

INTERNATIONAL COURT OF JUSTICE

PLEADINGS, ORAL ARGUMENTS, DOCUMENTS

INTERPRETATION OF THE AGREEMENT
OF 25 MARCH 1951 BETWEEN
THE WHO AND EGYPT



COUR INTERNATIONALE DE JUSTICE

MÉMOIRES, PLAIDOIRIES ET DOCUMENTS

INTERPRÉTATION DE L'ACCORD
DU 25 MARS 1951
ENTRE L'OMS ET L'ÉGYPTÉ



Abbreviated reference :

*I.C.J. Pleadings, Interpretation of the Agreement of 25 March 1951
between the WHO and Egypt*

Référence abrégée :

*C.I.J. Mémoires, Interprétation de l'accord du 25 mars 1951
entre l'OMS et l'Égypte*

Sales number
N° de vente :

463

INTERPRETATION OF THE AGREEMENT
OF 25 MARCH 1951 BETWEEN
THE WHO AND EGYPT

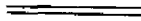


INTERPRÉTATION DE L'ACCORD
DU 25 MARS 1951
ENTRE L'OMS ET L'ÉGYPTE

INTERNATIONAL COURT OF JUSTICE

PLEADINGS, ORAL ARGUMENTS, DOCUMENTS

INTERPRETATION OF THE AGREEMENT
OF 25 MARCH 1951 BETWEEN
THE WHO AND EGYPT



COUR INTERNATIONALE DE JUSTICE

MÉMOIRES, PLAIDOIRIES ET DOCUMENTS

INTERPRÉTATION DE L'ACCORD
DU 25 MARS 1951
ENTRE L'OMS ET L'ÉGYPTE



The case concerning *Interpretation of the Agreement of 25 March 1951 between the WHO and Egypt* was entered as No. 65 in the Court's General List on 21 May 1980 and was the subject of an Advisory Opinion delivered on 20 December 1980 (*Interpretation of the Agreement of 25 March 1951 between the WHO and Egypt, I.C.J. Reports 1980, p. 73*).

The present volume reproduces the Request for advisory opinion, the documents, the written and oral statements and the correspondence in the case.

Of the documents transmitted to the Court, the Agreement of 25 March 1951 and the World Health Assembly resolution concerning the request for advisory opinion have been reproduced in English and French; the others have been reproduced (in one language) only if they are relevant to understanding of the Advisory Opinion and are not in the public domain.

The Hague, 1981.

L'affaire de l'*Interprétation de l'accord du 25 mars 1951 entre L'OMS et l'Égypte*, inscrite au rôle général de la Cour sous le numéro 65 le 21 mai 1980, a fait l'objet d'un avis consultatif rendu le 20 décembre 1980 (*Interprétation de l'accord du 25 mars 1951 entre L'OMS et l'Égypte, C.I.J. Recueil 1980, p. 73*).

Le présent volume reproduit la requête pour avis consultatif, les documents, les exposés écrits et oraux et la correspondance relatifs à cette affaire.

Parmi les documents transmis à la Cour, l'accord du 25 mars 1951 et la résolution de l'Assemblée mondiale de la Santé sur la demande d'avis consultatif sont reproduits en anglais et en français; les autres documents ne sont reproduits (en une seule langue) que dans la mesure où ils sont utiles à la compréhension de l'avis consultatif et ne se trouvent pas dans le domaine public.

La Haye, 1981.

CONTENTS - TABLE DES MATIÈRES

	<i>Page</i>
Request for Advisory Opinion – Requête pour avis consultatif	
THE DIRECTOR-GENERAL OF THE WORLD HEALTH ORGANIZATION TO THE REGISTRAR OF THE INTERNATIONAL COURT OF JUSTICE.	3
<i>Annexes to the Request for Advisory Opinion</i>	
Resolution WHA33.16 adopted on 20 May 1980 at the fifteenth meeting of the Thirty-third World Health Assembly	4
Résolution WHA33.16 adoptée le 20 mai 1980 à la quinzième séance de la trente-troisième Assemblée mondiale de la Santé	5
Agreement between the World Health Organization and the Govern- ment of Egypt for the purposes of determining the privileges, immunities and facilities to be granted in Egypt by the Government to the Organization, to the representatives of its Members and to its experts and officials, signed at Cairo, on 25 March 1951	6
Accord entre l'Organisation mondiale de la Santé et le Gouvernement de l'Égypte pour déterminer les privilèges, immunités et facilités accordés en Égypte par le Gouvernement à l'Organisation, aux représentants de ses Membres, à ses experts et à ses fonctionnaires. Signé au Caire, le 25 mars 1951	15
Documents received from International Organizations – Documents reçus d'organisations internationales	
DOCUMENTS TRANSMITTED BY THE DIRECTOR-GENERAL OF THE WORLD HEALTH ORGANIZATION (ARTICLE 65, PARAGRAPH 2, OF THE STATUTE)	27
I. Extracts from collections of official documents of the World Health Organization	27
II. Documents of the Thirty-third World Health Assembly, Geneva, 5-23 May 1980, on Item 42 : Transfer of the Regional Office for the Eastern Mediterranean	27
III. Documents referred to by the Director of the Legal Division of the World Health Organization at the fifteenth plenary meeting of the Thirty-third World Health Assembly	29
ADDITIONAL DOCUMENTS OR EXTRACTS OF DOCUMENTS SUPPLIED BY THE WORLD HEALTH ORGANIZATION FOR INFORMATION	30
I. Collections of official documents of the World Health Organi- zation	30
II. Mimeographed or typewritten documents of the World Health Organization	33
<i>First World Health Assembly, Geneva, 24 June-24 July 1948</i>	33
Commission du siège de l'organisation régionale. Projet de résolution soumis par la délégation égyptienne	33

	<i>Page</i>
Provisional verbatim record of the eleventh plenary meeting, 10 July 1948, at 10 a.m.	34
Summary of resolutions and decisions of the first World Health Assembly	37
<i>First meeting of the Regional Committee for the Eastern Mediterranean, Cairo, 7-10 February 1949</i>	<i>38</i>
Agenda for the meeting of the Regional Committee for the Eastern Mediterranean area	38
Draft rules of procedure	38
Location of the Regional Office of the WHO in Eastern Mediterranean area	44
Role of the Sanitary Bureau at Alexandria as a Regional Bureau for Epidemiological Notifications and Information under the International Sanitary Conventions. Statement by the Director-General	45
Draft budget for Regional Office, Eastern Mediterranean Region, including epidemiological intelligence station	46
Summary minutes, Sessions of 7 and 8 February 1949	48
<i>Agreement between the World Health Organization and the Government of Egypt, Cairo, 25 March 1951</i>	<i>53</i>
Memorandum on Privileges, Immunities and Exemptions of the Regional Office of the WHO	53
Letter from the Ministry of Foreign Affairs of Egypt (Department of Conferences, International Organizations and Conventions) to Dr. Ali Tewfik Shousha Pacha, Under-Secretary of State for Health, future WHO Regional Director, Cairo, 4 May 1949	65
Note from the Minister for Foreign Affairs ad int. to the Egyptian Council of Ministers, and the decision of the Council, Cairo, 25 and 29 May 1949	65
Note from the State Council Adviser (Contentieux for the Ministries of Foreign Affairs and Justice) to the future WHO Regional Director, Cairo, 29 May 1949	66
Letter from the State Council Adviser (Contentieux for the Ministries of Foreign Affairs and Justice) to the future WHO Regional Director, Cairo, 4 June 1949	67
Letters of transmittal, Cairo, 18 and 23 June 1949	67
Executive Board, Fifth Session. Agreement with the Government of Egypt	68
Seventh World Health Assembly. Withdrawal of Point 5 of the Notes exchanged in connection with the Host Agreement between the Government of Egypt and WHO	68
<i>Lease between the Government of Egypt and the World Health Organization</i>	<i>70</i>
Text of the lease, 25 April 1955	70
Subsequent documents	71
<i>Rules of Procedure for Sub-Committee A of the Regional Committee for the Eastern Mediterranean</i>	<i>73</i>

	<i>Page</i>
<i>Special session of the Regional Committee for the Eastern Mediterranean, Geneva, 12 May 1979.</i>	81
<i>Working Group on the question of a transfer of the Regional Office for the Eastern Mediterranean, 1979-1980</i>	82
Members of the Working Group	82
Unofficial summary of the deliberations of the Working Group at its first meeting, 29 May 1979, Geneva	82
Extracts from the documents and records of the thirty-second World Health Assembly and the sixty-fourth session of the Executive Board	84
Second meeting of the Working Group. Draft agenda	86
Questions relating to the removal of the Regional Office from the present location (EMR/EBWG/2 and EMR/EBWG/2, Add. 1)	86
Questions relating to the choice of a new location for the Regional Office for the Eastern Mediterranean, Annexes	92
Second meeting of the Working Group, Geneva, 24, 25 July 1979, summary of the deliberations	101
<i>Headquarters of the World Health Organization</i>	104
Lettre du département politique fédéral suisse au secrétaire exécutif de la Commission intérimaire de l'OMS, 11 décembre 1946	104
Exchange of letters between the Legal Counsel of the United Nations and the Director of the Legal Department of the WHO, 4 and 28 April 1972	104
Executive Board documents, 1978-1979	108
Echange de lettres entre le Directeur général de l'OMS et le directeur de l'Office fédéral de la santé publique de Suisse, 2 novembre et 21 décembre 1979	109
III. Documents of other international organizations	110
<i>Office internationale d'hygiène publique, sessions ordinaires du comité permanent, procès-verbaux des séances, sessions de novembre 1927 et octobre 1938</i>	110
<i>United Nations</i>	113
Reports of the Administrative Committee on Co-ordination to the Economic and Social Council, 3 December 1948 and 25 May 1949	113
<i>International Labour Organisation, International Labour Conference, twenty-ninth session, Montreal, 1946</i>	116
Record of proceedings, Appendix VI, second item on the agenda: Constitutional Questions	116
DOCUMENTS RECEIVED FROM THE INTERNATIONAL LABOUR ORGANISATION	121
Letter from the Legal Adviser and Assistant Director-General of the International Labour Organisation to the Registrar, 8 September 1980	121

	<i>Page</i>
International Labour Conference, twenty-ninth session, Montreal, 1946, Report II (1) Constitutional Questions, Part I: Reports of the Conference Delegation on Constitutional Questions, Chapter III	125
Agreement concerning the legal status of the International Labour Organisation in Switzerland after the dissolution of the League of Nations	127
Written Statements – Exposés écrits	
LETTRE DU SOUS-SECRÉTAIRE GÉNÉRAL DU MINISTÈRE DES RELATIONS EXTÉRIEURES ET DU CULTE DE BOLIVIE	139
WRITTEN STATEMENT SUBMITTED BY THE GOVERNMENT OF THE HASHEMITE KINGDOM OF JORDAN	141
EXPOSÉ ÉCRIT DU GOUVERNEMENT DES EMIRATS ARABES UNIS	143
WRITTEN STATEMENT OF THE GOVERNMENT OF THE REPUBLIC OF IRAQ	148
WRITTEN STATEMENT OF THE STATE OF KUWAIT	151
WRITTEN STATEMENT OF THE GOVERNMENT OF EGYPT	156
1. The Agreement of 25 March 1951 between the WHO and Egypt is a Headquarters Agreement	157
2. The Agreement of 25 March 1951 between the WHO and Egypt is a Headquarters Agreement for the WHO Regional Office for the Eastern Mediterranean at Alexandria	162
3. Section 37 of the 1951 Agreement is applicable in case of transfer of the Regional Office from Egypt	165
Conclusion	170
<i>Annexes to the Written Statement of the Government of Egypt</i>	171
Letter from the State Adviser (Advisory Department for the Ministries of Foreign Affairs and Justice) to the WHO Regional Director, Cairo, 23 March 1950	171
Minutes of the thirty-third open meeting of the Egyptian Chamber of Deputies held in Cairo on 25, 26 and 27 June 1951	173
WRITTEN STATEMENT OF THE GOVERNMENT OF THE UNITED STATES OF AMERICA	182
Introduction	182
I. The questions	182
II. Jurisdiction of the Court	182
Statement of facts	183
Interest of the United States	187
Statement of law	187
I. The provisions of Section 37 of the Host Agreement of 25 March 1951 are applicable to any removal of the Eastern Mediterranean Regional Office (EMRO) from Egypt	187
A. The Host Agreement is a “headquarters agreement” whose	

CONTENTS

xiii

	<i>Page</i>
terms indicate that the parties intended EMRO to be located in Egypt for the duration of the Agreement . . .	188
B. There is only one interpretation of the Host Agreement that gives effect to Section 37 and to the object and purpose of the Agreement	192
C. For practical reasons, as illustrated by international practice, it is unlikely that the parties intended to allow removal of the Regional Office without notice	196
D. The history of the Host Agreement confirms that the parties intended that Section 37 apply to the removal of the Regional Office from Egypt	199
II. Section 37 imposes legal responsibilities on the parties during any two-year notice period	201
A. The Agreement remains fully in force during the two-year notice period	201
B. During the two-year period the parties are bound by the Agreement and must perform it in good faith	205
C. The parties must negotiate during the two-year period for an orderly transition to a new legal régime	205
Conclusions	206
EXPOSÉ ÉCRIT DU GOUVERNEMENT DE LA RÉPUBLIQUE ARABE SYRIENNE	208
Oral Statements — Exposés oraux	
OUVERTURE DE LA PROCÉDURE ORALE	214
DÉCLARATION DE M. VIGNES (ORGANISATION MONDIALE DE LA SANTÉ)	215
EXPOSÉ ORAL DE M. YASSEEN (EMIRATS ARABES UNIS)	217
Le droit international général et le transfert du siège d'une organisation internationale	217
L'accord du 25 mars 1951 ne règle ni le choix du siège du Bureau régional ni le transfert de ce siège	219
Le siège du Bureau régional a été établi par un accord en forme simplifiée qui est dénonçable	220
Le transfert du siège n'est pas prévu dans l'accord et le principe de l'effet utile ne saurait s'appliquer en l'espèce	222
Le transfert du siège n'est pas lié à la dénonciation de l'accord	225
EXPOSÉ ORAL DE M. CHÉRIF (TUNISIE)	227
La question du transfert du siège du Bureau régional n'entre pas dans le cadre d'une révision de l'accord du 25 mars 1951	228
Le Bureau régional a été créé, antérieurement à l'accord, par un acte unilatéral de l'Assemblée mondiale de la Santé, accepté comme tel et en toute souveraineté par l'Etat hôte, et le transfert de son siège devrait être effectué par un acte de même nature	228
La situation actuelle met le Bureau régional dans l'incapacité de remplir la mission qui lui est dévolue	229

	<i>Page</i>
ORAL STATEMENT BY MR. SCHWEBEL (UNITED STATES OF AMERICA)	230
I. The origins of the World Health Organization's Regional Office in Alexandria	231
II. The arguments against the applicability of Section 37 of the Host Agreement	234
1. The argument that the Host Agreement is not a headquarters agreement but merely an agreement on privileges and immunities	234
2. The claim that the Alexandria office was established by an agreement other than and anterior to the 1951 Host Agreement	239
3. The contention that the Organization may unilaterally change a decision it has taken in exercise of its exclusive authority	247
4. The argument that a decision to transfer the Regional Office from the territory of Egypt does not entail revision or denunciation of the Host Agreement	251
5. The alleged legal effect of the breach of diplomatic relations with Egypt	253
Summary of the argument in favour of the applicability of Section 37	255
EXPOSÉ ORAL DE M. NACHABÉ (RÉPUBLIQUE ARABE SYRIENNE)	259
L'accord du 25 mars 1951 n'est pas un accord de siège	259
Le Bureau régional a été établi en vertu d'un accord en forme simplifiée qui est dénonçable selon les règles établies et reconnues du droit international	260
EXPOSÉ ORAL DE M. OSMAN (ÉGYPTE)	263
Réfutation des principaux arguments visant à étayer la conclusion que la section 37 de l'accord du 25 mars 1951 ne s'applique pas au transfert du siège du Bureau régional	263
Première version du premier argument : l'accord ne peut pas juridiquement régler la question du choix et de l'établissement du siège du Bureau régional	264
Deuxième version du premier argument : l'accord n'a pas eu pour objet de fixer le siège du Bureau régional	267
Troisième version du premier argument : l'accord vise autre chose que l'établissement d'un siège	268
Deuxième argument : il existe deux accords	269
Troisième argument : le champ d'application de la section 37 de l'accord est limité exclusivement aux cas de dénonciation faisant suite à une demande de revision	271
Seconde question posée à la Cour	273
QUESTIONS BY THE PRESIDENT AND JUDGES ODA AND SETTE-CAMARA — QUESTION DE M. MOSLER	275
EXPOSÉ ORAL DE M. VIGNES (ORGANISATION MONDIALE DE LA SANTÉ)	278
Réponses aux questions du Président	278

	<i>Page</i>
Première question	278
Deuxième question	281
Troisième question	282
Quatrième question	283
Cinquième question	283
Réponse à la question posée par M. Oda	285
Réponse à la question posée par M. Sette-Camara	285
EXPOSÉ ORAL DE M. OSMAN (EGYPTE)	288
Réponse à la troisième question du Président	288
Réponse à la quatrième question du Président	288
Réponse à la question de M. Mosler	288
ORAL STATEMENT BY MR. SCHWEBEL (UNITED STATES OF AMERICA)	290
Comments on Judge Oda's question	290
Comments on the President's first question	293
No anterior agreement controls the location and maintenance of the Regional Office	294
EXPOSÉ ORAL DE M. YASSEEN (ÉMIRATS ARABES UNIS)	297
Observations sur l'exposé oral de M. Schwebel	297
Observations sur l'exposé oral de M. Osman	298
CLOSING OF THE ORAL PROCEEDINGS	300
READING OF THE ADVISORY OPINION	301
Annexes to the Oral Statements – Annexes aux exposés oraux	
Further observations of the Government of the United States of America	305
Complementary statement of the Government of Egypt	307
Correspondence – Correspondance	315

REQUEST FOR ADVISORY OPINION
REQUÊTE POUR AVIS CONSULTATIF

THE DIRECTOR-GENERAL OF THE WORLD
HEALTH ORGANIZATION TO THE REGISTRAR
OF THE INTERNATIONAL COURT
OF JUSTICE

21 May 1980.

Sir,

Pursuant to resolution WHA 33.16 adopted by the World Health Assembly on 20 May 1980 and in accordance with Article 96, paragraph 2, of the Charter of the United Nations, Article 76 of the Constitution of the World Health Organization and Article X, paragraph 2, of the Agreement between the United Nations and the World Health Organization, I have the honour to lay before the International Court of Justice the following questions :

“1. Are the negotiation and notice provisions of Section 37 of the Agreement of 25 March 1951 between the World Health Organization and Egypt applicable in the event that either party to the Agreement wishes to have the Regional Office transferred from the territory of Egypt ?

2. If so, what would be the legal responsibilities of both the World Health Organization and Egypt, with regard to the Regional Office in Alexandria, during the two-year period between notice and termination of the Agreement ?”

I attach the texts of the resolution and the Agreement of 25 March 1951 with Egypt as well as the *Basic Documents*¹ of the World Health Organization containing the WHO texts referred to. The documents and records of the Thirty-third World Health Assembly related to the question of the transfer of the Regional Office for the Eastern Mediterranean, as well as certain other documents likely to throw a light upon the questions submitted to the Court, will be transmitted shortly in the number you may require².

I have appointed Mr. Claude-Henri Vignes, Director of the Legal Division of the World Health Organization, as my representative for the further proceedings.

As I consider it my duty to report back to the next World Health Assembly in May 1981 and taking into account the fact that the Executive Board will meet in January to prepare the work of the Assembly, I would like to inform the Court, in accordance with Article 103 of the Rules of Court, that this request necessitates an urgent answer. I should therefore be grateful if the Court would consider all necessary steps to accelerate the procedure so as to permit the advisory opinion to be rendered before.

I have, etc.

(Signed) H. MAHLER,
Director-General.

RESOLUTION WHA33.16 ADOPTED ON 20 MAY 1980
AT THE FIFTEENTH MEETING OF THE THIRTY-THIRD
WORLD HEALTH ASSEMBLY

The Thirty-third World Health Assembly,

Having regard to proposals which have been made to remove from Alexandria the Regional Office for the Eastern Mediterranean Region of the World Health Organization,

Taking note of the differing views which have been expressed in the World Health Assembly on the question of whether the World Health Organization may transfer the Regional Office without regard to the provisions of Section 37 of the Agreement between the World Health Organization and Egypt of 25 March 1951,

Noting further that the Working Group of the Executive Board has been unable to make a judgment of a recommendation on the applicability of Section 37 of this Agreement,

Decides, prior to taking any decision on removal of the Regional Office, and pursuant to Article 76 of the Constitution of the World Health Organization and Article X of the Agreement between the United Nations and the World Health Organization approved by the General Assembly of the United Nations on 15 November 1947, to submit to the International Court of Justice for its Advisory Opinion the following questions :

“1. Are the negotiation and notice provisions of Section 37 of the Agreement of 25 March 1951 between the World Health Organization and Egypt applicable in the event that either party to the Agreement wishes to have the Regional Office transferred from the territory of Egypt ?

2. If so, what would be the legal responsibilities of both the World Health Organization and Egypt, with regard to the Regional Office in Alexandria, during the two-year period between notice and termination of the Agreement ?”

Certified true copy :

(Signed) Claude-Henri VIGNES,
Director of the Legal Division,
20 May 1980.

RÉSOLUTION WHA33.16 ADOPTÉE LE 20 MAI 1980
À LA QUINZIÈME SÉANCE DE LA TRENTE-TROISIÈME
ASSEMBLÉE MONDIALE DE LA SANTÉ

La trente-troisième Assemblée mondiale de la Santé,

Tenant compte des propositions visant à transférer en un autre lieu le Bureau régional de la Méditerranée orientale qui se trouve actuellement à Alexandrie ;

Prenant note des divergences de vues qui se sont fait jour à l'Assemblée mondiale de la Santé sur le point de savoir si l'Organisation mondiale de la Santé est en droit de transférer le Bureau régional sans tenir compte des dispositions de la section 37 de l'accord entre l'Organisation mondiale de la Santé et l'Égypte en date du 25 mars 1951 ;

Notant en outre que le groupe de travail du Conseil exécutif n'a pas été en mesure de décider si la section 37 dudit accord devait ou non être appliquée ni de formuler une recommandation à ce sujet,

Décide, avant de prendre une décision au sujet du déplacement du Bureau régional, et conformément à l'article 76 de la Constitution de l'Organisation mondiale de la Santé ainsi qu'à l'article X de l'accord entre l'Organisation des Nations Unies et l'Organisation mondiale de la Santé approuvé par l'Assemblée générale des Nations Unies le 15 novembre 1947, de demander à la Cour internationale de Justice de rendre un avis consultatif sur les questions suivantes :

« 1. Les clauses de négociation et de préavis énoncées dans la section 37 de l'accord du 25 mars 1951 entre l'Organisation mondiale de la Santé et l'Égypte sont-elles applicables au cas où l'une ou l'autre partie à l'accord souhaite que le Bureau régional soit transféré hors du territoire égyptien ?

2. Dans l'affirmative, quelles seraient les responsabilités juridiques tant de l'Organisation mondiale de la Santé que de l'Égypte en ce qui concerne le Bureau régional à Alexandrie, au cours des deux ans séparant la date de dénonciation de l'accord et la date où celui-ci deviendrait caduc ? »

Copie certifiée conforme :

le directeur de la division juridique,
(Signé) Claude-Henri VIGNES,

20 mai 1980.

AGREEMENT BETWEEN THE WORLD HEALTH ORGANIZATION AND THE GOVERNMENT OF EGYPT FOR THE PURPOSES OF DETERMINING THE PRIVILEGES, IMMUNITIES AND FACILITIES TO BE GRANTED IN EGYPT BY THE GOVERNMENT TO THE ORGANIZATION, TO THE REPRESENTATIVES OF ITS MEMBERS AND TO ITS EXPERTS AND OFFICIALS. SIGNED AT CAIRO, ON 25 MARCH 1951

The Government of Egypt on the one part,
and

The World Health Organization on the other,

Desiring to conclude an agreement for the purpose of determining the privileges, immunities and facilities to be granted by the *Government of Egypt* to the *World Health Organization*, to the representatives of its Members and to its experts and officials in particular with regard to its arrangements in the *Eastern Mediterranean Region*, and of regulating other related matters ;

Have agreed as follows :

Article I

DEFINITIONS

Section 1. In the present Agreement :

- (i) The word "Organization" shall mean the World Health Organization ;
- (ii) For the purposes of Article IV the words "property and assets", "funds, notes, coins and securities" or "assets, income and other property", shall be deemed to include property, assets and funds administered by the Organization under Article 57 of its Constitution and/or in furtherance of its constitutional functions ;
- (iii) The words "representatives and Members" shall be deemed to include all delegates to the World Health Assembly, all persons designated by Members to serve on the Executive Board of the Organization, all representatives on the Regional Committees in the Eastern Mediterranean Region, as well as all delegates, alternates, advisers, technical experts who are members of delegations and secretaries of delegations ;
- (iv) The word "Member" shall be deemed to include a Member or an Associate Member of the Organization as well as a territory or group of territories which, without being an Associate Member, is represented and participating in the Regional Committee of the Eastern Mediterranean Region of the Organization, in accordance with Article 47 of its constitution ;
- (v) The words "principal or subsidiary organs" shall be deemed to include the World Health Assembly, the Executive Board, the Regional Committee in the Eastern Mediterranean Region and any of the subdivisions of all these organs as well as the Secretariat and the Regional Office in Alexandria ;
- (vi) For the purposes of Sections 4, 6, 16 and 17 the words "freedom of meeting" or "meeting of the Organization" shall be deemed to include all institu-

tional meetings of the principal or subsidiary organs of the Organization as well as all conferences or meetings convened by, or under the authority or auspices of, the Organization in Egypt.

Article II

JURIDICAL PERSONALITY

Section 2. The Organization shall possess juridical personality and legal capacity and, in particular, capacity

- (a) to contract ;
- (b) to acquire and dispose of immovable and movable property ; and
- (c) to institute legal proceedings.

Article III

FREEDOM OF ACTION

Section 3. The Organization and its principal or subsidiary organs shall have in Egypt the independence and freedom of action belonging to an international organization according to international practice.

Section 4. The Organization, its principal or subsidiary organs as well as its Members and the representatives of Members in their relations with the Organization, shall enjoy in Egypt absolute freedom of meeting, including freedom of discussion and decision.

Article IV

PROPERTY, FUNDS AND ASSETS

Section 5. The Organization and its property and assets located in Egypt shall enjoy immunity from every form of legal process except in so far as in any particular case this immunity is expressly waived by the Director-General of the Organization, or the Regional Director as his duly authorized representative. It is, however, understood that no waiver of immunity shall extend to any measure of execution.

Section 6. (1) The premises of the Organization in Egypt or any premises in Egypt occupied by the Organization in connexion with a meeting of the Organization shall be inviolable.

(2) Such premises and the property and assets of the Organization in Egypt shall be immune from search, requisition, confiscation, expropriation ; and any other form of interference, whether by executive, administrative, judicial or legislative action.

Section 7. The archives of the Organization, and in general all documents belonging to it or held by it in Egypt shall be inviolable.

Section 8. (1) The World Health Organization may receive and hold funds, notes, coins and securities of any kind and may dispose of them freely both within Egypt and in its relations with other countries.

(2) This section shall also apply to Members of the Organization in their relations with the Organization.

Section 9. The Government of Egypt shall provide for the Organization, at the most favourable rate officially recognized, its national currency to the amount

required to meet the expenditure of the Organization in Egypt or other parts of the Eastern Mediterranean Region.

Section 10. In exercising its rights under Sections 8 and 9, the Organization shall pay due regard to any representations made by the Government of Egypt in so far as the Organization considers that effect can be given to such representations without detriment to its interests.

Section 11. The Organization, its assets, income and other property shall be :

- (a) exempt from all direct and indirect taxes. It is understood, however, that the Organization will not claim exemption from taxes which are, in fact, no more than charges for public utility services ;
- (b) exempt from customs duties, prohibitions and restrictions on imports and exports in respect of medical supplies, or any other goods or articles imported or exported by the Organization for its official use. It is understood, however, that such medical supplies, goods, or articles imported under such exemption will not be sold or ceded in Egypt except under conditions agreed with the Government of Egypt ;
- (c) exempt from customs duties, prohibitions and restrictions on imports and exports in respect of their publications.

Section 12. While the Organization will not, as a general rule, in the case of minor purchases, claim exemption from excise duties and from taxes on the sale of movable and immovable property which form part of the price to be paid, nevertheless, when the Organization is making important purchases for official use of property on which such duties and taxes have been charged or are chargeable, the Government of Egypt shall make appropriate administrative arrangements for the remission or return of the amount of duty or tax.

Article V

FACILITIES IN RESPECT OF COMMUNICATIONS

Section 13. The Organization shall enjoy in Egypt for its official communications treatment not less favourable than that accorded by the Government of Egypt to any other Government including its diplomatic mission, in the matter of priorities, rates and taxes on mail, cables, telegrams, radiograms, telephotos, telephone and other communications and Press rates for information to the Press and radio.

Section 14. (1) No censorship shall be applied to the duly authenticated official communications of the Organization.

(2) The Organization shall have the right to use codes and to despatch and receive correspondence by courier or in sealed bags, which shall have the same immunities and privileges as diplomatic couriers and bags.

Article VI

REPRESENTATIVES OF MEMBERS

Section 15. Representatives of Members of the Organization on its principal or subsidiary organs and at conferences or meetings convened by the Organization and who are not of Egyptian nationality, shall, while exercising their functions and during their journeys to and from the place of meeting, enjoy the following privileges and immunities :

- (a) immunity from personal arrest or detention and from seizure of their personal baggage, and, in respect of words spoken or written and all acts done by them in their official capacity, immunity from legal process of every kind ;
- (b) inviolability for all papers and documents ;
- (c) the right to use codes and despatch or receive papers or correspondence by courier or in sealed bags ;
- (d) exemption in respect of themselves and their spouses from immigration restrictions, aliens registration or national service obligations in Egyptian territory ;
- (e) the same facilities in respect of currency or exchange restrictions as are accorded to representatives of foreign governments on temporary official missions ;
- (f) the same immunities and facilities in respect of their personal baggage as are accorded to members of diplomatic missions of comparable rank ;
- (g) such other privileges, immunities and facilities not inconsistent with the foregoing as members of diplomatic missions of comparable rank enjoy, except that they shall have no right to claim exemption from customs duties on articles imported (otherwise than as part of their personal baggage) or from indirect taxes or sales taxes.

Section 16. In order to secure for the representatives of Members of the Organization at a meeting of the Organization complete freedom of speech and independence in the discharge of their duties, the immunity from legal process in respect of words spoken or written and all acts done by them in discharging their duties shall continue to be accorded, notwithstanding that the persons concerned are no longer engaged in the discharge of such duties.

Section 17. If the incidence of any form of taxation depends upon residence in Egypt, periods during which the representatives of Members of the Organization are present at a meeting of the Organization in Egypt for the discharge of their duties shall not be considered as periods of residence.

Section 18. Privileges and immunities are accorded to the representatives of Members of the Organization not for the personal benefit of the individuals themselves, but in order to safeguard the independent exercise of their functions in connexion with the Organization. Consequently, a Member not only has the right, but is under a duty to waive the immunity of its representatives in any case where, in the opinion of the Member, the immunity would impede the course of justice, and it can be waived without prejudice to the purpose for which the immunity is accorded. In any such case in which one of the persons designated to serve on it is concerned, the Executive Board of the Organization shall be under the same duty.

Section 19. The Organization will as far as possible communicate in advance to the Government of Egypt a list of the representatives invited to its conferences or meetings.

Article VII

EXPERTS ON MISSIONS FOR THE ORGANIZATION

Section 20. Experts and consultants other than those who under Section I (iii) or as officials come within the scope of Article VI or VIII respectively and who perform missions for the Organization shall be accorded such privileges and immunities as are necessary for the independent exercise of their functions

during the period of their missions, including the time spent on journeys in connexion with their missions. In particular, they shall be accorded :

(a) immunity from personal arrest or detention and from seizure of their personal baggage and in respect of words spoken or written and acts done by them in the course of the performance of their mission, immunity from legal process of every kind. This immunity from legal process shall continue to be accorded notwithstanding that the persons concerned are no longer employed on missions for the Organization ;

(b) inviolability for all papers and documents ;

(c) for the purpose of their communications with the Organization, the right to use codes and to despatch or receive papers or correspondence by courier or in sealed bags ;

(d) exemption in respect of themselves and their spouses from immigration restrictions, aliens' registration or national service obligations in Egypt ;

(e) the same facilities in respect of currency or exchange restrictions as are accorded to representatives of foreign governments on temporary official missions ;

(f) the same immunities and facilities in respect of their personal baggage as are accorded to members of diplomatic missions.

Section 21. Privileges and immunities are granted to experts in the interests of the Organization and not for the personal benefit of the individuals themselves. The Director-General shall have the right and the duty to waive the immunity of any expert in any case where, in his opinion, the immunity would impede the course of justice and can be waived without prejudice to the interests of the Organization.

Article VIII

OFFICIALS

Section 22. The Director-General or the Regional Director as his duly authorized representative, shall from time to time communicate to the Government of Egypt the categories and the names of those officials to whom the provisions of this Article and Article IX shall apply.

Section 23. (1) Officials of the Organization irrespective of nationality shall :

(a) be immune from legal process in respect of words spoken or written and all acts performed by them in their official capacity ;

(b) be exempt from taxation in respect of the salaries and emoluments paid to them by the Organization.

(2) Moreover those who are not of Egyptian nationality shall :

(a) be immune, together with their spouses and relatives dependent on them, from immigration restrictions and aliens' registration ;

(b) be accorded the same privileges in respect of exchange facilities as are accorded to officials of comparable rank of diplomatic missions to Egypt ;

(c) be given, together with their spouses and relatives dependent on them the same repatriation facilities in time of international crises as officials of comparable rank of diplomatic missions ;

(d) have the right to import free of duty their furniture and effects at the time of taking up their post in Egypt or upon their permanent appointment to it ;

(e) once every three years have the right to import free of duty a motor car, it being understood that the duty will become payable in the event of the sale or disposal of such motor car to a person not entitled to this exemption within three years upon its importation.

Section 24. (1) The officials of the Organization shall be exempt from national service obligations in Egypt provided that, in relation to officials who are Egyptian nationals, such exemption shall be confined to officials whose names have, by reason of their duties, been placed upon a list compiled by the Director-General or the Regional Director as his duly authorized representative and approved by the Government of Egypt.

(2) Should other officials of the Organization be called up for national service, the Government of Egypt shall, at the request of the Director-General or the Regional Director as his duly authorized representative, grant as far as possible such deferments in the call-up of such officials as may be necessary to avoid serious dislocation in the continuation of essential work.

Section 25. In addition to the immunities and privileges specified in Section 22, the Director-General, the Deputy Director-General, the Assistant Directors-General, the Regional Director in Egypt and his Deputy shall be accorded in respect of themselves, their spouses and minor children, the privileges and immunities, exemptions and facilities accorded to diplomatic envoys in accordance with international law and usage.

Section 26. Privileges and immunities are granted to officials in the interests of the Organization and not for the personal benefit of the individuals themselves. The Director-General shall have the right and the duty to waive the immunity of any official in any case where, in his opinion, the immunity would impede the course of justice and can be waived without prejudice to the interests of the Organization.

Article IX

VISAS, PERMITS OF RESIDENCE, UNITED NATIONS LAISSEZ-PASSER AND OTHER FACILITIES

Section 27. (1) The Government of Egypt shall take all measures required to facilitate the entry into, residence in, and departure from Egypt of all persons having official business with the Organization, i.e. :

- (a) representatives of Members, whatever may be the relations between Egypt and the Member concerned ;
- (b) experts and consultants on missions for the Organization irrespective of nationality ;
- (c) officials of the Organization ;
- (d) other persons, irrespective of nationality, summoned by the Organization.

(2) Any police regulation calculated to restrict the entry of aliens into Egypt or to regulate the conditions of their residence shall not apply to the persons provided for in this section.

(3) The Government of Egypt shall issue to the embassies, legations and consulates abroad general instructions in advance to grant visas to any applicant on production of a valid passport or any equivalent identity and travel document and of a document establishing his official relationship to the Organization

without any delay or waiting period and without requiring his personal attendance or the payment of any charges.

(4) The provisions of this Section shall apply to the spouse and dependents of the person concerned if they live with him and do not exercise an independent profession or calling.

Section 28. The Government of Egypt shall recognize and accept as valid travel documents the United Nations laissez-passer issued to the officials of the Organization under administrative arrangements concluded between the Director-General of the Organization and the Secretary-General of the United Nations.

Section 29. The Director-General, the Deputy Director-General, the Assistant Directors-General, the Regional Director of the Organization in Egypt, and the Directors of the Organization travelling on its official business shall be granted the same facilities as are accorded to diplomatic envoys.

Section 30. (1) The Organization will be supplied, in the premises placed at its disposal, with electricity, water and gas, and with service for the removal of refuse. In a case of force majeure entailing partial or total suspension of these services, the requirements of the Organization will be considered by the Government of Egypt to be of the same importance as those of its own administrations.

(2) The Government of Egypt will ensure the necessary police supervision for the protection of the seat of the Organization and for the maintenance of order in the immediate vicinity thereof. At the request of the Director-General, the Government of Egypt will supply such police force as may be necessary to maintain order within the building.

Article X

SECURITY OF THE GOVERNMENT OF EGYPT

Section 31. (1) Nothing in the present agreement shall affect the right of the Egyptian Government to take the precautions necessary for the security of Egypt.

(2) If the Egyptian Government considers it necessary to apply the first paragraph of this article, it shall approach the World Health Organization as rapidly as circumstances allow in order to determine by mutual agreement the measures necessary to protect the interests of the World Health Organization.

(3) The World Health Organization shall collaborate with the Egyptian authorities to avoid any prejudice to the security of Egypt resulting from its activity.

Article XI

CO-OPERATION AND SETTLEMENT OF DISPUTES

Section 32. The Organization shall co-operate at all times with the appropriate authorities of the Government of Egypt to facilitate the proper administration of Justice, secure the observance of police regulations and prevent the occurrence of any abuse in connexion with the privileges, immunities and facilities provided for under the present Agreement.

Section 33. The Organization shall make provision for appropriate modes of settlement of :

(a) disputes arising out of contracts or other disputes of a private law character to which the Organization is a party ;

(b) disputes involving any official of the Organization who, by reason of his official position, enjoys immunity, if immunity has not been waived by the Director-General in accordance with the provisions of Section 26.

Section 34. Any difference between the Organization and the Egyptian Government arising out of the interpretation or application of the present Agreement or of any supplementary arrangement or agreement which is not settled by negotiation shall be submitted for decision to a Board of three arbitrators ; the first to be appointed by the Egyptian Government, the second by the Director-General of the Organization, and the third, the presiding arbitrator, by the President of the International Court of Justice, unless in any specific case the parties hereto agree to resort to a different mode of settlement.

Article XII

FINAL PROVISIONS

Section 35. The present Agreement shall enter into force as soon as it has been ratified by the Government of Egypt in accordance with its constitutional procedure and adopted by the World Health Assembly.

Section 36. On the coming-into-force of the present Agreement it will be communicated for registration to the Secretary-General of the United Nations by the Director-General of the Organization, in pursuance of Article 1 of the Regulations, to give effect to Article 102 of the Charter of the United Nations adopted by the General Assembly of the United Nations on 14 December 1946.

Section 37. The present Agreement may be revised at the request of either party. In this event the two parties shall consult each other concerning the modifications to be made in its provisions. If the negotiations do not result in an understanding within one year, the present Agreement may be denounced by either party giving two years' notice.

In faith whereof the present Agreement was done and signed at Cairo on the 25th day of March 1951, in six copies, three in French and three in English, the texts in both languages being equally authentic, of which two texts, one copy in French and one in English, were handed to the representatives of the Government of Egypt, and the four remaining copies to the Director-General of the World Health Organization.

For the World Health Organization :

(Signed) A. T. CHOUCHA PACHA.

For the Government of Egypt :

(Signed) Mohamed SALAH EL-DINE.

EXCHANGE OF LETTERS

I

Letter from the Egyptian Government to the World Health Organization, dated 25 March 1951

Sir,

With respect to the conclusion between the Egyptian Government and the World Health Organization of the Agreement concerning the privileges, immunities and facilities to be accorded to the Organization in Egypt, I have the honour to submit the following :

1. The Organization may, under Section 8, hold gold and, through normal channels, receive and transfer it to and from Egypt. It shall not, however, transfer from Egypt, more gold than it has brought in.

2. With reference to Article 8, the Organization and the Government shall determine by mutual agreement the categories of officials and the nature and extent of facilities, privileges and immunities to be accorded, to each category.

3. With reference to Section 25, the Organization will not claim on behalf of officials assigned to the staff of the Regional Office in Egypt, who are Egyptian Nationals, irrespective of grade, immunity from the criminal jurisdiction of the Egyptian Courts in respect of words spoken or written and acts performed by them in so far as these words or acts are not spoken or written or performed by them in their official capacity.

4. In claiming the benefit of Section 27 (2) of the Agreement, the Organization will not claim on behalf of the persons mentioned in Section 27 (1) exemption from Police regulations in so far as such regulations are made by virtue of the International Sanitary Conventions or by virtue of similar conventions, agreements or regulations adopted by the World Health Organization.

(Signed) Mohamed SALAH EL-DINE.

II

Letter from the World Health Organization to the Egyptian Government, dated 25 March 1951

Sir,

With respect to the conclusion between the Egyptian Government and the World Health Organization of the Agreement concerning the privileges, immunities and facilities to be accorded to the Organization in Egypt, and in answer to your letter of 25th March, 1951, I have the honour to communicate the following :

1. I agree that . . .

[See paragraphs 1 to 4 of letter I]

(Signed) A. T. CHOUCHA PACHA.

ACCORD ENTRE L'ORGANISATION MONDIALE DE LA SANTÉ ET LE GOUVERNEMENT DE L'EGYPTE POUR DÉTERMINER LES PRIVILÈGES, IMMUNITÉS ET FACILITÉS ACCORDÉS EN EGYPTÉ PAR LE GOUVERNEMENT À L'ORGANISATION, AUX REPRÉSENTANTS DE SES MEMBRES, À SES EXPERTS ET À SES FONCTIONNAIRES. SIGNÉ AU CAIRE, LE 25 MARS 1951

Le Gouvernement de l'Égypte d'une part,

et

L'Organisation mondiale de la Santé d'autre part,

Désireux de conclure un accord ayant pour objet de déterminer les privilèges, immunités et facilités qui devront être accordés par le Gouvernement de l'Égypte à l'Organisation mondiale de la Santé, aux représentants de ses Membres, à ses experts et à ses fonctionnaires, notamment en ce qui concerne les arrangements pour la région de la Méditerranée orientale, ainsi que de régler diverses autres questions connexes,

Ont convenu ce qui suit :

Article I

DÉFINITIONS

Section I. Dans le présent accord :

- i) le terme « Organisation » désigne l'Organisation mondiale de la Santé ;
- ii) aux fins d'application de l'article IV, les termes « biens et avoirs », « fonds, devises, numéraires et autres valeurs mobilières » ou « avoirs, revenus et autres biens » doivent être entendus comme comprenant les biens, avoirs et fonds qui sont administrés par l'Organisation en application de l'article 57 de sa Constitution et/ou dans l'accomplissement de ses fonctions constitutionnelles ;
- iii) les termes « représentants des Membres » doivent être entendus comme comprenant tous les délégués à l'Assemblée mondiale de la Santé, toutes les personnes désignées par les Membres pour faire partie du Conseil exécutif de l'Organisation, tous les représentants des Membres au sein des comités régionaux de la région de la Méditerranée orientale, ainsi que tous les délégués, délégués suppléants, conseillers et experts techniques faisant partie des délégations, et les secrétaires des délégations ;
- iv) le terme « Membres » doit être entendu comme comprenant les Membres ou Membres associés de l'Organisation, ainsi que les territoires ou groupes de territoires qui, bien que n'étant pas membres associés, se trouvent représentés et participent au Comité régional de l'Organisation pour la région de la Méditerranée orientale, conformément à l'article 47 de la Constitution de l'Organisation ;
- v) les termes « organes principaux ou subsidiaires » doivent être entendus comme comprenant l'Assemblée mondiale de la Santé, le Conseil exécutif, le Comité régional de la région de la Méditerranée orientale et toute subdivision de ces divers organes, de même que le secrétariat et le Bureau régional à Alexandrie ;

- vi) aux fins de l'application des sections 4, 6, 16 et 17, les termes « liberté de réunion » ou « réunion de l'Organisation » doivent être entendus comme visant toutes les réunions réglementaires des organes principaux ou subsidiaires de l'Organisation, ainsi que toutes conférences ou sessions convoquées par l'Organisation, ou sous son autorité ou sous ses auspices, en Egypte.

Article II

PERSONNALITÉ JURIDIQUE

Section 2. L'Organisation jouit de la personnalité juridique et possède la capacité juridique, notamment la capacité :

- a) de contracter ;
- b) d'acquérir des biens immobiliers et mobiliers et d'en disposer ;
- c) d'ester en justice.

Article III

LIBERTÉ D'ACTION

Section 3. L'Organisation, ainsi que ses organes principaux ou subsidiaires, jouissent en Egypte de l'indépendance et de la liberté d'action qui appartiennent à une organisation internationale conformément aux usages internationaux.

Section 4. L'Organisation et ses organes principaux ou subsidiaires, de même que ses Membres et les représentants des Membres dans leurs rapports avec l'Organisation, jouissent, en Egypte, d'une liberté de réunion absolue, comportant la liberté de discussion et de décision.

Article IV

BIENS, FONDS ET AVOIRS

Section 5. L'Organisation, ainsi que ses biens et avoirs situés en Egypte, jouissent de l'immunité à l'égard de toute forme d'action judiciaire, sauf dans la mesure où cette immunité aura été formellement levée, dans un cas particulier, par le Directeur général de l'Organisation ou par le directeur régional agissant en qualité de représentant dûment autorisé de celui-ci. Il est entendu, toutefois, que la renonciation à l'immunité ne peut s'étendre à des mesures d'exécution.

Section 6. 1) Les locaux de l'Organisation situés en Egypte, ainsi que tous les locaux occupés en Egypte par l'Organisation à l'occasion d'une de ses réunions, sont inviolables.

2) Les locaux en question, ainsi que les biens et avoirs de l'Organisation situés en Egypte, échappent à toute perquisition, réquisition, confiscation ou expropriation, ou à toute autre forme d'ingérence pouvant résulter de l'exécution d'une mesure administrative, judiciaire ou législative.

Section 7. Les archives de l'Organisation et, d'une manière générale, tous les documents lui appartenant ou détenus par elle en Egypte sont inviolables.

Section 8. 1) L'Organisation mondiale de la Santé peut recevoir et détenir tous fonds quelconques, toutes devises, numéraires et autres valeurs mobilières, et en disposer librement tant à l'intérieur de l'Egypte que dans ses relations avec l'étranger.

2) La présente section est applicable également aux Etats Membres dans leurs relations avec l'Organisation mondiale de la Santé.

Section 9. Le Gouvernement de l'Egypte procurera à l'Organisation des devises nationales au taux de change officiel le plus favorable, à concurrence du montant nécessaire pour couvrir les dépenses de l'Organisation en Egypte ou dans les autres parties de la région de la Méditerranée orientale.

Section 10. Dans l'exercice des droits qui lui sont accordés en vertu des sections 8 et 9, l'Organisation tient dûment compte de toute représentation qui lui serait faite par le Gouvernement de l'Egypte, dans la mesure où elle estimera pouvoir y donner suite sans porter préjudice à ses intérêts.

Section 11. L'Organisation, ses avoirs, revenus ou autres biens, sont :

- a) exonérés de tous impôts directs ou indirects. Il est entendu toutefois que l'Organisation ne demande pas à être exonérée d'impôts qui ne dépasseraient pas, en fait, la simple rémunération de services d'utilité publique ;
- b) exonérés des droits de douane et exemptés des prohibitions et restrictions visant les importations et exportations de fournitures médicales et de tous autres articles ou marchandises importés ou exportés par l'Organisation pour son usage officiel. Il est entendu, toutefois, que les fournitures médicales, marchandises ou articles importés au bénéfice d'exonérations ou d'exemptions de ce genre ne seront pas vendus ni cédés en Egypte, à moins que ce ne soit à des conditions agréées par le Gouvernement de l'Egypte ;
- c) exonérés des droits de douane et exemptés des prohibitions et des restrictions d'importation et d'exportation en ce qui concerne les publications de l'Organisation.

Section 12. En règle générale, l'Organisation ne revendique pas, dans le cas d'achats de peu d'importance, l'exonération des droits d'accise et des taxes prélevées sur la vente des biens mobiliers ou immobiliers, lorsque ces droits ou taxes sont compris dans le prix de vente ; le Gouvernement de l'Egypte devra néanmoins – lorsque l'Organisation effectuera, pour un usage officiel, des achats importants de marchandises frappées, ou susceptibles d'être frappées, de droits ou de taxes de ce genre – prendre des mesures administratives appropriées en vue d'assurer la remise ou le remboursement du montant des droits ou taxes en question.

Article V

FACILITÉS EN MATIÈRE DE COMMUNICATIONS

Section 13. L'Organisation jouit, en Egypte, pour ses communications officielles, d'un traitement qui ne sera pas moins favorable que celui qui est accordé par le Gouvernement de l'Egypte à tout autre gouvernement, ou à la mission diplomatique de tout autre gouvernement, en matière de priorités, tarifs et taxes applicables au courrier, aux câblogrammes, aux télégrammes, aux radiotélégrammes, aux téléphotos, aux communications téléphoniques ou autres, ainsi qu'en matière de tarifs de presse pour les informations destinées à la presse et à la radio.

Section 14. 1) Les communications officielles dûment authentifiées de l'Organisation ne peuvent être censurées.

2) L'Organisation a le droit d'employer des codes, ainsi que d'expédier et de recevoir sa correspondance par courriers ou par valises scellées qui jouissent des mêmes privilèges et immunités que les courriers et valises diplomatiques.

Article VI

REPRÉSENTANTS DES MEMBRES

Section 15. Les personnes qui ne sont pas de nationalité égyptienne et qui représentent des Membres de l'Organisation au sein de ses organes principaux ou subsidiaires, ainsi qu'aux conférences ou réunions convoquées par l'Organisation, jouissent, pendant l'exercice de leurs fonctions et au cours de leur voyage à destination ou en provenance du lieu de réunion, des privilèges et immunités suivants :

- a) immunité d'arrestation ou de détention, en ce qui concerne leur personne, et de saisie de leurs bagages personnels, ainsi qu'immunité de toute juridiction pour tous actes accomplis par eux dans l'exercice de leurs fonctions, y compris leurs paroles et écrits ;
- b) inviolabilité de tous papiers et documents ;
- c) droit de faire usage de codes et d'expédier ou de recevoir des documents ou de la correspondance par courriers ou par valises scellées ;
- d) exemption, pour eux-mêmes et pour leur conjoint, des mesures restrictives en matière d'immigration, ainsi que des formalités d'enregistrement des étrangers et des obligations de service national sur le territoire égyptien ;
- e) mêmes facilités, en ce qui concerne les restrictions monétaires ou de change, que celles qui sont accordées aux représentants de gouvernements étrangers en mission officielle temporaire ;
- f) mêmes immunités et facilités, en ce qui concerne leurs bagages personnels, que celles qui sont accordées aux membres des missions diplomatiques d'un rang comparable ;
- g) tous autres privilèges, immunités et facilités qui ne sont pas incompatibles avec les dispositions précédentes et dont bénéficient les membres des missions diplomatiques d'un rang comparable, sous réserve que ces personnes n'aient pas droit à l'exonération des droits de douane sur les articles importés (si ce n'est en tant que partie de leurs bagages personnels), ni des impôts indirects et des taxes prélevées sur les ventes.

Section 16. En vue d'assurer aux représentants des Membres de l'Organisation, lors des réunions de l'Organisation, une complète liberté de parole et une indépendance entière dans l'accomplissement de leurs fonctions, l'immunité de juridiction en ce qui concerne tous actes accomplis par eux dans l'exercice de leurs fonctions, y compris leurs paroles et écrits, continue à leur être accordée, même au cas où les personnes en question auraient cessé d'exercer lesdites fonctions.

Section 17. Dans le cas où l'incidence d'un impôt quelconque serait déterminée en fonction de la résidence en Egypte, les périodes durant lesquelles les représentants des Membres de l'Organisation assistent, dans l'exercice de leurs fonctions, à une réunion tenue par l'Organisation en Egypte, ne sont pas considérées comme des périodes de résidence.

Section 18. Les privilèges et immunités sont accordés aux représentants des Membres de l'Organisation, non pour l'avantage personnel des intéressés, mais en vue d'assurer en toute indépendance l'exercice de leurs fonctions se rapportant à l'Organisation. Par conséquent, un Membre a non seulement le droit, mais encore le devoir de lever l'immunité de ses représentants dans tous les cas où, à son avis, l'immunité entraverait l'action de la justice et où elle peut être levée sans nuire au but pour lequel elle est accordée. Ce devoir incombe également au

Conseil exécutif de l'Organisation, dans tous les cas de cette nature qui intéresseraient l'une des personnes appelées à faire partie dudit Conseil.

Section 19. Dans la mesure du possible, l'Organisation communique d'avance au Gouvernement de l'Égypte une liste des représentants invités à ses conférences ou réunions.

Article VII

EXPERTS SE TROUVANT EN MISSION POUR LE COMPTE DE L'ORGANISATION

Section 20. Les experts et les conseillers qui, n'étant pas visés par la section 1 (iii) ou, n'étant pas fonctionnaires de l'Organisation, ne bénéficient ni des dispositions de l'article VI, ni de celles de l'article VIII, et qui accomplissent des missions pour le compte de l'Organisation, jouissent des privilèges et immunités nécessaires pour leur permettre d'exercer leurs fonctions en toute indépendance pendant la durée de leur mission, y compris pendant le temps consacré aux voyages se rapportant à leurs missions. Ils jouissent, en particulier, des immunités et privilèges suivants :

- a) immunité d'arrestation et de détention pour leur personne et de saisie de leurs bagages personnels et immunité complète de juridiction pour les actes accomplis par eux dans l'accomplissement de leur mission, y compris leurs paroles et écrits. Cette immunité de juridiction continue à leur être accordée, même au cas où les intéressés ne se trouveraient plus en mission pour le compte de l'Organisation ;
- b) inviolabilité de tous papiers et documents ;
- c) pour leurs communications avec l'Organisation, droit de faire usage de codes et de recevoir et d'expédier des documents ou de la correspondance par courriers ou valises scellées ;
- d) exemption, pour eux-mêmes et pour leur conjoint, des mesures restrictives en matière d'immigration ainsi que des formalités d'enregistrement des étrangers et des obligations de service national en Égypte ;
- e) mêmes facilités, en ce qui concerne les restrictions monétaires ou de change, que celles qui sont accordées aux représentants de gouvernements étrangers en mission officielle temporaire ;
- f) mêmes immunités et facilités, en ce qui concerne leurs bagages personnels, que celles qui sont accordées aux membres des missions diplomatiques.

Section 21. Les privilèges et immunités sont accordés aux experts dans l'intérêt de l'Organisation et non pour l'avantage personnel des intéressés. Le Directeur général a le droit et le devoir de lever l'immunité de tout expert dans tous les cas où, à son avis, l'immunité entraverait l'action de la justice et où elle peut être levée sans nuire aux intérêts de l'Organisation.

Article VIII

FONCTIONNAIRES

Section 22. Le Directeur général, ou le directeur régional agissant en qualité de représentant dûment autorisé de celui-ci, communique, de temps à autre, au Gouvernement de l'Égypte, les catégories et les noms des fonctionnaires auxquels s'appliquent les dispositions du présent article, ainsi que celles de l'article IX.

Section 23. 1) Les fonctionnaires de l'Organisation sans distinction de nationalité jouissent :

- a) de l'immunité de juridiction pour tous actes accomplis par eux dans leur qualité officielle, y compris leurs paroles et écrits ;
- b) de l'exonération des impôts en ce qui concerne les traitements et émoluments qui leur sont versés par l'Organisation.

2) Les fonctionnaires de l'Organisation qui ne sont pas ressortissants égyptiens jouissent, en outre :

- a) pour eux-mêmes, leur conjoint et les membres de leur famille qui sont à leur charge, de l'exemption des mesures restrictives en matière d'immigration, ainsi que des formalités d'enregistrement des étrangers ;
- b) des mêmes privilèges, en ce qui concerne les facilités de change, que les membres des missions diplomatiques d'un rang comparable, accrédités en Egypte ;
- c) pour eux-mêmes, ainsi que pour leur conjoint et les membres de leur famille qui sont à leur charge, des mêmes facilités de rapatriement, en période de crise internationale, que les membres des missions diplomatiques de rang comparable ;
- d) du droit d'importer en franchise de douane leurs meubles et effets lors de leur entrée en fonction en Egypte ou au moment de leur nomination définitive à leur poste ;
- e) du droit d'importer en franchise de douane une voiture automobile, une fois tous les trois ans, étant entendu que les droits de douane seront dus au cas où cette voiture serait vendue ou cédée, dans un délai de trois ans à partir de son importation, à une personne ne bénéficiant pas de cette exonération.

Section 24. 1) Les fonctionnaires de l'Organisation sont dispensés des obligations de service national en Egypte, à la condition que, en ce qui concerne les ressortissants du Gouvernement de l'Egypte, cette dispense soit limitée aux fonctionnaires qui, en raison des fonctions qu'ils remplissent, figurent sur une liste qui aura été établie par le Directeur général ou par le directeur régional agissant en qualité de représentant dûment autorisé de ce dernier et qui aura été approuvée par le Gouvernement de l'Egypte.

2) Si d'autres fonctionnaires de l'Organisation sont appelés au service militaire, le Gouvernement de l'Egypte, à la requête du Directeur général ou du directeur régional, agissant en qualité de représentant dûment autorisé de ce dernier, accorde, dans la mesure du possible, à ces fonctionnaires tout sursis nécessaire pour éviter une gêne sérieuse affectant la continuité du travail indispensable.

Section 25. Outre les privilèges et immunités énumérés à la section 22, le Directeur général, le Directeur général adjoint, les sous-directeurs généraux, le directeur régional en Egypte et son adjoint jouissent, pour eux-mêmes, pour leur conjoint et leurs enfants mineurs, des privilèges, immunités, exemptions et facilités accordés, conformément au droit et à l'usage international, aux envoyés diplomatiques.

Section 26. Les privilèges et immunités sont accordés aux fonctionnaires dans l'intérêt de l'Organisation et non pour l'avantage personnel des intéressés. Le Directeur général a le droit et le devoir de lever l'immunité de tout fonctionnaire dans tous les cas où, à son avis, cette immunité entraverait l'action de la

justice et où elle peut être levée sans porter préjudice aux intérêts de l'Organisation.

Article IX

VISAS, PERMIS DE SÉJOUR, LAISSEZ-PASSER DES NATIONS UNIES
ET AUTRES FACILITÉS

Section 27. 1) Le Gouvernement de l'Égypte prend toutes les mesures nécessaires pour faciliter l'entrée et le séjour en Égypte, ainsi que le départ de ce pays, de toutes les personnes appelées à titre officiel auprès de l'Organisation, à savoir :

- a) les représentants de Membres quels que soient les rapports existant entre l'Égypte et le Membre intéressé ;
- b) les experts et conseillers se trouvant en mission pour le compte de l'Organisation, quelle que soit leur nationalité ;
- c) les fonctionnaires de l'Organisation ;
- d) toutes autres personnes, quelle que soit leur nationalité, qui sont appelées par l'Organisation.

2) Les règlements de police visant à restreindre l'entrée des étrangers en Égypte ou à réglementer les conditions de leur séjour ne s'appliquent pas à l'égard des personnes visées dans la présente section.

3) Le Gouvernement de l'Égypte adresse, à l'avance à ses ambassades, légations et consulats à l'étranger, des instructions générales leur enjoignant d'accorder un visa à tout requérant sur présentation d'un titre, passeport valide ou d'un titre équivalent d'identité et de voyage, ainsi que d'une pièce établissant la qualité officielle du requérant à l'égard de l'Organisation, sans aucun délai ni période d'attente et sans exiger la présence personnelle du requérant, ni l'acquiescement de taxes.

4) Les dispositions de la présente section s'appliquent au conjoint et aux enfants de l'intéressé, si ceux-ci vivent avec lui et n'exercent pas de profession ou d'activité indépendante.

Section 28. Le Gouvernement de l'Égypte reconnaît et accepte comme titre de voyage valable le laissez-passer des Nations Unies remis aux fonctionnaires de l'Organisation conformément à des arrangements administratifs conclus entre le Directeur général de l'Organisation et le Secrétaire général des Nations Unies.

Section 29. Le Directeur général, le Directeur général adjoint, les sous-directeurs généraux, le directeur régional de l'Organisation en Égypte ainsi que les directeurs de l'Organisation se trouvant en voyage officiel pour le compte de celle-ci jouissent des mêmes facilités que les envoyés diplomatiques.

Section 30. 1) L'électricité, l'eau et le gaz sont fournis à l'Organisation dans les locaux mis à sa disposition et un service d'enlèvement des ordures est assuré. Si, pour cause de force majeure, ces services devaient être partiellement ou complètement suspendus, le Gouvernement de l'Égypte accordera aux besoins de l'Organisation la même importance que celle accordée aux besoins de ses propres administrations.

2) Le Gouvernement de l'Égypte exerce la surveillance de police qu'exigent la protection des locaux de l'Organisation et le maintien de l'ordre dans leur voisinage immédiat. A la demande du Directeur général, le Gouvernement de l'Égypte enverra les forces de police nécessaires au maintien de l'ordre à l'intérieur des bâtiments.

Article X

SÉCURITÉ DU GOUVERNEMENT DE L'EGYPTE

Section 31. 1) Rien dans le présent accord n'affecte le droit du Gouvernement de l'Égypte de prendre toutes mesures de précautions nécessaires à la sécurité de l'Égypte.

2) Au cas où il estimerait nécessaire d'appliquer le premier paragraphe du présent article, le Gouvernement égyptien se mettra, aussi rapidement que les circonstances le permettront, en rapport avec l'Organisation mondiale de la Santé en vue d'arrêter d'un commun accord les mesures nécessaires pour protéger les intérêts de l'Organisation.

3) L'Organisation mondiale de la Santé collaborera avec les autorités égyptiennes en vue d'éviter tout préjudice à la sécurité de l'Égypte du fait de son activité.

Article XI

COOPÉRATION ET RÈGLEMENT DES DIFFÉRENDS

Section 32. L'Organisation collabore en tout temps, avec les autorités compétentes de l'Égypte, en vue de faciliter la bonne administration de la justice, d'assurer l'observation des règlements de police et d'éviter tout abus auquel pourraient donner lieu les privilèges immunités et facilités prévus dans le présent accord.

Section 33. L'Organisation doit prévoir des modes de règlement appropriés pour :

- a) les différends en matière de contrat ou autres différends de droit privé dans lesquels l'Organisation serait partie ;
- b) les différends dans lesquels serait impliqué un fonctionnaire de l'Organisation qui, du fait de sa situation officielle, jouit de l'immunité, si cette immunité n'a pas été levée par le Directeur général conformément aux dispositions de la section 26.

Section 34. Toute divergence de vues entre l'Organisation et le Gouvernement égyptien, portant sur l'interprétation ou l'application du présent accord ou de tout accord ou arrangement complémentaire et qui n'aurait pas été réglée par voie de négociation, sera soumise à la décision d'un tribunal d'arbitrage de trois membres : le premier de ces membres sera nommé par le Gouvernement égyptien, le second par le Directeur général de l'Organisation et le troisième, qui présidera le tribunal d'arbitrage, sera désigné par le Président de la Cour internationale de Justice, à moins que les parties au présent accord ne décident, dans un cas particulier, de recourir à un mode différent de règlement.

Article XII

DISPOSITIONS FINALES

Section 35. Le présent accord entre en vigueur dès qu'il aura été ratifié par le Gouvernement de l'Égypte, conformément à sa procédure constitutionnelle, et adopté par l'Assemblée mondiale de la Santé.

Section 36. Dès l'entrée en vigueur du présent accord, son texte est communiqué par le Directeur général de l'Organisation au Secrétaire général des

Nations Unies pour être enregistré, en application de l'article 1 du règlement adopté par l'Assemblée générale des Nations Unies, le 14 décembre 1946, pour donner effet à l'article 102 de la Charte des Nations Unies.

Section 37. Le présent accord peut être révisé à la demande de l'une ou l'autre partie. Dans cette éventualité, les deux parties se consultent sur les modifications qu'il pourrait y avoir lieu d'apporter aux dispositions du présent accord. Au cas où, dans le délai d'un an, les négociations n'aboutiraient pas à une entente, le présent accord peut être dénoncé par l'une ou l'autre partie moyennant un préavis de deux ans.

En foi de quoi, le présent accord a été conclu et signé au Caire le 25 mars 1951, en six exemplaires, dont trois en français et trois en anglais, les textes établis dans chacune de ces deux langues faisant également foi ; deux exemplaires de cet accord, dont l'un en français, et l'autre en anglais, sont remis aux représentants du Gouvernement de l'Égypte et les quatre autres exemplaires au Directeur général de l'Organisation mondiale de la Santé.

Pour l'Organisation mondiale de la Santé :

(Signé) A. T. CHOUCHA PACHA

Pour le Gouvernement de l'Égypte :

(Signé) Mohamed SALAH EL-DINE.

ECHANGE DE LETTRES

I

*Lettre du 25 mars 1951 adressée par le Gouvernement égyptien
à l'Organisation mondiale de la Santé*

Monsieur le Directeur général,

Comme suite à la conclusion de l'accord entre le Gouvernement égyptien et l'Organisation mondiale de la Santé relativement aux privilèges, immunités et facilités qui devront être accordés à cette Organisation en Égypte, j'ai l'honneur de vous communiquer ce qui suit :

1. L'Organisation peut, conformément à la section 8, détenir de l'or et, par les voies normales, en recevoir en Égypte et le transférer hors d'Égypte. L'Organisation ne peut cependant transférer hors d'Égypte une quantité d'or supérieure à celle introduite.

2. En ce qui concerne l'article VIII, l'Organisation et le Gouvernement détermineront par accord mutuel les catégories de fonctionnaires, ainsi que la nature et l'étendue des facilités, privilèges et immunités à accorder à chaque catégorie.

3. En ce qui concerne la section 25, l'Organisation ne revendiquera pas, au bénéfice de membres du personnel du Bureau régional en Egypte qui sont ressortissants égyptiens et quel que soit leur grade, l'immunité de juridiction pénale devant des tribunaux égyptiens pour toute parole prononcée ou écrite et pour tous actes accomplis par eux lorsque ces paroles n'auront pas été prononcées ou écrites ou lorsque ces actes n'auront pas été accomplis dans l'exercice de leurs fonctions officielles.

4. En revendiquant le bénéfice de la section 27 (2) de l'accord, l'Organisation ne demandera pas, au bénéfice des personnes visées à la section 27 (1) la non-application de règlements de police lorsque ces règlements sont pris en vertu de conventions sanitaires internationales ou en vertu de conventions, accords ou règlements similaires adoptés par l'Organisation mondiale de la Santé.

(Signé) Mohamed SALAH EL-DINE.

II

*Lettre du 25 mars 1951 adressée par l'Organisation mondiale de la Santé
au Gouvernement égyptien*

Monsieur le Ministre,

Comme suite à la conclusion de l'accord entre le Gouvernement égyptien et l'Organisation mondiale de la Santé relativement aux privilèges, immunités et facilités qui devront être accordés à cette Organisation en Egypte, j'ai l'honneur de vous communiquer ce qui suit :

1. Je conviens que...

[Voir paragraphes 1 à 4 de la lettre I.]

(Signé) A. T. CHOUCHA PACHA.

**DOCUMENTS RECEIVED FROM
INTERNATIONAL ORGANIZATIONS**

**DOCUMENTS REÇUS
D'ORGANISATIONS INTERNATIONALES**

**DOCUMENTS TRANSMITTED BY THE
DIRECTOR-GENERAL OF THE WORLD HEALTH ORGANIZATION
(ARTICLE 65, PARAGRAPH 2, OF THE STATUTE) ¹**

**I. EXTRACTS FROM COLLECTIONS OF OFFICIAL DOCUMENTS OF THE WORLD
HEALTH ORGANIZATION**

Handbook of Resolutions and Decisions of the World Health Assembly and the Executive Board, Volume I, Section 6.3.2.3., page 357.

WHA32/1979/REC/1. Thirty-second World Health Assembly, Geneva, 7-25 May 1979.

Decision (19), Transfer of the Regional Office for the Eastern Mediterranean, 25 May 1979.

EB64/1979/REC/1. Executive Board, Sixty-fourth Session, Geneva, 28-29 May 1979.

Decision (1), Transfer of the Regional Office for the Eastern Mediterranean, 28 May 1979.

Annex 2, Report of Sub-Committee A of the Special Session of the Regional Committee for the Eastern Mediterranean, Geneva, 12 May 1979 [EM/RC-SSA/3 or EB64/INF.DOC./2].

Second Meeting, 28 May 1979.

EB65/1980/REC/1. Executive Board, Sixty-fifth Session, Geneva, 9-25 January 1980.

Decision (10), Transfer of the Regional Office for the Eastern Mediterranean, 21 January 1980.

EB65/1980/REC/2. Executive Board, Sixty-fifth Session, Geneva, 9-25 January 1980.

Twentieth Meeting, 21 January 1980.

**II. DOCUMENTS OF THE THIRTY-THIRD WORLD HEALTH ASSEMBLY, GENEVA,
5-23 MAY 1980, ON ITEM 42 : TRANSFER OF THE REGIONAL OFFICE FOR THE
EASTERN MEDITERRANEAN ²**

A33/19.

Report of the Working Group, 16 January 1980 [EB65/19, Rev.1 and Add.1].

¹ Received in the Registry in French and in English from 3 to 27 June 1980 (see pp. 316-319, *infra*). Not reproduced.

² See also WHA33/1980/REC/1, pp. 48-81 ; WHA/33/1980/REC/2, pp. 310-319 and 344 ; and WHA33/1980/REC/3, pp. 244-259.

A33/19, Add.1 and 2.

Communications from the Government of Jordan and the Government of the Syrian Arab Republic, 17 April and 5 May 1980.

A33/42.

Memorandum submitted by the delegation of Egypt, 8 May 1980.

A33/INF.DOC.17.

Report of Sub-Committee A of the Special Session of the Regional Committee for the Eastern Mediterranean, Geneva, 9 May 1980 [EM/RC-SSA 2/3].

A33/INF.DOC.19.

United Nations, *Treaty Series*, I, No. 3058, Volume 223, pages 87-108. Agreement between the WHO and the Government of Egypt for the purposes of determining the privileges, immunities and facilities to be granted in Egypt by the Government to the Organization, to the representatives of its Members and to its experts and officials, signed at Cairo on 25 March 1951¹.

A33/INF.DOC.110.

Resolution of Sub-Committee B of the Regional Committee for the Eastern Mediterranean, Geneva, 14 May 1980 [EM/RC-SS2 B/R.1].

A33/INF.DOC.111.

Communication from the delegation of Egypt, 15 May 1980.

A33/INF.DOC.113.

Communication from the delegations of Bahrain, Democratic Yemen, Iran, Iraq, Jordan, Kuwait, Lebanon, Libyan Arab Jamahiriya, Oman, Qatar, Saudi Arabia, Somalia, Sudan, Syrian Arab Republic, Tunisia, United Arab Emirates and Yemen, 19 May 1980.

A33/B/Conf. Papers, Nos. 6, 7 and 8.

Draft resolutions proposed by the following delegations on 16 May 1980 :
Algeria, Bahrain, Democratic Yemen, Iran, Iraq, Jordan, Kuwait, Lebanon, Libyan Arab Jamahiriya, Mauritania, Morocco, Oman, Qatar, Saudi Arabia, Somalia, Sudan, Syrian Arab Republic, Tunisia, United Arab Emirates and Yemen ;

Egypt ;

United States of America (Proposal for an Advisory Opinion of the International Court of Justice).

A33/B/SR/6 and 7.

Committee B, Provisional Summary Record of the Sixth and Seventh Meetings, 16 May 1980.

¹ See pp. 6-24, *supra*.

A/33/47.

Draft Second Report of Committee B, 19 May 1980.
Second Report of Committee B, 20 May 1980.

A33/VR/15.

Provisional Verbatim Record of the Fifteenth Plenary Meeting, 20 May 1980
(with translations into English).

III. DOCUMENTS REFERRED TO BY THE DIRECTOR OF THE LEGAL DIVISION
OF THE WORLD HEALTH ORGANIZATION AT THE FIFTEENTH PLENARY MEET-
ING OF THE THIRTY-THIRD WORLD HEALTH ASSEMBLY

United Nations, *Treaty Series*, I, No. 1259, Volume 92. Agreement between the Government of Egypt and the WHO for the provision of services by the WHO in Egypt, signed at Alexandria on 25 August 1950.

Accords entre le Gouvernement royal égyptien et l'Unesco, signés à Paris le 25 avril 1952.

FAO document C79/25, Rev.1, Annex A. Agreement between the Government of the Kingdom of Egypt and the FAO regarding the Near East Regional Office of the FAO, signed at Cairo on 17 August 1952.

United Nations, *Treaty Series*, I, No. 2925, Volume 215. Agreement between the ICAO and the Government of Egypt regarding privileges, immunities and facilities in Egyptian Territory, signed at Cairo on 27 August 1953.

United Nations document A/34/10. *Report of the International Law Commission on the Work of its Thirty-first Session*, 14 May-3 August 1979, pages 435-436, Question of Treaties Concluded between States and International Organizations or Between Two or More International Organizations, draft Article 56.

**ADDITIONAL DOCUMENTS OR EXTRACTS OF DOCUMENTS
SUPPLIED BY THE WORLD HEALTH ORGANIZATION FOR
INFORMATION ¹**

I. COLLECTIONS OF OFFICIAL DOCUMENTS OF THE WORLD HEALTH ORGANIZATION ²

Handbook of Resolutions and Decisions of the World Health Assembly and the Executive Board, Volumes I (in particular Section 5.2.5.) and II

Official Records, No. 4. Minutes of the Second Session of the Interim Commission, Geneva, 4-13 November 1946.

Fourth Meeting, 8 November 1946.

Annex 15, Headquarters of the WHO, 15-16 October 1946 [WHO.IC/W.4 and 5].

Official Records, No. 5. Minutes of the Third Session of the Interim Commission, Geneva, 31 March-12 April 1947.

Second Meeting, 31 March 1947, Statement prepared by the Department of State of the USA [WHO.IC/Min.3/2].

Annex 26, Privileges and Immunities, Report of the Temporary Panel of Legal Consultants, 26 April 1947 [WHO.IC/71, Rev.1].

Annex 27, Summary Report of the Interim Commission on its Third Session, 25 April 1947 [WHO.IC/76, Rev.1].

Official Records, No. 6. Minutes of the Fourth Session of the Interim Commission, Geneva, 30 August-13 September 1947.

Third and Seventh Meetings, 1 and 12 September 1947.

Annex 2, Report of the Executive Secretary, August 1947 [WHO.IC/87], Part 36.

Annex 22, Report of the Committee on Relations, 11 September 1947 [WHO.IC/119].

Annex 34, The Pan Arab Regional Health Bureau : Its Origin and History, Memorandum by the Egyptian Minister of Public Health, 26 July 1947 [WHO.IC/88].

Annex 53, Report of the Fourth Session of the Interim Commission, 19 September 1947 [WHO.IC/124, Rev.1].

Official Records, No. 7. Minutes and Documents of the Fifth Session of the Interim Commission, Geneva, 22 January-7 February 1948.

Annex 2, Report of the Executive Secretary, January 1948 [WHO.IC/131], Part 38.

¹ Received in the Registry in French and/or in English from 10 July to 26 November 1980 (see pp. 319-323, 327-329 and 332-342, *infra*).

² Not reproduced.

Annex 49, resolution concerning the determination of geographical regions, 2 February 1948 [WHO.IC/176].

Official Records, No. 10. *Report of the Interim Commission to the First World Health Assembly*, Part II, May 1948 ¹.

Report of the Committee on Headquarters, Action taken by the Interim Commission.

Report on the proposed Convention on the Privileges and Immunities of Specialized Agencies.

Official Records, No. 12. *Supplementary Report of the Interim Commission to the First World Health Assembly*, 1948.

Report on the Sanitary Bureau at Alexandria by Dr. A. Stampar, 19 May 1948.

Official Records, No. 13. *First World Health Assembly*, Geneva, 24 June-24 July 1948 ¹.

Fourth Meeting of the Committee on Headquarters and Regional Organization, 5 July 1948 [A/HQ/Min./4].

Second Report of the Committee on Headquarters and Regional Organization, 8 July 1947 [A/47 and A/47, Add.1].

Official Records, No. 17. *Report of the Executive Board, Third Session*, Geneva, 21 February-9 March 1949 ¹.

Annex 16, Report on the First Session of the Regional Committee for the Eastern Mediterranean, 18 February 1949 [EB3/55, incorporating RC/EM/3 and 9-11 as Appendices 2-5].

Annex 17, Temporary Working Arrangement between the WHO and the Pan American Sanitary Bureau, 1 February 1949 [EB3/22, Add.1] ².

Official Records, No. 21. *Second World Health Assembly*, Rome, 13 June-2 July 1949.

Fifth and Ninth Meetings of Committee on Constitutional Matters, 20 June [A2/CM/Min./5] and 24 June 1949 ².

Second Report of Committee on Constitutional Matters, 20 June 1949 [A2/78]. Draft resolution on Agreement with the Government of Egypt, 9 June 1949 [A2/50].

Annex 11, Agreement between the WHO and the Government of India, 1949.

Annex 12, Agreement with the Pan American Sanitary Organization. Appendix 2, letter from the Director-General of the WHO to the Director of the Pan American Sanitary Bureau, 24 May 1949 ².

Official Records, No. 35. *Fourth World Health Assembly*, Geneva, 7-25 May 1951 ¹.

Third and Fourth Meetings of Legal Sub-Committee, 17 May 1951.

¹ Complete volume also supplied.

² See pp. 340-341, *infra*. For final agreement, see WHO, *Basic Documents*, or United Nations, *Treaty Series*, II, No. 178, Vol. 32.

Annex 7, Draft Agreement between the WHO and the Government of Egypt, 5 May 1951 [A4/11, Add.1].

Official Records, No. 40. *Executive Board, Ninth Session*, Geneva, 21 January-4 February 1952.

Annex 11, Agreement between the WHO and the Government of the Philippines, Manila, 22 July 1951.

Official Records, No. 46. *Executive Board, Eleventh Session*, Geneva, 12 January-4 February 1953.

Annex 4, Agreement between the Government of France and the WHO, Geneva/Paris, 25 July-1 August 1952.

Official Records, No. 68. *Executive Board, Seventeenth Session*, Geneva, 17 January-2 February 1956.

Annex 4, Agreement between the WHO and the Government of Denmark, Geneva, 29 June/7 July 1955.

Official Records, No. 160. *Twentieth World Health Assembly*, Geneva, 8-26 May 1967.

Annex 10, Agreement on the Privileges and Immunities of the International Agency for Research on Cancer, Paris, 14 March 1967.

Official Records, No. 246. *Executive Board, Sixty-first Session*, Geneva, 11-26 January 1978.

Sixth Meeting, 13 January 1978¹.

WHA32/1979/REC/1, 2 and 3. *Thirty-second World Health Assembly*, Geneva, 7-25 May 1979².

WHA33/1980/1, 2 and 3. *Thirty-third World Health Assembly*, Geneva, 5-23 May 1980.

EB64/1979/REC/1. *Executive Board, Sixty-fourth Session*, Geneva, 28-29 May 1979.

EB65/1980/REC/1 and 2. *Executive Board, Sixty-fifth Session*, Geneva, 9-25 January 1980³.

EB66/1980/REC/1. *Executive Board, Sixty-sixth Session*, Geneva, 26-27 May 1980.

First Meeting, 26 May 1980.

¹ See pp. 337 and 339, *infra*.

² See p. 338, *infra*.

³ See pp. 338 and 342, *infra*.

II. MIMEOGRAPHED OR TYPEWRITTEN DOCUMENTS OF THE WORLD HEALTH ORGANIZATION

First World Health Assembly, Geneva, 24 June-24 July 1948 ¹

A/HQ/3
5 juillet 1948.

Commission du siège et de l'organisation régionale

Projet de résolution soumis par la délégation égyptienne ²

Considérant que l'article 54 de la Constitution de l'OMS prévoit que toute organisation régionale intergouvernementale de santé existant avant la date de la signature de cette Constitution sera intégrée en temps voulu dans l'Organisation et que cette intégration s'effectuera par une action commune basée sur le consentement mutuel des autorités compétentes exprimé par l'organisation intéressée ;

Considérant que le Bureau régional d'Alexandrie a été tenu, conformément à la décision prise par la ligue des Etats arabes, le 6 avril 1946, pour Bureau régional sanitaire des Etats membres de cette ligue, et que ces Etats ont consenti en janvier 1948 à intégrer ce Bureau dans l'Organisation mondiale de la Santé en le transformant en une véritable organisation régionale présentant les caractères et remplissant les fonctions prévues par les articles 44 à 53 de la Constitution de l'OMS, et tenant compte de la possibilité d'inclure des Etats faisant actuellement partie du Bureau régional d'Alexandrie ainsi que d'autres Etats compris dans la région géographique et qui possèdent des intérêts sanitaires communs ;

Considérant d'autre part que l'article 44 de la Constitution de l'OMS dispose dans son alinéa a) que l'Assemblée de la Santé détermine les régions géographiques où il est désirable d'établir une organisation régionale et que l'alinéa b) du même article attribue à cette Assemblée le pouvoir d'établir, avec le consentement de la majorité des Etats membres situés dans chaque région, une organisation régionale pour répondre aux besoins particuliers de cette région ;

Considérant que la délimitation des régions géographiques doit être à la fois commandée et par la ressemblance des conditions sociales et sanitaires et par la possibilité d'assurer une coopération entre les parties intéressées en vue de créer une organisation utile ;

Considérant que ces deux éléments existent d'une façon singulièrement remarquable dans la région englobant à l'heure actuelle les Etats membres de la Ligue arabe, les Etats membres du Bureau régional d'Alexandrie ainsi que les autres Etats du Moyen et Proche-Orient et que l'intention de participer à une organisation commune a été formellement déclarée par les membres de la Ligue arabe aussi bien que par nombre d'autres Etats situés dans cette région ;

¹ See also WHO, *Official Records*, Nos. 10, 12 and 13, and United Nations documents E/1076 and 1340 (pp. 113-115, *infra*).

² Non adopté.

Considérant que l'Égypte occupe dans le Moyen-Orient une situation centrale, qu'elle est dotée d'un régime sanitaire développé et dispose de tous les instruments indispensables à la réalisation des buts à atteindre par une organisation régionale ;

Considérant que par sa situation géographique dans le voisinage du canal de Suez, carrefour par lequel passent toutes les voies maritimes menant d'Amérique et d'Europe vers les pays du Proche et Moyen-Orient ainsi que toutes les routes terrestres conduisant d'Afrique en Asie et inversement, et près duquel se trouvent Le Caire, centre du réseau d'aviation mondiale, Alexandrie soit la ville la plus indiquée pour y établir le siège de l'organisation régionale, surtout si l'on tient compte de son passé comme centre d'une activité sanitaire internationale du genre de celle que prévoit la Constitution de l'OMS, des facilités que cette ville est en mesure d'offrir en tout ce qui concerne le personnel spécialisé, les installations, le travail scientifique et les moyens de communication, ainsi que du fait que le Gouvernement égyptien a offert de mettre à la disposition de l'Organisation un bâtiment des plus grands et des plus appropriés qui fut occupé dans le temps par le Service quarantenaire et sanitaire maritime et qui est occupé actuellement par le Bureau sanitaire régional d'Alexandrie ;

Considérant, au surplus, que le rapport présenté à la Commission intérimaire le 19 mai 1948 (WHO.IC/201) au sujet du Bureau sanitaire d'Alexandrie déclare en conclusion que « les conditions qui militent en faveur du choix d'Alexandrie comme centre de la future organisation sanitaire régionale pour le Proche et Moyen-Orient sont absolument exceptionnelles ».

L'Assemblée mondiale de la Santé *décide* :

Que le Bureau régional d'Alexandrie est intégré dans l'Organisation mondiale de la Santé à titre d'organisation régionale régie par les articles 44 à 53 de la Constitution de l'OMS.

*Provisional*¹ *Verbatim Record of the Eleventh Plenary Meeting*

Palais des Nations, Geneva, Saturday, 10 July 1948, at 10 a.m.

President. Dr. Andrija Stampar (Yugoslavia).

.....

3. Second Report of the Committee on Headquarters and Regional Organization (Document A/47)

The President : We now come to the second report of the Committee on Headquarters and Regional Organization, in document A/47. May I ask the Chairman of the committee to come and report ?

Dr. Zozaya (Mexico), Chairman of the Committee on Headquarters and Regional Organization : The Committee on Headquarters and Regional Organization has already reported on the subject of headquarters. The second report concerns the regional organizations. In several very active meetings we came to a

¹ For final text, see WHO, *Official Records*, No. 13.

final conclusion to present to the Assembly certain resolutions, which I should like the Rapporteur to read to you.

The President : May I ask the Rapporteur of the Committee to report ?

Mr. Hewitson (Union of South Africa), Rapporteur : The second report of the Committee on Headquarters and Regional Organization :

"The Committee on Headquarters and Regional Organization met on 30 June 1948, at 10 a.m. and 2.30 p.m. ; on 1 July, at 2.30 p.m. ; on 5 July, at 2.30 p.m. ; and on 7 July at 10 a.m.

The recommendations of the Committee on the Site of Headquarters for the World Health Organization have already been submitted to the Assembly.

As regards regional organization ; the committee, as a first step, established five working parties to consider (1) the delimitation of geographical areas, and (2) the desirability of establishing regional organizations in these areas.

The proposals of these working parties, which were fully discussed and approved by the committee, are described below :

A. Delimitation of geographical areas :

1. *Eastern Mediterranean Area*, comprising the following countries : Egypt, Saudi Arabia, Iraq, Syria, Lebanon, Transjordan, Yemen, Iran, Turkey, Pakistan, Greece, Ethiopia, Eritrea, Tripolitania, Dodecanese Islands, British Somaliland, French Somaliland, Aden, Cyprus."

Palestine has inadvertently been omitted from the list of countries comprising the Eastern Mediterranean area as set out in document A/47. It was, in fact, included in the delimitation proposed by the working party on this area.

"2. *Western Pacific Area*, comprising the following countries : Australia, China, Indochina, Indonesia, Japan, Korea, the Philippines, New Zealand, and, provisionally, the Malay Peninsula.

3. *South-East Asia Area*, comprising the following countries : Burma, Siam, Ceylon, Afghanistan, India ; the inclusion of the Malay Peninsula to await the definite decision of this country as to which regional organization it desires to join.

4. *European Area*, comprising the whole of Europe.

5. *African Area*, comprising the following countries and territories : A primary region is suggested for all Africa south of the 20 degree N. parallel of latitude to the western border of the Anglo-Egyptian Sudan, to its junction with the northern border of the Belgian Congo, thence eastwards along the northern borders of the Belgian Congo, thence eastwards along the northern borders of Uganda and Kenya ; and thence southwards along the eastern border of Kenya to the Indian Ocean.

B. Desirability of establishing regional organizations :

The Committee discussed at considerable length the necessity for establishing regional organizations in some or all of these areas during the year 1949. As a result of this discussion the committee agreed that :

1. As soon as the consent of a majority of Members of a regional area is obtained, a regional organization should be established in that area ; where the consent of a majority of the Members has not yet been obtained, a

regional organization in the respective area should be established as soon as the necessary consent becomes available.

2. As regards the Eastern Mediterranean Area, the committee recommends that the regional organization which already exists in that area, viz. the Alexandria Regional Bureau, be integrated with the World Health Organization as soon as possible, through common action, in accordance with Article 54 of the Constitution.

3. As regards Europe, the committee recommends that a temporary special administrative office be established as soon as possible for the primary purpose of dealing with the health rehabilitation of war-devastated countries in that area.

The committee further brings to the attention of the Assembly the fact that negotiations have not yet been completed for the *integration of the Pan American Sanitary Organization with the World Health Organization*. The committee recommends that these negotiations be brought to a successful close as soon as possible.

Accordingly, the following resolutions are placed before the Assembly for approval :

Resolution I : In accordance with Article 44 of the WHO Constitution, the first World Health Assembly resolves to define the geographical areas as indicated in the second report of the Committee on Headquarters and Regional Organization.

Resolution II : The first World Health Assembly resolves that the Executive Board be instructed :

To establish regional organizations in the areas indicated in the second report of the Committee on Headquarters and Regional Organization as soon as the consent of a majority of Members situated within such area is obtained ; where the consent of a majority of the Members has not yet been obtained, a regional organization in the respective area should be established as soon as the necessary consent becomes available ; as regards the Eastern Mediterranean Area, to integrate the regional organization which already exists in that area, viz. the Alexandria Regional Bureau, with the World Health Organization as soon as possible, through common action, in accordance with Article 54 of the WHO Constitution ; as regards Europe, to establish a temporary special administrative office as soon as possible for the primary purpose of dealing with the health rehabilitation of war-devastated countries in that area."

The President : The delegate of Greece.

Dr. Orfanidis (Greece) (interpretation from French) : In the second report on regional organization, which you have just heard, there are some points to which I desire to draw attention.

First, in regard to the delimitation of geographical areas, the enumeration includes the Dodecanese Islands. I would point out that the Dodecanese Islands belong to Greece – that fact has been recognized for more than a year – and therefore they should not be included separately in this enumeration.

In regard to the question of the integration of the Bureau at Alexandria, in so far as it concerns Greece, I am awaiting instructions from my Government on that point.

The President : It is perfectly clear that any government is entitled to say to

which region it is willing to belong. Is the Assembly willing to accept the resolution as set out in document A/47 with the reservation made by the delegate of Greece ?

I see that there are no remarks and no objections. Therefore, I declare that the resolution contained in document A/47, with the reservation of the Greek delegate, is approved.

A/94. Rev. 1
22 July 1948.

*Summary of Resolutions and Decisions of the First World Health Assembly*¹

Palais des Nations, Geneva, 24 June-24 July 1948

Note : Resolutions are given in an abbreviated form. Resolutions contained in the texts of reports of main committees, which were approved as a whole, are not reproduced. In each case, the numbers of the documents containing such texts are given in parentheses.

Committee on Headquarters and Regional Organization

The Assembly

Approved the first report of the Committee on Headquarters and Regional Organization (A/38).

Resolved that Geneva should be the permanent headquarters of the World Health Organization, subject to consultation with the United Nations.

(Tenth Plenary Meeting, 11.30 a.m., 2 July.)

Approved the second report of the Committee on Headquarters and Regional Organization (A/47 and Add.1), with a reservation made by the delegation of Greece.

Resolved on the delineation of the following as geographical areas : (1) Eastern Mediterranean Area, (2) Western Pacific Area, (3) South-East Asian Area, (4) European Area, (5) African Area, (6) American Area.

Resolved that the Executive Board should be instructed to establish regional organizations in accordance with the delineation of geographical areas decided upon and as soon as the consent of a majority of Members situated in such areas had been obtained.

(Eleventh Plenary Meeting, 10 a.m., 10 July.)

¹ See also WHO, *Official Records*, No. 13, and WHO, *Handbook of Resolutions and Decisions of the World Health Assembly and the Executive Board*, Vol. I, Section 5.1.1.

**First Meeting of the Regional Committee for the Eastern Mediterranean, Cairo,
7-10 February 1949¹**

RC/EM/1, Rev.1
4 February 1949.

*Agenda for the Meeting of the Regional Committee for the Eastern Mediterranean
Area*

1. Opening of Session.
2. Election of Chairman, Vice-Chairman and Rapporteur.
3. Approval of the Provisional Agenda (doc. RC/EM/1/Rev.1).
4. Approval of the Rules of Procedure (doc. RC/EM/2).
5. Location of the Regional Office (doc. RC/EM/6).
6. Administrative Policies on Finance and Personnel (doc. RC/EM/4, 5).
7. Programme in 1949 (Oral presentation by Director-General followed by general discussion).
8. Programme in 1950 (Proposals for assistance by WHO to be presented by delegates followed by general discussion).
9. Epidemiological Intelligence Service (doc. RC/EM/7).
10. Date of commencement of operations in the Regional Office.
11. Integration of the Sanitary Bureau at Alexandria (doc. RC/EM/3).
12. Draft agreement with the Host Government of the Regional Office.
13. Nomination of the Regional Director.
14. Draft Budget of the Regional Office.
15. Time and Place of the next meeting.
16. Other Business.

RC/EM/2
1 January 1949.

Draft Rules of Procedure

I. MEMBERSHIP

Rule 1

The Regional Committee (hereinafter referred to as the "Committee") shall consist of representatives (hereinafter referred to as the "members"), one each from the States Members forming the Eastern Mediterranean Region of the WHO (hereinafter referred to as the "Region"). The members may be accompanied by alternates and advisers.

¹ See also Report of the first series of the Regional Committee for the Eastern Mediterranean (EB3/55 incorporated in WHO, *Official Records*, No. 17, Annex 16). Documents RC/EM/3 and 9-11, which are not reproduced below, are to be found in Appendices 2-5 to this report.

Rule 2

The members shall be nominated by the States Members concerned for a three-years' term.

The term of office of each member shall begin on the opening day of the first meeting of the Committee held after the nomination of the member concerned and shall end at the expiration of a period of three years.

During this period the State Member may change its nominee.

Rule 3

When a member nominated to serve on the Committee is prevented from attending a meeting, the State Member concerned may nominate an alternate to serve in his place with the same status as the absent member.

Rule 4

Should a member be absent at two consecutive sessions of the Committee, the Regional Director (hereinafter referred to as the "Director") shall report this fact to the Committee for its consideration.

II. CREDENTIALS

Rule 5

The States Members concerned shall inform the Director in writing of the names of the nominee and of any alternate.

III. SESSIONS

Rule 6

The Committee shall hold at least one session a year. It shall determine at each session the time and place of its next session.

Rule 7

The Director, in consultation with the Chairman of the Committee, shall also convene the Committee at the joint request by any five States Members, addressed to him in writing and stating the reason for the request. In this case the session shall be convened within 30 days following receipt of the request. Such a session shall be held at Regional Headquarters unless the Director, in consultation with the Chairman of the Committee, determines otherwise.

Rule 8

The meetings of the Committee shall be held in public unless the Committee decides otherwise.

IV. AGENDA

Rule 9

The provisional agenda of each session shall be drawn up by the Director in consultation with the Chairman. Except in the case of sessions convened under Rule 7, it shall be despatched by the Director to the members of the Committee

and the Director-General of the World Health Organization (hereinafter referred to as the "Director-General") at least six weeks prior to the commencement of the session together with the notice convening the Committee.

Rule 10

The provisional Agenda of each session shall include *inter alia* :

- (a) all items the inclusion of which has been ordered by the Health Assembly ;
- (b) all items the inclusion of which has been ordered by the Executive Board of the World Health Organization ;
- (c) any item proposed by the Director-General ;
- (d) any item proposed by a Member or Associate Member of the Region ;
and
- (e) any item proposed by a member of the Committee.

Proposals under items (d) and (e) above should be received by the Director at least eight weeks prior to the commencement of the session.

Rule 11

The Director may, in consultation with the Chairman, include any question suitable for the agenda which may arise between despatch of the provisional agenda and the opening day of the session in a supplementary agenda which the Committee shall examine together with the provisional agenda.

V. OFFICERS OF THE COMMITTEE

Rule 12

The Committee shall elect its officers, a Chairman and one Vice-Chairman, from among its members each year at its first session held during that year. These officers shall be in office until their successors are elected. The Chairman shall not become eligible for re-election until two years have elapsed since he ceased to hold office.

Rule 13

If the Chairman is absent from a meeting or any part thereof, the Vice-Chairman shall preside. The same procedure shall be adopted when the Chairman is unable to attend a session of the Committee.

Rule 14

If the Chairman for any reason is unable to complete his term of office, the Committee shall elect a new Chairman for the remaining period of his term.

VI. SUB-COMMITTEES OF THE COMMITTEE

Rule 15

The Committee may establish such sub-committees as it may deem necessary for the study of, and report on, any item on its agenda.

The Committee shall review from time to time, and in any case once a year, the need to maintain any sub-committee established under its authority.

VII. SECRETARIAT

Rule 16

The Director shall act as the Secretary of the Committee and of any subdivision thereof. He may delegate these functions.

Rule 17

The Director, or a member of the Secretariat designated by him as his representative, may at any time make either oral or written statements concerning any question under consideration.

Rule 18

The Secretariat shall prepare minutes of the meetings. These minutes shall be prepared in both working languages and shall be distributed to the members as soon as possible after the close of the meeting to which they relate. Within 20 days thereafter members shall inform the Secretariat in writing of any corrections they wish to have made.

Rule 19

All resolutions, recommendations, and other important decisions of the Committee shall be communicated by the Director to the members of the Committee and to all States Members and Associate Members of the Region and to the Director-General.

VIII. LANGUAGES

Rule 20

English and French shall be the official and working languages.

Rule 21

Any delegate may speak in a language other than the official languages. In this case, he shall himself provide for interpretation into one of the working languages.

IX. VOTING

Rule 22

Unless otherwise provided by the Constitution of the Organization¹ or resolved by the Health Assembly², the decisions of the Committee shall be made by a majority of the members present and voting.

¹ Article 60 of the Constitution of the World Health Organization.

² Article 55 of the Provisional Rules of Procedure of the World Health Assembly.

Rule 23

Each member of the Committee shall have one vote. For the purpose of these rules, the phrase "members present and voting" means members casting an affirmative or negative vote. Members who abstain from voting shall be considered as not voting.

In a secret ballot an invalid vote shall be so reported to the Committee and shall be counted as an abstention.

Rule 24

The Committee shall normally vote by show of hands. However, any member may request a roll-call which shall then be taken in the alphabetical order of the names of the members.

Rule 25

The vote of each member participating in any roll-call shall be inserted in the records.

Rule 26

All elections and the nomination of the Director shall be decided by secret ballot.

Rule 27

A secret ballot on any other question shall be taken at the request of one member supported by at least two other members.

Rule 28

When only one elective place is to be filled and no candidate obtains in the first ballot the majority required, a second ballot shall be taken which shall be restricted to the two candidates obtaining the largest number of votes. If in the second ballot the votes are equally divided, the Chairman shall decide between the candidates by drawing lots.

Rule 29

When two or more elective places are to be filled at one time under the same conditions those candidates obtaining in the first ballot the majority required shall be elected. If the number of candidates obtaining such majority is less than the number of places to be filled, there shall be additional ballots to fill the remaining places, the voting to be restricted to the candidates obtaining the greatest number of votes in the previous ballot to a number not more than twice the places remaining to be filled.

Rule 30

If a vote is equally divided on matters other than elections, the proposal shall be regarded as rejected.

X. CONDUCT OF BUSINESS*Rule 31*

Five members of the Committee shall constitute a quorum.

Rule 32

A member may designate an alternate who shall have the right to speak and vote. An adviser, at a member's request, may be allowed to speak by the Chairman.

Rule 33

In addition to exercising the powers conferred upon him elsewhere by these rules, the Chairman shall declare the opening and closing of each meeting of the Committee, shall direct the discussion, ensure the observance of these rules, accord the right to speak, put questions to the vote and announce decisions and results of the voting.

Rule 34

During the discussion of any matter, a member may rise to a point of order, and the point of order shall be immediately decided by the Chairman in accordance with these rules.

Rule 35

During the discussion on any matter, a member may move the suspension or adjournment of the debate. Any such motion if seconded shall be put to the vote immediately and without further discussion.

Rule 36

The Committee may limit the time to be allowed to each speaker.

Rule 37

A member may at any time move the closure of the debate, whether or not any other member has signified his wish to speak.

Permission to speak against the closure may be accorded to not more than one member.

Rule 38

The Chairman shall take the sense of the Committee on any motion of closure. If the Committee is in favour of the motion, the Chairman shall declare the closure of the debate.

Rule 39

Parts of a proposal shall be voted on separately if a member requests that a proposal be divided.

Rule 40

When an amendment revises, adds to, or deletes from a proposal, the amendment shall be voted on first, and if it is adopted, the amended proposal shall then be voted on.

Rule 41

If two or more amendments are moved to a proposal, the Committee shall first vote on the amendment furthest removed in substance from the original proposal

and then on the amendment next furthest removed therefrom, and so on, until all the amendments have been put to the vote. The Chairman shall determine the order of voting on the amendments under this rule.

Rule 42

A motion may be withdrawn by its proposer at any time before voting on it has begun, provided that the motion has not been amended. A motion withdrawn may be re-introduced by any member.

Rule 43

When a proposal has been adopted or rejected it may not be reconsidered at the same session of the Committee, unless the Committee, by a two-thirds majority of the members present and voting so decides. Permission to speak on a motion to reconsider shall be accorded only to two speakers opposing the motion, after which it shall be immediately put to the vote.

Rule 44

The Chairman may at any time require any proposal, motion, resolution, or amendment to be seconded.

XI. SUSPENSION AND AMENDMENT OF RULES OF PROCEDURE

Rule 45

Subject to the provisions of the constitution, any of these rules may be amended or suspended by the Committee provided that at least 48 hours' notice of the proposal for such amendment or suspension has been given to the Chairman and communicated by him to the members 24 hours before the meeting at which the proposal is to be submitted. If, however, on the advice of the Chairman the Committee is unanimously in favour of such a proposal, it may adopt it immediately and without notice.

XII. GENERAL PROVISIONS

The Committee may at its discretion apply such Rules of Procedure of the Health Assembly or the Executive Board of the World Health Organization as it may deem appropriate to particular circumstances.

RC/EM/6
19 January 1949.

*Location of the Regional Office of the WHO
in Eastern Mediterranean Area*

In determining the location of regional offices of the World Health Organization, it must be mentioned that the Constitution makes no provision for the

method of determining the location of regional offices. However, consideration must be given to the obligations which the World Health Organization has assumed under its agreement with the United Nations.

Article XI (2) of the agreement between the United Nations and WHO states that :

“Any regional or branch offices which the World Health Organization may establish shall, so far as practicable be closely associated with such regional or branch offices as the United Nations may establish.”

It should be noted that the following United Nations offices are already established in the Eastern Mediterranean Area in Cairo : Food and Agriculture Organization and International Labour Office ; it is intended to establish a United Nations Information Centre in Cairo in the near future.

It appears evident, in view of the terms of the Agreement between the United Nations and the World Health Organization that any decision regarding the location of the Regional Office in the Eastern Mediterranean Area must be subject to negotiations with the United Nations and, therefore, any action taken by the Regional Committee regarding the location of this office must be provisional, until clearance is obtained.

This matter will then be put before the Administrative Committee on Co-ordination which meets in New York, either in February, if time permits, or in May.

RC/EM/7
26 January 1949.

Role of the Sanitary Bureau at Alexandria as a Regional Bureau for Epidemiological Notifications and Information under the International Sanitary Conventions

Statement by the Director-General

The Sanitary Bureau at Alexandria has in the past acted as a regional bureau for the urgent notifications prescribed under Articles 1, 2, 4 and 6 of the International Sanitary Convention of 1926, in application of an agreement provided for under Article 7 of the said Convention.

The Sanitary Bureau at Alexandria has in this respect covered the countries bordering on the Eastern Mediterranean and the Red Sea.

The urgent notifications alluded to above were telegraphed to interested countries in case of emergency and embodied in a weekly broadcast made from Abu-Zabal Station.

This broadcast was suspended, owing to war conditions, from the end of 1939 to 1945. Since then it has been maintained without interruption or alteration, irrespective of the authority under which the Bureau operated.

It is essential that the Bureau's integration in the WHO should not result in an

impairment of functions which have been carried out efficiently for many years. Integration should merely facilitate the co-ordination of these functions with those exercised in the same field by the WHO Headquarters and by the Singapore Epidemiological Information Station.

Countries now covered and served by the Sanitary Bureau at Alexandria should continue to send to the Eastern Mediterranean Regional Office for regional distribution, their *telegraphic* notifications of pestilential diseases and of quarantine measures taken.

They should also send to the Office, *by mail*, their routine epidemiological and statistical returns, not only to confirm telegraphic notifications previously sent, but to enable the Regional Office to be better informed as to the health situation in the region.

Countries should at the same time send by mail a copy of these routine epidemiological and statistical returns to the Division of Epidemiology of WHO at Geneva, so that without the loss of time and money involved in relaying from the regional to the central office, the information contained in the returns may be available for world-wide studies.

The Regional Office itself should of course continue to relay by cable to Geneva – and, by arrangement, to other regional epidemiological stations and bureaux – the telegraphic notifications collected under the Sanitary Conventions.

RC/EM/8
5 February 1949.

*Draft Budget for Regional Office, Eastern Mediterranean Region,
including Epidemiological Intelligence Station*

Chapter (1)

Personal Services	50,350	
Personal Allowances	<u>18,565</u>	
Total Chapter (1)		68,915

Chapter (2)

Travel and Transportation Services	15,000	
Space and Equipment Services	500	
Other Services	10,850	
Supplies and Materials	2,450	
Fixed Charges	500	
Acquisition of capital assets	<u>13,500</u>	
Total Chapter (2)		<u>42,800</u>
Total Chapters (1) and (2)		111,715

Budget Detail

Chapter (1)

Personal Services (Salaries)

<i>Number</i>	<i>Post</i>	<i>Category</i>	<i>Amount</i> ¹	
1	Regional Director	—	13,500	
1	Deputy Regional Director	—	10,000	
1	Medical Officer, Planning	I	7,000	
1	Information Officer	I	7,000	
3	Secretary	III	7,500	
1	Epidemiologist	I	7,000	
1	Health Statistician	II	4,000	
1	Secretary	III	2,500	
2	Clerks (epid.)	III	5,000	
1	Administrative and Finance Officer	I	7,000	
1	Accountant	II	4,000	
1	Secretary	III	2,500	
1	Accounts Clerk	III	2,500	
1	Conference and Gen. Service Officer	II	4,000	
1	Registrar (clerk)	III	2,500	
1	Clerk (file)	III	2,500	
1	Travel Clerk	III	2,500	
4	Stenographer	III	10,000	
—	Custodial Staff		<u>5,000</u>	
24			106,000	
	Deduction for 6 months operation and 5% for recruitment lapse	—	<u>55,650</u>	50,350
	<i>Allowances</i>		37,130	
	Deduction for 6 months operation	—	<u>18,565</u>	18,565

Chapter (2)

Travel and Transportation Services

(1)	Travel and transportation related to operation of Regional Office		6,000	
(2)	Travel and transportation related to recruitment and transportation of personal effects		<u>12,000</u>	
			18,000	
	Deduction for 6 months operation (1)	—	<u>3,000</u>	15,000

Space and Equipment Services

	Electricity, water and telephone, etc.		1,000	
	Deduction for 6 months operation	—	<u>500</u>	500

¹ *Note.* The above categories represent a grouping of grades with an average salary for each category used for convenience in Budget calculations. Actual grade and salary for each post will be established under Personnel Rules.

Other Services

(1) Printing and Binding (chiefly epidemiological service)	10,000	
(2) Epidemiological Communications (cable, radio broadcast and postage)	10,000	
(3) Cables and postage other than (2)	1,200	
(4) Miscellaneous services	500	
	<u>21,700</u>	
Deduction for 6 months operation	- 10,850	10,850

Supplies and Materials

(1) Office stationery and supplies. Books and periodicals	2,500	
(2) Building maintenance supplies	2,400	
	<u>4,900</u>	
Deduction for 6 months operation	- 2,450	2,450

Fixed Charges

Insurance	1,000	
Deduction for 6 months operation	- 500	500

Acquisition of Capital Assets

(1) Furniture	6,000	
(2) Typewriters (12)	2,400	
(3) Duplicating Machine (1 large)	800	
(4) Calculating Machines (2)	800	
(5) Station wagon (1)	3,500	
	<u>13,500</u>	
Deduction for 6 months operation	<u>None</u>	13,500

Summary Minutes

Second Session, Monday, p.m., 7 February 1949

Election of Officers

The delegate of Egypt was nominated by the delegate of Pakistan to the office of Chairman to which he was unanimously elected. The delegates of Pakistan and Turkey were then nominated as Vice-Chairmen and elected unanimously. The delegate of Iraq was nominated Rapporteur by the delegate of Egypt and unanimously elected.

Approval of Provisional Agenda (Document RC/EM/1, Rev. 1)

A motion was made and passed unanimously to approve the provisional agenda.

Approval of Rules of Procedure (Document RC/EM/2)

A motion was proposed and adopted to alter Article 12 to make provision for two Vice-Chairmen instead of one.

A discussion took place concerning the definition of members and the status of non-self-governing territories in the Region. It was explained that the definition of members and the status of associate members and non-self-governing territories was a matter which would be settled by the Health Assembly ; it need not, therefore, be discussed by the Regional Committee.

The delegate of France proposed that the Rules of Procedure be adopted provisionally as his Government could not determine its position in the matter until there is a definition of membership status.

It was agreed that as the Rules of Procedure can be amended at any time and as the definition of membership would be decided by the Health Assembly, there should be no difficulty in approving the Rules of Procedure as presented. A motion approving the Rules of Procedure was adopted with the provision that the remarks of the delegate of France should appear in the verbatim report.

The Observer from FAO asked whether the Rules of Procedure made any provision for representation by Specialized Agencies. *The Director-General* explained that this was provided for in the agreements between WHO and Specialized Agencies under which the latter could be represented as "observers" and could speak upon any subject which concerns them with the consent of the Chairman.

A question was asked concerning the meaning of Article 12 with respect to the length of the term of the Chairman. It was explained that the Chairman is entitled to hold office for a period of one year but he cannot be re-elected except after an interval of two years. The bar to immediate re-election, however, does not apply to other offices.

Location of the Regional Office (Document RC/EM/6)

A statement by the *Director-General* concerning this question was read : Following this, the *delegate of Egypt* presented a statement (document RC/EM/9) to the effect that the Government of Egypt is taking steps to offer the site and building at Alexandria to the WHO for a period of nine years. A motion was then made and adopted to recommend to the Director-General and the Executive Board, subject to consultation with the United Nations, the selection of Alexandria as the site of the Regional Office. A resolution on this point will be prepared.

.....

Third Session, Tuesday, a.m., 8 February 1949

Position of Regional Office

The morning meeting opened with a continuation of the discussion of the position of the Regional Office. *The ICAO Observer* pointed out that, on going through the list of specialized agencies, he had noticed that there has been certain omissions. He said that he thought Unesco and ICAO should be added, especially as Egypt is a great centre of international co-operation in the Eastern Mediterranean and the Middle East. Replying, *Neguib Scandar Pasha*, Chair-

man of the Conference, said that these agencies would be listed in a resolution on this subject.

The delegate of Egypt then read the draft resolution, RC/EM/10 which was adopted.

.....

Fourth Session, Tuesday, p.m., 8 February 1949

.....

The Chairman, being satisfied that the discussion of the 1950 programme was closed, introduced item 9 of the agenda relative to the Epidemiological Intelligence Service (document RC/EM/7).

The Director-General remarked that the contents of this document were not binding for the future.

The delegate of Egypt brought to the attention of all members that a detailed statement has been prepared by Egypt on the origin and history of the Alexandria Sanitary Bureau.

The delegate of France made the suggestion to merge the discussion of items 9 and 11 as both items related to the Sanitary Bureau.

The delegate of Egypt agreed and added that last January a Committee of the Arab States had voted in favour of the integration of this Bureau into the WHO. Should the present Committee confirm this decision, it should be understood that the WHO would have to take over expenses from the date of opening of the Regional Office.

The Director-General then read document RC/EM/3, the draft resolution on the integration of the Alexandria Sanitary Bureau with the WHO.

The delegate of Pakistan desired information about financial conditions.

The Director-General pointed out that expenses had been carried fully by Egypt for a long time but that provision for taking over the bureau had been made for 1949, details of which were to be found in the draft budget, document RC/EM/8.

The delegate of Egypt proposed the adoption of the integration.

The delegate of France seconded the proposal.

The delegate of Pakistan wished to know what would be the position of member States formerly dependent on the Singapore Epidemiological Intelligence Bureau.

The delegate of Egypt referred to the last paragraph of document RC/EM/7 stating that integration with the WHO is not meant to impair function but merely to facilitate co-ordination with WHO headquarters and the Singapore Bureau.

The Director-General confirmed that all would carry on as in the past and that no changes are contemplated in the near future.

The draft resolution RC/EM/3 was adopted.

The delegate of Egypt presented a statement (RC/EM/11) to the effect that the Government of Egypt was pleased to transfer the functions and all related files and records of the Alexandria Sanitary Bureau to the World Health Organization. This transfer would be made on the date on which the Organization notifies the Government of Egypt of the beginning of operations in the Regional Office of the Eastern Mediterranean Region. *Colonel Afridi*, on behalf of *Pakistan*, said it should be put on record that the Committee expresses its deep thanks to the Egyptian Government for this statement to the Regional Organization. *Dele-*

gates of Iraq, France and the United Kingdom associated themselves with this expression of thanks.

Date of Commencement of Operations in the Regional Office

The delegate of Egypt proposed that the work should begin in July, stating that this would be in accord with the draft budget for six months.

Dr. Chisholm stated that funds are available for operation of the office during the latter six months of the year. He explained that services to countries in the region, e.g., fellowships and advisory and demonstration services, would be available immediately and do not depend on the commencement of the Regional Office.

The delegate of Pakistan, seconded the proposal that operations should begin in July 1949, which was adopted.

Draft Agreement with the Host Government

The Director-General stated he wished to inform the members that such a draft agreement had been produced and handed to the Egyptian Government where it was under study in the legal department. He also pointed out that WHO, though always considering necessary formalities, never allowed them to interfere with Health Work.

The delegate of Egypt remarked that, should there be any discrepancy of opinion between the WHO and the legal expert, this could be settled by negotiation.

The Chairman suggested that the next item, number 13, relative to the nomination of the Regional Director, be postponed, on account of the temporary absence of some delegates and the discussion should pass on to item 14 relative to the Draft Budget of the Regional Office, document RC/EM/8.

Draft Budget

The Director-General specially drew attention to the fact that it had to be understood, when assigning posts to regional personnel, that certain officers such as the epidemiologist, the health statistician and the information officer were not to be expected to remain at their desks at headquarters but must move in their region in order to usefully advise the Regional Director. He added that the actual figures relative to salaries had not yet been determined and that the composition of the personnel is yet to be discussed by the Regional Bureau and later transmitted to the *Director-General*.

The Chairman proposed the adoption of the provisional budget.

The delegate of Pakistan suggested the postponement to the next meeting to allow for study of the document.

The delegate of Egypt seconded this proposal, which was adopted.

Time and Place of Second Session of the Regional Committee

The delegate of Egypt suggested that, since the programme for 1951 must be discussed in the autumn of 1949, the month of October should be chosen for the meeting of the Second Session of the Regional Committee, the exact date to be determined later by the Regional Chairman and Regional Director.

This proposal was adopted.

The delegate of Egypt proposed Alexandria as the place of meeting in order that the first meeting can be held at the Regional Bureau.

The Director-General stated that it was desirable to have the early meetings at Regional Headquarters in order to acquaint members with the Secretariat, as it was impracticable to transport the whole staff.

The Vice-Chairman (Pakistan) asked whether it was not desirable that meetings should be held at different places in the Region to give opportunity to the members to realize the varying conditions in various member States.

The Director-General agreed with this viewpoint in respect of future meetings.

The delegate of Pakistan stated that his objective was not to oppose Egypt but to invite the Committee to Pakistan.

.....

Agreement between the World Health Organization and the Government of Egypt, Cairo, 25 March 1951¹

Memorandum on Privileges, Immunities and Exemptions of the Regional Office of the WHO²

The Contentieux of the Ministries of Foreign Affairs and Justice has reviewed the provisions of the draft dual agreement³ submitted by the World Health Organization to the Egyptian Government in connection with the institution of a Regional Office of that Organization in the Egyptian Kingdom, at Alexandria.

The Contentieux has introduced several amendments to remedy certain digressions contained in the draft agreement and to harmonize as much as possible between the privileges, immunities and exemptions claimed by the said Organization in this respect and requirements of the Host State as regards its safety, sovereignty and security.

In perusing the provisions of the draft agreement in question, the Contentieux did not only consult the General Agreement in respect of United Nations Privileges and Immunities resolved by the United Nations General Assembly on 13 February 1949, and the other agreement relative to the privileges and immunities of Specialized Agencies sanctioned by the Second United Nations General Assembly at Lake Success in 1947, but the Contentieux also consulted agreements concluded, or in course of conclusion, between a number of States and certain Specialized Agencies on the occasion of the latter taking up any of the said States as their seats or upon the establishment of Regional Offices in their territories.

The following may be cited in particular :

- (1) The agreement concluded between the French Government and the Unesco upon the latter taking the French Capital as its seat.
- (2) The agreement concluded between the Swiss Government and the WHO who took Geneva as its seat⁴.
- (3) Draft agreement between the French Government and the International Civil Aviation Organization following the establishment of a European Regional Office of that Organization in Paris.
- (4) Draft agreement between the Government of Peru and the International Civil Aviation Organization following the establishment of a Regional Office of that Organization in Lima (Peru's capital).

It cannot be alleged that the requirements of the specialized agencies are variable so that what is suitable for one agency may not be suitable for other agencies. The fact is that the requirements of all these agencies, in so far as

¹ For text, see pp. 6-24, *supra*. For the documents received from the Government of Egypt, see pp. 171-181, *infra*. See also WHO, *Official Records*, Nos. 21, 28 and 35 and WHO, *Handbook of Resolutions and Decisions of the World Health Assembly and the Executive Board*, Vol. I, Section 6.3.2.3.

² See pp. 65-68 and 336, *infra*.

³ See pp. 93-100, *infra*.

⁴ See United Nations, *Treaty Series*, II, No. 155, Vol. 26.

concerns our subject, i.e., in respect of the privileges, immunities and exemptions they claim, are almost identical. Whether these concerned the Juridical Personality of the agencies and recognition thereof, the safeguarding of their property, funds and assets, the inviolability of their premises and archives, their immunity from local legal process and exemption from local taxes, the facilities in respect of their correspondence and communications, or the privileges and immunities accorded to representatives of member States, officials of the organization, its Director and such experts as are on mission for the organization.

Perhaps the question of experts and the privileges and immunities which the specialized agencies claim for them is the only aspect where the requirements of these agencies vary from one to another according to the nature of the activities of each agency. Thus, when discussing the draft unified agreement on privileges, and immunities of the specialized agencies in 1947, the United Nations General Assembly did not provide in the text of the Agreement itself for privileges and immunities for experts of these Agencies, but left each case to be dealt with separately in the respective appendix to the said unified agreement. The seventh of these appendices dealt with WHO's requirements in this and other respects. It was to this appendix that the Contentieux referred when examining the provisions of the Regional Draft Agreement, which the said Organization desired to conclude with the Egyptian Government.

Herebelow are explanations of the amendments which the Contentieux introduced into this draft in order to achieve the objectives referred to above :

Preface : As originally drafted, the phrase "Host Government" mentioned in the text having been substituted by "Egyptian Government".

Article I, Section 1 : Definitions : Objection was raised to the inclusion of "secretaries of delegations" under the phrase "representatives of members", but the original text was retained after the text of the General Agreement on privileges and immunities of the United Nations to which it was decided in 1947 to refer for interpretation of the corresponding text in the Unified Agreement on privileges and immunities of specialized agencies.

Article II, Section 2 : This text has been redrafted. The proposed new text has a resemblance in Article I of the agreement concluded between the French Government and the Unesco, and Article II, Section 3, of the agreement on privileges and immunities of specialized agencies.

Articles III and IV : Sections 3 and 4 : It would appear that these two texts were copied from the draft agreement which was prepared in 1946 for conclusion between the WHO and the Swiss Government (Arts. I and V) and which is now in force. These two texts have, however, no resemblance in the agreement on privileges and immunities of specialized agencies, nor in the agreement concluded between the French Government and the Unesco, nor in the two draft agreements proposed to be concluded, if not already concluded, between each of France and Peru and the International Civil Aviation Organization on the occasion of establishing two Regional Offices of that Organization in the two States as referred to above. Nevertheless, the Contentieux has no objection to Article III remaining as it is in the draft with the addition of a phrase at the end to denote that the freedom of action accorded to WHO and its principal or subsidiary organs in Egyptian Territory shall be according to international practice.

As regards Article IV, Section 4, this had better be deleted, because, while the text goes far beyond the meaning of the corresponding text in the agreement concluded between the WHO and Switzerland (*vide* Art. V), the freedom of meeting and the freedom of discussion and decision referred to in that text of the

draft are provided for in the other texts. e.g., Article IV, Section 6 (the modified version), Article VI, Sections 14 and 15, and Article III, Section 3, itself. If, however, it is deemed necessary that the text in question should remain in the draft, it should at least be drafted after the corresponding text in the Agreement concluded between the WHO and Switzerland (Art. V), which has been done.

Article IV, Section 5 : This text has been redrafted after the texts of the agreements concluded between the French Government and the Unesco (Art. II) and the draft agreements between each of France and Peru and the International Civil Aviation Organization (*vide* Art. II), the last paragraph having been retained as it originally appeared in the draft submitted by the WHO. After amendment in the manner shown above, the text should raise no objection.

Article IV, Sections 6 and 7 : These two texts have been redrafted, meanwhile retaining their gists. Section 7 relating to inviolability of archives has been incorporated in Section 6, paragraph 1, relating to inviolability of premises because of similarity. Paragraph 2 of Section 6 relating to immunity of property of the Organization from seizure, requisition or expropriation has become a separate section under Section 7, new. To Section 6 was added a reservation providing that premises of the Organization shall not serve as a refuge for any person under warrant of arrest by the Egyptian Authorities. Another reservation was added to Section 7 dealing with the exceptional cases where expropriation of premises or property of the Organization is for the sake of public utility and leaving this pending agreement between the Organization and the Egyptian Government.

The proposed new versions of the two texts fully agree with the corresponding texts in the agreement concluded between the French Government and the Unesco (Arts. III and IV), and in the draft agreements between each of France and Peru and the International Civil Aviation Organization (Arts. III and IV in each).

Article IV, Section 8 : The proposed new text conforms with Article V of the agreement concluded between the French Government and the Unesco, and with Article V in each of the two draft agreements between each of the French Government and the Peruvian Government and the International Civil Aviation Organization. It is believed that it will serve the required purpose.

Article IV, Section 9 : No amendment.

Article IV, Section 10 : As originally drafted with the deletion of exemption from "indirect taxes". Though this latter exemption was provided for in Article X of the Agreement concluded between the WHO and Switzerland, it has, on the other hand, no resemblance at all in the other agreements and draft agreements referred to above. Nor has this exemption ever been provided for in the general agreement relative to privileges and immunities of the United Nations themselves, nor in the special agreement on privileges and immunities of the specialized agencies. Any new expansion in this direction should, therefore, be refused.

Article IV, Section 11 : It was first suggested that the original text be retained with the addition of the words "whenever possible" before the phrase "make appropriate administrative arrangements for the remission or return of the amount of duty or tax", so that, with this slight amendment, the text will conform to Article II, Section 8, of the general agreement on privileges and immunities of the United Nations themselves and to Article III, Section 10, of the special agreement on privileges and immunities of the specialized agencies. But the Contentieux finally decided that, since the basis is that no exemption shall be claimed from excise duties and from taxes on the sale of movable and immovable property which form part of the price to be paid, a new version of the text should be drafted to manifest this meaning.

The proposed new version is taken after Article VII of the agreement between the French Government and the Unesco.

Article V, Section 12 : As originally drafted but with the addition, at the end of the text, of a phrase, taken after the agreement concluded between the French Government and the Unesco and after the draft agreements between each of France and Peru and the International Civil Aviation Organization, to the effect that facilities in respect of correspondence and communications shall be subject to the general principle regarding the effect of force majeure upon obligations.

Article V, Section 13 : The deletion of paragraph 1, forbidding the application of censorship to official communications of the Organization, was first suggested since that censorship was already forbidden during normal times under provisions of the Egyptian Constitution and that, even during emergencies and crisis, justifying the application of censorship, the WHO may despatch and receive correspondence by courier or diplomatic bags which are immune. However, it was finally agreed that there would be no objection to according the Organization this exemption from censorship on its correspondence in conformity with a similar provision in Article III, Section 9, of the general agreement on privileges and immunities of the United Nations ; and Article IV, Section 12, of the special agreement on privileges and immunities of the specialized agencies. A new drafting of the text was made on the lines of the corresponding text in the agreement concluded between the Organization and Switzerland (*vide* Art. XIII of the said agreement).

Article VI, Sections 14, 15, 16 and 17 : These remain the same as originally drafted with the exception of two slight amendments introduced in Section 14. The first of these amendments points out that the privileges and immunities mentioned in the text are limited to representatives of Members who are of foreign nationality. This is evident from the corresponding texts in the general agreement on privileges and immunities of the United Nations and in the special agreement on privileges and immunities of the specialized agencies. As regards the second amendment, this adds a new paragraph to the end of Section 14 providing that the World Health Organization shall communicate to the Egyptian Authorities in due time a list of the representatives invited to its meetings, i.e., the meetings of its Regional Office, so that they may be granted the prescribed facilities. This paragraph has a resemblance in the two draft agreements between each of France and Peru and the International Civil Aviation Organization (*vide* Art. IX of each agreement).

Article VII, Section 18 : This text as submitted by the WHO is entirely copied from Article VI, Section 22, of the general agreement on privileges and immunities of the United Nations. It was, however, pointed out earlier that the special agreement on privileges and immunities of the specialized agencies did not go to the extent of the United Nations agreement in respect of the privileges and immunities of experts on missions for that Organization or for the specialized agencies. It was also mentioned that the procedure which was to be adopted in respect of privileges and immunities of experts designated by the WHO for its missions was specified in Annex VII of the special agreement on privileges and immunities of the specialized agencies. It is, therefore, imperative that the texts submitted by the said Organization on this subject should be substituted by the text of Annex VII referred to above. And this is what was aimed at by the amendment of Section 18 of Article VII of the draft agreement.

Article VII, Section 19 : No amendment.

Article VII, Section 20 : No amendment except the addition of the word "categories" before the phrase "and the names of those officials" in view of the

importance of disclosing the category and status of officials of the Organization in order to accord them the privileges and immunities indicated in the following article.

Article VII, Section 21 : The preceding text, on the whole, treats officials of the organization with great generosity, almost to the extent of extravagance. We have, therefore, introduced in this text various amendments guided, in particular, by the agreement concluded between the French Government and the Unesco (Art. XI) and the two draft agreements between each of France and Peru and the International Civil Aviation Organization (*vide* Art. X in each). Thus, we have redrafted paragraph "A" of this text relating to immunities from legal process.

We have restricted the privileges and immunities indicated in paragraphs "c, d, e, f and g" to officials of the Organization, who are not Egyptian nationality, as is understood from the sense of these texts and their corresponding texts in the general agreement on privileges and immunities of the United Nations and the special agreement on privileges and immunities of the specialized agencies. We have also restricted the exemptions accorded to officials of foreign nationality and provided for in paragraphs "d" and "f" to their wives and children under age. We have added the word "first" before the phrase "taking up their post", in paragraph "g". And, finally, we have deleted paragraph "h". We are still of the opinion that it ought to be deleted. It accords officials of the Organization authority to import cars from abroad free of customs duty and gives them the right to use this authority once every three years. There is no resemblance to this paragraph in the general agreement on privileges and immunities of the United Nations themselves, nor in the special agreement on privileges and immunities of the specialized agencies. Though the agreement concluded between the WHO and Switzerland may have contained a similar paragraph, but in a more restricted sense (Art. IX, para. "e"), there is no trace of such a text in the agreement concluded between the French Government and the Unesco, or in the agreements between each of France and Peru and the International Civil Aviation Organization. We do not see any reason why officials of the WHO should be distinguished in this respect from officials of the Unesco, the International Civil Aviation Organization and officials of the United Nations themselves.

Article VIII, Section 22 : This text accords senior officials of the Organization full diplomatic privileges and immunities in addition to the privileges and immunities referred to above, which the other officials of the Organization enjoy. In pursuance of the general tendency, we have decided to restrict the provisions of this Article to the Director-General of the Organization, his Deputy, the Assistant Director-General, the Regional Director and his Deputy. In fact, the question is of no consequence from the point of view of internal application of the agreement except in so far as concerns the last two, since their normal residence will be in Egyptian territory, at the seat of the Regional Office. A necessary and important provision has finally to be added to the text to the effect that these officials shall not be entitled to claim before the courts of the State of which they are nationals diplomatic immunity in respect of legal prosecution for action not connected with their official duties. Otherwise, there will exist no courts before which they may be legally prosecuted for action outside their official duties.

Article VIII, Section 23 : No amendment.

Article VIII, Section 24 : Has been transferred to the beginning of Article X so that it will be applicable to all the preceding provisions of the agreement and not only to the Chapter dealing with officials of the Organization as may suggest its original position in the draft agreement. As a result of this modification, the

numbers of the following sections of Article IX, i.e., Sections 25, 26 and 27, have been altered to 24, 25 and 26.

Article IX, Section 25 : In the proposed text, there is more extension than is necessary. It accords absolute exemption from all the restrictions and provisions relating to foreigners and their sojourn. This text has, therefore, been substituted by the corresponding text in the agreement concluded between the French Government and the Unesco (Art. XIII). In our opinion, it well serves the purpose, taking into account the other texts in the draft agreement. To this Section 25, now Section 24 in the new proposed draft, were added provisions taken from the subsequent two Sections (26 and 27 in the draft submitted by the Organization), thus rendering them unnecessary.

Article IX, Sections 26 and 27 : These two Sections have been deleted, the gist of their provisions having been added to Section 25 (Section 24 in the new draft). The space arising from this deletion has been used in originating new provisions placed under a new Section 25 and derived from corresponding texts in the agreement concluded between the French Government and the Unesco (Arts. XVII and XVIII), and the draft agreements between each of France and Peru and the International Civil Aviation Organization (Arts. XVI and XVII). The new version of Section 26 contains an indispensable reservation for safeguarding the peace and security of the State. This text has been derived from Article XVI of the agreement concluded between the French Government and the Unesco, Article XV, from the draft agreements between each of France and Peru and the International Civil Aviation Organization, and from Article XXV of the agreement concluded between the World Health Organization itself and Switzerland. It is to be borne in mind that this latter text is more detailed and gives the Swiss authorities a freer hand than the brief text which we have originated.

Article X : To the beginning of this Article and under a new Section 27, has been transferred the text of Section 24 of the original draft agreement submitted by the WHO, for the reasons given before. This change necessitated the modification of the title of Article X, to become : "Co-operation and settlement of disputes."

Article X, Sections 28 and 29 : No amendment.

Article XI, Section 30 : No amendment.

Article XI, Section 31 : A phrase has been added to the beginning of this Section to the effect that the agreement is concluded for an indefinite period, on the same lines as Article XXII of the agreement concluded between the French Government and the Unesco.

DRAFT AGREEMENT BETWEEN THE WORLD HEALTH ORGANIZATION AND THE EGYPTIAN GOVERNMENT

The Egyptian Government on the one part,
and

The World Health Organization on the other,

Desiring to conclude an Agreement for the purpose of determining the privileges, immunities and facilities to be granted by the "*Egyptian Government*" to the *World Health Organization*, to the representatives of its members and to its experts and officials in particular with regard to its arrangements in the . . . *Region*, and of regulating other related matters ;

Have Agreed as follows :

Article I

DEFINITIONS

Section 1. In the present Agreement :

- (i) the word "Organization" shall mean the World Health Organization ;
- (ii) for the purpose of Article IV the words "property and assets", "funds, gold or currency", or "assets, income and other property" shall be deemed to include property, assets, and funds administered by the Organization under Article 57 of its Constitution and or in furtherance of its constitutional functions.
- (iii) the words "representatives of Members" shall be deemed to include all delegates to the World Health Assembly ; all persons designated by Members to serve on the Executive Board of the Organization ; all representatives on the Regional Committees in the . . . Region ; as well as all delegates, alternates, advisers, technical experts who are members of delegations and secretaries of delegations ;
- (iv) the word "Member" shall be deemed to include a Member or an Associate Member of the Organization as well as a territory or group of territories, which without being an Associate Member, is represented and participating in the Regional Committee of the . . . Region of the Organization, in accordance with Article 47 of its Constitution ;
- (v) the words "principal or subsidiary organs" shall be deemed to include the World Health Assembly, the Executive Board, the Regional Committee in the . . . Region and any of the subdivisions of all these organs as well as the Secretariat and the Regional Office in . . . ;
- (vi) for the purposes of Sections 4, 6, 13 and 16 the words "freedom of meeting" or "meeting of the Organization", shall be deemed to include all institutional meetings of the principal or subsidiary organs of the Organization as well as all conferences or meetings convened by, or under the authority or auspices of, the Organization in "Egyptian territory".

Article II

JURIDICAL PERSONALITY

Section 2. The Organization is a legal entity (or, shall possess juridical personality).

For the achievement of its aims and the performance of its duties it is entitled :

- (a) to contract,
- (b) to acquire and dispose of immovable and movable property,
- (c) to institute legal proceedings.

Article III

FREEDOM OF ACTION

Section 3. The Organization and its principal or subsidiary organs shall have in Egyptian territory the independence and freedom of action belonging to an international organization according to international practice.

Section 4. The Organization, its principal or subsidiary organs as well as its Members in their relations with the Organization shall enjoy in Egyptian territory absolute freedom of meeting, including freedom of discussion and decision.

Article IV

PROPERTY, FUNDS AND ASSETS

Section 5. The Organization shall enjoy immunity from every form of judicial process except in so far as in any particular case this immunity is expressly waived by the Director-General of the Organization. Or the Regional Director as his duly authorized representative. Or unless this waiver follows from the terms of a contract, or in case of counterclaim. It is, however, understood that no waiver of immunity shall extend to any measure of execution.

Section 6. The premises in which the Organization pursues its activity, together with archives and in general all documents belonging to, or in possession of the Organization, are inviolable. Provided that the Organization will not allow the premises to serve as a refuge for any person under warrant of arrest by the Egyptian authorities.

Section 7. The property of the Organization shall be immune from seizure and also from requisition. Nor can it be expropriated unless for the sake of public utility and by agreement between the organization and the Egyptian Government.

Section 8. Notwithstanding any control, regulation or financial moratorium of any kind, the Organization may receive any sums and securities of any kind and in any currency and may freely dispose thereof.

Section 9. In exercising its rights under Section 8, the Organization shall pay due regard to any representation made by the Egyptian Government in so far as the Organization considers that effect can be given to such representation without detriment to its interests.

Section 10. The Organization, its assets, income and other property shall be :

- (a) exempt from all direct taxes. It is understood, however that the Organization will not claim exemption from taxes which are, in fact, no more than charges for public utility services ;
- (b) exempt from customs duties, prohibitions and restrictions on imports and exports in respect of medical supplies, or any other goods or articles imported or exported by the Organization for its official use. It is understood, however, that such medical supplies, goods, or articles, imported under such exemption will not be sold or ceded in "the Egyptian territory" except under conditions agreed with the Egyptian Government ;
- (c) exempt from customs duties, prohibitions and restrictions on imports and exports in respect of their publications.

Section 11. The Organization shall pay under the conditions of common law the indirect taxes which form part of the price of goods sold. Nevertheless, those taxes which relate to large purchases made by the Organization in direct connection with its work may form the subject of a return of tax by arrangements to be fixed by agreement between the Organization and the Egyptian Government.

Article V

FACILITIES IN RESPECT OF COMMUNICATIONS

Section 12. The Organization shall enjoy in Egyptian territory for its official communications treatment not less favourable than that accorded by the Egyptian Government to any other Government including its diplomatic mission, in the matter of priorities, rates and taxes on mail, cables, telegrams, radiograms, telephotos, telephone and other communications and Press rates for information to the Press and radio. The correspondence and communications of the Organization may only be delayed in case of *force majeure*.

Section 13. (1) No censorship shall be applied to the duly authenticated official communications of the Organization.

(2) The Organization shall have the right to use codes and to despatch and receive correspondence by courier or in sealed bags, which shall have the same immunities and privileges as diplomatic couriers and bags.

Article VI

REPRESENTATIVES OF MEMBERS

Section 14. Representatives of Members of the Organization on its principal or subsidiary organs and at conferences or meetings convened by the Organization, and who are not of Egyptian nationality shall, while exercising their functions and during their journeys to and from the place of meeting, enjoy the following privileges and immunities :

- (a) immunity from personal arrest or detention and from seizure of their personal baggage ; and, in respect of words spoken or written and all acts done by them in their official capacity, immunity from legal process of every kind ;
- (b) inviolability for all papers and documents ;
- (c) the right to use codes and despatch or receive papers or correspondence by courier or in sealed bags ;
- (d) exemption in respect of themselves and their spouses from immigration restrictions, aliens registration or national service obligations in Egyptian territory ;
- (e) the same facilities in respect of currency or exchange restrictions as are accorded to representatives of foreign governments on temporary official missions ;
- (f) the same immunities and facilities in respect of their personal baggage as are accorded to members of diplomatic missions of comparable rank ;
- (g) such other privileges, immunities and facilities not inconsistent with the foregoing as members of diplomatic missions of comparable rank enjoy, except that they shall have no right to claim exemption from customs duties on articles imported (otherwise than as part of their personal baggage) or from indirect taxes or sales taxes.

It is understood that the Organization will communicate to the Egyptian Authorities in due time the list of the representatives of Members invited to its conferences or meetings.

Section 15. In order to secure for the representatives of Members of the Organization at a meeting of the Organization complete freedom of speech and

independence in the discharge of their duties, the immunity from legal process in respect of words spoken or written and all acts done by them in discharging their duties shall continue to be accorded, notwithstanding that the persons concerned are no longer engaged in the discharge of such duties.

Section 16. If the incidence of any form of taxation depends upon residence in the territory, periods during which the representatives of Members of the Organization are present at a meeting of the Organization in Egyptian territory for the discharge of their duties shall not be considered as periods of residence.

Section 17. Privileges and immunities are accorded to the representatives of Members of the Organization not for the personal benefit of the individuals themselves, but in order to safeguard the independent exercise of their functions in connection with the Organization. Consequently, a Member not only has the right, but is under a duty to waive the immunity of its representatives in any case where, in the opinion of the Member, the immunity would impede the course of justice, and it can be waived without prejudice to the purpose for which the immunity is accorded. In any such case in which one of the persons designated to serve on it is concerned, the Executive Board of the Organization shall be under the same duty.

Article VII

EXPERTS ON MISSION FOR THE ORGANIZATION

Section 18. Experts (other than those under Section I (iii) or officials coming within the scope of Article VI or VIII) serving on committees of, or performing missions for, the Organization shall be accorded the following privileges and immunities so far as is necessary for the effective exercise of their functions, including the time spent on journeys in connection with service on such committees or missions :

- (a) immunity from personal arrest or detention and from seizure of their personal baggage ;
- (b) immunity from legal process of every kind, in respect of words spoken or written or acts done by them in the performance of their official functions, such immunity to continue notwithstanding that the persons concerned are no longer serving on committees of, or employed on mission for, the Organization ;
- (c) the same facilities in respect of currency and exchange restrictions, and in respect of their personal baggage, as are accorded to officials of foreign governments on temporary official missions.

Section 19. Privileges and immunities are granted to experts in the interests of the Organization and not for the personal benefit of the individuals themselves. The Director-General shall have the right and the duty to waive the immunity of any expert in any case where, in his opinion, the immunity would impede the course of justice and can be waived without prejudice to the interests of the Organization.

Article VIII

OFFICIALS

Section 20. The Director-General or the Regional Director as his duly authorized representative, shall from time to time communicate to the Egyptian

Government the categories and the names of those officials to whom the provisions of this Article and Article IX shall apply.

Section 21. (1) Officials of the Organization irrespective of nationality shall :

- (a) be immune from legal process in respect of words spoken or written and all acts performed by them in their official capacity ;
- (b) be exempt from taxation in respect of the salaries and emoluments paid to them by the Organization.

(2) *Moreover* those who are not of Egyptian nationality shall :

- (c) be immune from national service obligations in Egyptian territory ;
- (d) be immune, together with their spouses and children under age from immigration restriction and aliens registration ;
- (e) be accorded the same privileges in respect of exchange facilities as are accorded to officials of comparable rank of diplomatic missions accredited in the Egyptian Government ;
- (f) be given, together with their spouses and children under age, the same repatriation facilities in time of international crises as officials of comparable rank of diplomatic missions ;
- (g) have the right to import free of duty their furniture and effects at the time of first taking up their post in the territory or upon their permanent appointment to it.

Section 22. (1) In addition to the immunities and privileges specified in Section 21, the Director-General, the Deputy Director-General, the Assistant Director-General, the Regional Director in Egyptian territory and his Deputy shall be accorded in respect of themselves, their spouses and minor children, the privileges and immunities, exemptions and facilities accorded to diplomatic envoys in accordance with international law and usage.

(2) They shall not however be entitled to claim before the courts of the State of which they are nationals immunity in respect of any legal prosecution for action not connected with their official duties.

Section 23. Privileges and immunities are granted to officials in the interests of the Organization and not for the personal benefit of the individuals themselves. The Director-General shall have the right and the duty to waive the immunity of any official in any case where, in his opinion, the immunity would impede the course of justice and can be waived without prejudice to the interests of the Organization.

Article IX

VISAS, UNITED NATIONS LAISSEZ-PASSER AND OTHER FACILITIES

Section 24. (1) The Egyptian Government shall take the necessary steps to facilitate at all times entry into, or departure from Egyptian territory and sojourn in, and transit through that Egyptian territory, to all persons called upon to take part in the work of, or invited by, the Organization.

(2) The Egyptian Government shall recognize and accept as valid travel documents the United Nations laissez-passer issued to the officials of the Organization under administrative arrangements concluded between the Director-General of the Organization and the Secretary-General of the United Nations. Such persons on production of a certificate that they are travelling on the

business of the Organization, shall be accorded facilities for speedy travel and for the grant of visas.

(3) The Director-General, the Deputy Director-General, the Assistant Director-General, the Regional Director of the Organization in Egyptian territory and his deputy travelling on official business of the Organization shall be granted the same facilities as are accorded to diplomatic envoys.

Section 25. (1) The Organization will be supplied, in the premises placed at its disposal, with electricity, water and gas, and with service for the removal of refuse. In a case of force majeure entailing partial or total suspension of these services, the requirements of the Organization will be considered by the Egyptian Government to be of the same importance as those of its own administrations.

(2) The Egyptian Government will ensure the necessary police supervision for the protection of the seat of the Organization and for the maintenance of order in the immediate vicinity thereof. At the request of the Director-General, the Egyptian Government will supply such police force as may be necessary to maintain order within the building.

Section 26. Provided that it is without prejudice to the independence and efficiency of the Organization the Egyptian Government may take any measure or precaution essential to national security.

Article X

CO-OPERATION AND SETTLEMENT OF DISPUTES

Section 27. The Organization will continually co-operate with the competent Egyptian Authorities with a view to facilitating the proper administration of justice, to ensuring the enforcement of police regulations and to avoiding all misuse of the privileges, immunities and facilities provided for under the present agreement.

Section 28. The Organization shall make provision for appropriate modes of settlement of :

- (a) disputes arising out of contracts or other disputes of a private law character to which the Organization is a party ;
- (b) disputes involving any official of the Organization who, by reason of his official position, enjoys immunity, if immunity has not been waived by the Director-General in accordance with the provisions of Section 23.

Section 29. Any difference between the Organization and the Egyptian Government arising out of the interpretation or application of the present agreement or of any supplementary arrangement or agreement which is not settled by negotiation shall be submitted for decision to a Board of three arbitrators ; the first to be appointed by the Egyptian Government, the second by the Director-General of the Organization, and the third, the presiding arbitrator, by the President of the International Court of Justice, unless in any specific case the parties hereto agree to resort to a different rule of settlement.

Article XI

FINAL PROVISIONS

Section 30. The present agreement shall enter into force as soon as it has been approved by the Egyptian Government and adopted by the World Health Assembly.

Section 31. The present agreement has been concluded for an indefinite period. It may be revised at the request of either party. In this event the two parties shall consult each other concerning the modifications to be made in its provisions. If the negotiations do not result in an understanding within one year, the present agreement may be denounced by either party giving two years' notice.

In faith whereof the present agreement was adopted and signed on the day of , 194 , at , in four copies, two in French and two in English, the texts in both languages being equally authentic, of which two texts one copy in French and one in English were handed to the representatives of the Egyptian Government, and the two remaining copies to the Director-General of the World Health Organization.

For the Egyptian Government

For the World Health Organization

Director-General.

*Letter from the Ministry of Foreign Affairs of Egypt (Department of Conferences, International Organizations and Conventions) to Dr. Ali Tewfik Shousha Pacha, Under-Secretary of State for Health, Future WHO Regional Director, Cairo, 4 May 1949*¹

Reference is made to Your Excellency's visit to the Ministry for Foreign Affairs late in April last during which you provided us with a copy of the draft agreement² which the World Health Organization intends to conclude with the Egyptian Government on the privileges and immunities to be enjoyed by its regional office which will be established in Alexandria as well as the staff of that office. I wish to attach hereto copy of the memorandum prepared by the Contentieux, Ministry for Foreign Affairs, comprising their comments on the above draft agreement, as well as a copy of that draft duly amended by the aforesaid authority.

Note from the Minister for Foreign Affairs Ad Int. to the Egyptian Council of Ministers, and the Decision of the Council, Cairo, 25 and 29 May 1949

1. Whereas Egypt is adhering to the United Nations FAO, Unesco and WHO, and each of the two first-named Organizations has a Regional Bureau for the Middle East located in Cairo, and the third one has decided to establish for itself a Regional Bureau in Alexandria, the working of which will begin as from the first July next.

2. Whereas these three Specialized Agencies have requested the Ministry of Foreign Affairs to grant their aforesaid Regional Bureaus, as well as the Staff thereof, the privileges and immunities provided for in the Agreement for the Privileges and Immunities of the Specialized Agencies approved by the General Assembly of the United Nations, on the 21st June 1947, and particularly empha-

¹ See pp. 283-284, *infra*.

² See pp. 93-100, *infra*.

sized that the payment by these Bureaus of Custom Dues on articles and equipment required for their official work and imported from abroad would be prejudicial to the rights of the other State Members of the said Organizations.

3. Whereas the Ministry of Foreign Affairs is undertaking the necessary steps for the adhesion of Egypt to the Agreement for the Privileges and Immunities of the Specialized Agencies, but the conclusion of such steps may still require some time.

4. Whereas the Resolution of the United Nations General Assembly, issued on the 21st November 1947, approving the Agreement for the Privileges and Immunities of the Specialized Agencies, recommends to the State Members to facilitate immediately and as far as possible the granting to the Specialized Agencies of the privileges and immunities provided for in the said Agreement, until their adhesion thereto.

5. Whereas the Council of Ministers has approved in its meeting held on the 27th February 1947, the temporary exemption of the Staff of the Regional Bureau of the International Organization for the Civil Aviation from the Custom Dues on articles and equipment imported from abroad and relating to the official work of the said Bureau.

Therefore, I have the honour to submit the present Note to the Council of Ministers, with a view to kindly approve the granting to the Staff of the three aforesaid Regional Bureaus the temporary exemption from the Custom Dues on any articles and equipment imported from abroad and relating to their official work, on the same foot as the Staff of the Regional Bureau of the International Organization for the Civil Aviation, and until Egypt adheres to the Agreement for the Privileges and Immunities of the Specialized Agencies.

The Minister of Foreign Affairs ad int.

(Signed) Ibrahim ABDEL HADI.

To the Ministry of Foreign Affairs,

The Council of Ministers, in its meeting held on the 29th May 1949, has approved the contents of this Note.

This decision has been notified to the Ministry of Finance.

The President of the Council of Ministers.

Note from the State Council Adviser (Contentieux for the Ministries of Foreign Affairs and Justice) to the Future WHO Regional Director, Cairo, 29 May 1949

Pursuant to our telephone conversation of yesterday, I wish to attach hereto :

1. A copy of the draft agreement on WHO privileges and immunities as amended by the Contentieux, Ministry for Foreign Affairs.

2. An explanatory note for the amendments entered on the original draft submitted to the Egyptian Government by WHO.

3. A memorandum containing our point of view regarding the possibility of

granting WHO participating members the right of vote in its regional committees' deliberations.

4. A memorandum on the interpretation of the term "member States" mentioned at the beginning of Article 47.

Letter from the State Council Adviser (Contentieux for the Ministries of Foreign Affairs and Justice) to the Future WHO Regional Director, Cairo, 4 June 1949

Pursuant to our telephone conversation of this morning concerning your comments regarding the draft agreement on WHO privileges and immunities already prepared by us, I wish to state that :

1. There is no objection to add the word "direct" in Article 8, section 21, of this draft concerning exemption of WHO staff salaries and emoluments from taxation, considering that the corresponding provision in the general agreement on UN privileges and immunities and the agreement on specialized agencies' privileges and immunities does not differentiate in this respect between direct and indirect taxation. Thus, we do not think that the addition of the word "direct", as suggested by you, would make any effective change.

2. There is no objection to amend the paragraph included in the Arabic version of the explanatory note sent to you — Article 8, section 22, as follows :

"An important firm provision has been added to the text at the end, stipulating that these staff members shall not, however, be entitled to claim before the courts of the State of which they are nationals immunity in respect of any legal prosecutions for action not connected with their official duties."

Letters of Transmittal, Cairo, 18 and 23 June 1949

The Under-Secretary of State to the Ministry of Foreign Affairs (Conferences, International Organizations and Conventions) to the Under-Secretary of State, Ministry of Public Health

I have the honour to send to Your Excellency herewith attached, copy of the Decision of the Council of Ministers, issued in its meeting held on the 29th May 1949, and approving the granting of the temporary exemption from the Custom Dues on the articles and equipment imported by the World Health Organization Regional Bureau and related to its official work — until Egypt adheres to the Agreement for the Immunities and Privileges of the Specialized Agencies.

The Under-Secretary of State for Medical Affairs to the Future WHO Regional Director

I have the honour to send you, herewith attached, for information, copy of a letter received by this Ministry from the Ministry of Foreign Affairs under No. 271, File 129/135/2, dated the 18th instant, and also of the Decision of the Council of Ministers referred to in the said letter and regarding the approval of granting the temporary exemption from the Custom Dues on the articles and

equipment imported from abroad by the Staff of the WHO Regional Bureau and required for their official work, — until Egypt adheres to the Agreement for the Privileges and Immunities of the Specialized Agencies.

EB5/31
30 November 1949.

Executive Board, Fifth Session

Agreement with the Government of Egypt

The Second World Health Assembly, in a resolution of 25 June 1949¹, requested the Director-General to continue negotiations with the Government of Egypt in order to obtain the agreement extending privileges and immunities to the Regional Organization in the Eastern Mediterranean Area.

On 26 July 1949, the Director-General transmitted a reply to the propositions and comments formulated by the "Contentieux" of the Ministry for Foreign Affairs, together with a draft revised agreement and lease of the Alexandria premises.

No further reply has been received from the Egyptian Government to date but any information received later will be placed before the Board.

In the event that negotiations are not completed before the Board meets, the following resolution² is submitted for consideration :

"The Executive Board,

Notes the situation concerning the negotiations with the Government of Egypt for an agreement extending privileges and immunities to the Regional Organization and the lease of the premises in Alexandria ; and

Requests the Director-General to continue such negotiations and to report thereon to the Third World Health Assembly ; and

Requests the Government of Egypt to expedite these negotiations."

A7/AFL/4
10 March 1954.

Seventh World Health Assembly

Withdrawal of Point 5 of the Notes Exchanged in Connection with the Host Agreement between the Government of Egypt and WHO

The Fourth World Health Assembly adopted a resolution (WHA4.59) whereby it approved the Agreement concerning the privileges, immunities and facilities to be accorded to the World Health Organization in Egypt, concluded on 25 March 1951 between the Government of Egypt and the Organization. By the same resolution, the Fourth World Health Assembly also approved the text of the notes to be exchanged in connection with the conclusion of this Agreement

¹ See WHO, *Official Records*, No. 21.

² Adopted in February 1950 (WHO, *Official Records*, No. 25).

and invited furthermore the Government of Egypt to reconsider point 5 in the text of these notes.

The text of point 5 in the note addressed by the Egyptian Government to the Director-General of the World Health Organization is as follows :

“5. Notwithstanding the provisions of Section 27 and in accordance with Section 31, the Egyptian Government may take, as regards nationals of the countries whose relations with Egypt are not normal, all precautions necessary for the security of the country.”

The text of point 5 in the note addressed by the Director-General of the World Health Organization to the Egyptian Government is as follows :

“5. I take note of your statement to the effect that notwithstanding the provisions of Section 27 and in accordance with Section 31, the Egyptian Government may take, as regards nationals of countries whose relations with Egypt are not normal, all precautions necessary for the security of the country.”

On 16 December 1953, the following letter was received from the Government of Egypt :

“In reply your letters of 15 June 1951 and 18 November 1952, I have the honour to inform you that by the Act No. 556 of 30 November 1953, the Government of Egypt has withdrawn point 5 of the notes exchanged on the occasion of the Host Agreement signed on 25 March 1951 between the Egyptian Government and the World Health Organization for the purpose of defining the legal status of the said Organization and of the personnel attached to it in Egypt.

Section 31 of the said Agreement, in fact, recognizes the right of the Egyptian Government to exercise its full sovereign rights to take any measure necessary for the security of Egypt. Point 5 of the notes exchanged, therefore, constituted no more than a specific application of the provision as laid down in the security clause figuring in Article 1 of Section 31 of the Agreement. The above-mentioned right was, in so far as necessary, reaffirmed. I shall be glad if you will kindly inform the General Assembly of the present decision.”

The Seventh World Health Assembly may wish to note this decision of the Government of Egypt and adopt a resolution¹ in the following terms :

“The Seventh World Health Assembly,

1. *Notes* with satisfaction the statement made by the Government of Egypt to the effect that it has withdrawn point 5 of the notes exchanged between the Egyptian Government and the World Health Organization in connection with the Agreement concluded on 25 March 1951 between the World Health Organization and the Government of Egypt concerning the privileges, immunities and facilities to be accorded to the World Health Organization in Egypt, and

2. *Requests* the Director-General to inform the Government of Egypt of the action taken by the World Health Assembly.”

¹ Adopted on 14 May 1954 (WHO, *Official Records*, No. 55).

**Lease between the Government of Egypt and
the World Health Organization¹**

Text of the Lease, 25 April 1955

This Lease, made and entered into this 25th day of April in the year one thousand nine hundred and fifty-five, by and between the Government of Egypt (hereinafter referred to as the Government) represented by the Minister of Public Health of the one part, and the World Health Organization (hereinafter referred to as the Organization) represented by the Regional Director of the Regional Office for the Eastern Mediterranean, of the other part,

Witnesseth, and it is hereby agreed as follows :

1. The Government hereby lease to the Organization, in accordance with Law No. 66 of 1949, the site of land containing 2028 square metres, situated in Alexandria and bounded to the North by El Malika Avenue, to the East by Street No. 1644, to the South by Sultan Abdel Aziz Street and to the South by Schiess Pacha Street and the buildings thereon consisting of a basement composed of five rooms and a garage capable of accommodating eight vehicles, two complete storeys and four rooms above the roof, for use of the buildings and the land as the seat of the Regional Organization for the Eastern Mediterranean Area.

2. The term of this lease is nine complete years, having begun on 1 July 1949 and ending on 1 July 1958, for and in consideration of a nominal rental of one hundred (100) milliems per annum.

3. The Organization shall be entitled to use the premises for the purpose set forth in clause 1 above, but shall not assign this lease in any event and shall not permit the use of the said premises by any person other than the Organization, its agents and servants.

4. The Organization shall have the right, after obtaining the approval of the Government, during the term of this lease, to make alterations, attach fixtures, additions or other new structures in or upon the premises hereby leased. All such fixtures, additions or structures placed in or upon or attached to the said premises shall be and remain the property of the Organization during the term of the lease and may be removed therefrom by the Organization prior to the termination of this lease. The Organization, if required by the Government, shall, upon the expiration of this lease restore the premises to the same condition as that existing at the time of entering upon under this lease, fair wear and tear excepted. However, the Organization may leave such improvements in place in lieu of all obligations to restore the premises.

5. The Organization shall insure the premises against loss or damage by fire and shall, when required by the Government, produce the policy of such insurance and the current year's receipt for the premium thereon.

6. The Organization shall permit the Government, their agents, inspectors or workmen to enter upon the premises during the term of this lease, for the inspection of the said premises and as often as shall be necessary.

7. The Government agree with the Organization, observing and performing the conditions and stipulations in its part concerned, shall peacefully hold and

¹ See also p. 68, *supra*, and p. 284, *infra*.

enjoy the premises during the term of this lease without any interruption by the Government or any person claiming through them.

8. All existing and future taxes, rates, fees and assessments, of whatsoever nature, imposed upon the premises by the government or any municipal or local authority shall be borne by the Government.

9. The Government and the Organization agree that in so far as their respective obligations concerning the repair, maintenance and cleaning of the premises are concerned, such obligations shall be determined during the term of this lease by the laws and customs in force in Egypt.

10. Nothing in this lease shall be interpreted as an express or implied waiver of the privileges, immunities and facilities accorded to the Organization by the agreement concluded between the Organization and the Government in order to determine the privileges, immunities and facilities to be accorded by the Government to the Organization signed at Cairo on 25 March 1951.

11. Should the Organization no longer desire to retain the premises as the site of its Regional Office, or should the Government desire to re-enter the premises for its own use, the Organization or the Government may at any time terminate this lease by six months' notice in writing given to the other party.

12. Subject to the provisions of clause 9, this lease be interpreted in accordance with the general principles of law.

13. Any disputes which may arise with regard to the execution or interpretation of this lease shall be referred to a Tribunal composed of three arbitrators. The Government and the Organization shall each appoint an arbitrator. The third arbitrator who will preside over the Tribunal shall be appointed by the President of the International Court of Justice.

Either party may have recourse to the Tribunal by an application in writing. The Tribunal shall determine its own procedure. The awards of the Tribunal shall be final.

In witness whereof, this lease was done and signed this 25th day of April, one thousand nine hundred and fifty-five, in six copies, two in French, two in English and two in Arabic, the texts in each of these three languages being equally authentic, of which three texts, one copy each in French, English and in Arabic were handed to the representatives of the Government of Egypt, and the remaining three texts to the representatives of the World Health Organization.

For the Government of Egypt

For the World Health Organization

(Signed) [Illegible]

(Signed) A. T. SHOUSA.

*Subsequent Documents*¹

Memorandum from the Health Minister of Egypt to the President of the Republic concerning Extension of the Lease Contract for the WHO Regional Office building, 28 April 1957, and Decree No. 395 (*Egyptian Gazette*, 9 May 1957).

¹ Not reproduced.

Renewal of Lease between the Government of Egypt and the WHO for WHO Building, 15 September 1957.

Renewal of Lease between the Government of the United Arab Republic and the WHO for WHO Building, 29 May 1958.

Exchange of Letters between the WHO Regional Director and the Health Minister of the United Arab Republic, 30 and 31 May 1958.

Decision of the President of the United Arab Republic for the Issue of Law No. 29 (1958) governing the Rules of Free Disposal of State-owned Property and the Waiving of State Liquid Assets in Egypt, 13 June 1958.

Exchange of Letters between the WHO Regional Director and the Health Minister of Egypt, 1 and 14 March 1972.

Letter from the Ministry of Housing and Reconstruction of Egypt to the Ministry of Health, 30 August 1973.

Exchange of Letters between the Health Minister of Egypt and the WHO Regional Director, 29 January, 14 February and 1 March 1976.

Letter from the Health Minister of Egypt to the Governor of Alexandria, 6 March 1976.

Letter from the Ministry of Health of Egypt to the WHO Regional Director, 10 March 1976.

• _____

Rules of Procedure for Sub-Committee A of the Regional Committee for the Eastern Mediterranean¹

EM/RC12A/4
10 October 1962.

I. TITLE

Rule 1

This Sub-Committee is designated "Sub-Committee A".

It forms part of the Regional Committee for the Eastern Mediterranean Region (hereinafter referred to as the "Region", provisionally carrying out its duties, pursuant to resolutions WHA6.47 and WHA7.33, through being divided into two Sub-Committees.

II. MEMBERSHIP

Rule 2

The Sub-Committee shall consist of representatives (hereinafter referred to as "representatives"), one each from the States Members (hereinafter referred to as "Members") in the Region. The representatives may be accompanied by alternates and advisers.

Rule 3

Each Member shall be seated in accordance with its declared wishes made to the Regional Director, in one or other of the two Sub-Committees. Subject to the restriction on voting in Rules 21 and 22, a Member may, should it so desire, attend both Sub-Committees and participate in the deliberations thereof.

III. CREDENTIALS

Rule 4

The credentials of representatives and names of alternates, advisers, secretaries and observers, shall be submitted to the Regional Director if possible not less than two days before the opening of the session of the Sub-Committee.

IV. SESSIONS

Rule 5

The Sub-Committee shall hold at least one session a year. It shall determine at each session the place of its next session.

Rule 6

The Regional Director, in consultation with the Chairmen of the Sub-Committees, hereinafter referred to as "the Chairmen", shall also convene the Sub-

¹ As amended on 9 October 1962 by Sub-Committee A of the Twelfth Session of the Regional Committee for the Eastern Mediterranean. See resolution EM/RC12A/R.13, and documents EM/RC8A/2 and EM/RC12/13.

Committees in special session at the joint request of any five Members of the Region, addressed to him in writing and stating the reason for the request. In this case, the special session shall be convened within 30 days following receipt of the request. The session shall be held at the place selected by the Regional Director in consultation with the Chairmen.

Rule 7

Unless otherwise decided, the meetings of the Sub-Committee shall be held in public.

V. AGENDA

Rule 8

The provisional agenda of each session shall be drawn up by the Regional Director in consultation with the Chairmen. Except in the case of sessions convened under Rule 6, it shall be despatched by the Regional Director to the Members and the Director-General of the World Health Organization (hereinafter referred to as "the Director-General") at least six weeks prior to the commencement of the session together with the notice convening the Sub-Committee.

Rule 9

The provisional agenda of each session shall include *inter alia* :

- (a) all items, the inclusion of which has been ordered by the Health Assembly ;
- (b) all items, the inclusion of which has been ordered by the Executive Board of the World Health Organization ;
- (c) any item proposed by the Director-General ;
- (d) any item proposed by a Member.

Proposals under item (d) above should be received by the Regional Director at least eight weeks prior to the commencement of the session.

The agenda of Sub-Committees A and B shall be identical as regards their contents and the numeration of the items included therein and shall cover the whole region.

Rule 10

The Regional Director may, in consultation with the Chairmen, include any question suitable for the agenda which may arise between the despatch of the provisional agenda and the opening day of the session, in a supplementary agenda which the Sub-Committee shall examine together with the provisional agenda.

VI. OFFICERS OF THE SUB-COMMITTEE

Rule 11

Each year, the Sub-Committee shall elect its officers, a Chairman and two Vice-Chairmen, from among the representatives at its first session held during that year. These officers shall remain in office until their successors are elected.

The Chairman shall not become eligible for re-election until two years have elapsed since he ceased to hold office.

Rule 12

If the Chairman is absent from a meeting or any part thereof, the Vice-Chairman shall preside. The same procedure shall be followed when the Chairman is unable to attend a session of the Sub-Committee.

Rule 13

If a Chairman for any reason is unable to complete his term of office, a new Chairman shall be elected for the remaining period of his term.

VII. SUB-DIVISIONS

Rule 14

The Sub-Committee may establish such sub-divisions as it may deem necessary for the study of, and report on, any item on the agenda.

The Sub-Committee shall review from time to time, and in any case once a year, the need to maintain any sub-divisions established under its authority.

VIII. SECRETARIAT

Rule 15

The Regional Director, by virtue of the authority delegated to him by the Director-General¹, shall act as the Secretary of the Sub-Committee and of any sub-divisions thereof. He may delegate these functions.

Rule 16

The Director-General or the Regional Director, or a member of the Secretariat designated by either of them as his representative, may at any time make either oral or written statements concerning any question under consideration.

Rule 17

The Secretariat shall prepare summary records of the meetings. These records shall be prepared in the working languages and shall be distributed to the Members as soon as possible. Within twenty days thereafter Members shall inform the Secretariat in writing of any corrections they wish to have made.

IX. LANGUAGES

Rule 18

Arabic, English and French shall be the official and working languages.

Rule 19

Any representative may speak in a language other than the official languages. In this case, he shall himself provide for interpretation into one of the working languages.

¹ Article 32 of the Constitution.

X. VOTING

Rule 20

Unless otherwise provided by the Constitution of the Organization¹ or resolved by the Health Assembly², the decisions of the Sub-Committee shall be taken by a majority of the Members present and voting.

Rule 21

Each Member shall have one vote ; however, Members attending both Sub-Committees shall have the right of vote in one Sub-Committee only.

Rule 22

The report of the Sub-Committee shall state which Members have exercised their right of vote during the session.

Rule 23

For the purpose of these Rules the phrase "Members present and voting" means Members casting an affirmative or negative vote. Members who abstain from voting shall be considered as not voting.

In a secret ballot an invalid vote shall be so reported and shall be counted as an abstention.

Rule 24

Voting shall normally be by show of hands. However, any representative may request a roll-call which shall then be taken in the alphabetical order of the names of the Members, in English.

Rule 25

The vote of each Member participating in any roll-call shall be inserted in the summary records.

Rule 25 (bis)

After the Chairman has announced the beginning of voting, no Representative shall interrupt the voting except on a point of order in connection with the actual conduct of voting.

Rule 26

All elections shall be decided by secret ballot. However, except as concerns the vote required for the nomination of the Regional Director, an election may be held by a show of hands or by acclamation, provided that there is no more than one candidate for one elective office and that no representative requests otherwise.

Rule 27

A secret ballot on any other question shall be taken at the request of one representative supported by at least one other representative.

¹ Article 60 of the Constitution.

² Rule 67 of the Rules of Procedure of the World Health Assembly.

Rule 27 (bis)

A decision by the Sub-Committee whether or not to vote by secret ballot may only be taken by a show of hands ; if the Sub-Committee has decided to vote on a particular question by secret ballot no other mode of voting may be requested or decided upon.

Rule 28

Whenever required, the secret ballot may be taken by postal vote, the ballot papers from each Member being sealed in a cover. This cover shall be opened at a time and place, to be fixed and announced to Members by the Regional Director, in the presence of two tellers appointed one each by the Sub-Committees. The result of such a vote shall be announced by the Regional Director to the Members. If the result of such a vote is inconclusive, further postal ballots shall be taken as necessary, applying thereto the provisions of Rule 29 or 30 as may be appropriate.

Rule 29

When only one elective place is to be filled and no candidate obtains in the first ballot the majority required, a second ballot shall be taken which shall be restricted to the two candidates obtaining the largest numbers of votes. If in the second ballot the votes are equally divided, the Chairman shall decide between the candidates by drawing lots.

The drawing of lots shall not be resorted to in a vote taken in application of Article 52 ¹ of the Constitution ; in this event secret ballot shall continue to be taken until a candidate obtains the majority required, after the elimination at each balloting of the candidate who received the least number of votes.

Rule 30

When two or more elective places are to be filled at one time under the same conditions, those candidates obtaining in the first ballot the majority required shall be elected. If the number of candidates obtaining such majority is less than the number of places to be filled, there shall be additional ballots to fill the remaining places, the voting to be restricted to the candidates obtaining the greatest number of votes in the previous ballot to a number not more than twice the places remaining to be filled.

Rule 31

If a vote is equally divided on matters other than elections, the proposal shall be regarded as rejected.

XI. CONDUCT OF BUSINESS

Rule 32

One half of the Members seated in the Sub-Committee and entitled to vote under Rules 21 and 22 shall constitute a quorum.

¹ Article 52 : "The head of the Regional Office shall be the Regional Director appointed by the Board in agreement with the Regional Committee."

Rule 32 (bis)

No representative may address the Sub-Committee without having previously obtained the permission of the Chairman. The Chairman shall call upon speakers in the order in which they signify their desire to speak. The Chairman may call a speaker to order if his remarks are not relevant to the subject under discussion.

Rule 33

A representative may designate an alternate who is a member of his delegation and who shall have the right to speak and vote. An adviser, at the request of a representative, may be allowed to speak by the Chairman.

Rule 34

In addition to exercising the powers which are conferred upon him elsewhere by these Rules, the Chairman shall declare the opening and closing of each meeting of the Sub-Committee, shall direct the discussions, ensure observance of these Rules, accord the right to speak, put questions to the vote and announce decisions. He shall rule on points of order, and, subject to these Rules, shall control the proceedings at any meeting and shall maintain order thereat. The Chairman may, in the course of the discussion of any item, propose to the Sub-Committee the limitation of the time to be allowed to each speaker or the closure of the list of speakers.

Rule 35

During the discussion on any matter, a representative may rise to a point of order, and the point of order shall be immediately decided by the Chairman in accordance with these Rules.

Rule 36

During the discussion on any matter, a representative may move the suspension or adjournment of the debate. Any such motion if seconded shall be put to the vote immediately and without further discussion.

Rule 36 (bis)

Subject to Rule 36, any motion calling for a decision on the competence of the Sub-Committee to adopt a proposal submitted to it shall be put to the vote before a vote is taken on the proposal in question.

Rule 37

The Sub-Committee may limit the time to be allowed to each speaker.

Rule 38

A representative may at any time move the closure of the debate, whether or not another representative has signified his wish to speak. Permission to speak against the closure may be accorded to not more than one representative.

Rule 39

The Chairman shall take the sense of the meeting on any motion of closure. If the Sub-Committee is in favour of the motion, the Chairman shall declare the closure of the debate.

Rule 40

Parts of a proposal shall be voted on separately if a representative requests that a proposal be divided.

Rule 41

When an amendment revises, adds to or deletes from a proposal, the amendment shall be voted on first, and if it is adopted the amended proposal shall then be voted on.

Rule 42

If two or more amendments are moved to a proposal, the Sub-Committee shall first vote on the amendment furthest removed in substance from the original proposal and then on the amendment next furthest removed therefrom, and so on, until all the amendments have been put to the vote. Where, however, the adoption of one amendment necessarily implies the rejection of another amendment, the latter amendment shall not be put to the vote. The Chairman shall determine the order of voting on the amendments under this Rule.

Rule 43

A motion may be withdrawn by the proposer at any time before voting on it has begun, provided that the motion has not been amended. A motion withdrawn may be reintroduced by any Member.

Rule 44

When a proposal has been adopted or rejected it may be reconsidered at the same session, unless a two-thirds majority of the Members present and voting so decides. Permission to speak on a motion to reconsider shall be accorded only to two speakers opposing the motion, after which it shall be immediately put to the vote.

Rule 45

The Chairman may at any time require any proposal, motion, resolution, or amendment to be seconded.

XII. DOCUMENTATION

Rule 46

The Regional Director shall make available, within as short a period as possible, to the members of both Sub-committees, the documents communicated to either Sub-Committee, the summary records of their respective sessions, and the conclusions arrived at by either Sub-Committee on the items which have been considered.

XIII. REPORTS OF SESSIONS

Rule 47

In order to co-ordinate the opinions of the two Sub-Committees a person designated by each Sub-Committee, with the authorization of the respective Sub-Committees, shall meet together with the Regional Director in order to harmonize as far as may be necessary the decisions of the Sub-Committees and to present a final report. In the event that the opinions of the Sub-Committees on a

particular question cannot be harmonized, a statement to this effect shall be given in the report, together with the individual opinions of the Sub-Committees.

Rule 48

The final report of each session including resolutions, recommendations and other important decisions, with details of voting if any, shall be communicated by the Regional Director to the Members and to the Director-General, who shall forward it to the Executive Board.

In addition, the Regional Director shall transmit to the Members and to the Director-General the documents distributed during each session and the summary records of that session.

Rule 49

If for any reason one or other of the Sub-Committees should be unable to meet on the date and place notified, the other Sub-Committee's opinions shall be forwarded to the Members and to the Director-General.

XIV. SUSPENSION AND AMENDMENT TO THE RULES OF PROCEDURE

Rule 50

Subject to the provisions of the Constitution and with the exceptions of Rules 1, 2, 3, 9, 21, 28, 29, 46, 47, 48, 49 and 51 of these Rules of Procedure which are in accordance with the provisions of paragraphs 2 and 3 of Resolution WHA7.33, any other provision of these Rules of Procedure may be amended or suspended by the Sub-Committee provided that at least 48 hours' notice of the proposal for such amendment of suspension has been given to the Chairman and communicated by him to the Members 24 hours before the meeting at which the proposal is to be submitted. If, however, on the advice of the Chairman, the Sub-Committee is unanimously in favour of such a proposal, it may adopt it immediately and without notice.

XV. GENERAL PROVISIONS

Rule 51

The Sub-Committee may at its discretion apply such Rules of Procedure of the Health Assembly or the Executive Board of the World Health Organization as it may deem appropriate to particular circumstances, and provided that this is in accordance with the rules drawn up by the Health Assembly in Resolution WHA7.33.

Rule 52

Upon the termination of the provisional régime for the carrying out of the duties of the Regional Committee, these Rules of Procedure shall cease to have effect.

**Special Session of the Regional Committee for the
Eastern Mediterranean, Geneva, 12 May 1979**

*Letter from the WHO Regional Director to the Governments of the Member
States of the Region, Alexandria, 8 May 1979*

I have the honour to refer to a letter received from a certain number of member States of the Region requesting an early special meeting of the Regional Committee for the Eastern Mediterranean in order to discuss the subject of "transferring the Regional Office for the Eastern Mediterranean from Alexandria".

As you know, the Regional Committee for the Eastern Mediterranean is provisionally divided into two sub-committees, A and B, and both these sub-committees are being convened. In consultation with the Chairman of Sub-Committee A of the 28th Session of the Regional Committee for the Eastern Mediterranean it is proposed that Sub-Committee A of this special meeting be convened on Saturday, 12 May 1979, in Geneva. The tentative place for the meeting is Salle A (first floor) at WHO Headquarters' building, and I propose 10 a.m. for the beginning of the Session¹.

I trust that your Government would wish to take part in Sub-Committee A as in previous Regional Committee meetings. As for the meeting of Sub-Committee B this will be fixed in consultation with those concerned.

I should be grateful if you would let me have your response as soon as possible. I should also appreciate receiving the name of your Government's representative and of any alternate or advisers who may be accompanying him.

(Signed) A. H. TABA, M.D.

¹ See EB64/1979/REC/1.

**Working Group on the Question of a Transfer of the
Regional Office for the Eastern Mediterranean, 1979-1980**

EMR/EBWG/DIV/1.

*List of Documents*¹

EMR/EBWG/DIV/2

Members of the Working Group

- Dr R. Alvarez-Gutierrez, directeur général des affaires internationales, secrétariat à la santé et à l'assistance sociale, Mexico.
- Dr. A. M. Fakhro, Minister for Health, Manama, Bahrain.
- Dr. H. J. H. Hiddlestone, Director-General of Health, Department of Health, Wellington, New Zealand.
- Dr. T. Mork, Director-General of Health Services, Oslo, Norway.
- Dr. D. B. Sebina, Permanent Secretary for Health, Gaborone, Botswana.
- Dr. Shwe Tin, Director-General, Department of Health, Minister of Health, Rangoon, Burma.
-

EMR/EBWG/DIV/3.

*Unofficial Summary of the Deliberations of the Working Group
at Its First Meeting, 29 May 1979,
Geneva*

The first meeting of the Working Group to study the question of the transfer of the Regional Office of the Eastern Mediterranean Region met at 12.30 on 29 May 1979. Those present were :

Members :

- Dr. R. Alvarez-Gutierrez,
Dr. A. Fakhro
Dr. H. J. H. Hiddlestone,
Dr. T. Mork,
Dr. D. B. Sebina,
Dr. Shwe Tin.

¹ Not reproduced.

Secretariat :

Dr. H. Mahler, Director-General,
Dr. A. H. Taba, Regional Director, EMRO.

The Director-General opened the meeting, followed by the election by the Group of Dr. D. B. Sebina as Chairman.

The Group first took up the matter of fixing its next meeting which will be held in Geneva on Tuesday and Wednesday, 24 and 25 July 1979.

Dr. Taba informed the members of the Group that he would provide them with copies of the letters from member States of the Region requesting the special session of Sub-Committee A, documents of that session as well as other relevant documentation already existing. The Director-General said that the Secretariat would send to the members, by the end of June, any additional material related to constitutional, legal, operational, financial and technical aspects, in order that they might examine this before the next meeting of the Working Group.

Dr. Alvarez pointed out that probably most of the members of the Group did not know the Regional Office at all and would need details regarding the size of the office, number of personnel, etc. In reply Dr. Taba said that the members would be most welcome to visit the Regional Office in order to see for themselves the structure of the office and working conditions.

Dr. Hiddlestone suggested that in the event of the Group deciding to consider alternative places for the Regional Office, these countries should also be visited.

Dr. Fakhro asked Dr. Taba and his staff to provide, in time for the Group's next meeting, as many details as possible about financial aspects, staff involvement, contract with the host government and so on, so that the Group could visit the Regional Office at a later stage, just to consider certain specific points. There was general agreement that any visit should take place only after the next meeting.

There was a further suggestion from Dr. Hiddlestone that the people from the member States of the Region who feel most strongly about this matter should have an opportunity to clearly define every aspect of the possible transfer of the Regional Office. Dr. Fakhro agreed with this suggestion but felt that this possibility should only be considered after the July meeting if the Group felt that it needed further clarification. The Chairman also supported this idea.

Dr. Taba informed the Group that six formal invitations to host the Regional Office had already been received, and there might possibly be more. He would make these available to the members who could then later decide about accompanying the secretariat to these countries to find out their potential.

The Director-General explained that it would be very important to draw a line between the political role of the members and the neutral role of the secretariat but the secretariat would gather all the information possible about the various countries offering to host the Regional Office. He asked the Group to set up criteria in order to establish the necessary kind of legislation, relations with the host country, host agreement, etc., and instruct himself and the Regional Director on the steps to be taken.

Dr. Fakhro further stated that the secretariat should gather as much information as possible, including the preparation of questions to put to the governments offering to host the Regional Office, so that the work of the Group should prove as successful as possible.

EMR/EBWG/DIV/4.

Extracts from the Documents and Records of the Thirty-second World Health Assembly and the Sixty-fourth Session of the Executive Board

*I. Report of Sub-Committee A of the Special Session of the Regional Committee Held on 12 May 1979 (Document EB64/Inf.Doc/2, Annex 1)*¹

II. Memorandum Submitted by the Delegation of the Arab Republic of Egypt to the Thirty-second World Health Assembly Under the Supplementary Agenda Item I Entitled "Transfer of the Regional Office for the Eastern Mediterranean Region" (Document A32/44)

16 May 1979.

1. At its fifth plenary meeting on 9 May 1979 the World Health Assembly adopted the recommendation of the General Committee to include a supplementary item on the agenda of the Assembly's thirty-second session entitled "Transfer of the Regional Office for the Eastern Mediterranean Region". The Assembly further allocated this item to Sub-Committee B.

2. The Egyptian Delegation was keen during the discussion of the General Committee's recommendations by the Assembly to spare the Assembly a prolonged procedural discussion on the advisability of the inclusion of this item on the agenda of this session, both from a procedural and substantive point of view, in order to concentrate the effort and time of the Assembly on the consideration of the important items originally included in its agenda which relate primarily to the technical and humanitarian objectives of the Organization.

3. In Egypt's view, the consideration of this item by the Assembly requires, by necessity and in accordance with the Rules of Procedure of the Regional Committee for the Eastern Mediterranean, awaiting the consideration of this item by the Executive Board, which is the recipient organ for the reports of that committee – as well as other regional committees – according to Rule 48 of the above-mentioned Rules. It is therefore believed that the consideration of this item by the Executive Board is a necessary prerequisite to ascertain whether action is desirable. This will ensure that the Assembly will be in a better position to consider this item at the thirty-third session after it has been adequately studied by the Board, and would enable the Assembly to take into account the recommendations of the Board and the results of its deliberations.

4. Apart from the procedural irregularities, Egypt's objections are also based on the fact that the request for the transfer of the Regional Office is politically motivated. We believe that the specialized agencies should be spared the grave consequences of political differences which are by nature of a temporary character. Furthermore, the severance of diplomatic relations cannot be a justification for the transfer of the headquarters of regional organizations. Otherwise the whole regional system will be liable to an instability which can jeopardize its very purpose.

5. It is well known that Egypt has provided the best conditions and facilities since the establishment of the Regional Office in Alexandria 30 years ago in order that it can perform its functions and pursue its activities in accordance with

¹ Not reproduced. See EM/RC-SSA/3 incorporated in EB64/1979/REC/1.

the purposes and objectives of the World Health Organization in the field of regional co-operation, safeguarding them from any non-objective considerations.

6. In view of the above, Egypt considers that the Constitution of the Organization as well as the Rules of Procedure and the Host Agreement necessitate the observance of the legal provisions in that regard. This calls for observance of the necessary procedures which constitute an adequate guarantee for a decision taking into account all the technical and objective elements, without any negative effects on the proper functioning and continuity of the Organization's activities and ensures that the decision will not be based on a purely political objective. Any action by the Assembly to the contrary will constitute a dangerous precedent which we all must avoid.

7. Egypt would like to affirm once more its desire that the activities of the Regional Office continue with the same degree of efficiency which it has provided to its Members during the last 30 years, and to spare it any sudden repercussions which have no objective or technical grounds related to the basic purposes and principles of the Organization. It would also like to re-emphasize its continuing respect and adherence to the Host Agreement concluded between the Government of Egypt as host country and the World Health Organization.

III. Extract from the Provisional Summary Record of the Thirteenth Meeting of Committee B on 23 May 1979 (Document A32/B/SR/13) ¹.

IV. Extract from the Provisional Summary Record of the Fourteenth Meeting of Committee B on 24 May 1979 (Document A32/B/SR/14) ¹.

V. Extract from the Provisional Verbatim Record of the Fourteenth Plenary Meeting on 25 May 1979 (Document A32/VR/14) ².

VI. Decision Adopted by the World Health Assembly on 25 May 1979 concerning "Transfer of the Regional Office of the Eastern Mediterranean Region" (Document EB64/INF.DOC/2, Annex 2) ³.

VII. Extract from the Provisional Summary Record of the Second Meeting of the Sixty-fourth Session of the Executive Board Held on 28 May 1979 (Document EB64/SR/2) ⁴.

¹ Not reproduced. For final text, see WHA32/1979/REC/3.

² Not reproduced. For final text, see WHA32/1979/REC/2.

³ Not reproduced. See WHA32/1979/REC/1.

⁴ Not reproduced. For final text, see EB64/1979/REC/1.

EMR/EBWG/1.

*Second Meeting of the Working Group
Draft Agenda*

1. Opening of the Meeting.
2. Adoption of the Agenda.
3. Questions relating to the Removal of the Regional Office from the Present Location.
4. Questions relating to the Choice of a New Location for the Regional Office.
5. Plans for Future Meetings/Visits.
6. Other Business.
7. Closure of Meeting.

EMR/EBWG/2.

*Questions relating to the Removal of the Regional Office
from the Present Location¹*

1. Introduction

Relocation of the Regional Office from the present site requires consideration of a number of constitutional, legal, operational, financial and technical aspects by the Working Group. As far as the constitutional and legal aspects are concerned three points come to mind :

authority and procedure for determining the site of the regional office of a regional organization ;
consultation with the United Nations ;
question of denunciation of the existing host agreement.

With regard to the operational, financial and technical aspects the following will have to be considered :

denunciation of leases ;
termination of staff contracts ;
transitional difficulties for operations.

2. Authority and Procedure for Determining the Site of the Regional Office of a Regional Organization

Under Article 44 of the WHO Constitution "the Health Assembly may, with the consent of a majority of the Members situated within each area so defined [geographical area in which it is desirable to establish a regional organization], establish a regional organization to meet the special needs of such area". It might

¹ For final text see Section IV of EB65/19, Rev.1, incorporated in A33/19 and then in WHA33/1980/REC/1. [Note by the Registry.]

be recalled that the First World Health Assembly¹ resolved that the Executive Board should be instructed to carry out the initial establishment of regional organizations (which comprise regional offices and regional committees under Article 46 of the WHO Constitution) and that consequently the present locations of the WHO regional offices were fixed by resolutions of the Executive Board.

As regards the question, presently under consideration, of relocating the Regional Office for the Eastern Mediterranean Region, the Assembly, by its decision adopted at the fourteenth Plenary Meeting on 25 May 1979² called for the adoption of "such a decision by the World Health Assembly".

3. Consultation with the United Nations

It has to be kept in mind that the Organization has always consulted with the United Nations, through its Committee on Administrative Co-ordination (ACC) on the location of any of its regional offices³, under Article XI, paragraph 2, of the Agreement between the United Nations and the World Health Organization, which reads as follows :

"Regional or branch offices which the World Health Organization may establish shall, so far as practical, be closely associated with such regional or branch offices as the United Nations may establish⁴."

4. Question of Denunciation of the existing Host Agreement

4.1 Introduction

The Delegate of Egypt has raised the issue of the applicability of Section 37 of the Agreement of 25 March 1951 between WHO and Egypt on the question of a transfer of the Regional Office for the Eastern Mediterranean Region⁵. The text of this provision reads as follows⁶ :

"Section 37. The present Agreement may be revised at the request of either party. In this event the two parties shall consult each other concerning the modifications to be made in its provisions. If the negotiations do not result in an understanding within one year, the present Agreement may be denounced by either party giving two years' notice."

The basic rules of interpretation of this and of any other treaty have been laid down in Articles 31 and 32 of the Vienna Convention on the Law of Treaties

¹ *Official Records*, No. 13, p. 344.

² See text reproduced in document EMR/EBWG/DIV/4.

³ See for instance : for AFRO EB8.R14 and EB9.R37 ; for AMRO EB7.R48 ; for SEARO EB2.R29 ; for EURO EB4.R31 and EB14.R17 ; for WPRO EB8.R8 ; and for EMRO EB3.R30.

⁴ See also *Repertory of Practice of United Nations Organs*, Vol. III, Art. 63, para. 182 : "With regard to regional offices, consultation has taken place from time to time within the framework of ACC, both with regard to the location of such offices and in connection with the co-ordination or pooling of administrative services among the regional or branch offices grouped in the same locality."

⁵ See *Summary Record* of the Fourteenth Meeting of Committee B held on 24 May 1979 (document EMR/EBWG/DIV/4).

⁶ United Nations, *Treaty Series*, Vol. 223, p. 166. The full text of the Agreement is reproduced as Annex I to document EMR/EBWG/4.

done on 23 May 1969⁷ which refer *inter alia* to the preparatory work and any subsequent practice in the application of the treaty⁸.

4.2 Historical background

Tracing the historical origin of the clause appearing in Section 37 of the Agreement between WHO and Egypt of 1951, commonly called⁹, and cited in the further text as the "Host Agreement", one finds that this clause corresponds to Article 29 of the Headquarters Agreement concluded in 1948/1949 between WHO and the Swiss Government, which served as the model for the Host Agreement¹⁰. It must be added that the host agreements for the other regional offices of the Organization similarly incorporate the clause first introduced by WHO in its Headquarters Agreement¹¹ and that consequently this clause would have to be interpreted in the same manner for the Headquarters Agreement and all of the host agreements for regional offices.

The WHO Headquarters Agreement of 1948/1949, again, was modelled¹² on an earlier treaty, i.e., the Agreement of 11 March 1946 between the Swiss Federal Council and the International Labour Organisation concerning the Legal Status of the International Labour Organisation in Switzerland¹³ (hereinafter referred to as "ILO Headquarters Agreement"). However, the preparatory work for the two headquarters agreements (ILO and WHO) does not shed any direct light on the meaning of the renegotiation and denunciation clause here under consideration. However, it may be interesting to note that the ILO Headquarters Agreement was negotiated when the ILO decided after the war that it was "unnecessary that the Constitution of the Organisation should define the seat of the Office". Furthermore the negotiations for that agreement were preceded by the suggestion of the Delegation for Constitutional Questions of the ILO Conference that

"wherever the seat of the Office may be located there should be an arrangement between ILO and the Government . . . having authority over the seat which ensures that the Organisation will enjoy there the full independence necessary for the effective discharge of its international responsibilities until such time as the arrangement is terminated by mutual agreement¹⁴".

As regards the WHO Headquarters Agreement with Switzerland¹⁵, it is worth noting that, at the initial period of the negotiations, i.e., before the decision to establish WHO Headquarters in Geneva, the Swiss Government, by a letter dated 11 December 1946, gave an informal assurance that it was prepared to continue the application of the draft agreement even if the seat of WHO were to

⁷ Document A/CONF.39/27, p. 5.

⁸ For full text of Articles 31 and 32 see Annex I hereto.

⁹ WHO, *Handbook of Resolutions and Decisions*, Vol. I, p. 375.

¹⁰ See *Official Records*, Nos. 28, p. 451 and 35, p. 313.

¹¹ See Table of Agreements attached as Annex II.

¹² See document WHO.IC/W.4 of 15 October 1946, p. 3.

¹³ United Nations, *Treaty Series*, Vol. 15, pp. 378-411, at p. 396.

¹⁴ *First Report of the Conference Delegation to the Twenty-ninth International Labour Conference*, Montreal, 1946 (Report II (1), para. 32).

¹⁵ For the first draft already containing the renegotiation and denunciation clause in the same terms as the final text see document WHO.IC/W.5, Art. 29.

be established outside Switzerland. However, it was clear that this assurance was referring only to the lifetime of the Interim Commission¹⁶. In fact the Interim Commission itself had accepted the provisional arrangement with Switzerland for its own offices, similarly making it clear that this action could in no way prejudice the decision as to where the Organization, when established, would fix its headquarters¹⁷.

There was, it seems, some concern that without such clarification the Organization might become contractually bound vis-à-vis the host country to maintain its offices there until proper termination of the Agreement. Some opposition had indeed been voiced against the idea of entering into a treaty with the host country¹⁸ but this objection was not accepted by the Interim Commission and later by the Assembly which, following the general pattern of UN organizations, did enter into a bilateral agreement with the host country.

The question may of course be raised whether the two years' notice by either party, required under Section 37, is only obligatory when the party in question wishes, and unsuccessfully attempts, to renegotiate one or several provisions of the host agreement or also when it wishes to achieve a relocation of the Organization's offices forming the object of the agreement.

4.3 *Host Agreement with Egypt*

There is no specific comment on Section 37¹⁹ in the preparatory work on the Host Agreement concluded by WHO with Egypt in March 1951 after approval of the Third World Health Assembly²⁰. However, it is interesting to note that, contrary to the Headquarters Agreement with Switzerland (which does not specify the location of the WHO Headquarters), the Agreement with Egypt mentions expressly, in Section 1 (V) the location of "the Regional Office in Alexandria".

In the absence of any indication in the preparatory work for Section 37 of the Host Agreement apt to help in its interpretation, the subsequent practice with regard to the application of this and other analogous agreement would be particularly important. However, no case has ever occurred in WHO or in I.L.O., where the renegotiation and denunciation clauses of the respective headquarters and host agreements had to be put to a practical test. In November 1978 the question of a relocation of the WHO Headquarters has been raised at the Programme Committee of the Executive Board²¹. At that time, the Director-General, speaking of the political, structural and functional implications, also mentioned legal requirements that might arise under the existing Headquarters Agreement. However, no discussion in depth took place and no views were expressed by Members of the Executive Board as to whether a decision in favour

¹⁶ Report of the Temporary Panel of Legal Consultants on Privileges and Immunities, document WHO.IC/71, Rev. 1, p. 3, paras. 4 and 8.

¹⁷ See declaration of US State Department read out on 31 March 1947. Document WHO.IC/Min.3/2, p. 5.

¹⁸ *Official Records*, No. 3, p. 13, reflecting the Interim Commission's meeting of 8 November 1946.

¹⁹ See text of this Section in paragraph 4.1 above; for the full text of the Agreement see Annex I to document EMR/EBWG/4.

²⁰ Resolution WHA3.83, *Official Records*, No. 28, p. 52; see also the resolutions of the Assembly and the Executive Board reproduced in WHO, *Handbook of Resolutions and Decisions*, Vol. I, p. 357.

²¹ Cf. document EB63/16, para. 3.

of such relocation could be implemented immediately or whether it would require a two years' notice to the present host government.

Thus, it will be for the World Health Assembly, as the sovereign organ which approved the Host Agreement, to interpret it. The Working Group may wish to give the Executive Board and, through it, the Assembly, some guidance on the question of the applicability or not of the denunciation clause in case of relocation of WHO offices forming the subject of a formal agreement with the host country.

5. Denunciation of Leases

5.1 For the Regional Office Building

The site of land containing 2,028 m² and the Regional Office building thereon in Alexandria has been leased to the WHO by the Egyptian Government since 1 July 1949 against a nominal rent of Egyptian Pounds 0.100 per annum.

The first lease was concluded for a period of 9 years, from 1 July 1949 to 1 July 1958. A second lease was concluded on 15 September 1957 for a further period of 9 years, from 1 July 1958 to 1 July 1967. The second lease was however superseded by a new lease agreement signed on 29 May 1958 for a period of 20 years, from 1 July 1958 to 1 July 1978.

By letter of 14 March 1972, the Minister of Health agreed to a further extension of the lease for a period of 15 years, covering the period 1 July 1978 to 1 July 1993. No formal new lease agreement, as for the previous extensions, has so far been signed for the last extension of the lease. The matter is pending with the Egyptian Government for the completion of certain government formalities. Actually, it is understood that the Government has initiated certain internal procedures for having the lease extended to 30 June 1997 instead of 1 July 1993.

While neither the last formal lease agreement covering the period 1 July 1958 to 1 July 1978, nor the previous leases contained a clause for the denunciation of the lease during its normal duration, this question is covered by an exchange of letters between the Regional Director, EMRO, and the Minister of Health of 30 and 31 May 1958 providing for the following :

"... should the World Health Organization no longer desire to retain the premises, referred to in the above-mentioned Renewal of Lease, as the site of its Regional Office, the Organization may, notwithstanding the provisions of clause 3 of the said Renewal of Lease, at any time either terminate this Renewal of Lease by giving three months' notice in writing to the Government or, subject to the approval of the Government, assign this Renewal of Lease to the United Nations or to any of its specialized agencies of which the Government is a Member".

5.2 For Staff Accommodation

WHO professional staff in Alexandria normally live in privately rented furnished accommodation. Leases are mostly negotiated on a year to year basis and as a rule contain a diplomatic clause allowing the tenant to denounce the lease with one to three months' notice if he should be transferred from Alexandria. There may be some staff members whose leases do not contain a diplomatic clause but who in all likelihood would not find it difficult to terminate their leases prematurely due to the great demand for accommodation in Alexandria.

6. *Termination of Staff Contracts*

It is expected that most of the Professional staff in Alexandria would be offered and would accept reassignment to the new site of the Regional Office, if the move were decided. Many of the general service staff would probably not be able to accept reassignment to the new location of the Regional Office even if such a reassignment were offered (see EMR/EBWG/3, item D.2).

For the termination of existing staff contracts, a notice period of three months would normally apply. Termination indemnities and other entitlements of general service staff who would not be transferred to the new location would be of the order of \$350,000 to \$400,000. (About 63% of the present general service staff will have completed 10 or more years of service with WHO and would therefore be eligible to termination indemnities or end of service grants equivalent to 9.5 to 12 months' salaries.)

In addition to the aforementioned expenditure for the termination of staff contracts, it is to be expected that at least for several months staff expenditures would be incurred simultaneously at the old and the new site of the Office.

7. *Transitional difficulties for Operations*

As stated in more detail in Working Paper EMR/EBWG/3, in addition to the conclusion of a host agreement, there are a number of essential requirements which would need to be fulfilled in order that the Regional Office could be in a position to operate in a new location. Apart from office accommodation and attendant facilities, the question of the transfer of serving staff and the recruitment of new staff is of importance.

Should it be moved to a new location there would be important repercussions on the work of the Regional Office before, during and after such a move. For example, over the period of 30 years during which the Regional Office has been operating in Alexandria, the Organization has built up a well-trained, loyal and dedicated general service staff whose cumulative experience and knowledge could not be replaced in a short time. This fact is rendered even more important because of the general shortage of qualified secretarial and clerical staff with the requisite linguistic skills in many countries of the Region. Thus should it be decided to transfer the Regional Office to another country, disruption of the work of the Office would be likely due to the need to replace those staff who could not be transferred because of resignation and other reasons. This could have a serious effect on the implementation of the ongoing technical co-operation programme.

ANNEXES ¹

Annex I. Articles 31 and 32 of the Vienna Convention on the Law of Treaties.

Annex II. Denunciation Clauses in the Host Agreements with WHO.

¹ Not reproduced. [Note by the Registry.]

EMR/EBWG/2, Add.1.

Questions relating to the Removal of the Regional Office from the Present Location

1. The heading of Section 3 should be amended to read :
Consultation with the United Nations and interested Specialized Agencies
2. The following should be inserted at the end of the text of Section 3 :
FAO and Unesco also maintain regional or branch offices in Egypt and the Agreements concluded between WHO and these Organizations require consultation in the following terms :

AGREEMENT BETWEEN THE FOOD AND
AGRICULTURE ORGANIZATION OF THE UNITED NATIONS
AND THE WORLD HEALTH ORGANIZATION ¹

Article X – Regional and Branch Offices

FAO and WHO agree to keep each other informed of plans for the initial establishment and relocation of regional and branch offices and to consult together with a view, where practicable, to entering into co-operative arrangements as to location, staffing and the use of common services.

AGREEMENT BETWEEN THE UNITED NATIONS
EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION
AND THE WORLD HEALTH ORGANIZATION ¹

Article IX – Regional and Branch Offices

WHO and Unesco agree to keep each other informed of plans for the establishment and relocation of regional and branch offices and to consult together with a view, where practicable, to entering into co-operative arrangements as to the premises, staffing and common services.

EMR/EBWG/3.

*Questions relating to the Choice of a New Location for the Regional Office for the Eastern Mediterranean*²

ANNEXES

*Annex A. Office Building Requirements for EMRO based on the 1980 staffing position*³.

¹ Adopted by the First World Health Assembly on 17 July 1948 (*Official Records*, No. 13, pp. 96, 323).

² Not reproduced. See Annex 2 to EB65/19, Rev.1 incorporated in A33/19. [*Note by the Registry.*]

³ Not reproduced. [*Note by the Registry.*]

Annex B. General Service Posts (Regular Budget) ¹.

Annex C. Calculation of estimated cost at different locations based on 1980-1981 averages for professional staff.

Calculation for general services staff (EM.5 step 6) ¹.

Annex D. Rates of travel per diem in lieu of subsistence expenses paid to WHO staff members in travel status ¹.

Annex E. Criteria established for choice of headquarters location (Extract from *Official Records*, No. 10, p. 88) ¹.

Annex F. Draft agreement between the World Health Organization and a "Host" Government ² :

The "Host Government" ³ on the one part, and the *World Health Organization* on the other,

Desiring to conclude an *Agreement* for the purpose of determining the privileges, immunities and facilities to be granted by the "Host Government" to the *World Health Organization*, to the representatives of its Members and to its experts and officials in particular with regard to its arrangements in the . . . Region, and of regulating other related matters ;

Have agreed as follows :

Article I

DEFINITIONS

Section I. In the present Agreement :

- (i) the word "Organization" shall mean the World Health Organization ;
- (ii) for the purposes of Article IV the words "property and assets", "funds, gold or currency", or "assets, income and other property" shall be deemed to include property, assets, and funds administered by the Organization under Article 57 of its Constitution and/or in furtherance of its constitutional functions ;
- (iii) the words "representatives of Members" shall be deemed to include all delegates to the World Health Assembly ; all persons designated by Members to serve on the Executive Board of the Organization ; all representatives on the Regional Committees in the . . . Region ; as well as all delegates, alternates, advisers, technical experts who are members of delegations, and secretaries of delegations ;
- (iv) the word "Member" shall be deemed to include a Member or an Associate Member of the Organization as well as a territory or group of territories which, without being an Associate Member, is represented and participating in the Regional Committee of the . . . Region of the Organization, in accordance with Article 47 of its Constitution ;

¹ Not reproduced.

² See pp. 53 and 65, *supra*, and p. 323, *infra*.

³ For the words "Host Government" and "this territory" substitute throughout the Draft Agreement the name of the Government and the country concerned.

- (v) the words "principal or subsidiary organs" shall be deemed to include the World Health Assembly, the Executive Board, the Regional Committee in the . . . Region and any of the subdivisions of all these organs as well as the Secretariat and the Regional Office in . . . ;
- (vi) for the purposes of Sections 4, 6, 15 and 16 the words "freedom of meeting" or "meeting of the Organization" shall be deemed to include all meetings of the principal or subsidiary organs of the Organization as well as all conferences or meetings convened by, or under the authority or auspices of, the Organization in "*this territory*".

Article II

JURIDICAL PERSONALITY

Section 2. The Organization shall possess juridical personality and legal capacity and, in particular, capacity (a) to contract, (b) to acquire and dispose of immovable and movable property, and (c) to institute legal proceedings.

Article III

FREEDOM OF ACTION

Section 3. The Organization and its principal or subsidiary organs shall have in "*the territory*" the independence and freedom of action belonging to an international organization.

Section 4. The Organization, its principal or subsidiary organs, as well as its Members and the representatives of Members in their relations with the Organization, shall enjoy in "*the territory*" absolute freedom of meeting, including freedom of discussion and decision.

Article IV

PROPERTY, FUNDS AND ASSETS

Section 5. The Organization and its property and assets located in "*the territory*" shall enjoy immunity from every form of legal process except in so far as in any particular case this immunity is expressly waived by the Director-General of the Organization or the Regional Director as his duly authorized representative. It is, however, understood that no waiver of immunity shall extend to any measure of execution.

Section 6. (1) The premises of the Organization in "*the territory*" or any premises in "*the territory*" occupied by the Organization in connection with a meeting of the Organization shall be inviolable.

(2) Such premises and the property and assets of the Organization in "*the territory*" shall be immune from search, requisition, confiscation, expropriation, and any other form of interference, whether by executive, administrative, judicial or legislative action.

Section 7. The archives of the Organization, and in general all documents belonging to it or held by it in "*the territory*" shall be inviolable.

Section 8. (1) Without being restricted by financial controls, regulations or moratoria of any kind : (a) the Organization may hold funds, gold or currency of any kind and operate accounts in any currency ; (b) the Organization shall be free

to transfer its funds, gold or currency to or from "*the territory*" or within "*the territory*" and to convert any currency held by it into any other currency.

(2) This section shall apply to Members of the Organization in their relations with the Organization.

Section 9. In exercising its rights under Section 8, the Organization shall pay due regard to any representations made by the "*Host Government*" in so far as the Organization considers that effect can be given to such representations without detriment to its interests.

Section 10. The Organization, its assets, income and other property shall be : (a) exempt from all direct and indirect taxes. It is understood, however, that the Organization will not claim exemption from taxes which are, in fact, no more than charges for public utility services ; (b) exempt from customs duties, prohibitions and restrictions on imports and exports in respect of medical supplies, or any other goods or articles imported or exported by the Organization for its official use. It is understood, however, that such medical supplies, goods, or articles, imported under such exemption will not be sold in "*the territory*" except under conditions agreed with the "*Host Government*" ; (c) exempt from customs duties, prohibitions and restrictions on imports and exports in respect of their publications.

Section 11. While the Organization will not, as a general rule, in the case of minor purchases, claim exemption from excise duties and from taxes on the sale of movable and immovable property which form part of the price to be paid, nevertheless, when the Organization is making important purchases for official use of property on which such duties and taxes have been charged or are chargeable, the "*Host Government*" shall make appropriate administrative arrangements for the remission or return of the amount of duty or tax.

Article V

FACILITIES IN RESPECT OF COMMUNICATIONS

Section 12. The Organization shall enjoy in "*the territory*" for its official communications treatment not less favourable than that accorded by the "*Host Government*" to any other Government including its diplomatic mission, in the matter of priorities, rates and taxes on mail, cables, telegrams, radiograms, telephotos, telephone and other communications, and Press rates for information to the Press and radio.

Section 13. (1) No censorship shall be applied to the official correspondence and other official communications of the Organization.

(2) The Organization shall have the right to use codes and to despatch and receive correspondence by courier or in sealed bags, which shall have the same immunities and privileges as diplomatic couriers and bags.

Article VI

REPRESENTATIVES OF MEMBERS

Section 14. Representatives of Members of the Organization or its principal or subsidiary organs and at conferences or meetings convened by the Organization, shall, while exercising their functions and during their journeys to and from the place of meeting, enjoy the following privileges and immunities : (a) immunity from personal arrest or detention and from seizure of their personal

baggage, and, in respect of words spoken or written and all acts done by them in their official capacity, immunity from legal process of every kind ; (b) inviolability for all papers and documents ; (c) the right to use codes and to despatch or receive papers or correspondence by courier or in sealed bags ; (d) exemption in respect of themselves and their spouses from immigration restrictions, aliens' registration or national service obligations in "the territory" ; (e) the same facilities in respect of currency or exchange restrictions as are accorded to representatives of foreign Governments on temporary official missions ; (f) the same immunities and facilities in respect of their personal baggage as are accorded to members of diplomatic missions of comparable rank ; (g) such other privileges, immunities and facilities not inconsistent with the foregoing as members of diplomatic missions of comparable rank enjoy, except that they shall have no right to claim exemption from customs duties on articles imported (otherwise than as part of their personal baggage) or from indirect taxes or sales taxes.

Section 15. In order to secure for the representatives of Members of the Organization at a meeting of the Organization complete freedom of speech and independence in the discharge of their duties, the immunity from legal process in respect of words spoken or written and all acts done by them in discharging their duties shall continue to be accorded, notwithstanding that the persons concerned are no longer engaged in the discharge of such duties.

Section 16. If the incidence of any form of taxation depends upon residence in "the territory", periods during which the representatives of Members of the Organization are present at a meeting of the Organization in "the territory" for the discharge of their duties shall not be considered as periods of residence.

Section 17. Privileges and immunities are accorded to the representatives of Members of the Organization not for the personal benefit of the individuals themselves, but in order to safeguard the independent exercise of their functions in connection with the Organization. Consequently, a Member not only has the right, but is under a duty to waive the immunity of its representatives in any case where, in the opinion of the Member, the immunity would impede the course of justice, and it can be waived without prejudice to the purpose for which the immunity is accorded. In any such case in which one of the persons designated to serve on it is concerned, the Executive Board of the Organization shall be under the same duty.

Article VIII

EXPERTS ON MISSIONS FOR THE ORGANIZATION

Section 18. Experts and consultants other than those under Section 1 (iii) or as officials come within the scope of Article VI or VIII respectively and who perform missions for the Organization shall be accorded such privileges and immunities as are necessary for the independent exercise of their functions during the period of their missions, including the time spent on journeys in connection with their missions. In particular, they shall be accorded : (a) immunity from personal arrest or detention and from seizure of their personal baggage and in respect of words spoken or written and acts done by them in the course of the performance of their mission, immunity from legal process of every kind. This immunity from legal process shall continue to be accorded notwithstanding that the persons concerned are no longer employed on missions for the Organization ; (b) inviolability for all papers and documents ; (c) for the purpose of their communications with the Organization, the right to use codes and to

despatch or receive papers or correspondence by courier or in sealed bags ; (d) exemption in respect of themselves and their spouses from immigration restrictions, aliens' registration or national service obligations in "the territory" ; (e) the same facilities in respect of currency or exchange restrictions as are accorded to representatives of foreign Governments on temporary official missions ; (f) the same immunities and facilities in respect of their personal baggage as are accorded to members of diplomatic missions.

Section 19. Privileges and immunities are granted to experts in the interests of the Organization and not for the personal benefit of the individuals themselves. The Director-General shall have the right and the duty to waive the immunity of any expert in any case where, in his opinion, the immunity would impede the course of justice and can be waived without prejudice to the interests of the Organization.

Article VIII

OFFICIALS

Section 20. The Director-General, or the Regional Director as his duly authorized representative, shall from time to time communicate to the "Host Government" the names of those officials to whom the provisions of this article and Article IX shall apply.

Section 21. Officials of the Organization shall : (a) be immune from legal process in respect of words spoken or written and all acts performed by them in their official capacity ; (b) be exempt from taxation in respect of the salaries and emoluments paid to them by the Organization ; (c) be immune from national service obligations in "this territory" ; (d) be immune, together with their spouses and relatives dependent on them, from immigration restrictions and aliens' registration ; (e) be accorded the same privileges in respect of exchange facilities as are accorded to officials of comparable rank of diplomatic missions to "this territory" ; (f) be given, together with their spouses and relatives dependent on them, the same repatriation facilities in time of international crises as officials of comparable rank of diplomatic missions ; (g) have the right to import free of duty their furniture and effects at the time of taking up their post in "this territory" or upon their permanent appointment to it ; (h) once every three years have the right to import free of duty a motor car it being understood that the duty will become payable in the event of the sale or disposal of such motor car to a person not entitled to this exemption within three years upon its importation.

Section 22. In addition to the immunities and privileges specified in Section 21, the Director-General, the Deputy Director-General, the Assistant Directors-General, the Regional Director in "this territory" and, if the Director-General should so desire and communicate their names to the "Host Government", certain officials of a director's status, shall be accorded in respect of themselves, their spouses and minor children, the privileges and immunities, exemptions and facilities accorded to diplomatic envoys in accordance with international law.

Section 23. Privileges and immunities are granted to officials in the interests of the Organization and not for the personal benefit of the individuals themselves. The Director-General shall have the right and the duty to waive the immunity of any official in any case where, in his opinion, the immunity would impede the course of justice and can be waived without prejudice to the interests of the Organization.

Section 24. The Organization shall co-operate at all times with the appropriate authorities of the "*Host Government*" to facilitate the proper administration of justice, secure the observance of police regulations and prevent the occurrence of any abuses in connection with the privileges, immunities and facilities mentioned in this Article.

Article IX

VISAS, PERMITS OF RESIDENCE, UNITED NATIONS LAISSEZ-PASSER

Section 25. (1) The "*Host Government*" shall take all measures required to facilitate the entry into, residence in, and departure from, "*this territory*" of all persons having official business with the Organization, i.e., (a) representatives of Members, whatever may be the relations between "*this territory*" and the member concerned ; (b) experts and consultants on missions for the Organization, irrespective of nationality ; (c) officials of the Organization ; (d) other persons, irrespective of nationality, summoned by the Organization.

(2) Any police regulation calculated to restrict the entry of aliens into "*this territory*" or to regulate the conditions of their residence, shall not apply to the persons provided for in this section.

(3) The "*Host Government*" shall issue to the embassies, legations and consulates abroad general instructions in advance to grant visas to any applicant on production of a valid identity and travel document and of a document establishing his official relationship to the Organization, without any delay or waiting period and without requiring his personal attendance or the payment of any charges.

(4) The provisions of this Section shall apply to the spouse and dependents of the person concerned if they live with him and do not exercise an independent profession or calling.

Section 26. The "*Host Government*" shall recognize and accept as valid travel documents the United Nations Laissez-passer issued to the officials of the Organization under administrative arrangements concluded between the Director-General of the Organization and the Secretary-General of the United Nations.

Section 27. The Director-General, the Deputy Director-General, the Assistant Directors-General, the Regional Director of the Organization in "*this territory*", and the Directors of the Organization travelling on its official business shall be granted the same facilities as are accorded to diplomatic envoys.

Article X

SETTLEMENT OF DISPUTES

Section 28. The Organization shall make provision for appropriate modes of settlement of : (a) disputes arising out of contracts or other disputes of a private law character to which the Organization is a party ; (b) disputes involving any official of the Organization who, by reason of his official position, enjoys immunity, if immunity has not been waived by the Director-General in accordance with the provisions of Section 23.

Section 29. Any difference between the Organization and the "*Host Government*" arising out of the interpretation or application of the present Agreement or of any supplementary arrangement or agreement which is not settled by nego-

tiation shall be submitted for decision to a Board of three arbitrators ; the first to be appointed by the "*Host Government*", the second by the Director-General of the Organization, and the third, the presiding arbitrator, by the President of the International Court of Justice, unless in any specific case the parties hereto agree to resort to a different mode of settlement.

Article XI

FINAL PROVISIONS

Section 30. The present Agreement shall enter into force as soon as it has been approved by the "*Host Government*" and adopted by the World Health Assembly.

Section 31. The present Agreement may be revised at the request of either party. In the event the two parties shall consult each other concerning the modifications to be made in its provisions. If the negotiations do not result in an understanding within one year, the present Agreement may be denounced by either party giving two years' notice.

In Faith Whereof the present Agreement was adopted and signed on the day of _____, 194____, at _____ in four copies, two in French and two in English, the texts in both languages being equally authentic, of which two texts one copy in French and one in English were handed to the representatives of the "*Host Government*", and the two remaining copies to the Director-General of the World Health Organization.

For the "Host Government" :

For the World Health Organization :

Director-General.

APPENDIX

List of Optional Provisions

1. *Exchange of Currency* (to be inserted at the end, or immediately after Section 8 of the Draft Agreement) :

The "*Host Government*" shall provide for the Organization, at the most favourable rate officially recognized, its national currency to the amount required to meet the expenditure of the Organization in "*this territory*" or other parts of the . . . region.

2. *National Service*

Should the "Host" Government insist on the compliance with national service regulations by at least some of its nationals who are officials of the Organization, Section 21 (c) might be deleted and the following section inserted immediately thereafter :

- (i) The officials of the Organization shall be exempt from national service obligations in "*this territory*" provided that, in relation to the "*Host Government*" nationals, such exemption shall be confined to officials whose names have, by reason of their duties, been placed upon a list compiled by the Director-General or the Regional Director as his duly authorized representative and communicated to the "*Host Government*".
- (ii) Should other officials of the Organization be called up for national service

the "Host Government" shall, at the request of the Director-General or the Regional Director as his duly authorized representative, grant such deferments in the call-up of such officials as may be necessary to avoid serious dislocation in the continuation of essential work.

3. Continuation of Existing Arrangements on Immunities and Privileges

If it should appear desirable to continue arrangements existing in respect of a regional health agency which has been, or is being, integrated with the Organization, an article consisting of the following section might be inserted after Article VIII :

Art. . . . : Existing Privileges and Immunities

In addition to the immunities and privileges provided for in the present Agreement, the "Host Government" shall continue to accord to the Organization, the representatives of its Members, experts and officials, the privileges and immunities hitherto accorded to the "Regional Health Agency", the representatives of its Members and its officials.

4. Security Clause

Should the "Host" Government desire a security clause to be inserted in the Agreement, an article consisting of the following section might be included immediately after Article IX :

Art. . . . : Security of "Host Government"

Nothing in the present Agreement shall be construed to preclude the adoption of appropriate security precautions in the interests of the "Host Government" which shall be determined by agreement between the "Host Government" and the Director-General.

Annex G. Agreement between WHO and the Government of Egypt of 25 March 1951 ¹.

Annex H ¹. Extract from WHO, *Handbook of Resolutions and Decisions*, Vol. I, p. 357 : Host Agreement with the Government of Egypt ².

Annex I. Invitations to host the Regional Office received by the secretariat (in date order) ² :

Syrian Arab Republic	21 April 1979
Kuwait	1 May 1979
Iraq	7 May 1979
Lebanon	8 May 1979
Pakistan	14 May 1979
Jordan	16 May 1979
Iran	30 May 1979
Libyan Arab Jamahiriya	12 June 1979
Bahrain	24 July 1979.

¹ See pp. 6-24, *supra*.

² Not reproduced.

EMR/EBWG/4.

*Second Meeting of the Working Group, Geneva, 24-25 July 1979**Summary of the Deliberations*

The Working Group met in Geneva on Tuesday, 24 July 1979, at 10.00 a.m., under the Chairmanship of Dr. Sebina. Dr. Fakhro was unable to attend and was replaced by his alternate, Dr. Yaqoob. The Group adopted the agenda as it appears in document EMR/EBWG/1.

The Secretariat introduced agenda item 3 related to the removal of the Regional Office from Alexandria and it was decided to take document EMR/EBWG/2 as a basis for the discussion. With regard to section 3 of the document Dr. Hiddlestone asked for clarification concerning the presence in Egypt of offices of other organizations of the UN system. It was indicated that FAO and Unesco had some regional offices in Cairo. The Director-General underlined the need for consultation with the United Nations if the transfer were decided upon. A long exchange of views took place concerning Section 37 of the existing Host Agreement between Egypt and WHO and the position of the Egyptian Government regarding this Section was explained to the Group by the Secretariat. The Group considered itself as not being in a position to decide whether or not this Section was applicable and it was underlined that the final position of the Organization on the possible discrepancies of views with Egypt would have to be decided upon by the Health Assembly. Should the opinion of the Assembly not be agreeable to the Egyptian Government, the possibility of arbitration might be raised under Section 34 of the Host Agreement, and the International Court of Justice could eventually be requested to provide an advisory opinion under Article 76 of the Constitution.

The Group requested information related to the lease for the Regional Office building and the Regional Director provided some clarification.

The Group then took up agenda item 4 related to the choice of a new location for the Regional Office. It was decided that document EMR/EBWG/3 should be sent to those Governments having offered to host the Regional Office, together with a covering letter requesting them to provide detailed information on the questions raised in the document, and asking for confirmation of their willingness to host the office taking into account the conditions contained in this document.

Dr. Hiddlestone required further clarification about the office space requirements which was provided by the Regional Director.

The question of facilities for communications, transportation and other related items was also discussed as well as the staffing requirements. With regard to the cost which a transfer would involve, the secretariat underlined the fact that it was very difficult to provide more details on the different types of expenditure without knowing in which country the Regional Office might be located. More detailed estimations could be provided by those countries being considered after the visits have taken place. Concerning the legal requirements referred to in section G the Secretariat drew the attention of the Committee to the fact that the points mentioned in this section, and in the relevant Annexes, had to be considered as a model for the drafting of a final host agreement and could not be considered at this stage as a consolidated text.

The final item for consideration was the planning of future meetings and visits. After a lengthy discussion the following timetable of activities was agreed upon. The information to be requested from those governments having offered to host

the Regional office would be required by not later than 1 September and this would then be transmitted to the Members of the Group. On 26 September the Group would meet at the Regional Office in Alexandria for two days and would immediately after divide into three sub-groups of two Members each, to visit three countries from 29 to 30 September, and if required 1 October, each sub-group being accompanied by a member of the Secretariat. It was decided to establish the order in which the countries would be visited by drawing lots. Dr. Yaqoob confirmed that the Government of Bahrain has sent to the Regional Director a formal invitation to host the Regional Office. The result of the draw was as follows :

1. Pakistan
2. Jordan
3. Lebanon
4. Syrian Arab Republic
5. Libyan Arab Jamahiriya
6. Bahrain
7. Iran
8. Iraq
9. Kuwait.

The first three countries on the list would be the first to be visited, it being understood that in the event that any of the three were not in a position to receive the sub-group, that group would visit the next country on the list, following the above order.

The three sub-groups were then established to visit the first three countries as follows :

Pakistan: Dr. Yaqoob and Dr. Shwe Tin
 Jordan : Dr. Alvarez-Gutierrez and Dr. Sebina
 Lebanon : Dr. Hiddlestone and Dr. Mork.

The Secretariat presented a draft letter which will be sent to the nine potential host countries and underlined the fact that each sub-group will be provided with a check-list including all the items on which information should be provided by the countries, it being understood that at a later stage further details with regard to privileges and immunities and legal requirements might have to be discussed with the governments concerned in the light of the Assembly's future decisions in this matter. The Working Group approved the text of the draft letter. The Group considered that all potential invitations had now been received and on this assumption made plans regarding future activities. It was decided provisionally that the next visits would be made during the first two weeks of December but that the visits did not necessarily have to take place simultaneously. Further details regarding these visits would be fixed during the meeting in Alexandria.

With regard to the first visits it was decided that a detailed programme of the visits, including the places and authorities that the sub-groups would wish to see, would be communicated to the countries concerned. It was confirmed that the next meeting of the Working Group would take place at the Regional Office in Alexandria from 26 September 1979 for two days. In this respect the Members of the Group will make their own arrangements for their travel to Alexandria and the office of Dr. Taba will be responsible for all further arrangements within the Region, including return travel and obtaining visas. All communications related to the activities of the Working Group should be sent to the Director of the Legal

Division, WHO Headquarters, Geneva, and it was agreed that information concerning the arrival times of the Members in Cairo for the meeting in Alexandria would be duplicated to the Regional Office.

The Working Group decided to hold a further meeting on Monday and Tuesday, 7 and 8 January 1980 to prepare a report for presentation to the Executive Board at its January session.

In the absence of any other matters for discussion the meeting was closed at 11.30 a.m. on Wednesday, 25 July.

Headquarters of the World Health Organization ¹

Lettre du département politique fédéral suisse au secrétaire exécutif de la Commission intérimaire de l'OMS, 11 décembre 1946 ²

Berne, le 11 décembre 1946.

Nous avons l'honneur d'accuser réception de la lettre du 4 décembre par laquelle vous avez bien voulu nous renseigner sur les mesures prises par la Commission intérimaire de l'Organisation mondiale de la santé et par vous-même en vue d'établir au palais des Nations à Genève une partie importante des services chargés d'exécuter les tâches qui incombent à la Commission intérimaire.

Nous avons pris note avec un vif intérêt des indications que vous nous avez fournies et nous vous confirmons que les autorités de la Confédération et du canton de Genève sont prêtes à faire tout ce qui est en leur pouvoir afin de faciliter l'activité de ceux de vos services qui s'installeront à Genève.

Ainsi que nous vous en avons informé par lettre du 28 octobre, le Conseil fédéral a décidé d'appliquer à titre provisoire les dispositions du projet d'accord ³ et du projet d'arrangement d'exécution qui sont issues des délibérations des 18 et 19 septembre. Cette décision vaut pour tous les services que la Commission intérimaire désirera établir en Suisse.

Nous sommes donc prêts à examiner avec vous les dispositions pratiques qu'il conviendra de prendre en vue de donner effet aux règles contenues dans le projet d'accord et dans le projet d'arrangement d'exécution.

(Signé) MAX PETITPIERRE.

Exchange of Letters between the Legal Counsel of the United Nations and the Director of the Legal Department of the WHO, 4 and 28 April 1972

New York, 4 April 1972.

At its twenty-second session, the International Law Commission decided to include in its programme of work the question of treaties concluded between States and international organizations or between two or more international organizations, and it appointed Mr. Paul Reuter Special Rapporteur for the question. The Commission specified that the documentation to be prepared would include "an account of the relevant practice of the United Nations and the principal international organizations"; it also decided that for the time being, and "for the purposes of the present topic", the principal international organizations should be taken as those which were invited to send observers to the Vienna Conference on the Law of Treaties.

¹ See also WHO, *Official Records*, Nos. 4, 5, 10 and 246; and United Nations, *Treaty Series*, II, No. 155, Vol. 26.

² Mentionnée dans OMS, *Actes officiels*, n° 5, annexe 26.

³ Voir OMS, *Actes officiels*, n° 4, annexe 15.

Mr. Reuter thinks that the best way to go about his task is to send a comprehensive questionnaire to the international organizations concerned. Although he is not yet in a position to submit such a questionnaire in final form, he would like to know the views of your organization on a number of points which you will find listed in the annex to this letter. In view of the fact that this is only a preliminary consultation, your reply will at this stage be forwarded informally to Mr. Reuter. Once the outline of the account requested by the Commission has been more clearly defined, your organization will again be consulted and given an opportunity of presenting a final reply, which will be published in the account itself.

For your convenience, I attach herewith the original French text of the questionnaire.

I thank you in advance for your co-operation.

(Signed) Constantin A. STAVROPOULOS.

QUESTIONS POSÉES PAR M. REUTER

- 1) *Positions prises en ce qui concerne : i) la situation des institutions spécialisées au regard de la convention de 1947 sur les privilèges et immunités des institutions spécialisées, ii) la situation de l'AIEA au regard de l'accord sur ses privilèges et immunités* [Question sans objet pour les organisations autres que les institutions spécialisées et l'AIEA.]

Il s'agit de savoir si ces organisations se considèrent comme parties à ces accords et si des problèmes juridiques concrets ont été discutés à ce sujet.

- 2) *Possibilités ouvertes éventuellement à une organisation internationale, dans des traités conclus sous les auspices de votre organisation, de participer à une convention pour le compte d'un territoire qu'elle représente*

La question a été soulevée par les Etats-Unis d'Amérique dans leur plaidoirie écrite à l'occasion de l'avis rendu par la Cour internationale de Justice sur la Namibie en 1971 (*Mémoires, plaidoiries et documents*, vol. I, p. 884 à 887); d'autre part deux conventions patronnées par l'IMCO – la convention internationale sur l'intervention en haute mer en cas d'accident pouvant entraîner une pollution par les hydrocarbures (art. XIII) et la convention internationale sur la responsabilité civile pour les dommages dus à la pollution par les hydrocarbures (art. XVII) – l'une et l'autre publiées dans l'*Annuaire juridique* de 1969, contiennent des clauses intéressantes sur ce point.

- 3) *Recours dans la conclusion des accords à des « pouvoirs », à d'autres documents justificatifs de la qualité représentative pour conclure un accord, ou à des documents établissant une délégation*

Importante question pratique ; il faudrait l'élargir pour y inclure le problème des « délégations » d'un organe à un autre, de même qu'à un organe subsidiaire.

- 4) *Distinction entre des accords qui présenteraient par rapport à l'organisation un caractère interne et ceux qui présenteraient un caractère externe. Une telle distinction est-elle connue ? Connaît-on les problèmes qu'elle recouvre ?*

Parmi les accords qui seraient internes il y aurait tous les accords entre organes principaux, ou entre organes subsidiaires ; il est beaucoup moins certain que présenteraient un caractère interne les accords conclus entre l'organisation et un Etat membre, même si celui-ci le conclut en sa qualité de membre.

- 5) *Pratique de l'organisation en ce qui concerne les accords conclus par ses organes subsidiaires : sont-ils des accords de l'organisation ou non ?*
- 6) *L'organisation connaît-elle des accords conclus par elle en vue d'exécuter d'autres accords internationaux ou traités ? La subordination de ces accords aux actes qu'ils ont pour objet d'exécuter se traduit-elle par des conséquences juridiques (aptitude à les conclure, régime juridique) ?*
- 7) *L'organisation est-elle actuellement, par rapport à des traités multilatéraux entre Etats, dans la position de « partie à ces traités », d'« associée » ou de « personne obligée à respecter ces traités » ?*
- 8) *Existe-t-il des cas pratiques dans lesquels la position des Etats membres d'une organisation a été mise en cause par rapport à un accord conclu par une organisation, accord auquel ils n'apparaissent pas formellement comme parties ? Autrement dit, connaissez-vous des cas dans lesquels un accord conclu par une organisation a eu certains effets à l'égard des Etats membres de l'organisation, non parties à cet accord d'un point de vue formel ?*
- 9) *Quels sont en gros les critères suivis par l'organisation pour l'enregistrement des accords auxquels elle est partie ?*

Genève, le 28 avril 1972.

Le Directeur général m'a prié de répondre à votre lettre du 4 avril qui contenait un questionnaire préparé par le rapporteur spécial de la Commission du droit international au sujet des traités conclus entre les Etats et les organisations internationales. Vous trouverez ci-joint les réponses que l'Organisation peut donner aux questions posées. Il est bien entendu toutefois qu'il s'agit d'une consultation préliminaire et que les indications fournies par l'Organisation pourraient être complétées si le rapporteur spécial voulait obtenir des renseignements plus détaillés.

(Signé) F. GUTTERIDGE.

RÉPONSES DE L'ORGANISATION MONDIALE DE LA SANTÉ AUX QUESTIONS POSÉES
PAR M. REUTER

1. A l'égard de la convention sur les privilèges et immunités des institutions spécialisées, l'on peut considérer que l'Organisation mondiale de la Santé a la qualité de partie au sens de l'article 2 g) de la convention de Vienne sur le droit des traités. L'Organisation a, en effet, formellement consenti à être liée par la convention à la suite de l'adoption qu'elle en a faite aux termes de la résolution WHA1.81 de l'Assemblée mondiale de la Santé (OMS, *Actes officiels* 13.333). Sur le plan pratique, l'Organisation a parfois été amenée à faire appel aux dispositions de la convention pour obtenir la stricte application par les gouvernements qui y avaient accédé des dispositions conventionnelles.

2. L'Organisation pense que cette question concerne spécifiquement l'ONU et ne met pas en cause l'OMS qui, aux termes de sa Constitution, n'a pas qualité pour représenter un territoire.

3. Aux termes de l'article 19 de la Constitution de l'OMS, l'Assemblée a l'autorité pour adopter des conventions ou accords se rapportant à toutes questions rentrant dans la compétence de l'Organisation, et aux termes de l'article 21 elle peut adopter des règlements dans certains domaines limités. L'article 19 n'a jusqu'ici jamais été utilisé. Mais lorsque des règlements prévus par l'article 21 ont été adoptés, l'on n'a pas jugé utile, s'agissant de compétence constitutionnelle de l'Assemblée, de demander aux délégués de présenter de pouvoirs spéciaux. Ceux dont ils étaient munis pour participer à l'Assemblée, en application des dispositions de l'article 22 du règlement intérieur de l'Assemblée mondiale de la Santé, ont été considérés comme suffisants.

4. Cette distinction n'est pas connue de l'Organisation. L'on ne voit guère comment un accord au sens du droit international pourrait être conclu à l'intérieur d'une organisation internationale puisqu'il ne pourrait mettre en présence, au moins en ce que concerne l'OMS, que des organes non indépendants les uns les autres. En revanche les accords passés entre l'Organisation et les Etats membres, soit à l'échelon du siège, soit à l'échelon décentralisé, sont des accords qui obéissent aux règles traditionnelles du droit international et présentent un caractère externe à l'Organisation.

5. A proprement parler, il n'y a pas à l'Organisation mondiale de la Santé d'organes subsidiaires identiques à ceux créés dans le cadre des Nations Unies. Cependant, les bureaux régionaux et surtout le Centre international de recherche sur le cancer qui jouissent d'une certaine autonomie ont la possibilité de conclure des accords. Ces derniers sont considérés comme des accords de l'Organisation elle-même.

6. Les exemples d'accords conclus en vue d'exécuter d'autres accords internationaux sont assez nombreux. On peut d'abord citer les arrangements d'exécution ou les échanges de lettres intervenus après la conclusion de la plupart des accords de siège pour mettre en œuvre les dispositions de ces accords. On peut mentionner ainsi l'arrangement d'exécution de l'accord conclu entre le Conseil fédéral suisse et l'Organisation mondiale de la Santé pour régler le statut juridique de cette Organisation en Suisse entré en vigueur le 17 juillet 1948. On peut mentionner également les échanges de notes sur le même sujet en date des 23 décembre 1948 et 12 janvier 1949. Les échanges de lettres relatifs à l'accord de siège concernant le bureau régional de l'Afrique ou relatifs à l'accord de siège concernant le Centre international de recherche sur le cancer peuvent également être cités.

Dans un autre domaine l'Organisation conclut de nombreux plans d'opération destinés à mettre en œuvre des accords de base signés avec les gouvernements. Tous ces accords sont subordonnés aux accords qu'ils ont pour objet d'exécuter et leurs dispositions ne peuvent être en contradiction avec ceux-ci.

7. L'Organisation mondiale de la Santé n'a eu que rarement l'occasion de devenir partie à un traité multilatéral entre Etats conclu en dehors d'elle. On peut citer cependant le cas de la convention sur les privilèges et immunités des institutions spécialisées à l'égard de laquelle, comme on l'a déjà indiqué au paragraphe 1, l'Organisation pouvait être considérée comme partie au sens de la convention de Vienne.

8. Le cas s'est en effet produit notamment au sujet du Règlement sanitaire international. Certains Etats ont formellement pour des raisons internes rejeté le Règlement et par conséquent ne pouvaient être considérés comme juridiquement liés par lui. Ils ont néanmoins indiqué à l'Organisation qu'ils en appliqueraient les dispositions et ont, en pratique, respecté cet engagement.

9. La pratique de l'Organisation peut se systématiser de la façon suivante. On peut dire, qu'en règle générale, sont enregistrés en application des dispositions de l'article 102 de la Charte, les accords conclus entre l'Organisation et un Etat ou une autre organisation internationale : accord de siège, accord de coopération avec les autres organisations, accord de base, etc. On notera, cependant, que les accords de courte durée ou qui sont très fréquemment sujets à modification durant la période de leur application ne sont plus enregistrés depuis 1953. Il s'agit des plans d'opération qui sont conclus pour mettre en œuvre les accords de base, accords de base que sont eux-mêmes enregistrés.

Sont également enregistrés les règlements adoptés par l'Assemblée mondiale de la Santé en vertu des dispositions de l'article 21 de la Constitution. On observera toutefois que l'Organisation n'est juridiquement pas partie à ces règlements. Pour procéder à l'enregistrement du Règlement n° 1 et en l'absence dans le texte de dispositions spécifiques, l'Organisation a considéré que les parties avaient implicitement, en lui conférant certaines fonctions de dépositaire, autorisé le Directeur général à procéder à la formalité. Par la suite, dans le Règlement n° 2, une disposition formelle a été insérée stipulant formellement que le Directeur général devrait procéder à l'enregistrement en l'application de l'article 102 de la Charte.

En résumé sont donc enregistrés tous les accords auxquels l'OMS est partie, à l'exception de ceux de courte durée se bornant à mettre en œuvre des accords précédemment enregistrés, et les règlements auxquels l'OMS n'est pas partie mais qui contiennent une clause spécifique à cet effet.

Executive Board Documents

*EB63/16. Report by the Programme Committee of the Executive Board, Ways and Means of Reducing Adverse Effects of Currency Fluctuations of the Programme Budget, 21 November 1978, paragraph 3*¹.

*EB63/50. Executive Board, Sixty-third Session, Summary Records, Third, Fourth and Eighth Meetings, Geneva, 10-26 January 1979*¹.

*EB65/18. Report by the Director-General, Study of WHO's Structures in the Light of Its Functions, 29 November 1979*².

*EB65/18, Add. 3. Report by the Director-General, Outline of a Possible Study on the Feasibility of Relocating WHO Headquarters, 3 December 1979*³.

¹ Not reproduced. See pp. 337-339, *infra*.

² Not reproduced. See A33/2 incorporated in WHA33/1980/REC/1.

³ Not reproduced. See EB65/1980/REC/1 and p. 338, *infra*.

*Echange de lettres entre le Directeur général de l'OMS et le directeur de l'Office fédéral de la santé publique de Suisse, 2 novembre et 21 décembre 1979*¹

Genève, le 2 novembre 1979.

Suivant la demande qui a été faite lors de la trente-deuxième Assemblée mondiale de la Santé, le plan d'une éventuelle étude sur la faisabilité d'un déplacement du siège de l'OMS sera soumis au Conseil exécutif à sa soixante-cinquième session, qui s'ouvrira le mercredi 9 janvier 1980, à 10 heures, au siège de l'OMS, à Genève. Ce plan sera examiné dans le cadre du point 18 de l'ordre du jour provisoire intitulé « Etude des structures de l'Organisation eu égard à ses fonctions » et fera l'objet du sous-point 18.4.

Conformément à l'article 3 du règlement intérieur du Conseil exécutif, j'ai l'honneur d'inviter votre gouvernement à désigner, s'il le désire, un représentant qui aura le droit de participer sans droit de vote aux délibérations se rapportant à cette question.

Je vous serais vivement reconnaissant de bien vouloir m'informer en temps utile de la décision de votre gouvernement à cet égard.

(Signé) D^r H. MAHLER.

Berne, le 21 décembre 1979.

Je vous remercie de votre lettre du 2 novembre dernier, nous invitant à désigner un représentant à l'occasion de l'examen du point 18.4 de l'ordre du jour de la soixante-cinquième session du Conseil exécutif, relatif à une éventuelle étude sur le déplacement du siège de l'OMS.

Monsieur M. Jeanrenaud, membre de notre mission permanente à Genève, sera présent lors de l'étude de ce point.

En ce qui me concerne j'apprécierais de pouvoir également y prendre part, dans la mesure de mes disponibilités, mais il conviendrait que je sois informé du moment où cette discussion sera entreprise. Peut-être voudriez-vous m'en faire part dès que cela vous serait possible.

Je vous en remercie à l'avance et, à mes vœux pour les fêtes de fin d'année, j'ajouterai celui d'un déroulement favorable de vos délibérations.

(Signé) D^r méd. U. FREY.

¹ Voir WHA32/1979/REC/3 ; EB65/1980/REC/2 ; et p. 338-342 ci-après.

III. DOCUMENTS OF OTHER INTERNATIONAL ORGANIZATIONS

Office international d'hygiène publique, sessions ordinaires du comité permanent, procès-verbaux des séances

Session de novembre 1927

.....

M. le Président ouvre la discussion sur le sujet suivant à l'ordre du jour de la séance, c'est-à-dire les relations de l'Office international d'hygiène publique avec le Conseil sanitaire maritime et quarantenaire d'Egypte. Pour répondre à la demande formulée par le Comité au cours de sa session d'avril-mai 1927, *M. Thomson*, président de ce Conseil, a bien voulu préparer, d'accord avec *M. le Directeur* de l'Office un rapport sur le sujet. Ce rapport est en même temps un projet pour l'utilisation du Conseil sanitaire maritime et quarantenaire d'Egypte comme Bureau régional pour le Proche-Orient, aux effets de la convention de 1926.

M. le docteur Thomson donne lecture du rapport suivant :

« Comme suite aux négociations engagées avec l'Office international d'hygiène publique, et en vue d'établir la liste des pays qui pourraient être de son ressort comme bureau régional, le Conseil sanitaire maritime et quarantenaire d'Egypte a sollicité l'avis des pays ci-après :

Syrie, Somalie française, Egypte, Soudan, Aden, Somalie anglaise, Palestine, Irak, Erythrée, Hedjaz.

Il a enregistré une réponse favorable de la Syrie, de la Somalie française, de l'Egypte et du Soudan. Quant à l'opinion de la Palestine et de l'Irak, elle est connue comme favorable, d'une manière officieuse. La Somalie anglaise, Aden, l'Erythrée et le Hedjaz n'ont pas encore répondu.

Les obligations imparties à l'Office international d'hygiène publique par la convention sanitaire internationale et qui incomberaient désormais au Conseil sanitaire maritime et quarantenaire d'Egypte seraient les suivantes :

I. Le Conseil sanitaire maritime et quarantenaire d'Egypte transmettra :

a) par télégramme, aux autorités supérieures d'hygiène des pays ressortissants, à l'Office international d'hygiène publique et aux bureaux régionaux (Singapour, Washington), les notifications reçues directement des pays ressortissants en vertu des articles 1 et 6 (3^o) de la convention ;

b) par télégramme, aux autorités supérieures d'hygiène des pays ressortissants, les notifications reçues, en vertu des articles 1 et 6 (3^o) susvisés, de l'Office international ou des bureaux régionaux.

II. Les renseignements prévus à l'article 2, lorsqu'ils ne feront pas corps avec les notifications de l'article 1 et ne nécessiteront pas une transmission télégraphique immédiate, seront transmis aux autorités mentionnées au paragraphe I, sans délai, par la voie postale.

La communication hebdomadaire des cas et décès prévue à l'article 4 fera l'objet d'un télégramme hebdomadaire adressé aux mêmes autorités. Les

autres communications visées à l'article 4 leur seront transmises par la voie postale.

Le Bureau régional d'Alexandrie transmettra dans les mêmes conditions, aux autorités supérieures d'hygiène de ses pays ressortissants, les communications, répondant aux articles 2 et 4 susvisés, qu'il recevra de l'Office international d'hygiène publique ou des autres bureaux régionaux.

III. *Art. 6.* Rapports mensuels sur la peste chez les rats : selon les cas, par lettre ou télégramme aux autorités mentionnées au paragraphe I.

IV. *Art. 12.* Notification de la cessation de l'infection :

- 1) par télégramme, à l'Office international et aux bureaux régionaux ;
- 2) par lettre ou par télégramme, aux pays ressortissants.

V. *Art. 14.* Outillage sanitaire des ports.

Art. 28. Mesures pour la dératisation et résultats obtenus.

Art. 30. Communication de la liste des ports ouverts aux navires infectés.

Quant aux informations prévues par ces articles, tous les pays auront à les transmettre directement à l'Office international d'hygiène publique, et le Conseil n'assumera la transmission que s'il en est requis par celui-ci.

VI. *Art. 16.* Notification des mesures prescrites à l'égard des pays contaminés et du retrait de ces mesures.

Les informations reçues sur ce point des pays ressortissants seront communiquées par télégramme à l'Office international ainsi qu'aux bureaux régionaux. Ces mêmes informations, ainsi que celles reçues pour le même objet de l'Office international ou des bureaux régionaux, seront portées à la connaissance des pays ressortissants, selon des règles à établir d'accord entre lesdits pays et le Conseil sanitaire maritime et quarantenaire d'Egypte.

VII. Les informations reçues des pays ressortissants dans les conditions ci-dessus indiquées, ainsi que celles reçues de l'Office international d'hygiène publique, seront publiées dans le *Bulletin quarantenaire hebdomadaire* du Conseil, sauf le cas où lesdits pays s'opposeraient à leur publication. »

.....

Session d'octobre 1938

.....

La troisième résolution est la suivante :

« 3. La suppression du Conseil sanitaire maritime et quarantenaire ne devra pas entraîner celle du Bureau régional d'informations pour le Proche-Orient, constitué par ce Conseil et dont il assurait le fonctionnement. L'Office international d'hygiène publique a conclu avec le Conseil un accord, en vertu de l'article 7 de la convention de 1926, pour l'utilisation dudit Bureau. Cet accord a donné toute satisfaction tant en ce qui concerne les pays ressortissants du Bureau que les autres pays ; il est également important au point de vue des informations relatives au pèlerinage. Sa

confirmation suppose la création d'un nouvel organisme à caractère international. Il semble que la meilleure solution à cet égard consisterait à accepter l'offre obligeante du Gouvernement égyptien de prendre en charge le fonctionnement de cet organisme, dont ledit gouvernement nommerait le directeur, et, d'autre part, à constituer une commission comprenant des représentants techniques des pays ressortissants. Le président du Comité permanent et le Directeur général de l'Office international d'hygiène publique seraient invités par le Gouvernement égyptien à participer aux réunions. La commission désignerait son président. Elle se réunirait au siège du Bureau périodiquement, en principe une fois par an, et, en outre, toutes les fois que la demande en serait faite par le Gouvernement égyptien ou par trois au moins de ses membres.

Cette organisation, une fois établie, fonctionnera comme Bureau régional de l'Office international d'hygiène publique et l'accord actuellement en vigueur en vertu de l'article 7 de la convention lui deviendra applicable. Elle fonctionnera pendant une période de cinq ans et continuera ensuite de fonctionner par tacite reconduction. »

Le docteur Afifi Pacha fait observer, à propos des réunions de la commission dont la constitution est prévue, qu'il semble inutile d'exiger que ces réunions aient lieu obligatoirement tous les ans. C'est là une question d'ordre pratique. Il suffirait, sans doute, au lieu d'imposer une telle obligation, comportant une gêne et des frais peut-être souvent inutiles, de prévoir que les représentants des pays ressortissants seraient convoqués toutes les fois que trois de ces pays ou le Gouvernement égyptien l'estimeraient opportun.

M. le docteur Jitta se demande si l'absence de réunions régulièrement organisées ne réduirait pas le rôle et ne compromettrait pas l'activité nécessaire de la commission. L'utilité de réunions périodiques annuelles avait été reconnue par le Comité dans la séance où le projet de résolutions a été préparé. Le bon fonctionnement du nouvel organisme, auquel tous les pays sont intéressés, n'exige-t-il pas que ceux qui doivent en faire partie s'en occupent effectivement et d'une manière jusqu'à un certain point permanente ?

M. de Navailles voudrait appuyer les observations de M. Jitta. La constitution d'une commission de représentants des pays ressortissants du Bureau du Proche-Orient, telle qu'elle avait été d'abord prévue, avait eu pour objet de maintenir à ce Bureau son caractère international, tout en laissant, bien entendu, au Gouvernement égyptien le soin d'en assurer effectivement et faire diriger le fonctionnement. Ce point est important pour que le nouvel organisme puisse conclure un accord en vertu et aux termes de l'article 7 de la convention de 1926 et agir par délégation, en quelque sorte, de l'Office international d'hygiène publique. Telle est la raison d'être de la Commission dont l'activité, sinon permanente, du moins périodique à d'assez fréquents intervalles, avait semblé nécessaire, afin de permettre et garantir le contact entre tous ceux qui doivent s'intéresser à la bonne marche du service.

Une telle organisation n'était pas indispensable dans la situation actuelle, puisque le Bureau du Proche-Orient était une émanation du Conseil quarantenaire, lui-même organisme international.

.....

United Nations

Recueil des traités, I n° 155, vol. 26, *Accord entre le Conseil fédéral suisse et l'OMS, approuvé le 17 juillet et le 21 août 1948*¹

Reports of the Administrative Committee on Co-ordination to the Economic and Social Council

E/1076

3 December 1948.

Fourth Report

.....

V. Regional Co-ordination

A. Programme Co-ordination between Regional Commissions and Specialized Agencies

37. As indicated elsewhere in this report (paragraph 9), a report has been made on the existing arrangements for programme co-ordination between the regional economic commissions and the specialized agencies, which will come before the Council at its next session.

B. Consultation on Regional Offices

38. In accordance with the desire expressed by the Council at its seventh session, that prior consultation through the Administrative Committee on Co-ordination should be undertaken by the agencies concerned under the terms of their agreements with the United Nations before establishing regional offices, the Committee duly undertook consultations with WHO and FAO.

39. WHO reported the decisions taken by the World Health Assembly in July 1948 on the delimitation of regional geographical areas and the proposal by certain member States to locate the regional office for Southeast Asia at Mysore in South India. The Director-General of WHO, at the meeting of the Regional Committee for Southeast Asia in October 1948, duly brought to the attention of that meeting the decision of the Council regarding such prior consultation before the establishment of regional offices, and pointed out that UN, ILO and Unesco offices already existed in New Delhi. After hearing this report, it was agreed to locate the regional office in New Delhi. WHO has further notified the Committee that there are pre-existing organizations with premises available for the Eastern Mediterranean region in Alexandria, and for the American region in Washington.

40. FAO reported that while temporary regional offices for Europe, the Middle East, and the Far East had been established respectively in Rome, Cairo and Bangkok, no decisions have yet been reached in regard to the location of a regional office for Latin America. The Committee will enter into further consultations with FAO before any permanent arrangements are made.

.....

¹ Non reproduit. Voir également OMS, *Actes officiels*, nos 4, 5 et 10, et ci-dessus p. 104.

E/1340
25 May 1949.

Fifth Report

.....
IV. Regional Co-ordination

31. The Committee has taken note of the observations made by members of the Council on the report, which the Secretary-General, after consulting with the Administrative Committee on Co-ordination, submitted to the eighth session of the Council, on the existing arrangements for co-ordinated action between the regional economic commissions and the specialized agencies (E/1091). Since this report was in the nature of a preliminary review of the situation, the Committee will continue to give careful attention to the problems of regional co-ordination and report to the Council as the situation develops.

32. Under the terms of their agreements with the United Nations, several agencies (ILO, FAO, Unesco, ICAO, WHO and IRO) have undertaken that any regional or branch offices which they may establish shall, as far as practicable, be closely associated with such regional or branch offices as the United Nations may establish. In the case of all the agencies, moreover, including the Bank, Fund, UPU, ITU and IMCO, provision is made for the application of the terms of the agreements as far as is appropriate, to relations between such branch or regional offices as may be established by the respective organizations.

33. In reporting to the Council at its seventh session on its preliminary study on the regional activities of the United Nations and specialized agencies, the Committee had stated its view that it would be helpful to have full advance consultation through the medium of the Administrative Committee on Co-ordination before the establishment of new and permanent regional offices. The Council endorsed this principle as one that should be followed, not only by specialized agencies but also by those inter-governmental agencies which are not yet in formal relationship with the United Nations but are represented on the Administrative Committee on Co-ordination. Such consultations were duly held in respect of the plans of WHO and FAO, as of the end of 1948, and the results of these consultations were reported to the Council at its eighth session.

34. Since that time, the Committee in a further review of the situation has received the proposal of WHO to locate its Eastern Mediterranean regional office at Alexandria. The Committee took note of the existence in Cairo of a United Nations Information Centre, a regional office of ICAO, a field science co-operation office of Unesco, the office of a technical representative of the Fund, and a temporary regional office of FAO, but recognized the special considerations which had prompted the choice of Alexandria. In view of these considerations, the Committee felt that no comment on this question was required from it. The Director-General of WHO also reported on the situation as regards the possible establishment of regional offices in the Western Hemisphere and in Europe. The Pan American Sanitary Bureau at Washington is now acting as a regional office for the Americas on behalf of WHO ; the formal agreement will come into effect on approval by the second World Health Assembly. The question of a regional office for Europe will be studied by the World Health Assembly and at a meeting of the WHO Regional Committee for Europe.

35. The Director-General of Unesco informed the Committee of the resolution taken by the Third Session of the General Conference of Unesco which,

“considering the facilities which are available in Havana for the establishment of a Regional Centre, instructs the Director-General, in consultation with the Executive Board and in agreement with the Organization of American States and with the Administrative Committee on Co-ordination of the United Nations and the Specialized Agencies, to establish as soon as possible a Regional Office in the Western Hemisphere”. In accordance with its usual procedure, the Administrative Committee on Co-ordination took note of this resolution and the steps which the Director-General of Unesco had taken in pursuance of it.

.....

International Labour Organisation, International Labour Conference, Twenty-ninth Session, Montreal, 1946

Report II (1), Constitutional Questions, Part I : Report of the Conference Delegation on Constitutional Questions, Chapter III¹.

Record of Proceedings, Appendix VI.

Second Item on the Agenda : Constitutional Questions

- (1) Proposed Convention for the partial revision of the Conventions adopted by the General Conference of the International Labour Organisation at its first twenty-five sessions for the purpose of making provision for the future discharge of certain chancery functions entrusted by the said Conventions to the Secretary-General of the League of Nations and introducing therein certain further amendments consequential upon the dissolution of the League of Nations, prepared by the Conference Delegation on Constitutional Questions.

(The text of this Convention will be found in Report II (1), pp. 144-147.)

- (2) First Report of the Committee on constitutional questions.

The Committee on constitutional questions appointed the following officers :

Chairman and Reporter : Mr. Lee, South African Government member.

Vice-Chairmen : Sir John Forbes Watson, United Kingdom Employers' member, and Mr. Watt, United States Workers' member.

Drafting Committee : The Chairman of the Committee : Mr. Myrddin-Evans, Chairman of the Conference Delegation on Constitutional Questions ; Mr. Hauck (France) (substitute : Mr. Morrellet) and Miss Miller (United States) as Government members ; Sir John Forbes Watson (United Kingdom) and Mr. Yllanes Ramos (Mexico) as Employers' members ; and Mr. Jouhaux (France) and Mr. Watt (United States) as Workers' members.

The Committee has unanimously agreed to recommend the Conference to approve the Draft Agreement with the United Nations signed by the Chairman of the Governing Body on behalf of the Negotiating Delegation on 30 May 1946, and referred to the Committee for consideration under Report II (2). In so doing the Committee expressed its satisfaction with the terms of the Draft Agreement, which it believes fulfils the desiderata set forth in the Resolution concerning the relationship between the International Labour Organisation and the United Nations adopted at the Paris Session of the Conference, and its keen appreciation of the services rendered to the Organisation by the Chairman of the Governing Body and the members of the Negotiating Delegation.

In considering the Draft Agreement, the Conference will recall that it is a negotiated instrument which cannot be amended unilaterally and which, if not

¹ See pp. 125-126, *infra*.

acceptable, must be referred back as a whole to the negotiating bodies. The Committee shared the hope expressed to the Conference by the Secretary-General of the United Nations that the Draft Agreement would be approved in the near future by both the International Labour Conference and the General Assembly of the United Nations, and that under it the United Nations and the International Labour Organisation will be able throughout the years to work in full agreement and harmony towards the practical fulfilment of the social and economic objectives set forth in the Charter of the United Nations and the Declaration of Philadelphia.

Montreal, 26 September 1946.

(Signed) A. D. LEE

Chairman and Reporter.

(3) Second Report of the Committee on constitutional questions.

I

The Committee has already in its first report unanimously recommended the Conference to approve the Draft Agreement with the United Nations signed by the Chairman of the Governing Body on behalf of the Negotiating Delegation on 30 May 1946 (Conference Report II (2)). In its present and final report it submits to the Conference its recommendations in regard to the proposals contained in the reports of the Conference Delegation on Constitutional Questions (Conference Report II (1)).

The Conference Delegation on Constitutional Questions was appointed by a decision taken by the Twenty-seventh Session of the International Labour Conference at Paris on 3 November 1945 with a comprehensive mandate to review all outstanding questions relating to the Constitution and constitutional practice of the International Labour Organisation. The Delegation, which met under the Chairmanship of Mr. G. Myrddin-Evans, C.B., Chairman of the Governing Body of the International Labour Office, held its first session in London from 21 January to 15 February 1946, and its second session in Montreal on 13 May and in New York on 30 May 1946.

At its first session the Delegation adopted a comprehensive report on the questions referred to it; at its second session it gave special consideration, with the assistance of representatives of the federal States which are Members of the Organisation, to the problems which arise in connection with the application by federal States of the Conventions and Recommendations adopted by the International Labour Conference. The Delegation reached unanimous conclusions on all the questions submitted to it with the exception of the question of the basis of representation in the Conference and the Governing Body. The Committee on constitutional questions has found the reports of the Delegation, and the observations on these reports which have been received from a number of Governments, of the greatest value. Without the patient preparatory work performed by the Delegation, and the spirit of compromise which inspired its proposals, the task of the present session of the Conference would have been an impossible one, and the Committee wishes to place on record its keen appreciation of the outstanding service which has been rendered to the Organisation by the members of the Conference Delegation, and more particularly by its Chairman, Mr. Myrddin-Evans. In regard to all essential matters the recommendations of the Committee are based on the proposals of the Delegation.

The Conference Delegation on Constitutional Questions drew attention in its first report to certain general considerations of long-range constitutional policy to which it attached the highest importance. It summarized these considerations in the following terms :

(a) Flexibility is the first essential of a good Constitution. The circumstances in which it may have to be applied in the future cannot now be foreseen and are likely to change greatly in the course of years. Flexibility allows of growth and of adaptation to the needs and opportunities of the unknown future ; rigidity is likely to result in frustration rather than progress.

(b) No Constitution can work successfully unless there is general agreement on its fundamental provisions. The Delegation has therefore considered that its essential task is to put forward proposals in the constitutional field which will secure such agreement and thus maintain unimpaired the unity and strength of the Organisation as an indispensable instrument which the peoples of the world can use for the implementation of the aims and purposes of the Organisation.

(c) On the basis of its existing Constitution the International Labour Organisation has been able to become a solid reality. Its record shows that it has discharged its responsibilities and adapted itself to changing needs with a considerable measure of success through the long years of the depression, the rise of totalitarian aggression and the Second World War. Nothing in the existing practice and tradition of the Organisation can be regarded as sacrosanct whenever new needs create new requirements, but there is no virtue in change as such, and in modifying the Constitution great care should be taken to conserve all those features of it which have been important elements in the success of the Organisation.

(d) The proposed amendments to the Constitution will not come into force by virtue of their receiving the approval of the Conference. In order to bring them into force they will require, under the amendments already adopted in Paris, ratification or acceptance by two-thirds of the Members of the Organisation, including five of the eight States of chief industrial importance. Such ratification or acceptance may frequently involve legislative approval, and the Delegation has therefore limited the scope of the proposed amendments to matters in respect of which it feels it reasonable to assume that such approval will be forthcoming.

The Committee on constitutional questions endorses the views expressed by the Delegation in regard to the importance of these considerations, and commends them to the attention of the Conference. The Committee, like the Delegation, is satisfied that the proposals adopted by it, when judged against these criteria, can all be justified on their own merits, and that their adoption will enable the International Labour Organisation to discharge its great responsibilities with enhanced efficiency.

II

The Committee believes that it will be convenient to the Conference for it to sketch in broad outline the effect of the amendments to the Constitution which it proposes. For the reasons underlying many of its decisions it ventures to refer to the reports of the Conference Delegation on Constitutional Questions.

6. The Committee recommends the following amendments to the Preamble to the Constitution :

(a) the inclusion in the second paragraph of the words : "recognition of the principle of equal remuneration for work of equal value" ;

(b) the inclusion in the final paragraph, after the words "permanent peace of the world", of the words : "and with a view to attaining the objectives set forth in this Preamble."

The Committee recommends that Article 1 of the Constitution of the Organisation, which defines the purpose of the International Labour Organisation as being the promotion of the objects set forth in the Preamble to the Constitution, should be amended by the addition of a reference to the Declaration of Philadelphia and that the text of the Declaration of Philadelphia should be annexed to the Constitution.

The Committee recommends a number of amendments consequential upon the dissolution of the League of Nations which are complementary to the amendments to the articles of the Constitution dealing with membership, finance and the procedure for future amendments which were approved by the Conference at its Paris Session. These further amendments involve :

(a) the omission of the reference to the League of Nations contained in the opening paragraph of the Preamble to the Constitution ;

(b) the abrogation of the provision contained in Article 6 of the Constitution that the International Labour Office shall be established at the seat of the League of Nations "as part of the organisation of the League" ;

(c) the deletion of the present Article 12 of the Constitution which provides that "the International Labour Office shall be entitled to the Assistance of the Secretary-General of the League of Nations in any matter in which it can be given" ;

(d) the substitution for the power of deciding any question as to which are the States of chief industrial importance attributed to the Council of the League of Nations by the present text of Article 7, paragraph 3, of provisions that "The Governing Body shall as occasion requires determine which are the Members of the Organisation of chief industrial importance and shall make rules to ensure that all questions relating to the selection of the Members of chief industrial importance are considered by an impartial committee before being decided by the Governing Body" and that "Any appeal made by a Member from the declaration of the Governing Body as to which are the Members of chief industrial importance shall be decided by the Conference but such an appeal to the Conference shall not suspend the application of the declaration until such time as the Conference decides the appeal" ;

(e) the transfer to the Director of the International Labour Office of the chancery functions in connection with Conventions and Recommendations hitherto entrusted to the Secretary-General of the League of Nations ;

(f) the transfer from the Secretary-General of the League of Nations to the Governing Body of the function of nominating the members of Commissions of Enquiry and the transfer to the Director of the International Labour Office of the functions of communicating and publishing the reports of Commissions of Enquiry and receiving the replies of Governments ;

(g) modifications of the articles concerning the seat of the Office and the place of meeting of the Conference ;

(h) the substitution of references to the International Court of Justice for the references to the Permanent Court of International Justice contained in various articles of the Constitution ; and

(i) the abrogation of the transitory provisions contained in Articles 38 to 40 of

the Constitution, which deal with the arrangements for the 1919 Session of the International Labour Conference and certain arrangements applicable prior to the Constitution of the League of Nations and the creation of the Permanent Court of International Justice.

The Committee recommends the adoption of five amendments designed to facilitate co-operation between the International Labour Organisation and the United Nations. One of these amendments is a general provision that "the International Labour Organisation shall co-operate within the terms of this Constitution with any general international organisation entrusted with the co-ordination of the activities of public international organisations having specialised responsibilities and with public international organisations having specialised responsibilities in related fields. The Committee intends the term "public international organisations" to include only international organisations the membership of which consists of States or Governments, and understands that it has been used in this sense in a number of recent international instruments, including the Statute of the International Court of Justice. The other amendments are of a relatively minor character and relate to reciprocal representation at meetings, the proposal of items for inclusion in the agenda of the Conference, and the deposit and registration of Conventions with the Secretary-General of the United Nations in accordance with Article 102 of the Charter of the United Nations.

The Committee agrees with the view expressed by the Conference Delegation on Constitutional Questions that the present text of the Constitution does not give sufficient recognition to the established position of the Governing Body and accordingly recommends a number of amendments designed to clarify the existing constitutional position. With this end in view it recommends the inclusion in Article 2 of the Constitution, which at present provides that the Organisation shall consist of a General Conference and of an International Labour Office controlled by the Governing Body, of an independent reference to the Governing Body; the inclusion in Article 9 of a provision that the staff of the Office shall be appointed by the Director-General "under regulations approved by the Governing Body"; the inclusion in Article 10 of an indication that the functions entrusted to the Office by that article are to be discharged "subject to such directions as the Governing Body may give"; and the amendment of Article 10 to give the Governing Body the same powers as the Conference to order the conduct of special investigations by the Office and to assign to the Office powers and duties other than those specifically provided for in the article. It recommends the addition to paragraph 5 of Article 7 of the Constitution of a provision that if for any reason the Governing Body elections do not take place on the expiry of the normal period of office of three years the Governing Body should remain in office until such elections are held.

.....
