

INTERNATIONAL HEALTH CONFERENCE

COMMITTEE III (LEGAL QUESTIONS)

Statement made by Dr. Gaud, Representative of the Office
International d'Hygiene Publique, on 3 July 1946

Following the meeting of the Committee of Experts in Paris, the Permanent Committee of the Office international d'hygiene publique met at the end of April and was called upon to study the position of the Office in connection with the plan for a new World Health Organization.

On the proposal of the delegates for the United States and India, a special legal committee over which I had the honour to preside was entrusted with the study of this matter. It included representatives of the principal countries, and was assisted by legal advisers from the United States, Great Britain and France.

Allow me, first of all, to explain the spirit in which this study was undertaken. Desirous of supporting the efforts of the Committee of Experts, the Committee's constant concern was to contribute to the best of its ability towards the establishment of a single, strong and effective World Health Organization.

Believing, nevertheless, that the observance of international convention is an essential factor of mutual trust between nations, the Committee was likewise careful to respect as far as possible the existing international instruments.

I do not propose to enter into the legal details of this study, the text of which has been circulated. I shall merely give you the essential data.

The Rome Arrangement of 9-December 1907, by which the Office was set up and its competence determined, was concluded for a term of seven years, on the expiry of which it was to remain in force for further seven-year periods as between States which had not announced twelve months before the end of any period, their intention to terminate the Arrangement so far as they themselves were concerned.

Furthermore under Article V of the Arrangement the contracting parties reserve the right to introduce by common consent any modifications in the Arrangement which may be deemed advisable in the light of experience.

In the strictly legal sense, and on the assumption that all the participating States wish to withdraw from the Office, it is only at the end of the present seven-year term - that is to say, on 9 December 1949 - that the Office can cease to exist.

Broadly interpreted, Article V of the Arrangement does provide for modifications in the statute of the Office, on condition that such modifications are effected by common consent. Owing to prevailing conditions however it is not at present possible to obtain such unanimous agreement, at least immediately.

It would therefore seem that, practically speaking and in order to attain the desired objective, there exists but one solution: that of adaptation.

This would mean immediately merging the Office with the World Health Organization by means of an arrangement, while provisionally its statute, would bind it to the World Health Organization from the technical and administrative points of view, and would enable it to be developed in accordance with the latter's general policy.

Working and administrative procedure, official languages used in its work and in the publication of the Bulletin, staffing, etc., could thus be modified to meet the requirements of the World Health Organization.

This purely temporary situation, which could in no event be prolonged beyond the present seven-year period, would enable a constitutional process of evolution to take place within the Office and thus lead, perhaps very quickly, to its complete assimilation by the World Health Organization.

It was not for the Legal Committee to anticipate in any way the decisions to be taken by the Assembly. Its sole object has been to define the situation, accurately to provide the governments with information, and to facilitate action.

Nevertheless, before concluding, it seems advisable to call the Committee's attention to a particularly important practical consideration. The Status of the Office is closely bound up with that of the international health conventions. The organization of the Office and the administration of these conventions form a whole which cannot be divided up without revising the international health legislation in force.

The question must therefore be examined in its entirety, and so long as the World Health Organization is not definitely ready to function, it is indispensable that the tasks entrusted to the Office international d'hygiene publique should be carried out in full.

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