Topic 15: REVISION OF THE PAN AMERICAN SANITARY CODE IN ACCORDANCE WITH INTERNATIONAL SANITARY REGULATIONS

Background

Revision of the Pan American Sanitary Code was considered at the Caracas Conference in 1947 and at several subsequent meetings of the Executive Committee and Directing Council of the PAHO but these bodies deferred taking a definitive position with regard to the matter until the World Health Organization had formally adopted the International Sanitary Regulations which that Organization had under study during the same period.

In connection with the Preliminary Draft of the WHO Regulations, the Director of the Bureau was authorized (1) by the XIII Pan American Sanitary Conference to offer his collaboration to the WHO in the study of such suitable modifications as are practicable in the concepts governing public health matters. The Director did in fact participate in the work of the Special Committee of the Fourth World Health Assembly on Draft International Sanitary Regulations and in other meetings which were held in Geneva, and was in position to offer constructive suggestions. At the same time, the Director strongly impressed upon the Special Committee the view of the Pan American Sanitary Organization with regard to the preservation of the juridical status of the Pan American Sanitary Code which forms the legal basis of the Constitution of the PAHO.

The Director also conveyed to the WHO, in accordance with instructions (2) from the Executive Committee, "the assurances of the Pan American Sanitary Organization that it is entirely sympathetic to the concept of uniform international sanitary regulations and, furthermore, that said Organization will take the necessary action, after the proposed International Sanitary Regulations have finally been approved by

(1) Resolution XVI - XIII Pan American Sanitary Conference (1950)
(2) Resolution XIII - 11th Meeting, Executive Committee (1950)
the World Health Assembly, to interpret the articles of the Pan American Sanitary Code in such a manner as not to conflict with the new International Sanitary Regulations".

The articles of the Code enumerated in paragraph 2 of Article 105 of the International Sanitary Regulations, segregated by the Director with the advice of the Bureau's technical staff, were put forward to the Special Committee with the explicit statement that "The Pan American Sanitary Code signed at Habana, 14 November 1924, remains in force..."(3)

The Fourth World Health Assembly, on 25 May 1951, by Resolution A4/66, adopted the International Sanitary Regulations as WHO Regulations No 2. It is significant to note that delegations from sixteen American Governments were present at the Assembly in Geneva and voted in favor of the Regulations. These Regulations will come into force in all Member States on 1 October 1952 unless, under the provisions of Article 22 of the WHO Constitution, individual States make rejections or reservations and notify the Director-General accordingly within the stipulated period.

In reporting on its work, the Special Committee on Draft International Sanitary Regulations(4) made the following pertinent comments:

"In drawing up the Regulations a dual purpose has been kept in mind, namely, to bring up-to-date their provisions in the light of recent advances in knowledge regarding epidemiology and techniques in the application of preventive measures as well as to remove, as far as may be practicable, avoidable restrictions on international travel and commerce. The requirements in respect of immunization certificates have, in these new Regulations, been made simpler and less irksome than those under existing Conventions. Another significant feature of the Regulations is that the need for measures to prevent the export of infection from one country to another has been stressed..."

The Regulations, as they have been approved by the Health Assembly, are the result of prolonged study by experts in many fields who also gave due consideration to the observations offered by various Member Governments. In the preparation of the Regulations, technical advice from as many as eight specialized expert committees and study groups were obtained.

(3) Adopted by the Fourth World Health Assembly as Article 105, paragraph 2 of the International Sanitary Regulations (1951).

The Director of the Bureau wishes to go on record as endorsing the new regulations. It is his considered opinion that they contain certain features which are more suitable to present conditions in the Americas than are the existing regulations.

It is timely that the PASO undertake the adaptation of the technical provisions of the Pan American Sanitary Code so that it will reflect modern international sanitary practice. Under Article 24 of the PASO Constitution it is incumbent upon the Director of the Bureau to

"...prepare periodic revisions of the Pan American Sanitary Code in accordance with the general needs and policies determined by the Conference or the Council.

"Such revisions shall be reviewed by the Executive Committee and submitted to the Conference or Council for approval".

Proposed Resolution

The Director, accordingly, submits the following Draft Resolution covering an additional Protocol to the Code for the consideration of the Executive Committee:

WHEREAS

The Fourth World Health Assembly has adopted the International Sanitary Regulations as WHO Regulations No 2, which are world-wide in scope and represent the largest measure of agreement which it was possible for the Member States to achieve in the circumstances; and

These Regulations represent a notable advance over other international sanitary conventions and contain provisions which are advantageous for the countries and territories of the Americas; and

It is highly desirable to effect uniformity in the application of international sanitary measures in the Western Hemisphere and in other areas of the world; and also to achieve unanimity of action in the approval of said Regulations and in the date on which they are to enter into force; and

It is necessary to reconcile the Pan American Sanitary Code with the WHO International Sanitary Regulations in such a manner as to be consistent with the new Regulations; and the Pan American Sanitary Organization is the only competent body which can bring this about,

THE EXECUTIVE COMMITTEE

RESOLVES:

To recommend that the Directing Council approve the following Additional Protocol to the Pan American Sanitary Code (Habana, 1924):
ADDITIONAL PROTOCOL APPROVED BY THE DIRECTING COUNCIL
OF THE PAN AMERICAN SANITARY ORGANIZATION AT ITS
FIFTH MEETING, OCTOBER 1951

Articles 2, 9, 10, 11, 16 to 53, inclusive, 61 and 62
of the Pan American Sanitary Code signed at Habana, Cuba,
14 November 1924, shall be replaced by the International
Sanitary Regulations (World Health Organization Regulations
No. 2), upon their entry into force, together with Appendices
1 to 6 concerning the Forms and Certificates and rules applying
thereto, duly adopted by the Fourth World Health Assembly, 25
May 1951.