nations. He pointed out that it would be unwise to consider the Office as a basis for

the European regional office of the World Health Organization, or to compare it either in breadth of programme or inclusiveness of membership to the Pan-American Sanitary Bureau.

The committee then agreed that general discussion be closed for the time being.

Referral to Sub-Committee

The CHAIRMAN, before proceeding with the question of referral to a sub-committee requested the committee to clarify its position regarding the suggestion of the Preparatory Committee (Journal, Economic and Social Council, page 151) that "a convenient order of proceeding might be for the powers represented at the June Conference to sign an additional protocol providing for the amendment of the Rome Agreement of 1907".

This suggestion was approved by the committee without dissent.

After further discussion on the composition of the sub-committee to consider the legal procedure of absorption and prepare the necessary agreement the Committee agreed that the drafting committee, with the addition of the representative of the Office International d'Hygiene publique as an invited member, should serve.

The CHAIRMAN proposed that the same procedure should be followed in the case of Resolution VII which dealt with the United Nations Relief and Rehabilitation Administration, i.e. referral to the drafting committee with the representative of UNRRA as an invited member. This was approved by the Committee.

Provision for Interpretation of the Constitution of the World Health Organization

Mr. SANDIFER (United States) called the attention of the committee to an omission in the Report of the Preparatory Committee in not providing for the designation of any body who would have authority to interpret the constitution, in the event of conflict arising concerning its meaning or application. He therefore proposed that a draft article which had been drawn up by the United States delegation to cover this point be referred to the drafting committee. This was approved by the Committee.

The meeting rose at 4.30 p.m.