

**ECONOMIC
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ECONOMIC AND SOCIAL COUNCIL

COMMITTEE FOR DRAFTING THE RESOLUTION RELATING TO
THE SETTING UP OF THE UNITED NATIONS HEALTH ORGANIZATION

Observations submitted to the Economic and Social Council
by the Belgian delegate on 27 May 1946

These observations deal with the provisions designed to govern the powers of the World Health Conference with regard to: 1. regulations, and 2. conventions.

1. re: Regulations

Mr. Dehousse's remarks in this connection refer to the provisions appearing in Chapter VI, Section 3 f, (Journal No. 13 pp. 142 and 143).

(a) The scheme would appear to go too far inasmuch as it provides that the regulations will come into force with regard to those States which have not, within the time limit laid down, informed the Director General that they oppose them or that they wish to make certain reservations in connection therewith.

Under this scheme States would in effect be deemed to be bound; failure to utter an opinion would thus be held to give rise to obligations. It is submitted, however, that the state of progress at present reached by international law does not make it possible to take it for granted that States would be prepared to admit such a principle.

(b) To this must be added the fact that the scheme does not, by a long way, make it clear which are the matters which are capable of coming within the scope of the regulations of the Conference.

Thus the Conference, through not having had the sphere of its competence

accurately defined might feel inclined by means of its regulations, to encroach on territory which normally comes within the province of conventions.

2. re: Conventions

Mr. Dehousse's remarks in this connection refer to the following provisions: Chapter III (p); Chapter VI Section 3 (e) (vide Journal pp 140 and 142).

These texts lack precision. They fail to specify who has authority to draw up conventions and to vote for their approval. In particular they do not make it clear whether such authority is to be wielded by an ad hoc diplomatic conference convened for the purpose or by the World Health Conference itself. (It is felt that the former system ought not to be adopted since it would be a retrogression from modern methods).
