

**ECONOMIC
AND
SOCIAL COUNCIL**

**CONSEIL
ECONOMIQUE
ET SOCIAL**

UNRESTRICTED

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6 June 1946

ORIGINAL: ENGLISH

SUMMARY RECORD OF THE DRAFTING COMMITTEE OF THE COUNCIL

FIRST MEETING

Held on Saturday 1 June, 1946
at 10:30 a.m., Hunter College, New York

CHAIRMAN: Sir Ramaswami Mudaliar

The following members were present:

Mr. Fernand Dehousse (Belgium)
Mr. Carlos Davila (Chile)
Dr. Szeming Sze (China)
Dr. Josef Brumlik (Czechoslovakia)
Mr. Monnier (France)
Dr. Alberto Arca Parro (Peru)
Mr. Alexander P. Borisov (U.S.S.R.)
Mr. Philip Noel-Baker (United Kingdom)
Mr. Otis Mulliken (United States of America)
Dr. Andrija Stampar (Yugoslavia).

Dr. G. B. Chisholm, Rapporteur of the Technical Preparatory Committee,
was also present.

The CHAIRMAN announced that the Committee had been appointed to consider the various observations that had been made by Members of the Council at its meetings on 27 May 1946. These observations fell into two main categories: those which required a decision by the Council and those which were merely to be transmitted to the International Health Conference.

Invitations

The first question calling for a decision by the Council related to the organizations and countries to be invited to send observers to the International Health Conference. The Chairman indicated that insofar as the organizations listed under A (1) (Document E/H/DC/W/3) were concerned there would be no difficulty, and suggested that, in view of the urgency

of the matter, invitations to these organizations should be issued immediately.

Mr. MULLIKEN (United States) supported this proposal.

The Committee accordingly agreed that invitations should be addressed to the following organizations:

International Labour Organization
United Nations Food and Agriculture Organization
United Nations Relief and Rehabilitation Administration
United Nations Educational, Scientific and Cultural Organization
Provisional International Civil Aviation Organization
Office International d'Hygiene Publique
Pan American Sanitary Bureau
League of Red Cross Societies,

and, at the suggestion of Dr. STAMPAR (Yugoslavia), supported by Dr. Arca Parro (Peru), the International Health Board of the Rockefeller Foundation, which had played an important role in the international health field, was added to the list.

With regard to the question of inviting the Allied Control Commissions to send observers to the Conference, it was decided after a short discussion to consider this point after a decision had been taken as to whether invitations should be issued to ex-enemy countries.

In the ensuing discussion as to which countries should be asked to attend the Conference, Mr. MULLIKEN (United States) observed that, in the opinion of his Delegation, all States should be invited, and that in the case of Austria and Italy, the Governments should be approached rather than the Allied Control Commissions.

Mr. NOEL-BAKER (United Kingdom) agreed that it was important to invite all countries and pointed out that Austria and Italy had been represented at the Food and Agriculture Conference in London, to the benefit of all concerned.

Mr. LAUGIER (Assistant Secretary-General in charge of Social Affairs) reminded the Committee that the primary object of the Conference was to establish an International Health Organization rather than to deal with actual health problems.

The CHAIRMAN was of the opinion that it was desirable that as many States as possible should participate in the work of the Conference, with a view to attaining universality in the permanent Organization.

Dr. STAMPAR (Yugoslavia) expressed the view that as this was a controversial question, no non-Member countries should be invited at this stage. The responsibility to formulate a method of procedure for the admission of such States to the Health Organization should be left to the June Conference. Public Health in Austria was still under the supervision of the Allies and a peace treaty had not yet been signed with Italy.

Dr. BRUMLIK (Czechoslovakia) supported this view and drew attention to the statement made by his colleague at the meeting of the Council on 22 May 1946, that the method of admission of non-Member States should be subject to the approval of the appropriate organ of the United Nations.

Mr. MULLIKEN (United States) reminded the Committee that it was intended to invite representatives of these countries to attend the meeting as observers, without vote.

Mr. NOEL-BAKER (United Kingdom) considered it of the utmost importance that the Governments of Italy and Austria, which were to a certain extent autonomous, should be represented and that men who would ultimately be responsible for the administration of the health services in those countries should be conversant with the procedure of the Conference from the outset.

Mr. DEHOUSSE (Belgium) emphasized that health knew no frontiers. All nations should be invited, but it should be clearly indicated in the invitation that such procedure did not constitute a precedent.

Mr. DAVILA (Chile) agreed that all countries should be invited to the Conference, but thought that the method of inviting members to the permanent Organization was a matter for the Conference to decide.

Dr. SZE (China) suggested that since unanimity apparently could not be reached as to whether or not non-Member States should be

invited the Committee should try to achieve general agreement as to which Governments invitations should be issued.

The Committee then turned to paragraph (c) (Document E/H/DC/W/3, page 2). In this connection Mr. NOEL-BAKER (United Kingdom), considered that Austria and Italy should not now be classed in the same category with Germany and Japan as hostile belligerents, and suggested that "etc" should be deleted from line 3 after the word "Japan".

Dr. BRUMLIK (Czechoslovakia), speaking as a medical man, said that he would like to see all nations invited and suggested that invitations should be issued subject to the approval of the Security Council.

Mr. NOEL BAKER (United Kingdom) felt that decisions of a political nature should not be left to the June Conference, as, in his opinion such decisions were the responsibility of the Members of the Economic and Social Council.

Decision: It was decided that no invitation should be addressed to Germany, Japan or to Spain.

A discussion then took place as to the desirability of inviting those neutral countries listed in paragraph (c).

Dr. SZE (China) agreed to the countries mentioned with the exception of Monaco on the grounds that a limit should be placed on the size of a State and its population.

Decision: It was agreed that Monaco should be deleted, the CHAIRMAN explaining that it had been included as a party to the International Agreement of 1907 establishing the Office International d'Hygiene Publique.

Dr. SZE (China) further proposed the addition of Siam.

Mr. MONNIER (France) stated that he would agree to those neutral countries mentioned in paragraph (c), but that owing to the present frontier conflict, he would have to reserve his position with regard to Siam, pending the receipt of instructions from his Government.

Decision: The additional names proposed by Dr. SZE (China), supported by Mr. NOEL BAKER (United Kingdom) and Mr. MULLIKEN (United States) were adopted.

In the consideration of the third list of names on page 3 (Doc.E/H/DCW/3) Mr. MULLIKEN (United States) suggested the addition of Finland.

Dr/ STAMPAR (Yugoslavia) felt that ex-enemy countries should not be invited. If the Committee accepted that proposal that Siam be included, it would be difficult to exclude Austria.

The CHAIRMAN explained that the classification had been inserted to facilitate the discussions of the Committee but would not be included in the list of names submitted to the Council.

Decision: A vote was then taken on the question of inviting Italy, Austria, Rumania, Bulgaria, Hungary and Finland. This was agreed to by eleven votes to three.

With regard to sending invitations to the Allied Commissions of Control, Mr. MULLIKEN (United States) pointed out that an area where military authorities were in power, such as Chosen, should be considered as being within the jurisdiction of Allied Control Commission.

It was decided that the Commissions operating in Germany, Japan and Chosen should be invited.

The CHAIRMAN suggested that in view of the proximity of the Conference and the difficulty of obtaining accommodation in New York invitations should be issued immediately, pending a decision of the Council, to those organizations, countries and Allied Commissions of Control which had been decided upon:

Organizations:

International Labour Organization
United Nations Food and Agriculture Organization
United Nations Relief and Rehabilitation Administration
United Nations Educational, Scientific and Cultural Organization
Provisional International Civil Aviation Organization
Office International d'Hygiene Publique
Pan American Sanitary Bureau
League of Red Cross Societies, and the
International Health Board of the Rockefeller Foundation.

Countries:

Afghanistan
Albania
Austria
Bulgaria
Eire
Finland
Hungary
Iceland
Italy
Portugal
Rumania
Siam
Sweden
Switzerland
Transjordan
Yemen.

Allied Control Commission in:

Chosen, Japan, Germany

Mr. LAUGIER was of the opinion that the Economic and Social Council would not sanction the dispatch of such invitations before it had had an opportunity of approving the Committee's recommendation.

He suggested that the necessary drafts should be prepared and sent out immediately the approval of the Council had been obtained. As prompt action was necessary, however, the Committee decided that the invitations should be issued immediately.

Regulations and Conventions

In the examination of the Proposals on Regulations and Conventions, Mr. DEHOUSSE (Belgium) stated that he had already explained the scope of the two categories in the document which he had prepared (E/H/DC/W/L) dealing with the provisions designed to govern the powers of the World Health Conference. With regard to the question of Regulations he proposed that paragraph (f) of Section 3, Chapter VI (vide Journal No. 13 pp. 142 and 143) should be suppressed since one could not expect States to be bound by such a regulation.

As to Conventions, Section III, paragraph (p) and Section VI paragraph 3 (a) (vide Journal No 13 pp. 140 and 142) he felt that the texts lacked precision and that they should be drafted in such a way as to indicate clearly who has authority to draw up conventions and to vote for their approval. He could see no necessity for the calling of an ad hoc Diplomatic Conference for this purpose, which in his opinion would be departing from modern methods, and stated that the World Health Conference itself should have the power to "prepare and sign" conventions.

Mr. NOEL-BAKER (United Kingdom) pointed out that from his experience of League of Nations procedure, he had found that signatures to conventions were obtained without much difficulty, but that owing to cumbersome machinery subsequent ratifications were often long delayed, universal application of conventions greatly impeded and therefore much constructive work brought to frustration. This proposal was a bold innovation but a necessary one in the fight against disease. Countries which did not enforce such regulations because of some national vested interest should be obliged to explain their action. He felt very strongly on this point and therefore urged that the paragraph should not be modified.

Mr. MULLIKEN (United States), without desiring to enter into the merits of this issue proposed that it should be left to the June Conference to solve and that the remarks made by Mr. Dehousse should be transmitted to the Conference.

Mr. DEHOUSSE (Belgium) pointed out that as the position was unfortunately obscure as to which body should be responsible for the drawing up of conventions, he would agree to the suggestion put forward by the Delegate of the United States.

Mr. NOEL-BAKER (United Kingdom) recalled that as a matter of history there were two ways of building up constitutional procedures - (1) by setting up a Committee to formulate proposals on procedures of this kind, and (2) by solving questions as they arose. As the former method would entail delay, he urged the adoption of the latter, since decisions on health matters were often of great urgency.

Mr. DAVILA (Chile) supported the proposal of the Delegate of the United States. He regretted that unanimity had not been reached on the subject of inviting all nations to participate in the Conference and that the basic principle of the United Nations had been questioned, i.e., that of equality of all nations large and small.

It was then agreed that this matter should be left to the June Conference, and that the observations of Mr. Dehousse and Mr. Noel-Baker should be transmitted to that body.

Mr. NOEL-BAKER (United Kingdom) stated that he agreed with the observations made by Mr. Dehousse that the position regarding Conventions should be clarified. He felt that the word "recommend" was ambiguous and suggested that it should be replaced by "prepare and sign".

Mr. DEHOUSSE (Belgium) remarked that the wording was that of the Secretariat and that he would be willing to accept the substitution. At the same time he emphasized the importance of having legal advisers present at the Conference to ensure the drafting of texts in appropriate legal language.

In the discussion on the changing of the wording of this paragraph, the question was raised as to whether the Council should submit recommendations or merely suggestions to the June Conference, and it was agreed that all questions of a technical character should be left to the decision of the Conference.

Mr. NOEL-BAKER (United Kingdom) however believed that the Council had the right and that it was its duty to decide on constitutional problems, whereas Mr. MULLIKEN (United States) held that since administrative and political issues as well as those of a technical nature were to be discussed, by the Conference, that the Council should transmit any constitutional changes to it purely as observations, rather than try to reach agreement on them.

Decision: After an exchange of views on this subject, it was decided by five votes to four that the change in wording should be submitted as a recommendation.

Regional Arrangements. (Document E/H/DC/W3, page 5).

The CHAIRMAN called the attention of the Committee to paragraph 1 of the resolution adopted by the Council on 15 February 1946 relating to the establishment of a single International Health Organization of the United Nations. He was of the opinion that on the question of regional arrangements the Council was in a position to give a directive to the Conference.

Dr. SZE (China) stated that in view of the Technical problems affecting regional arrangements he was of the opinion that consideration of this question should be left to the Conference.

The Chairman then drew attention to Alternatives A and B on page 5 of Document E/H/DC/W3.

Mr. MULLIKEN (United States) stated that with certain modifications his Government preferred Alternative B, namely, that existing international health organizations should be co-ordinated with the World Health Organization, but he thought that any decision on this matter should be left to the Conference.

Mr. NOEL BAKER (United Kingdom) emphasized the importance of the recommendations of the Council calling for a single Health Organization. His Delegation strongly supported this recommendations and favoured Alternative A, that existing international regional health organizations should be absorbed by the World Health Organization. He desired that the Council should make a recommendation to that end.

Mr. DAVILA (Chile) agreed with the Delegate for the United States that the question was one requiring a decision of the Conference.

Mr. MULLIKEN (United States) remarked that at the time when the resolution of the Council was adopted in London, it was understood that the use of the word "single" did not preclude the existence of regional organizations.

Dr. SZE (China) supported the view expressed by the Delegate of Chile.

Dr. STAMPAR (Yugoslavia) declared himself in favour of a single world health organization and, whilst recognizing the merits of the

Pan American Sanitary Bureau, he thought it essential that this Bureau should be an integral part of the world-wide health organization, and that some agreement should be reached whereby this bureau should act as the regional office of this Organization for the Americas.

Mr. NOEL-BAKER (United Kingdom) remarked that the Committee was confronted by two constitutional questions: (1) whether the Council should or should not make recommendations to the Conference and (2) whether it should choose Alternative A or B regarding regional arrangements. He felt strongly that the Conference should be guided by recommendations, and to support his view that Alternative A should be adopted, he quoted his own remarks in the debate preceding the acceptance of the agreement to establish a single international health organization - remarks with which the United States Delegation had been in agreement.

MR. MULLIKEN (United States), in support of his observations that suggestions rather than recommendations should be submitted to the Conference, referred to the wording in paragraphs 1 and 5 of the Resolution adopted by the Economic and Social Council (vide Journal No. 13, pp. 157 and 158).

Place of Meeting of the International Health Conference

The CHAIRMAN read a letter from the President of the New York Academy of Medicine offering the use of the Academy building for the Conference. He stated that the Secretariat would investigate the matter fully. In the meantime a letter would be sent to the President expressing appreciation of his generous offer.

The CHAIRMAN then announced that the discussions would be resumed on Tuesday 4 June at 10.30 a.m.

The meeting rose at 1.30 p.m.
