



منظمة الصحة العالمية

REGIONAL COMMITTEE FOR THE  
EASTERN MEDITERRANEAN

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Thirtieth Session (1981)

ORIGINAL: ENGLISH

Agenda item 11

REPORT ON THE TRANSFER OF THE WHO REGIONAL  
OFFICE FOR THE EASTERN MEDITERRANEAN

1. As will be recalled, in the light of resolutions of Special Sessions of the Regional Committee for the Eastern Mediterranean (Sub-Committee A), the Thirty-third World Health Assembly, in resolution WHA33.16, decided 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?

2. The Advisory Opinion was delivered on 20 December 1980. The operative provision of the Advisory Opinion, contained in its paragraph 51, is as follows: On the interpretation of the Agreement of 25 March 1951, the Court stated that both parties had: a mutual obligation to consult together in good faith on the question of conditions and modalities under which the transfer might be affected; in the event of its being finally decided that the Regional Office should be transferred, a mutual obligation to consult together and to negotiate regarding the arrangements needed to effect such a transfer in an orderly manner, and with a minimum of prejudice to the work of WHO and the interests of Egypt; and an obligation of the party which wished to effect the transfer to give a reasonable period of notice to the other party.

The Court was of the opinion that, in the event of a decision to transfer, the legal responsibilities of WHO and Egypt during the transitional period between notification of the proposed transfer and the accomplishment thereof, would be to fulfil in good faith the mutual obligations already outlined by the Court.

3. The Thirty-fourth World Health Assembly adopted the following resolution WHA34.11 by consensus:

"Recalling resolution WHA33.16 deciding to submit to the International Court of Justice for its Advisory Opinion certain questions before taking any decision on a transfer of the Regional Office;

Having considered the Advisory Opinion on these questions given by the International Court of Justice;

Recalling further the study of the Working Group of the Executive Board concerning aspects of the question of a transfer of the Regional Office for the Eastern Mediterranean;

Recognizing the wishes of the majority of Member Countries of the Eastern Mediterranean Region to transfer the Regional Office from Alexandria;

1. THANKS the International Court of Justice for its advisory opinion on the questions submitted to the Court by the World Health Organization;
2. ACCEPTS the Advisory Opinion of the International Court of Justice of 20 December 1980 and recommends to all parties concerned to be guided by it;
3. REQUESTS the Director-General:
  - (a) to initiate action as contained in paragraph 51 of the Advisory Opinion and report the results to the Sixty-ninth Session of the Executive Board in January 1982 for consideration and recommendation to the Thirty-fifth World Health Assembly in May 1982;
  - (b) to continue to take whatever action he considers necessary to ensure the smooth operations of the technical, administrative and managerial programmes of the Regional Office for the Eastern Mediterranean Region during the period of consultation;
4. REQUESTS the Government of Egypt to hold consultations with the Director-General as mentioned above".

4. By letter of 12 June 1981, the Director-General approached the Minister of Health of Egypt, proposing that a meeting be arranged, as soon as possible, between Representatives of the Government of Egypt and the Director-General or his personal representative, to draw up a list of the points which would have to be taken into consideration and to begin discussions on these points.

5. In accordance with resolution WHA34.11, the Director-General will report the results of the action initiated by him to the Executive Board at its Sixty-ninth Session in January 1982 for consideration and recommendation to the Thirty-fifth World Health Assembly in May 1982.