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COMMITTEE ON ADMINISTRATION, FINANCE AND LEGAL MATTERS
PROVISIONAL MINUTES OF THE SIXTEENTH MEETINGPalais des Nations, Geneva
Thursday, 21 May 1953, at 9 a.m.

CHAIRMAN: Mr. T.J. BRADY (Ireland)

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Note: Corrections to these provisional minutes should reach the Editor, Documents and Official Records, Division of Editorial and Reference Services, World Health Organization, Palais des Nations, Geneva, Switzerland, by 10 July 1953.

1. SPECIAL ANNUAL RETIREMENT BENEFIT FOR THE RETIRING DIRECTOR-GENERAL OF THE WORLD HEALTH ORGANIZATION; PROPOSAL BY THE DELEGATIONS OF BRAZIL COSTA RICA, EGYPT, GUATEMALA, IRAN, IRAQ, IRELAND, JAPAN, PANAMA, PERU, PHILIPPINES, EL SALVADOR, SAUDI ARABIA, THAILAND, URUGUAY; Item 7.4.4 of the Agenda (Document A6/42)

The CHAIRMAN invited comment on the proposal to provide a special annual retirement benefit for the retiring Director-General of the Organization.

Dr. HAYEK (Lebanon) said that he had already had the opportunity and the pleasure of congratulating the Director-General on the energy and zeal he had displayed in the course of his seven years as head of the administration of the World Health Organization. It was his privilege to reiterate the gratitude of his delegation and his Government. Nevertheless he hoped that the committee would find some way of manifesting its gratitude to Dr. Chisholm other than the one proposed in document A6/42, for it would be difficult to follow that procedure. He would be glad to hear the views of the Executive Board from its representative.

Dr. KARUNARATNE, representative of the Executive Board, said that the question of an additional retirement pension for the Director-General had been discussed by the Executive Board at its eleventh session. The Board had set up a working party of five to examine the proposal. Various problems had arisen. In the first place, the proposal, if adopted, would commit the Assembly for some years ahead. In the second place, it had to be borne in mind with regard to the pension granted to the Secretary-General of the United Nations that it had been a condition of his appointment that he should not contribute to the Joint Staff Pension Fund, and that it was as first Secretary-General of the United Nations and in view of the extremely confidential nature of his work, such that it had been deemed undesirable for him

to seek employment in Government service after his retirement, that he had been granted a pension of \$10,000 a year for life. Thirdly, there was the possibility that if an extra allowance was allotted to the Director-General of the World Health Organization, it might be suggested that comparable allotments should be made to the Deputy-Director-General, the six regional Directors-General and so on. Again, if an award were made to the first Director-General, a precedent would be established which might be invoked in favour of all subsequent Directors-General.

Consequently, although most members felt that it was desirable in some way to acknowledge the services rendered to the Organization by the retiring Director-General, the Executive Board had been unable to reach a definite conclusion on the matter in the time at its disposal and had decided not to make any specific recommendation to the Sixth World Health Assembly.

Dr. van den BERG (Netherlands) perfectly understood and appreciated the spirit in which the proposal to increase the retirement benefit of the Director-General had been drafted. He felt however that to adopt the proposal in the form in which it had been presented to the committee would be to establish a dangerous precedent. More information was needed and further study was required before a final decision could be taken. He would therefore propose the setting up of a small working party to discuss the matter during an adjournment of the meeting and to report back to the committee at a later stage.

The delegates of FRANCE and ITALY supported the proposal made by the delegate of the Netherlands.

Dr. HURTADO (Cuba) said that his delegation had studied the proposal contained in document A6/42 and fully supported it. There were many reasons in its favour.

There was no constitutional or legal objection to the adoption of such a plan. From the ethical point of view, it was an attempt not merely to express gratitude but to apply the basic principle of granting social and personal security to a person at the end of his period of public service. The retiring benefit of \$1,650 to which the Director-General was entitled was clearly inadequate in view of the importance of the office he had held and it was therefore essential to make an adjustment in some such way as was suggested by the joint proposal.

As for the reference made to the retirement allowance of the Secretary-General of the United Nations, there could surely be no question of payment for the maintenance of secrecy. Officials of the calibre of the Secretary-General of the United Nations and the Director-General of WHO were held in high honour by all Members and their integrity was unquestionable. The value of the work done by Dr. Brock Chisholm was not to be measured in terms of payment. It was purely as a matter of personal security therefore that he would support the proposal put forward and if it were the wish of the committee, would agree to the setting up of a working party.

Dr. KARUNARATNE, representative of the Executive Board, wished to make it clear that the views he had expressed were those of the Executive Board.

Mr. BOUCHER (United Kingdom of Great Britain and Northern Ireland), while appreciating the spirit which had inspired the draft resolution before the committee, wished to draw attention to one or two practical aspects of the question. First,

the Joint **Staff** Pension Fund, from which the Director-General would benefit in accordance with his contract, had been set up with due regard to all conditions relating to salary and length of service. The attempt to make extra-statutory provision for retirement allowance would be to set a dangerous precedent and would lead the Organization into many difficulties. Document A6/42 proposed making the extra allowance through the annual budget of the Organization. But he did not see how future Health Assemblies and Member Governments of the Organization could be so committed. Furthermore, it could not be denied that any payment of the kind proposed would effectively reduce the sum available for carrying out the health services for which the Organization had been set up. Finally, he wondered whether the arrangement proposed was the kind of memorial which the Director-General himself would view with favour.

Sir Arcot MUDALIAR (India) expressed his Government's great pleasure in supporting the resolution. He appreciated the position of the Executive Board in not wanting to commit itself in the matter, and felt that it was appropriate to discuss it at the Sixth Assembly.

As for the fears expressed by some delegates, he did not see how a precedent could be established when there were in the United Nations and specialized agencies only two persons who through their special service and devotion merited extraordinary awards: they were the Secretary-General of the United Nations, and

the Director-General of WHO. Although the Director-General had not been able to comply with the request made to him to continue in his office for another two or three years, it was well known that he had given of his best to the Organization and that he would not seek other employment after his retirement. He regretted the reference made by the delegate of the United Kingdom to the possible attitude of the Director-General himself; he had not been consulted, nor had he expressed an opinion, and such considerations should be left out of the committee's discussion.

The United Kingdom delegate had seen a difficulty in the commitment of future Health Assemblies; no difficulty had arisen in the United Nations General Assembly over the resolution granting a retirement pension to the Secretary-General, and he thought it unlikely that future Health Assemblies would question a similar decision of the present Health Assembly. He did not think that the payment of \$3,350 from the annual budget could materially affect the expansion of the Organization's health programme.

In conclusion, he would warmly support the proposal on grounds of sentiment, and in order to meet the objections of certain delegates would suggest the addition of a further sub-paragraph, (4), to paragraph 1 of the resolution (A6/42, page 3) to read: "that this action should not be treated as a precedent".

Dr. FABINI (Uruguay) said that in view of the small size of the retirement benefit to which the Director-General was entitled, he did not hesitate to subscribe to the request for a supplementary pension to be paid to Dr. Chisholm as an acknowledgement of the work accomplished by him.

He appreciated the reference made by the delegate of India to reasons of sentiment, but would point out that what was proposed was an act of gratitude and indeed of mere justice in view of the admirable work performed by the Director-General in the difficult early years of his administration of the Organization.

He had been surprised at the reservations made by many delegations on a proposal which, he had thought, would have met with unanimous support. It was, he considered, undesirable to prolong the discussion further, and he would urge the committee to arrive at an early decision. If necessary, he would support the proposal to set up a working party.

The CHAIRMAN suggested that a decision in principle should be made by the committee before the matter was referred to a working party.

Dr. ZOZAYA (Mexico) acknowledged the distinguished services rendered by the Director-General but could not agree with the proposed resolution and supported the statements made by the delegates of the Lebanon and the United Kingdom. He did not think it would be helpful to set up a working party.

Dr. HYDE (United States of America) did not doubt that the proposal made reflected the appreciation of its sponsors of the many services rendered by their friend and leader, the retiring Director-General, during his seven years in office. He felt obliged, however, to associate his delegation with the views expressed by the delegate of the United Kingdom and others. His Government was concerned lest the adoption of such a procedure by WHO should establish a precedent for all the specialized agencies.

He had pleasure in bringing forward a proposal which he hoped would meet with general approval. All those who had known and worked with Dr. Chisholm in the past seven years were keenly aware of the great contribution he had made to the Organization and, indeed, to the world. Their esteem and affection for him had grown with the passage of time and they would undoubtedly wish his name to be perpetuated and held in honour by those who worked under his successors in the Organization. It was his privilege therefore to propose the establishment of a lectureship in his name, and he would put forward for the consideration of the committee a draft resolution in the following terms:

"The Sixth World Health Assembly

1. REQUESTS the Executive Board to study the means whereby a Brock Chisholm lectureship may be established under which each World Health Assembly will be addressed in plenary session by a distinguished leader in a field related to public health; and
2. REQUESTS the Executive Board to report on this matter to the Seventh World Health Assembly with appropriate recommendations."

Mr. SOLE (Union of South Africa) said that the South African delegation associated itself fully with the tributes paid by other delegates, and particularly by the delegate of the United States of America, to the Director-General of the Organization, but found itself unable to support the principle of the resolution contained in document A6/42. He did not think that the amendment proposed by the delegate of India was an adequate safeguard against the establishment of a precedent for other specialized agencies. As for the reference made to the retirement

allowance of the Secretary-General of the United Nations, the two cases were not comparable: provision had been made at the outset of Mr. Trygve Lie's term of office for him to retire on a pension of \$10,000 a year and there had been no suggestion when he retired that the sum should be increased. If a similar provision had been made in the case of the Director-General of the World Health Organization, there would be no problem about its implementation.

Moreover, no parallel existed in the national administrations for the granting of extra-statutory remuneration to officials who for a limited period or throughout a lifetime had rendered outstanding service to their governments. Some national administrations made provision for the awarding of honours of one kind or another in recognition of services rendered. The memorial proposed by the delegate of the United States of America was of that kind and deserved the full support of the committee.

Mr. Wynne MASON (New Zealand), speaking on a point of order, submitted that the proposal to establish a Brock Chisholm lectureship was not relevant to item 7.4.4 of the agenda: Special Annual Retirement Benefit for the Retiring Director-General of the World Health Organization.

Dr. HYDE (United States of America) stated that his resolution was intended as a substitute for the resolution contained in document A6/42 for, while the character of the proposal made was different, the spirit behind it was the same as that which had inspired the sponsors of the other resolution.

The CHAIRMAN admitted the objection raised by the delegate of New Zealand and ruled accordingly. The United States resolution, as then worded, could not be

regarded as a substitute for the resolution contained in document A6/42. If a working party were set up, the text of the joint proposal would be the only document before it, although its members would be at liberty to put forward any suggestions they saw fit.

Dr. van den BERG (Netherlands) repeated his proposal to refer the question to a working party, which should report back as soon as possible to the committee.

The CHAIRMAN, in reply to a question put by the delegate of Australia, said that it would be open to the committee to continue the debate after it had received the report of the working party.

Dr. HURTADO (Cuba) said that although he had not opposed the original proposal to set up a working party, he could no longer agree with it since, in view of the absence of any specific instructions, the working party would merely be considering the question of principle at present being debated in the committee and that did not appear to him to be at all a desirable procedure.

The CHAIRMAN said that in response to the request of the originator of the proposal to set up a working party, he would put the matter to the vote.

Decision: The proposal of the delegate of the Netherlands for the setting up of a working party to consider a Special Annual Retirement Benefit for the Retiring Director-General of the World Health Organization was adopted by 20 votes to 17 with 9 abstentions.

After some suggestions had been put forward, the CHAIRMAN announced that the working party would consist of the delegates of India, Thailand, the United States of America, Brazil, New Zealand, the United Kingdom of Great Britain and Northern Ireland, Sweden, Iran, the Union of South Africa and Pakistan.

2. WHO STAFF PENSION COMMITTEE; APPOINTMENT OF REPRESENTATIVES TO REPLACE MEMBERS WHOSE PERIOD OF MEMBERSHIP EXPIRES; Item 7.4.2.1 of the Agenda (Official Records No. 28, WHA3.103; Document A6/6)

Mr. WILLIAMS (Canada) proposed that the two members of the Executive Board to serve on the WHO Staff Pension Committee should be the member designated by Switzerland, as the full member of the committee, and the member designated by the United States of America, as his alternate, particularly in view of the fact that meetings of the Joint Staff Pension Board were normally held in North America or Europe.

Decision: The proposal of the delegate of Canada to appoint to the WHO Staff Pension Committee the members of the Executive Board designated by Switzerland and the United States of America, as full member and alternate respectively, was adopted.

The CHAIRMAN stated that the resolution on page 2 of document A6/6 was consequentially adopted by the committee, and that the names of Switzerland and the United States of America would be inserted therein.

3. ANNUAL REPORT OF THE UNITED NATIONS JOINT STAFF PENSION BOARD FOR 1951 (ARTICLE 35 OF THE UNITED NATIONS PENSION FUND REGULATIONS); Item 7.4.2.2 of the Agenda (Document A6/8)

Decision: The annual report of the United Nations Joint Staff Pension Board for 1951 was noted.

4. REPORT OF THE UNITED NATIONS JOINT STAFF PENSION BOARD ON THE SECOND ACTUARIAL VALUATION OF THE FUND AS OF 31 DECEMBER 1951 (ARTICLE 31 OF THE UNITED NATIONS PENSION FUND REGULATIONS); Item 7.4.2.3 of the Agenda (Document A6/8)

Decision: The report of the United Nations Joint Staff Pension Board on the second actuarial valuation of the Fund as of 31 December 1951 was noted.

The CHAIRMAN announced that the committee would adjourn to allow members of the working party set up to consider the first item on the day's agenda to hold their discussion, and would resume at 12 noon.

The meeting adjourned at 10.30 a.m. and was resumed at 12 noon.

5. FIFTH REPORT OF THE COMMITTEE (document A6/AFL/30)

Decision: The first part of the report (containing resolution 1-6) was adopted without discussion. It was agreed that the resolutions adopted at the meeting would be incorporated in the report later.

6. SPECIAL ANNUAL RETIREMENT BENEFIT FOR THE RETIRING DIRECTOR-GENERAL OF THE WORLD HEALTH ORGANIZATION: Item 7.4.4 of the Agenda (resumed) (documents A6/42, Working Paper No. 1, and Proposal of the Delegations of the Union of South Africa and the United States of America, un-numbered.)

Mr. Wynne MASON (New Zealand), Chairman of the Working Party, presented his report orally.

Taking into account the divergence of views within the working party, and the lack of precision in its terms of reference, the group had decided to proceed on two lines: (1) to try to elicit as much additional relevant information as possible and (2) to consider any amendments or new proposals.

The following information had been obtained as a result of questions put to Dr. Brock Chisholm by a member of the Secretariat:- that Dr. Chisholm, on joining the Interim Commission of WHO, had lost all claims to credits under the Canadian Pensions Scheme; that he had two years Canadian service to his credit; that he had no idea what his Pension would have been had he remained in the Canadian Service;

and that the salary for the Canadian post which he had held had since doubled. From other information obtained in reply to questions put to the member of the Secretariat attending the working party it had been learned that no-one in the service of WHO, and joining its Staff Pensions scheme, was allowed to continue to participate in a national pensions scheme; as concerned similar arrangements in other specialized agencies, in one case (ILO) additional provision had been made to bring the pension of a retiring Director-General to a higher figure than the normal provision under the ILO Pensions scheme, and in another case (ICAO) a payment of a lump sum, in addition to the normal retirement pension, had been made to a retiring Director-General.

In an attempt to find some other proposal which might meet the points of view of some members of the main committee and thereby facilitate solution of the problem, the working party had drawn up an alternative proposal which would be circulated. This proposal had not received the support of all members of the group, nor was it known that it had majority support, but it had been generally considered a preferable method to that contained in document A6/42.

(The proceedings of the committee were suspended for five minutes to allow the relevant documents to be distributed)

The documents having been distributed, the CHAIRMAN called attention to the fact that the wording of the joint proposal of the delegations of the Union of South Africa and the United States of America as circulated differed from that of the original proposal, and received the assurance of the two delegations concerned that the revised wording was valid and that they had no comments to make.

Dr. van den BERG (Netherlands), after congratulating the working party upon its achievement, asked leave to propose an amendment to the document it had produced; to delete the word "retirement" from the words "special annual retirement benefit" in line 3 of paragraph 1, and to substitute the word "that" at the end of that line by the words "the retirement benefit", the sentence thus reading "shall be entitled during the remainder of his life to a special annual benefit in addition to the retirement benefit provided ..."

Dr. HURTADO (Cuba) supported the draft resolution submitted by the working party, as this maintained the basic objectives of the proposal contained in document A6/42, and he would also approve the amendment just proposed.

His delegation could not regard the joint proposal of the delegations of the Union of South Africa and the United States of America as in any sense an alternative to that of the working party or that contained in document A6/42. They agreed with its purpose of paying tribute to Dr. Brock Chisholm but considered, if the joint proposal were accepted, this could best be achieved by establishing some sort of an Award such as the Leon Bernard Foundation Prize.

Dr. FABINI (Uruguay) said that his delegation approved the draft resolution of the working party and commended the explicit and clear statement made by its chairman, which reinforced the basis of justice underlying the proposal.

The CHAIRMAN requested that the committee vote upon the draft resolutions contained in the three documents before them, taking first that of the Union of South Africa and the United States of America.

Dr. HURTADO (Cuba), on a point of order, submitted that the joint proposal of the Union of South Africa and the United States of America could not be regarded as an alternative to the resolutions contained in documents A6/42 and working paper No.1, and could not therefore be regarded as the one furthest removed from the original motion. While accepting the ruling of the Chair that it be put first, he would request that, whatever the result of the voting, this should not prevent a vote being taken on the other two resolutions.

The CHAIRMAN said that the proposal of the Union of South Africa and the United States of America had not been before the working party but had been introduced on the original resolution and was related to that resolution, being a proposal for an alternative method. He therefore ruled that it was the furthest removed from the original proposal and should be voted upon first.

Decision: The resolution of the Union of South Africa and the United States of America was defeated by 22 votes to 17, with 7 abstentions.

The amendment proposed by the delegation of the Netherlands to the resolution of the working party was next voted upon.

Decision: The amendment was adopted by 23 votes to none, with 21 abstentions.

The vote was taken on the amended resolution:

Decision: The resolution was adopted by 26 votes to 14, with 7 abstentions.

It was agreed that, consequent upon the above decision, it was not necessary to vote upon the resolution contained in document A6/42.

Dr. van den BERG (Netherlands) desired to place on record that his delegation fully shared in the appreciation which had been expressed regarding the most valuable services rendered by Dr. Brock Chisholm, and their abstention from voting was due to their having several objections to the proposal as presented.

Dr. FABINI (Uruguay) also wished to state that the only reason why his delegation had voted against the proposal of the Union of South Africa and the United States of America was that this had been put forward as an alternative means of paying tribute to Dr. Brock Chisholm: they would have been in favour of it as an additional tribute.

7. PROCEDURE FOR ADOPTION OF FINAL PART OF THE FIFTH REPORT OF THE COMMITTEE

Upon a suggestion from the Chair, it was agreed that the Chairman together with the Rapporteur of the committee, be empowered to approve the fifth report of the committee as a whole, for submission to the General Committee and then to the Health Assembly, thus obviating the necessity for a further meeting of the main committee during the present session. The report would include, in addition to the part already approved during the meeting, the resolutions just taken.

8. CLOSURE OF SESSION

The CHAIRMAN announced that the Committee on Administration, Finance and Legal Matters had now completed its business. In closing the proceedings, he desired to pay tribute to the committee for their assiduous attention to the many items of a rather difficult agenda and to thank them sincerely for their friendly co-operation.

He wished also to pay tribute to the valuable assistance rendered to the Chair and to the committee by the Vice-Chairman, representatives of the Executive Board and the Rapporteur.

He was sure that the committee would wish to join him in expressing special thanks to the members of the Secretariat whose good work had so greatly facilitated the proceedings.

Mr. Wynne MASON (New Zealand) proposed a vote of thanks to the Chairman, whose patience, good humour and complete impartiality in the conduct of the proceedings of this committee had contributed so greatly to its success. He would include in these thanks the Vice-Chairman who had so efficiently conducted certain of the meetings.

The vote of thanks was carried by acclamation.

The CHAIRMAN thanked the committee on behalf of himself and the Vice-Chairman for their generous remarks and declared the meeting closed.

The meeting rose at 12.55 p.m.