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COMMITTEE ON ADMINISTRATION, FINANCE AND LEGAL MATTERS

PROVISIONAL MINUTES OF THE SEVENTH MEETING

Palais des Nations, Geneva
Tuesday, 17 March 1964, at 9.45 a.m.

CHAIRMAN: Mr J. H. ZEUTHEN (Denmark)

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Note: Corrections to these provisional minutes should reach the Chief Editor, Official Records, World Health Organization, Palais des Nations, Geneva, Switzerland, before 20 May 1964.

1. MEETINGS OF THE REGIONAL COMMITTEE FOR AFRICA: ~~Item 3.6 of the Agenda~~
(Resolution WHA16.43 and Resolution EB33.R30; and Official Records No. 132,
Annex 7)

Mr SIEGEL, Assistant Director-General, Secretary, introduced the subject. He drew attention to resolution EB33.R30 which took note of the Director-General's report on the thirteenth session of the Regional Committee for Africa, and read out the report which was reproduced in Annex 7 of Official Records No. 132.

Dr BÂ (Senegal) said that the Health Assembly was once again facing a difficult debate which involved two conflicting interests: on the one side the people who wished to work for their well-being in freedom and peace; and on the other the blind forces of racial discrimination, social oppression and exploitation. This problem, and the decisions expected of the Assembly, were so important that it was essential for delegates to be absolutely clear about any action they might take.

Operative clause 7 of resolution WHA16.43 requested "the Director-General to report to each session of the World Health Assembly on this matter until such time as it is resolved to the satisfaction of the Regional Committee for Africa, and the World Health Assembly". As indicated in the report briefly presented by the Assistant Director-General, the Regional Committee's thirteenth session had been adjourned sine die after twenty-four hours. Resolution WHA16.43, of which he quoted operative clauses 2, 3, 4, 5 and 7, was one of many already adopted inviting the Government of the Republic of South Africa to respect its obligations and the principles of international morality; but at its thirteenth session in September 1963, the Regional Committee had been faced with the same contempt as before, the same stubborn determination to continue a deliberate policy universally condemned,

and also by the absence of any steps towards an effective solution of the problem. In the circumstances, the African delegates had felt that they could not continue to be the only side which always showed goodwill, and had asked what action had been taken by WHO. In the absence of a positive reply, they had left the conference hall. After twenty-four hours they had submitted a joint statement to the Secretariat indicating that the Regional Committee for Africa could not meet as long as no reasonable solution had been found and South Africa continued to be represented there.

The position was perfectly clear and explained why the Committee had been unable to meet or to examine its budget and programme and why there had been repercussions at the present Assembly session. Whatever might be said or done, there was no hiding the fact that with the Regional Committee for Africa brought to a standstill, WHO's health and social work in Africa would be in serious danger if the situation continued unchanged. That was why the representatives of the African Member States at the present Assembly had issued a joint statement explaining their abstention from voting on the Organization's budget. They were anxious for WHO's activities in Africa not to be paralysed for they were aware of WHO's importance to their own and all peoples. But when the very principles of WHO were flouted, when action was no longer guided by them, discussion became useless and the only possibility was to go back to principles and continue the fight by the legal means available and the methods offered by the Constitution or the possibility of modifying it.

Everything possible had already been said in WHO in denunciation of apartheid and its effects on physical, mental and social health. Many resolutions of the United Nations General Assembly, of the World Health Organization and of the other

specialized agencies had already denounced South Africa's social policy and invited that country to respect the rights of man and the right of its Bantu population to freedom and justice. But efforts so far had all met with callousness and contempt. Matters could not go on as they were. The African delegations were reopening the question of the Regional Committee for Africa because it was intolerable that the humanitarian principles and the aims embodied in the Organization's Constitution should be violated with impunity by a Member State which, in accepting them, had solemnly undertaken to co-operate with the other Member States in bettering and protecting the health of all people.

The African Region was going through a crisis, and the matter had come before the present Assembly because of the risk that its manifold implications might be prejudicial not only to the peoples concerned but to the whole Organization. The unwillingness of the South African Government and the lack of any effective efforts to deal with the problem of apartheid had driven the real African delegates of the Region to a unanimous refusal to continue to sit beside South Africa in the Regional Committee for Africa. The situation could lead to serious developments in the future. Yet South Africa persisted in an attitude that had been universally condemned.

It would take too long to mention all the resolutions adopted on the subject by the United Nations and the specialized agencies; he would refer only to the following: resolution S/5386 passed by the Security Council on 7 August 1963 had been rejected by South Africa in a letter dated 10 October 1963 from its Minister for Foreign Affairs to the Secretary-General of the United Nations. He wished particularly to draw attention to operative clause 4 of resolution 44 (IV) adopted by the United Nations Economic Commission for Africa (ECA) on 27 February 1962, and

to the two amendments of Argentina and the United States of America to the draft resolution (E.L.1019) submitted by Ethiopia and Senegal. These amendments provided first for the addition at the end of the preamble of a paragraph, noting that the root cause of the incompatibility which made impossible any co-operation between the Government of the Republic of South Africa and other governments in the Economic Commission for Africa was the South African Government's racial policy which had been found by the General Assembly in violation of the United Nations Charter. The second amendment was to replace the second operative paragraph by one to the effect that the Government of the Republic of South Africa should not participate in the work of the Economic Commission for Africa until the Security Council found that conditions for constructive participation had been restored by a change in that country's racial policy. The proposers of those amendments were countries which were certainly friendly to Africa but which could not be expected to keep up a consistent attack on the stand made by South Africa. In WHO, as elsewhere, South Africa seemed likely to enjoy impunity. Article 6 of the United Nations Charter provided that a Member persistently violating the principles embodied in the Charter could be expelled from the organization by the General Assembly upon the recommendation of the Security Council; and Article 18 of the Charter provided that Members against whom preventive or coercive action had been taken by the Security Council could, on the Security Council's recommendation, be suspended by a two-thirds majority of the General Assembly from exercising their rights and privileges as Members. But the system of veto made it difficult for such provisions to be applied, and South Africa had many friends.

Nevertheless, although those provisions were not perfect, they were still far ahead of the provisions of WHO's Constitution which did not take into account developments in the world since 1946.

The Constitutions of the United Nations Food and Agriculture Organization (FAO) and the International Labour Organisation (ILO) provided for suspension or exclusion only if such measures had been adopted by the United Nations. But, because of pressure in recent years, both those organizations had considered measures for dealing with Member States infringing the Constitution, independently of action by the United Nations, with the result that South Africa had withdrawn from both organizations.

He therefore looked forward to the possibility of modifying WHO's Constitution and hoped that the Assembly would produce suggestions for measures to ensure respect for the principles of the Constitution and for the dignity of man. In order to achieve its objective of raising the people's health to the highest attainable level, WHO needed to be in a position to carry out the functions set out in Article 2 of its Constitution. How could that be done with present conditions in South Africa? He wanted an authoritative answer to his question. The time had come for action, lest the trouble spread beyond South Africa. He therefore urged delegates to give the serious matter before them all the attention it warranted.

The CHAIRMAN, in the absence of any discussion, invited proposals for a resolution.

Dr BÂ (Senegal) submitted the following draft resolution proposed jointly by the delegations of: Algeria, Burundi, Cameroon, Central African Republic, Chad, Congo (Brazzaville), Congo (Leopoldville), Dahomey, Ethiopia, Gabon, Ghana, Guinea, Ivory Coast, Kenya, Liberia, Libya, Madagascar, Mali, Mauritania, Morocco, Niger, Nigeria, Rwanda, Senegal, Sierra Leone, Somalia, Sudan, Tanganyika, Togo, Tunisia, Uganda, United Arab Republic, Upper Volta and Zanzibar.

The Seventeenth World Health Assembly,

Having considered the development of the situation in the African Region since the Sixteenth World Health Assembly;

Considering the statement made by the African delegates at the last meeting of the Regional Committee for Africa held on 23 and 24 September 1963 in Geneva;

Noting in particular with great concern the gradual deterioration in this situation and the manifold consequences which may result therefrom both for the peoples of the countries concerned and for the Organization as a whole;

Reiterating the provisions of resolution WHA16.43 and in particular the operative paragraphs 2, 3, 4, 5 and 7;

Recalling further that according to the provisions of Article 7 of the Constitution, the Health Assembly may, in certain exceptional circumstances and on such conditions as it thinks proper, suspend the voting privileges and services to which a Member is entitled;

Considering that the Republic of South Africa persists in violating the Constitution and in ignoring the resolutions of the World Health Organization and of the United Nations; and

Considering that the mere designation of a representative of the Director-General at Brazzaville can in no way bring about an appreciable improvement in this situation,

1. DECIDES to apply to the Republic of South Africa the provisions of Article 7 of the Constitution relating to voting privileges; and
2. REQUESTS the Executive Board and the Director-General to submit to the Eighteenth World Health Assembly formal proposals with a view to the suspension or exclusion from the Organization of any Member violating its principles and whose official policy is based on racial discrimination.

The CHAIRMAN suggested a suspension of the meeting so that the draft resolution could be circulated.

The meeting was suspended at 10.15 a.m. and resumed at 11.05 a.m.

The CHAIRMAN invited discussion on the draft resolution.

Mr BRADY (Ireland) said that the resolution was clearly a very important one and needed careful study. It raised serious issues concerning the application of Article 7 of the Constitution in a way that was without precedent in the World Health Assembly. His delegation would need some time to consider the implications. A preliminary reading showed that the resolution contained points that seemed to require amendment. Delegates to the Health Assembly were representatives of governments. The proposal to apply Article 7 in an entirely new field, was something which would have to be examined in relation to the policies of the governments they represented.

With regard to the conditions that had given rise to the regrettable situation in the African Region, he assured his colleagues from the countries of that Region that his Government abhorred the South African Government's policies to its non-white inhabitants. Hitherto, however, he had had reservations about applying sanctions as suggested in the draft resolution and would like to seek instructions from his Government. In order, therefore, to give representatives time to consult their governments, and with a view to arriving at a solution which would be in the best interests of the Organization and could be obtained by co-operation from both sides, he moved the adjournment of the meeting under Rule 59 of the Rules of Procedure.

The CHAIRMAN read out Rule 59 which provided that the motion should immediately be put to a vote.

Dr ALAN (Turkey) inquired if Rule 15 were not more applicable.

The SECRETARY replied that Rule 15 was considered as applying to Rules 13 and 14 and not to proposed resolutions. It had never in the history of the Organization been invoked in such a connexion.

The CHAIRMAN accordingly invited the Committee to vote on the motion for adjournment.

Decision: The motion was rejected by 50 votes to 25 with 3 abstentions.

Dr LISICYN (Union of Soviet Socialist Republics) said that his delegation supported what had been said by the delegate of Senegal and also the draft resolution presented by the African countries. The problem of the unceasing racial persecution to which the majority of the population of South Africa was being subjected deserved the most serious consideration in the Assembly. The eighteenth session of the United Nations General Assembly had adopted the "United Nations Declaration on the Elimination of all Forms of Racial Discrimination" - a document of great historical importance and a significant contribution to the eradication of racialism and racial discrimination, and to the fight against the theories and ideas of those who hated their fellow men, against racial, neofascist and other organizations which were stirring up enmity among peoples.

The Sixteenth World Health Assembly also had given special attention to the matter and had condemned the policy of apartheid, which was applied as a state policy in South Africa. Racialism and racial discrimination had been born with serfdom and

colonialism, and the ideology on which they were based had been invented to reinforce colonial domination. It was difficult to assess the harm done to mankind by that ideology; but it was sufficient to remember the endless series of colonial wars, and the last world war, to see clearly the fruits of racialism.

Racialism had not only economic and political consequences. The policy of racialism, especially when it was a state policy, had an influence on the mental and physical state of health of the population subjected to it. That had been eloquently stated at the Sixteenth World Health Assembly.

A few additional examples of those effects could be given, taken from the publications of the World Health Organization and from some African publications, in particular from a South African medical journal. Infant mortality in South Africa, among the so-called coloured population, was more than 120 per 1000 live births; among the white population it was between twenty-seven and twenty-eight per 1000. Maternal mortality among the non-white population was two per 1000; among the white population, only 0.4 per 1000. The general death rate in the so-called coloured population was sixteen; in the white population it was eight. Tuberculosis morbidity in the coloured population was about 600 per 100 000; and thirty per 100 000 in the white population. Those figures, and others which he could have quoted, clearly showed that the policy of apartheid militated against the health and life of the autochthonous population of South Africa.

The delegation of the Soviet Union supported the draft resolution, since the South African Government's policy of racial discrimination gravely harmed the physical and mental health and the well-being of the majority of the population, and since the Government of South Africa had taken no account of the resolutions of the United Nations, the World Health Assembly and other authoritative organizations. Those circumstances, in his delegation's opinion, were entirely relevant to the provisions of Article 7 of the Constitution.

It was also right to consider the exclusion from the Organization of Member States practising, as a national policy, the policy of racial discrimination and apartheid, and the necessary proposals should be made to the Eighteenth World Health Assembly, as provided for in paragraph 2 of the draft resolution.

Dr SHUKRI (United Arab Republic) fully endorsed the statement of the delegate of Senegal concerning the inhuman attitude of the South African Government. He also supported the joint draft resolution and urged its adoption.

Dr VYŠOHLÍD (Czechoslovakia) considered that racialism and racial discrimination were among the most important matters exercising public opinion at the present time. They were an infringement of the United Nations Charter, the Declaration of Human Rights and of the basic principles embodied in the WHO Constitution.

Czechoslovakia, one of the first victims of Hitler aggression, was only too well aware of the meaning and effects of racialism and remembered the horrors perpetrated in Nazi concentration camps. It was for that reason that Czechoslovakia condemned the inhuman policy of apartheid practised by the Government of South Africa.

In the World Health Organization - which strove to secure the highest level of health for all people - as it had in the United Nations and the other specialized agencies, the Czechoslovak delegation urged effective action against States which practised racial discrimination. He therefore supported the draft resolution proposed by the delegations of African countries.

Dr COSTA (Brazil) stated that his delegation was in full agreement with the proposal in the draft resolution, to apply the provisions of Article 7 of the Constitution to South Africa. That stand was in accord with the position taken by the delegation of Brazil at the Twelfth General Conference of FAO.

Brazil fully understood the importance of its stand since, in the last analysis, what was involved was judgement and condemnation of racial prejudice which had always been condemned and attacked in his country. The history of Brazilian civilization was one of racial integration, in the pursuit of the material and spiritual well-being necessary to the progress of man, irrespective of religion or race. The Health Assembly was called upon to deal with a moral, not a political, problem. The Organization would remain an assembly of nations for as long as those nations respected each other; that was the only way whereby world peace and the health and well-being of all peoples could be attained. The presence with voting rights at the Health Assembly of a country that had followed a line of conduct hostile to the unity of a whole continent was not conducive to the effective development of the Assembly's work. A united effort was needed to put an end to all remaining vestiges of fascism and obscurantism; no situation was more potentially dangerous than that in which man was segregated from his fellow man purely on account of the colour of his skin. Today, as in the past, racial prejudice was a potential cause of war. The Brazilian people was in favour of world peace and the equality of man.

Dr MARTINEZ JUNCO (Cuba) thought there was no need for the Committee to undertake any further analysis of the problem under consideration for that had already been done many times before and at length. The statements made by earlier speakers had served adequately to present the problem to the Health Assembly with a view to having an appropriate resolution adopted.

Cuba condemned racial discrimination wherever it occurred and in whatever form. Therefore, his delegation would wholeheartedly support the stand taken by the peoples of Africa against the colonialist and fascist policy practised by the Government of the Republic of South Africa.

Mr BRAJOVIĆ (Yugoslavia) recalled that his delegation had clearly stated, during the discussion in plenary session of the report of the Committee on Credentials, its position in regard to the policy of apartheid pursued by the Government of the Republic of South Africa. The same had been done on many other occasions in other international organizations when Yugoslav representatives, together with representatives of many other countries of the world, had strongly condemned that inhuman and dangerous policy. The Government of the Republic of South Africa had thus far shown no readiness to change or abandon that policy nor had it complied with the recommendations and decisions in its regard taken by the United Nations General Assembly and the Security Council. As all were aware, those important international bodies had, in 1963, not only confirmed that the policy of apartheid was a danger for peoples of Africa and of the world but at the same time had decided upon and recommended, inter alia, severance of diplomatic relations with the Republic of South Africa, and boycott of its trade and its air, sea and other transport

His delegation believed that WHO was now also in a position to take some steps in the matter, since it was perhaps better acquainted than many other international organizations with the dangers of that stubbornly pursued policy. The Organization, as one dedicated to lofty and humanitarian goals, should raise its voice at a time when the health and well-being and basic human rights of millions of people were being endangered.

At the Sixteenth World Health Assembly, the delegates from some African countries had given convincing proof of the deeply inhuman, harmful and dangerous nature of the policy of apartheid. And they were certainly well qualified to do so since they were nearer to the problem and could sense its inherent dangers for Africa better than any outsider. Those who had had the misfortune to suffer directly under Nazi-Fascist racism were also well placed to appreciate the potential dangers in the inhuman attitude adopted by the Government of South Africa toward its non-white population, men and women who were deprived of their basic human rights and the respect due to the dignity of man.

His delegation therefore fully supported the views expressed by the delegate of Senegal. The time had come to act and the Health Assembly should adopt the draft resolution put forward for its consideration. In endorsing the action proposed, delegations would be serving the cause of human rights and dignity and at the same time greatly enhancing the Organization's moral stature.

Mr AL-HIJJI (Kuwait) recalled that, in protest against the South African Government's apartheid policy, all African delegations had boycotted the meeting of the Regional Committee for Africa in September 1963. After consideration of the

problem at the Sixteenth World Health Assembly, a working party had been formed to draw up an appropriate draft resolution which had subsequently been adopted. It was noteworthy that the Government of South Africa had failed to comply with the provisions thereof. His delegation accordingly supported the draft resolution now before the Committee.

Dr SUBANDRIO (Indonesia) felt obliged to speak on the matter as it was one regarding which the voice of the South-East Asia Region should also be heard. The official policy of apartheid followed by the Government of South Africa ran counter to the humanitarian principles professed by WHO: to improve and establish the health and well-being of all mankind the world over. Accordingly, her delegation was opposed to the principle of apartheid.

As already stated during the general discussion in plenary session, the Indonesian delegation was opposed to any form of racial segregation or discrimination and more especially to manifestations of the kind in the health field. It would, therefore, support the draft resolution put forward by the delegations of African countries.

Dr KALAJDŽIEV (Bulgaria) said that his delegation, too, wholeheartedly supported the draft resolution. The policy of racial discrimination practised by the Government of South Africa was wholly incompatible with the basic principles of the Organization, which was devoted to the humane objective of improving the health and well-being of all peoples. The Organization must therefore categorically condemn that policy and take appropriate measures.

Dr IBRAHIM (Iraq) expressed his delegation's full support also for the draft resolution.

Mr LAAFIF (Tunisia) said he would not speak further on the incompatibility between the official policy of apartheid practised by the Government of South Africa and the provisions of the WHO Constitution. His delegation considered that the conditions justifying the application of Article 7 of the Constitution were entirely fulfilled. The "exceptional circumstances" resulting from the policy of apartheid did not require any further demonstration. It had been clearly established that it was responsible for paralysing the functioning of WHO in an entire region; that alone was sufficient evidence.

Under Article 62 of the Constitution, each Member was required to report annually on the action taken with respect to recommendations made to it by the Organization and he would like to know whether the Government of South Africa had reported on the manner in which it had implemented resolution WHA16.43.

Dr GJEBIN (Israel) said that the stand of the Israeli people on the problem of racial discrimination was well known. There was accordingly no need for him once again to explain its aversion to racism in any form, and his delegation would give full support to the draft resolution submitted by Senegal on behalf of the thirty-four African Members.

Dr KRIMLY (Saudi Arabia) said that his delegation, too, wholly supported the draft resolution. Any country whose policy was based on racial discrimination was not worthy of a place in a humane organization such as WHO.

Dr CASTILLO (Venezuela) said that at no time had the Venezuelan Government hesitated in supporting any measure designed to help the non-white population of South Africa who were the victims of a policy that was anathema for peace-loving peoples, upholders of freedom and justice. It would continue to lend its support to measures designed to ensure that the Government of South Africa would change its attitude and abandon its policy of racial discrimination.

The same stand on the matter had been taken by Venezuela in all international organizations. As the problem of apartheid was essentially a political one, the early settlement of which was essential to avoid a possible conflict of unforeseeable magnitude, the Venezuelan Government was of opinion that it would be wiser to leave its settlement to the international bodies that were specifically responsible for dealing with political matters. The political organs of the United Nations were in the best position at any given moment to assess, within the general framework of the political situation, the most appropriate measures to be taken. That stand did not imply that the specialized agencies and in particular WHO, should not have the power, within their specific spheres of competence, to adopt measures that might contribute to facilitating their own work.

The stand taken by the Venezuelan Government on the problem in the United Nations and in the International Labour Organisation should be placed on record. In addition to what he had already mentioned, Venezuela maintained neither diplomatic nor consular relations with the South African Government. Trade relations between the two countries were practically non-existent; in that regard, it was noteworthy that official bodies in Venezuela had expressly ignored the South African trade mission sent out with the object of studying possibilities for trade exchanges. Venezuelan

exports to the Republic of South Africa had at times risen to 0.1 per cent. of total exports but in general were even substantially less. The same was true of South African imports to Venezuela. In particular, Venezuela exported no oil directly to South Africa; any Venezuelan oil reaching that country, if indeed any did, must be obtained indirectly.

At the Forty-fifth International Labour Conference, the Venezuelan delegation had warmly supported the draft resolution submitted by Nigeria whereby South Africa was invited to withdraw from the Organisation. At the Forty-seventh Conference, it had withdrawn when the South African employer delegate had been called to speak and, in its statement in the general debate, had strongly condemned the policy of apartheid. It had also voted for a minority report of the Credentials Committee opposing acceptance of the credentials of the so-called worker delegate of South Africa. Lastly, the statement made by the Venezuelan delegate on 14 February 1964 in the ILO Governing Body was proof of the clear and definite stand taken by the Venezuelan delegation.

Accordingly, the Venezuelan delegation would support the draft resolution submitted by the group of African delegations, subject to the following remarks. Specific mention should be made in the preamble to the resolution of the exceptional circumstances for which Article 7 of the Constitution was being invoked. As the draft stood at present the reason for the application of Article 7 was not brought out clearly enough. His delegation was in full agreement with operative paragraph 1, but would reserve its position under operative paragraph 2 until such time as the formal proposals requested under that paragraph were available for consideration.