

INTERNATIONAL HEALTH CONFERENCE

SUMMARY RECORD, PLENARY SESSION OF COMMITTEE 5 (REGIONAL ARRANGEMENTS)

SEVENTH MEETING

Held at Hunter College, Thursday, 11 July 1946, at 10:15 p.m.

CHAIRMAN: Dr. W. A. TIMMERMAN

Report of Joint Sub-Committee of Committees 3 and 5

Dr. MANI (India), Rapporteur, presented to the Committee the report of the drafting sub-committee, which had been distributed to the Delegates in document E/H/RA/W.26. This Report included the formula adopted at the joint meeting of the drafting committees 3 and 5 for the participation of non-self-governing territories in regional agencies and the re-draft of Article XII submitted by the drafting sub-committee. Dr. Mani pointed out that although there was a generally favourable feeling in the Sub-Committee toward the principle of native representation, as proposed by the Delegate for Liberia, it had been decided that this should not be stated in the constitution, but should be left to the Assembly for decision.

Formula submitted by Joint Sub-committee

The Committee first considered the formula for participation of non-self-governing territories in regional agencies, which had been agreed upon by the Joint Harmonizing Sub-committee. This formula was adopted unanimously by the Committee.

Re-draft of Article XII

Dr. MANI then presented the re-draft of Article XII of the Paris Report, which had been drawn up by the Drafting Committee of Committee 5 on the basis of the points of view expressed in the Joint Sub-Committee, and the amendments

submitted by various Delegations in Committee 5. The text of the re-draft was distributed to the Delegates as document E/H/RA/W.26, and certain corrections

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in the text were pointed out by Dr. Mani. In the first Article (c) the last word (organization) should have been capitalized. In the second Article (e) the last sentence should have read: "The nature and extent of the rights and obligations of such territories in such Committees should be determined by the Assembly, in consultation with the Member or other authority having responsibility for the international relations of such territories and the Member States of the region". To the note on the third Article should have been added the sentence "The Regional Office shall be the administrative organ for carrying out the functions of the Regional Committee". In the fourth Article, Dr. Mani called attention to the adoption of the phrase "prior to the date of signature of this Constitution" (correction required in text) in place of "prior to 1946", which had been proposed in an amendment.

The CHAIRMAN then presented the re-draft of Article XII by paragraphs for discussion and decision.

Article I

Dr. PARRAN (United States) proposed that Article I (c) be re-drafted to read: "Each regional health organization should act as an integral part of the World Health Organization in accordance with this Constitution". Dr. CHISHOLM (Canada) proposed that the word "be" be substituted for "act as". These amendments were accepted by the Committee.

After General VAUCHEL (France) had called attention to the necessity of correcting the French translation of Article I (d), Article I as a whole was adopted unanimously.

Article II

Although Dr. RAUWITZ (United Kingdom) suggested that the phrase "provided that they are consonant with the policy laid down by the Assembly" be added to Article II (c) (i), he agreed with Dr. Mani's explanation that the point had been covered by clause (c) of Article I, and proposed that the matter be referred to the General Drafting Committee.

In the discussion of the Article as a whole, the Delegate for IRAN suggested that it might be advisable to include mention of the rules of

procedure. However, the Committee agreed with the opinions expressed by the CHAIRMAN and Dr. MANI (India) that it was unnecessary to mention adoption of rules of procedure specifically in the constitution, since this was normal administrative procedure. Article II was then adopted unanimously.

Article III

Regarding Article III (b), which concerned procedure for selecting Regional Directors, a lengthy discussion took place. Three principal viewpoints were represented.

Dr. KAUNTZE (United Kingdom), supported by Dr. CHISHOLM (Canada), proposed that the appointment of Regional Directors be made by the Executive Board in consultation with the Regional Committee concerned. This procedure, it was argued, would insure the selection of Regional Directors familiar not only with regional but with world health problems, would permit interchange of Regional Directors, and would protect Regional Committees against undue political influence. The modification suggested by Dr. CILENTO (Australia) that the appointment be made by the Director-General in consultation with the Regional Committee concerned and subject to approval of the Executive Board, was approved by the Delegate for the United Kingdom as clarifying still further the allotment of responsibility. Dr. MANI (India) stated that the sub-committee had considered this plan, but that there had been some objections to the idea that regional health organizations should have their appointments made by the Director-General.

Dr. SZE (China), while supporting in principle the proposals of the United Kingdom and Australia, suggested that Regional Directors be appointed by the Director-General in consultation with the Executive Board and the respective Regional Committee. In his opinion, approval by the Executive Board was unnecessary. Dr. KAUNTZE (United Kingdom) then withdrew his proposal in favour of that of the Delegate for CHINA.

Dr. BUSTAMANTE (Mexico), supported by the Delegates for IRAN, VENEZUELA, URUGUAY, the UNITED STATES, EGYPT, CUBA and ARGENTINA, strongly supported the original draft presented by the sub-committee. He believed that the Regional

Committees would be better informed about regional problems than would the Executive Board, which would be too far removed to know the particular needs of the region. He felt that it was most unlikely that political influences could exist to such an extent as to compel approval by the Executive Board. Dr. GUZMAN (Venezuela) supported this viewpoint, believing that Regional Committees would be best fitted to appoint the Regional Directors, and Dr. DAVIS (Uruguay) pointed out that in his opinion the original draft was more in keeping with the principle of regional autonomy established in the constitution. Dr. PARRAN (United States), in supporting the text as originally presented, felt that the approval of appointments by the Executive Board would be ample safeguard against undue political influence. He pointed out the Regional Committees had been created because it was believed that they would have a better knowledge of the needs of the region, and it would be inconsistent to deprive them of the right to use this knowledge in the selection of a Regional Director. He stated that although integration of the Pan American Sanitary organization had been agreed, the retention of the original text would be of great assistance in working out the details of the agreement with the World Health Organization.

Dr. MOLL (El Salvador) then moved that the question be put to a vote, and this was agreed by the Committee. Although the Delegate for BELGIUM then put forward a compromise proposal, it was pointed out by Dr. MANI (India) on a point of order, that according to the rules of procedure amendments could not be proposed after closure of debate had been voted. As a result of the vote, the original draft of Article III (b) was adopted by a large majority.

A question of constitutional interpretation was then raised by Dr. CHISHOLM (Canada), who believed that Article III (b) was in conflict with Section VIII, paragraph 6, of the Paris draft as adopted by Committee 2. It was not provided in the constitution that regional secretariats were to be separate from the central secretariat, which was to be appointed by the Director-General. This viewpoint was approved by Dr. KAUNTZE (United Kingdom) who suggested that the question be referred to the plenary session of the

Conference.

In opposing this interpretation, Dr. PARRAN (United States) believed that Section VIII, paragraph 6, referred only to the secretariat of the central organization. The CHAIRMAN expressed his agreement with Dr. Parran's interpretation, but asked for the opinion of the Committee.

Dr. GABALDON (Venezuela) pointed out that (c) of Article III, Section XII which was about to be considered, specifically provided that the Regional Director should appoint the staff of the Regional Office. Dr. SZE (China) suggested that the matter was a legal question and should be settled by legal experts. The interpretation suggested by the Delegate for Canada was strongly opposed by Dr. BUSTAMANTE (Mexico), supported by the Delegate for Lebanon.

Dr. GUZMAN (Venezuela) believed that the Committee should go on record as supporting the principle that the Regional Director would appoint the staff of the Regional Office, and in this connection Dr. PARRAN moved immediate consideration of clause (c) of Article III. This procedure was adopted by the Committee.

In response to a question from Dr. HAFEZI (Iran) regarding the order of approval of staff regulations, as provided in Article III (c), Dr. BIRAUD (Secretary-General) pointed out that as a matter of normal administrative procedure, staff regulations would be prepared by the Director-General and his secretariat for submission to the Regional Committees.

Dr. CHISHOLM (Canada) protested the adoption of (c) as inconsistent with the principle of total integration enunciated in Section VIII, 6, as adopted by Committee 2, and was supported by Dr. KAUNTZE (United Kingdom), who suggested that the Committee approve paragraph (c) subject to the reservations stated by the Delegate for Canada. Dr. PARRAN (United States) disapproved the procedure of adoption with reservations and was upheld by a majority of the Committee.

Article III was then accepted, Dr. RITCHIE (New Zealand) stating that he wished to go on record as objecting to the adoption of the clause as drafted while conflicts in constitutional interpretation existed. The CHAIRMAN stated

that the question would be settled by the General Conference.

Article IV. In response to a question from Dr. CILENTO (Australia) regarding the phrase "date of signature", in Article IV, Dr. MANI (India) stated his interpretation to be the date of first signature of the Constitution.

Dr. KAUNTZE (United Kingdom) proposed that the last sentence be altered to read "the competent authorities expressed through the organizations concerned", in order to facilitate agreement with the Pan American Sanitary organization. The use of the phrase "Pan-American Sanitary organization" was opposed by Dr. BUSTAMANTE (Mexico), supported by the Delegate for Cuba, and the suggestion that the clause be altered to read "The Pan-American Sanitary organization, represented by the Pan-American Sanitary Bureau and the Pan-American Sanitary Conferences" was made by Dr. PAZ SOLDAN (Peru) and supported by the Delegate for Mexico. It was decided that all of these suggestions be referred to the general drafting committee.

Article IV as amended was then approved by the Committee.

The report was then adopted as a whole, as amended, and the Committee, in concluding its sessions, expressed cordial appreciation of the excellent work of the Chairman, Dr. TIMMERMAN, and of the rapporteur, Dr. MANI.

The meeting rose at 1:45 p.m.
