

WORLD HEALTH
ORGANIZATION

ORGANISATION MONDIALE
DE LA SANTÉ

A3-4/SR/Min/5 Corr.1
27 April 1951

ORIGINAL : ENGLISH

SPECIAL COMMITTEE TO CONSIDER DRAFT
INTERNATIONAL SANITARY REGULATIONS

PROVISIONAL MINUTES OF THE FIFTH MEETING

CORRIGENDUM

Page 2, line 11: Delete from " - to be redrafted" to the end of the paragraph and substitute :

"-suitably redrafted. Article 11 was a general article covering notification of all changes including immunization. Article 8 was really redundant".

A3-4/SR/Min/5 Corr. 1
27 avril 1951

ORIGINAL : ANGLAIS

COMMISSION SPECIALE CREEE PAR LA IIIe AMS POUR
L'EXAMEN DU PROJET DE REGLEMENT SANITAIRE INTERNATIONAL

PROCES-VERBAL PROVISOIRE DE LA CINQUIEME SEANCE

CORRIGENDUM

Page 2, ligne 12: Supprimer les mots "En effet," jusqu'à la fin du paragraphe. Les remplacer par les mots "dont la rédaction serait modifiée à cet effet. L'Article 11, d'une portée générale, couvre la notification de tous les changements, y compris ceux relatifs à l'immunisation. L'Article 8 est, en fait, superflu."

WORLD HEALTH
ORGANIZATION

ORGANISATION MONDIALE
DE LA SANTÉ

A3-4/SR/Min/5
12 April 1951

ORIGINAL: ENGLISH

SPECIAL COMMITTEE TO CONSIDER
DRAFT INTERNATIONAL SANITARY REGULATIONS

PROVISIONAL MINUTES OF THE FIFTH MEETING

Palais des Nations, Geneva

Thursday, 12 April 1951, at 9.30 a.m.

CHAIRMAN: Dr. M.T. MORGAN (United Kingdom)

CONTENTS

1. Consideration of Draft International Sanitary Regulations
Articles in the Main Body of the Regulations:
Articles 8 (continued) to 17.
2. Establishment of a working party to consider the United States proposal for the setting up of an International Sanitary Council.

Note: Corrections to these provisional minutes should be submitted in writing to Miss Chadwick, Room A.571, within 48 hours of their distribution.

1. CONSIDERATION OF DRAFT INTERNATIONAL SANITARY REGULATIONS - WHO REGULATIONS NO. 2 (Item 5 of the Agenda) (Documents A3-4/SR/1, A3-4/SR/11, A3-4/SR/14 and A3-4/SR/15)

Articles in the Main Body of the Regulations (Item 5.1 of the Agenda)

Article 8 (continued)

Dr. RAJA (India) proposed that a cross-reference to Article 21 should be inserted in Article 8, in order to draw the attention of countries to the fact that the Regulations covered the maximum measures applicable to international traffic.

Dr. GEAR (Union of South Africa), in supporting the above proposal, suggested that the point could be dealt with under Article 11 - to be redrafted as a general Article covering notification of all changes in immunization requirements. Thus Article 8 would become redundant.

Decision: The matter was referred to the Drafting Sub-Committee for consideration in connexion with Articles 11 and 21.

Article 9

Replying to Dr. PADUA (Philippines) who queried the necessity of retaining the words "on request", the CHAIRMAN explained that the procedure was different from that under the International Sanitary Convention, 1926, when notifications were transmitted through diplomatic channels. The Expert Committee on International Epidemiology and Quarantine had considered diplomatic missions interested in the state of health of a country obtained full satisfaction under the present terms of Article 9.

Article 10

No observations.

Article 11

Mr. STOWMAN (United States of America) proposed that Article 11 should be placed earlier in the text, before Article 9, in which case the second paragraph of Article 11 would become redundant.

Professor CANAPERIA (Italy) proposed that the word "measures" in the second line should be completed by the words "provided for in these Regulations" (unofficial translation).

The proposal was referred to the Drafting Sub-committee.

Sir Harold WHITTINGHAM, Observer, International Air Transport Association, suggested that the word "immediately" should be replaced by "in advance". In drawing attention to the serious interference with trade and travel and the difficulties experienced by international airlines resulting from new or changed quarantine requirements, he said that, in the case of travel from the Far East (particularly Australia and New Zealand) passengers tended to take the Pacific rather than the Western route owing to the quarantine measures enforced on air passengers travelling on the latter.

Dr. PADUA (Philippines) preferred the text as it stood.

Dr. BELL (United States of America) said he would like the Drafting Sub-Committee to consider whether all notifications required under the Regulations should not be included in Part II. This was agreed.

Decision: The Drafting Sub-Committee was asked to consider an alternative wording for "immediately" in Article 11 on the lines suggested the previous day for "forthwith" in Article 8.

Part III - Sanitary Organization, Methods and Procedure

Dr. BELL (United States of America), referring to his previous remarks about the need for periodic appraisal of the application of the Regulations and modifications to meet changing conditions, proposed the insertion of an Article, to precede Article 12, covering the establishment of an International Sanitary Council responsible for the regular supervision of the Regulations and entrusted with the duty of recommending such changes as might be deemed necessary by WHO. He drew attention to document A3-4/SR/11 outlining the proposal of his delegation to establish an International Sanitary Council, and read the text of the proposed Article.

Dr. DUJARRIC de la RIVIERE (France), seconded by the delegations of Belgium, India and the Netherlands, proposed that the United States proposal should be discussed in connexion with Article 107.

Mr. STOWMAN (United States of America) and Dr. BARRETT (United Kingdom) urged the immediate discussion of the proposal.

At the request of Mr. STOWMAN (United States of America), Dr. DUJARRIC de la RIVIERE (France) agreed, in the interest of conciliation, to amend his proposal to the extent that the judicial character of an International Sanitary Council should be discussed in connexion with Article 107, but that the establishment of such a Council might be discussed under Part III. He expressed some surprise that it was proposed to insert an Article on the establishment of a body to review the Regulations in the middle rather than at the end of the text.

Decision: The committee agreed, by 11 votes to 10, to defer consideration of the proposal of the United States delegation pending a study of Article 107.

Articles 12 to 17 (Documents A3-4/SR/14 and A3-4/SR/15)

Mr. HASELGROVE (United Kingdom) introduced the text (in document A3-4/SR/15) which the United Kingdom delegation wished to substitute for Article 12 to 17 of the draft Regulations. Articles 12 and 13 of the United Kingdom draft were intended as a substitute for Articles 12 to 16 in the original text.

Definitions were provided of the concepts of "approved port" and "designated approved port".

The CHAIRMAN wondered whether the committee wished first to discuss the United Kingdom draft amendment or would prefer to begin by considering Articles 12 to 17 in the draft Regulations.

Dr. DOWLING (Australia), as he was strongly in favour of the United Kingdom amendment, wished it to be discussed first.

Professor CANAPERIA (Italy) did not think that the introduction of the idea of "approved ports" (defined as ports which were competent to issue Deratting Exemption Certificates) would constitute an improvement on the text of the draft Regulations, since it was in the interests of international traffic to have as many ports as possible where such certificates could be issued and there was nothing to prevent competent persons being sent when needed from larger to smaller ports. For this reason, and because he considered the concept of a sanitary airport in the original text of some importance, he would prefer the draft Regulations to be the basis of discussion.

A discussion took place in which the various delegations stressed the more detailed nature of the provisions in the draft Regulations and Mr. HASELGROVE (United Kingdom) said that he had no wish for the latter to be ignored.

Finally, Dr. DOWLING (Australia) withdrew his suggestion and it was agreed that Articles 12 to 17 of the draft Regulations be taken as the basis of discussion.

Dr. RAJA (India) observed in connexion with Article 12 that a number of definitions were involved, including that of "seaport".

Mr. BRILLIANT (United Kingdom) called attention to document A3-4/SR/14, in which the United Kingdom delegation proposed the deletion of the definition of seaport and new definitions for "inland navigation port" and "port". He wondered whether those points should be discussed immediately.

The CHAIRMAN thought that the proposals in document A3-4/SR/14 were perhaps all matters of drafting which might be considered by the Drafting Sub-Committee in the light of the committee's discussions of the Articles at present under consideration.

Dr. DUJARRIC de la RIVIERE (France), while approving the introduction of the concept of "sanitary ports", noted that no definition was provided in Part I of the draft Regulations. Since it was a new concept it ought perhaps to be defined.

Professor CANAPERIA (Italy) agreed with Mr. Hostie, whose opinion it was that paragraph 3 of Article 12 was in itself a definition of "sanitary ports".

Dr. DUJARRIC de la RIVIERE (France) agreed that paragraph 3 of Article 12 was an adequate definition. Some reference to that paragraph should be included in Part I so that a definition would not be looked for in vain in the list. It was of course a purely drafting point.

Mr. HASELGROVE (United Kingdom) agreed with the Chairman that the new definitions proposed in document A3-4/SR/14 might be left to the Drafting Sub-Committee.

As to the proposal that a definition of "sanitary ports" be inserted in Part I, the United Kingdom delegation naturally wished for no such definition as it was proposing that the concept be eliminated altogether.

Decision: It was agreed that the document A3-4/SR/14 be referred to the Drafting Sub-Committee for consideration in the light of discussions on the relevant articles.

Dr. BRAVO (Chile) thought that in connexion with sanitary airports the definition of "airport" would require re-examination. If, as appeared in Section I, "airport" meant only the landing field and not the local area in which the airport was situated, then, if the requirements for sanitary airports were to be very stringent, very few airports in the world would be able to satisfy them.

The CHAIRMAN asked for the views of the committee on the elimination of the term "sanitary", on the understanding that ports and airports would nevertheless have to comply with the provisions of Articles 12 to 16.

Dr. RAJA (India) wondered whether the elimination of the term "sanitary" would not necessarily involve the elimination of the relevant articles in the text of the draft Regulations.

The CHAIRMAN was of the opinion that ports could comply with the provisions of Articles 12 to 16 without necessarily being called "sanitary".

Dr. van de CALSEYDE (Belgium) thought that to eliminate the term "sanitary" and retain Articles 12 to 17 would imply that small fishing ports had to comply with all the provisions, which would be impossible.

Mr. HASELGROVE (United Kingdom) said that the concept of "sanitary port" was new and in the opinion of the United Kingdom delegation unnecessary. It was felt that

instead of certain ports being set aside as required to fulfil certain conditions, criteria should be prescribed applicable to all ports in proportion to the volume of traffic passing through them. That was provided for in the United Kingdom draft Article 12, paragraph 2, which stipulated the facilities that must be provided in the "larger ports and airports".

Professor CANAPERIA (Italy) thought that the essential point was not whether ports were to be called "sanitary", as in the draft Regulations, or "approved", as in the proposed United Kingdom amendment, or "authorized", as in the Convention of 1926, but whether they were to have the facilities to fulfil the requirements of the Regulations.

Mr. HOSTIE, Chairman of the Legal Sub-Committee of the Expert Committee on International Epidemiology and Quarantine, thought that the question of omitting or retaining the word "sanitary" was not merely one of name, since some articles of the Regulations, for example Article 71, were specifically applicable to "sanitary airports".

Dr. DOWLING (Australia) could still see no point in retaining the word "sanitary". The United Kingdom draft supplied definitions of two kinds of port and set out the relevant requirements. The more detailed requirements in the draft Regulations could not possibly be fulfilled in certain countries because of geographical conditions.

Dr. van de CALSEYDE (Belgium) thought that whether the word "sanitary" was to be retained would depend on whether Article 12 of the draft Regulations was or was not to be replaced by the United Kingdom draft.

Dr. RAJA (India) said that the term "sanitary airport" had been used in the past and caused no difficulties. The present proposal was merely to extend the term "sanitary" to seaports.

Dr. EL-FAR, Bey (Egypt) wished the term "sanitary" to be retained to maintain the distinction implied by the use of the term "specified airports" in Article 71.

Mr. HASELGROVE (United Kingdom) wondered whether the committee fully appreciated the implications of the use of the term "sanitary" in Article 12. Certain seaports and airports were to be set aside under a special name and the facilities that must be provided in them were laid down in detail in the following articles. The United Kingdom delegation thought it better that the regulations should define in general terms the responsibility of national authorities in the matter of facilities to be provided in ports to be used internationally. Many of the requirements set out in Articles 13 to 15 of the original text could not possibly be fulfilled in many ports, and the result would either be a large crop of reservations or considerable impediment to international traffic.

He felt that if the regulations were framed as in the United Kingdom draft, the national authorities would in general do what was required wherever it was practically possible.

Dr. BRAVO (Chile) thought that if certain ports were to be qualified as "sanitary", their qualifications might well be different from those of airports. With regard to the latter, if they were to be considered simply as landing fields, it might be impossible to fulfil these requirements. He therefore insisted once more that the definition in Part I of "airport" should be made more precise.

Professor CANAPERIA (Italy) felt that considerable confusion had arisen in the discussion. While the term "sanitary port" and "sanitary airport" were new, the idea had appeared before in Article 14 of the International Sanitary Convention of 1926, as modified in 1944, which required governments to undertake to maintain in their larger ports and the surrounding areas, and as far as possible in other ports and the surrounding areas, sanitary services adequately equipped to apply the prophylactic measures described by the convention.

That provision, in his opinion, constituted a definition of "sanitary port"; it also met the point raised by the Chilean delegate as it referred not only to ports but also to the surrounding areas.

He wished to stress once more that it is not the name, but the provision of the required facilities, which was important.

Dr. van de CALSEYDE (Belgium) wondered whether the Secretary could throw some light on the discussion by explaining why the expert committee had introduced the concept of the "sanitary port".

Dr. BIRAUD, Secretary, said that the main reason had been that it had seemed useful for national health authorities to know what sanitary facilities existed in the ports and airports of other countries. Hence the expert committee had decided both to define the requirements in the matter of facilities and also to designate by a special name the ports fulfilling those requirements. The requirements would not necessarily have to be fulfilled in all ports of whatever size, and he felt that a compromise might well be possible between the United Kingdom proposal, whereby requirements would be flexible and varied according to the size of the port, and the concept of establishing a special standard and a special name for ports conforming to that standard.

2. ESTABLISHMENT OF A WORKING PARTY TO CONSIDER THE UNITED STATES PROPOSAL FOR THE SETTING-UP OF AN INTERNATIONAL SANITARY COUNCIL

The CHAIRMAN suggested that the discussion on sanitary ports be closed for the time being. It had been suggested to him that, as the United States proposals with regard to the establishment of an International Sanitary Council were to be further considered when the committee came to discuss Article 107 of the draft Regulations, a working party might be set up to study them in detail in the meantime. He suggested that the proposed working party should be composed of the delegates of Egypt, France, Italy, the Netherlands, the United Kingdom and the United States of America.

Decision: The Chairman's suggestion was adopted unanimously.

The meeting rose at 11.45 a.m.