

EIGHTH PLENARY MEETING

Saturday, 24 May 2008, at 14:40

President: Dr L. RAMSAMMY (Guyana)

HUITIEME SEANCE PLENIERE

Samedi 24 mai 2008, 14h40

Président : Dr L. RAMSAMMY (Guyana)

1. REPORTS OF THE MAIN COMMITTEES¹ (continued) RAPPORTS DES COMMISSIONS PRINCIPALES¹ (suite)

The PRESIDENT:

Ladies and gentlemen we are about to convene the eighth plenary meeting of the Sixty-first World Health Assembly and I now call the Health Assembly to order. This afternoon we will begin by considering item 8, Reports of the main Committees.

Second report of Committee A Deuxième rapport de la Commission A

We shall start by considering the second report of Committee A and I direct you to that report. It is contained in document A61/44. Please disregard the word “Draft” as the Committee has already approved the report without amendments. The report contains one resolution entitled “Strategies to reduce the harmful use of alcohol”. Is the Health Assembly ready to adopt this resolution which is before us? I see no objection. The resolution is adopted and the second report of Committee A is thus approved.

Second report of Committee B Deuxième rapport de la Commission B

We now move to the second report of Committee B which is contained in document A61/45. This report contains nine resolutions. We will take these resolutions one by one. The first of the nine resolutions for our consideration is entitled “Financial report and audited financial statements for the period 1 January 2006–31 December 2007”. I place this resolution before the Health Assembly for your consideration. Seeing no objection, this resolution is therefore adopted.

The second resolution for your consideration is entitled “Miscellaneous income 2006–2007 and financing gap for strategic objectives 12 and 13”. I see no objection and therefore the resolution is adopted.

¹ See reports of committees in document WHA/61/2008/REC/3.

¹ Voir les rapports des commissions dans le document WHA/61/2008/REC/3,

We move to the third resolution. This is entitled “Status of collection of assessed contributions, including Member States in arrears in the payment of their contributions to an extent that would justify invoking Article 7 of the Constitution”. I therefore place this resolution before you for your consideration. Again, I see no objection and the resolution is therefore adopted.

The fourth resolution before us is entitled “Special arrangements for settlement of arrears”. Again, I see no objection, the resolution is therefore adopted.

The fifth resolution before us for our consideration is entitled “Report of the External Auditor to the Health Assembly”. Is the Health Assembly ready to adopt this resolution? I see no objection, the resolution is therefore adopted.

The sixth resolution for our consideration is entitled “Amendments to the Staff Regulations and Staff Rules”. Are we ready to adopt this resolution? I see no objection, the resolution is therefore adopted.

The seventh resolution for our consideration is entitled “Method of work of the Health Assembly”. I understand that an amendment was approved by the Committee but this amendment is not reflected in the report and so I will ask the Secretariat to read this amendment. I now give the floor to Dr Kean to read out the amendment.

Dr KEAN (Executive Director, Office of the Director-General):

Thank you very much Mr President. The amendment is at the end of operative paragraph 3, “Decides to amend Rules 26, 31, 34, 36, 68 and 92” and concerns Rule 92 which I will read: “*Rule 92:* Verbatim records of all plenary meetings and summary records of the meetings of the General Committee and of committees and sub-committees shall be made by the Secretariat. Unless otherwise expressly decided by the committee concerned, no record shall be made of the proceedings of the Committee on Credentials other than the report presented by the Committee to the Health Assembly”. Thank you, Mr President.

The PRESIDENT:

Thank you very much, Dr Kean. The amended resolution is now before us and I ask the Health Assembly to consider and approve it. I see no objection. The resolution is therefore adopted as amended.

The eighth resolution for our consideration is “Multilingualism: implementation of action plan”. I therefore put this resolution before us for our approval. Ecuador has requested the floor.

La Sra. BAQUERIZO GUZMÁN (Ecuador):

Esta declaración se hace en nombre del Grupo de las Américas (GRULA). El GRULA desea reiterar la importancia que tiene el multilingüismo como una herramienta eficaz para alcanzar para todos los seres humanos el grado más alto posible de salud, a través de la transmisión de mensajes sanitarios, producción y divulgación de información sanitaria, y generación, intercambio y utilización equitativamente de conocimientos en materia de salud, entre otros.

(The speaker continued in French.)
(L'orateur poursuit en français.)

Le Groupe des Amériques reconnaît les progrès qui ont été faits dans l'application du Plan d'action pour le Multilinguisme, réaffirmant ainsi la diversité culturelle et linguistique qui caractérise le système des Nations Unies. Le Groupe des Amériques accueille positivement la création d'une équipe multilingue d'éditeurs pour le site Internet composé d'éditeurs des six langues officielles qui ont collaboré à l'élargissement de l'accès au contenu multilingue, avec l'inclusion dans le site Internet des publications et documents de l'OMS qui existent déjà dans les langues officielles, ainsi que la création de pages où figurent des publications séparées dans les pages d'accueil chinoises et russes du site de l'OMS.

(L'orateur poursuit en anglais.)
(The speaker continued in English.)

Mr President, the WHO Region of the Americas would like to reiterate the importance of the effective use of WHO official languages in publications and work at all levels, particularly in the formal and informal meetings organized within the framework of WHO activities, as well as the translation of official and working documents

The WHO Region of the Americas considers as highly positive the progress made on the promotion and availability of WHO information products in official and local languages at global and regional levels.

(The speaker continued in Spanish.)
(L'orateur poursuit en espagnol.)

Señor Presidente, por último el Grupo de las Américas desea resaltar la importancia de que los servicios de interpretación y traducción tengan el más alto nivel de calidad y efectividad. Muchas gracias.

The PRESIDENT:

Thank you, Ecuador. There being no objection, the resolution is adopted.

The ninth resolution for our consideration is the "International Agency for Research on Cancer: amendments to Statute". I put this resolution before you for your approval. There is no objection, the resolution is therefore adopted. Having adopted the nine resolutions, the second report of Committee B is therefore approved.

Third report of Committee A **Troisième rapport de la Commission A**

We shall now take up the third report of Committee A. It is contained in documents A61/46. Again please disregard the word "Draft" as the Committee has already approved the report. The report contains four resolutions. We will take these four resolutions one by one. The first resolution before us is entitled "Prevention and control of noncommunicable diseases: implementation of the global strategy". I place this resolution before you and ask for your approval. There being no objection, the resolution is now adopted.

The second resolution for our consideration and approval is entitled "Global immunization strategy". I place this resolution before you for approval. There being no objection, the resolution is adopted.

The third resolution before us for our consideration is entitled "Female genital mutilation" and this resolution is now before us for approval. There being no objection, the resolution is now adopted.

The fourth resolution for consideration is entitled "Health of migrants", and this is ready for our approval. I see no objection; the resolution is adopted, and the third report of Committee A is therefore approved.

Senegal has asked for the floor. You have the floor, Senegal.

Le Dr DANKOKO (Sénégal):

Monsieur le Président, le Sénégal voudrait faire une observation sur la dernière résolution du troisième rapport. A la page 11, au point 1.2 du dispositif, il y a une omission qui nous semble important de corriger si nous voulons être conformes avec la proposition consensuelle qui a été adoptée à la Commission A. En effet, parmi les variables de discrimination, il a été omis de citer la religion. Le Sénégal propose que la religion soit citée après l'âge pour que ce point devienne complet et puisse se lire comme suit : « à favoriser un accès équitable à la promotion de la santé, à la prévention des maladies et aux soins pour les migrants compte tenu de la législation et des pratiques

en vigueur dans les pays sans discrimination basée sur le sexe, l'âge, la religion, la nationalité ou la race. » Je vous remercie Monsieur le Président.

The PRESIDENT:

Thank you, Senegal. There is no need for an amendment: it appears there was a mistake in the French version, and so we will correct the French version. And so, since there is no need for an amendment, I again put the resolution to you for your approval. Noting the correction that must be made, there is no objection. The resolution is adopted.

I believe that South Africa wants the floor, so I am going to give the floor to South Africa.

Dr TSHABALALA-MSIMANG (South Africa):

Mr President, thank you very much. We indeed welcome and support the resolution on the health of migrants. And, as we adopt this important resolution, I beg your indulgence to make the following statement.

I would like to fully endorse that, true to our understanding of health as impacting upon many social determinants, we should locate our discussion within the general understanding that the health of migrants is necessarily about the rights of migrants in general, such as rights of access to safety and basic services. It is for this reason that South Africa would take this opportunity to address the matter of the spate of attacks that are taking place in our country at this moment. Our Government as a whole, our political leaders and partners, our religious leaders, the leaders of our civic movements and all progressive community leaders and, indeed, the majority of South Africans, have joined hands in condemning, in the strongest of terms, acts of violence and intimidation against people who are said to be foreigners. Our Cabinet has said, and I quote: "these attacks represent a dangerous tendency that is foreign to South African history and consciousness. For many decades, South Africans in Alexandra and many parts of our country have lived side by side with foreign nationals with no acts of violence". As such a person, I want to assure this Health Assembly that South Africa is taking every possible step to protect and to defend the health of fellow Africans who happen to be migrants in our country. Our law enforcement agencies will use all the force of the law to ensure that no further violence takes place and that those who engage in it actively and encourage it, and insult numerous communities who are foreign nationals must and will be brought to justice as soon as possible. We are also working with humanitarian agencies in the country to look after the health of those who are injured.

I would like to reassure honourable delegates that everything possible is being done to investigate the root causes of these incidents and to stop them. To do this, it is critical that we work together to emphasize our humanity and that we need to respect and care for each other despite superficial differences of nationality. I thank you.

The PRESIDENT:

Thank you, delegate from South Africa. I believe, therefore, with that statement, that the resolution is adopted and the third report of the Committee is therefore approved.

Committee A also recommended that the item on counterfeit medical products as well as the draft resolution considered by the Committee, including the amendments submitted by Member States, be referred to the 124th session of the Executive Board. This recommendation is before us for approval. Is there any objection? The recommendation to move the counterfeit medical products issue to the 124th session of the Executive Board is approved.

Third report of Committee B

Troisième rapport de la Commission B

We shall now take up the third report of Committee B. It is contained in document A61/47. Please again disregard the word "Draft", as the Committee has already approved the report. The report contains one decision and one resolution. The decision before us for approval is entitled "Appointment

of representatives to the WHO Staff Pension Committee”. I understand that a correction has been made in the report of the Committee. I would like to give the floor to the Secretariat to read out the correction, and Dr Kean will read out the correction. Dr Kean, you have the floor.

Dr KEAN (Executive Director, Office of the Director-General):

Thank you, Mr President. There are two things to be corrected: the first one is the report itself. Item 16.3, “Appointment of the representatives of the WHO Staff Pension Committee: One decision as amended”. The second item – 11.12, “Monitoring the achievement of the health-related Millennium Development Goals” – has one resolution and we should delete “as amended”. I will read the corrected version of the decision on the appointment of representatives to the WHO Staff Pension Committee: “The Sixty-first World Health Assembly nominated Dr Ebenezer Appiah-Denkyira of the delegation of Ghana as a member, and Dr Palanitina Tupumatagi Toelupe of the delegation of Samoa as an alternate member, of the WHO Staff Pension Committee for a three-year term until May 2011”. Thank you, Mr President.

The PRESIDENT:

Thank you very much, Dr Kean. The corrected decision is therefore before us for our approval. Do we approve this decision? I see no objection, the decision is therefore adopted as amended. The second, the resolution for our consideration is entitled “Monitoring of the achievement of the health-related Millennium Development Goals”. Is the Health Assembly ready to adopt this resolution? There have been no objections, the resolution is therefore adopted. And the third report of Committee B is therefore approved.

Fourth report of Committee A Quatrième rapport de la Commission A

The PRESIDENT:

We shall now consider the fourth report of Committee A. This report will appear in document A61/49. Committee A held its eleventh meeting on 24 May 2008, under the chairmanship of Dr Cicogna (Italy). It was decided to recommend to the Sixty-first World Health Assembly the adoption of one resolution entitled “Climate change and health”. This draft resolution was contained in document A61/A/Conf.Paper No. 9, and was approved with amendments. I will ask the Secretariat to read these amendments and I again hand the floor to Dr Kean.

Dr KEAN (Executive Director, Office of the Director-General):

Thank you very much, Mr President. There are several amendments, the first being to the third preambular paragraph, beginning “Recognizing that, in the interim ...”, and the amendment is to the last word where “strengthened” has been replaced by “improved”. In the sixth preambular paragraph, “Recognizing the importance of addressing ...”, the final clause “but that industrialized states must take greater responsibility in this regard” has been replaced by “and that developed countries should assist developing countries in this regard”. The next amendment is in operative paragraph 1 with a new subparagraph 3. “To work on promoting consideration of the health impacts of climate change by the relevant United Nations bodies in order to help developing countries to address the health impacts of climate change”. The next amendments are in operative paragraph 2. In subparagraph 2(1) there is one change and two words are added: “urges Member States”, “to develop health measures and to integrate them into plans for adaptation to climate change as appropriate”. In subparagraph 2(2) one word change, the word “mitigating” is changed to “addressing”; so subparagraph 2(2) reads “to build the capacity of public health leaders, to be proactive in providing technical guidance on health issues, to be competent in developing and implementing strategies for addressing the effects of and adapting to climate change”, the rest continues as it is. In operative subparagraph 2(5) again a change of the

word “mitigate” to “address”, and a change at the beginning. I will read the whole paragraph: “To express commitment to meeting the challenges posed to human health by climate change, and to provide clear directions for planning actions and investments at the national level in order to address the effects of climate change”. The first part of operative subparagraph 2(6) is deleted.

The PRESIDENT:

Thank you very much, Dr Kean. The amended resolution is before us for approval. There being no objection. Sorry, Brazil is asking for the floor. Brazil you have the floor.

Mr BENTO ALCÁZAR (Brazil):

Thank you, Mr President. Operative paragraph 1 of this resolution, I believe, had several amendments and they were not read by the Secretariat. I would ask the Secretariat kindly to read that paragraph, just to know what we are approving, because I think there is some confusion here. Thank you.

The PRESIDENT:

I will ask Dr Kean to respond to Brazil’s request.

Dr KEAN (Executive Director, Office of the Director-General):

Thank you, Mr President. The honourable delegate from Brazil is indeed correct. In operative subparagraph 1(1), the change is in the first sentence which I will read: “to continue to draw to the attention of the public and policy-makers, the serious risk of climate change to global health and to the achievement of the health-related Millennium Development Goals, and to work with FAO, WMO, UNDP, UNEP, the United Nations Framework Convention on Climate Change Secretariat, and other appropriate organizations of the United Nations, in the context of United Nations reform activities ...”, the rest continues as it is. Thank you.

Mr BENTO ALCÁZAR (Brazil):

Thank you, Mr President. We are satisfied with that drafting.

Ms HENDRY (United Kingdom of Great Britain and Northern Ireland):

Thank you, Mr President. I believe there was another amendment to the text, which I did not hear read out, and that was in the original operative subparagraph 1(3) where my understanding was that we agreed to delete the words in bold and “security”, originally proposed by Jamaica. Thank you.

The PRESIDENT:

Again, I believe that is correct. I believe that the resolution as amended now satisfies all the Members. Since there is no objection, the resolution is therefore adopted as amended and the fourth report of Committee A is therefore approved.

Fourth report of Committee B

Quatrième rapport de la Commission B

We shall now consider the fourth report of Committee B. This report will appear as document A61/48. Committee B held its sixth meeting on 24 May 2008 under the Chairmanship of Dr Sicato (Angola). It was decided to recommend to the Sixty-first World Health Assembly the adoption of one resolution entitled “Infant and young child nutrition: biennial progress report.” This

draft resolution was contained in document A61/A/Conf.Paper No. 4 Rev.1 and was approved with amendments. I will now ask Dr Kean to read the amendments.

Dr KEAN (Executive Director, Office of the Director-General):

Thank you, Mr President. The amendments are to operative paragraph 2, subparagraphs 4, 5 and 6. Subparagraph 4 would now read “to provide support urgently for research on the safe use of expressed and donated breast milk, given the current challenges facing countries in the implementation of safe infant feeding practices, mindful of the national rules and regulations and cultural and religious beliefs”. Operative subparagraph 2(5) will now read “to provide support for strengthening of national information systems in order to improve the evidence base for policies in this area”; and operative subparagraph 2(6) would now read “to review the global current situation of infant and child nutrition, including nutrition and HIV and report to the Sixty-third World Health Assembly”. Thank you, Mr President.

The PRESIDENT:

The amended resolution is before us. It seems that there are no objections. The resolution is adopted as amended and the fourth report of Committee B is therefore approved.

Fifth report of Committee A **Cinquième rapport de la Commission A**

We shall now consider the fifth report of Committee A. This report will appear as document A61/50. Committee A held its eleventh meeting on 24 May 2008 under the chairmanship of Dr Cicogna (Italy). It was decided to recommend to the Sixty-first World Health Assembly the adoption of one resolution entitled “Public health innovation and intellectual property: draft global strategy and plan of action”. This resolution was circulated this morning and was further amended in Committee A. The Committee agreed to forward this resolution to the plenary but there was an understanding that ongoing discussions might result in further consideration by the plenary at this time. May I enquire as to whether there has been any result from these further discussions, which would allow us to adopt the Plan of Action attached to the resolution as being fully agreed, and so enable us to adopt the resolution without the amendments adopted by the Committee? The floor is now open for comments and I believe that it was Brazil who, following the opening session of this Health Assembly, dared to dream and so let us ask Brazil for their comments.

Mr BENTO ALCÁZAR (Brazil):

Thank you very much, Mr President. I recall that when you made your intervention on the first day of this Health Assembly, you said to all of us that you dared to dream and I believe that we all dared to dream. Unfortunately, we have not been very successful on this and the results of all the efforts we have been making in the last two years, and I believe that all the delegates who took part in this process tried their utmost. We have a strategy but we do not have a plan of action because it is not possible to approve a plan of action only in part. The amendments made earlier this morning by the distinguished delegate of Switzerland present us with some difficulties which we must take notice of now, especially regarding operative paragraph 4, which reads: “Requests the Director-General with regard to paragraphs of the plan of action where the role of WHO stakeholders has been agreed upon ...”. But, this is inconsistent with operative subparagraphs 4(2) and 4(2)*bis* because those are the mandates which the Director-General already has and we must not limit the mandate of the Director-General with the approval of the plan of action. It would really make absolutely no sense. So, I have no proposal for this, I only wanted to point out the inconsistency and I am sure, Mr President, that there is a tradition in this Organization that when we approve documents, they should be impeccable. Therefore, I would consider solutions for this, which my delegation is now going to propose at this moment. Thank you very much.

The PRESIDENT:

Thank you, Brazil. Dreams do come true. It just sometimes takes a little more time, which for the Sixty-first World Health Assembly, is rapidly running out. And so may I therefore put to the Health Assembly the amended resolution as adopted in Committee A before us for approval. Brazil again is asking for the floor.

Mr BENTO ALCÁZAR (Brazil):

Thank you, Mr President and excuse me for taking the floor once again, but if we approve the resolution as it is, the mandate of the Director-General will be limited. I do not believe that is the intention of the distinguished delegate of Switzerland, so I kindly ask for a revision of this. I said it before, I do not have a solution for this, but I am afraid that this may limit the mandate of the Director-General and I would wish to consult the Legal Counsel.

The PRESIDENT:

Thank you very much Brazil and we will accommodate the Legal Counsel's discussing this but, in the meantime, I will give the floor to the United States of America.

Mr HOHMAN (United States of America):

Thank you, Mr President. First of all I would like to share the disappointment expressed by our colleague from Brazil that it was not possible to reach full agreement on the strategy and the plan of action, because I think everyone in this room was committed to do that. Many of us had a commitment to accomplish the objective that was set out in this Intergovernmental Working Group process, but we also had strongly felt opinions on many of the aspects of these documents; there was a lot of good faith on the part of negotiating partners but we were not able to accomplish our goal. I do think that the amendments presented by our colleague from Switzerland are very helpful and can move this forward, allowing the great bulk of this document to be implemented and asking the Director-General to use her authority to continue to work on the difficult issues and report back to us through governing bodies. I also understand the concern of Brazil that he has expressed with regard to the proposed amendment to operative paragraph 4. I do have a suggestion, I do not know whether it will meet the approval of Brazil and other partners here, but I would try it out so that it might read, "Requests the Director-General with regard to paragraphs of the plan of action where the role of WHO as a stakeholder has been agreed upon but, without regard to already existing mandates ..." or something along those lines; I think that it conveys the idea that Brazil has noted, particularly with respect to operative subparagraphs 4(2) and 4(2)*bis*. Thank you.

The PRESIDENT:

Thank you very much, the delegate from the United States. We could suggest that instead of "in regard to", "without prejudice", would solve the problem. Would that be acceptable? The United States has indicated that if we substitute the words "in regard", with the words "without prejudice", it would satisfy their delegation, so I call on Switzerland.

Dr SILBERSCHMIDT (Switzerland):

Thank you, Mr President and thanks to all the negotiating partners. We do share the disappointment expressed by Brazil and by the United States. I would like to stress that this disappointment concerns less than 5% of the task we had and would add our satisfaction with more than the 95% of the task which we have achieved. I would hope that, collectively, we would move to implementing the resolution rapidly while we conclude negotiations. Addressing now the concern raised by the distinguished delegate of Brazil, we could live with the amendment as proposed by the

United States. Another way of addressing the matter, and we leave it to the room which one is preferable, would be to have an operative paragraph 5, which would be titled "further request the Director-General" and to move the now 4(2) and 4(2)*bis* into that paragraph 5. Just to make clear that there is no qualifier to these requests, we are totally open; it is just if others have difficulty with the United States' amendment, we could do it in this way. Thank you.

The PRESIDENT:

Thank you very much the delegate of Switzerland. I think that we are close to solving this problem and with the suggestion coming from the United States and with the Secretariat's assistance, we could probably solve this problem quite rapidly. Thailand is asking for the floor and so the delegate of Thailand, you have the microphone.

Dr SUWIT WIBULPOLPRASERT (Thailand):

Thank you, Mr President. As English is my third language, I am not sure whether my proposal is valid or not, but I understand that our Swiss colleague has proposed for the amendment of the first operative paragraph to adopt the global strategy and agree part of the plan of action. I understand that that has been agreed upon by us. Which means that the Health Assembly will approve only the global strategy in consensus and agree part of the plan of action in consensus. If my understanding is correct, the text which is in brackets is not agreed upon; which means that the Director-General will not have to do anything concerning the text which is not agreed upon. If my understanding is correct, then there is no need to put anything in operative paragraph 4 because we have already approved those that have been agreed upon, in operative paragraph 1. I thank you, Mr President.

The PRESIDENT:

Thank you very much. I think Brazil is asking for the floor again. Brazil you have the microphone.

Mr BENTO ALCÁZAR (Brazil):

Thank you, Mr President, but we have another problem with this amendment in that the role of WHO in the plan of action is not simply decided inside the brackets, but we have different roles that WHO can play. I will give an example: you can have in the plan of action a specific role for WHO in which WHO is a lead stakeholder, and another in which WHO has a role to play in specific action in which it is not a lead stakeholder, or which it is for some Members if not for other Members. In this sense, what we are saying with this amendment is that the Director-General is not going to implement anything or do anything even in those actions that WHO has a role in without being the lead stakeholder, and even in those where WHO is the lead stakeholder, she cannot do anything. We have a problem that we are not covering the fact that the dispute here and the differences that we have are not on the role of WHO, but rather on whether it is the lead stakeholder or not the lead stakeholder; and, at the same time, if we cannot agree that WHO is not the lead stakeholder; in some of the actions, even in specific action WHO has a role to play in implementing this. The way this amendment is reading, it is impossible for the Director-General to implement anything. Thank you.

The PRESIDENT:

Thank you very much Brazil. I do understand the point being made by Brazil and by Thailand also. I believe however that the amendment as proposed by the United States and the amended resolution does provide us with a way forward. There are other alternatives but to keep this simple, I would like to keep the amended resolution for our consideration and our approval. Libya is asking for the floor at this time.

Dr GASHUT (Libyan Arab Jamahiriya):

Thank you Mr President. In response to the last intervention of Brazil my interpretation of the amendment reads “with regard to paragraphs for the plan of action when the role of WHO as a stakeholder has been agreed upon ...” and it does not speak about the lead stakeholder. And, in my understanding, WHO has been defined as being a stakeholder in most of the plan of action. Thank you.

The PRESIDENT:

Thank you very much. I will again put the amendment to the amended resolution for our approval. Brazil, again.

Mr ESTRELA DE CARVALHO (Brazil):

Thank you, Mr President. I would like to explain again the problems with this amendment. We have some actions where we all agree. And for most actions that we have in this plan of action, we all agree that WHO has a role. What I am saying here is that the Director-General knows where WHO is a lead stakeholder and where it is not. But, even if she does not know if WHO has a lead stakeholder role, she can act because we all agree in the plan of action that WHO has a role. In this sense, this paragraph and this amendment cannot be accepted because it would mean that she could not do anything even in relation to the specific paragraphs where we have all decided that WHO has a role. Thank you.

The PRESIDENT:

Thank you very much Brazil. Brazil do you have an amendment to propose? Brazil is thinking about it. We will ask India to take the microphone.

Mr TRIVEDI (India):

Thank you, Mr President. Brazil's concerns are quite well understood and in order to ensure more clarity and removal of ambiguities, we propose the following: that instead of having additional wording as it is at the moment in the brackets in the chapeau of paragraph 4, we should amend all the subsequent paragraphs; beginning for instance with 4(1) after the words “implementing the global strategy and agreed plan of action”, we should insert the word “agreed” in all subsequent paragraphs, which means, I think, in seven places altogether, and this should take care of the concerns of our colleagues from Switzerland and other delegations. This is a suggestion for your consideration. Thank you.

The PRESIDENT:

Thank you very much the delegate of India. I think that that will make it quite an elegant resolution, and so we would want to consider that and try to maintain a little bit of elegance. And I am buying time here. Japan.

Dr INOUE (Japan):

Thank you very much, Mr President. Basically I would like to support the President's proposal to agree on the amendments made by Switzerland, as well as the United States. But I will also consider the alternate option just put forward by our colleagues from India. Just to respond to some of the comments made by some previous colleagues: One is the comment made by our distinguished delegate from Thailand. Our Thai colleague says that, in paragraph 1, there is already an amendment, that says “adopt the global strategy and agreed parts of the plan of action”. They say that this suffices and there is no need to reiterate the same meaning in subparagraph 4. But I believe that, for clarity of meaning, it would be worthwhile to repeat that same intention as suggested by Switzerland and in the

United States' proposal. With regard to the comments by Brazil, I am still not clear. The comments are saying that in the plan of action, there is still non-agreed text with regard to the role of WHO. Some Member States prefer that the role of WHO is as a lead stakeholder and others prefer it to be a non-lead stakeholder. But, in these instances, there is a certain consensus for all the Member States to agree a certain role for WHO, regardless of whether it is a lead stakeholder or non-lead stakeholder. In such a case, even though this is not an agreed portion, I am sure we could interpret it that WHO would have a certain role, regardless of whether it is a lead or non-lead and I would like to receive a clarification on this point from our legal officers. Thank you, Mr President.

The PRESIDENT:

Thank you very much, Japan. I will now give the floor to the United States of America.

Mr HOHMAN (United States of America):

Thank you, Mr President. I am not clear why both Thailand and Brazil believe this amendment to paragraph 4 means that the Director-General cannot implement anything. It might be that it is a bit complicated in the wording, and perhaps it could say "Requests the Director-General, building on operative paragraph 1, to implement the global strategy and the agreed parts of the plan of action without prejudice ...". That might be a possible alternative, but I would like the Legal Counsel to respond specifically to the points made by Thailand and Brazil suggesting that this kind of language here would not allow the Director-General to implement anything in the strategy and plan of action. Thank you.

The PRESIDENT:

Thank you very much the United States. We will come back to Brazil, but at this time we will give the floor to Slovenia.

Mr TRAMPOSCH (Slovenia):

Thank you. Speaking on behalf of the European Union, we would like to express our great satisfaction with the outcome of the Intergovernmental Working Group process. It is true that we have a very few square brackets where we have not been able to reach agreement, in spite of our last minute efforts and our hope in miracles. But we really have a wonderful document that is the product of the work of many, many dedicated people: representatives of Member States that I have worked very closely with, both those of the European Union and also other delegations, many of the delegates who have taken the floor today, interested parties, and especially the Secretariat working under the Director-General and, more than anything, the Chairmen of the meetings who have worked not only far into the night but into the next morning. We are very, very pleased with this document which, as our colleague from Switzerland has said, is 95% or 98% complete. We have a global strategy that is a full consensus document and we were very pleased with that. We should be very proud and we should be very hopeful, as we go forward to implement this process, that the goals of the Intergovernmental Working Group process will be achieved through the implementation of this document by WHO and by the other stakeholders that are listed in the plan of action. We understand that we need to come to a decision on the language of the resolution. We believe that many of the suggestions are good and we should move very quickly to adoption; since our document is so good we should have a resolution very quickly. We would agree with the amendments of the Swiss delegation and the amendments of the United States of America, including their later amendments. We are not as comfortable with some of the other suggestions that have been made, but we would suggest that these amendments be adopted and that we go forward with this resolution and move to implementation so that we can achieve the goals that we have been working towards. Thank you.

The PRESIDENT:

Thank you very much, the delegate from Slovenia. We will now give the microphone to Norway.

Ms STEEN (Norway):

Thank you, Mr President. Norway would also like to reiterate and underline what we have been able to achieve during these days of work and the fact that this is actually quite a success. It also gives hope that we may succeed in resolving those outstanding issues that we were not able to agree on in the few last minutes, where we also tried hard with all the delegations actually putting in all their efforts and the will to do so. Again, we still have and keep our dream that the last few things will be resolved in future. We would like to see if we could come up with a suggestion that might help because we do acknowledge the concern that Brazil and other delegations have here in terms of interpreting the wording on whether WHO should take a lead role or just be a stakeholder. The wording could state that the role of WHO as a stakeholder has been agreed upon regardless of disagreement on the type of stakeholder.

The PRESIDENT:

Thank you very much Norway. I will now give the floor to Bolivia.

La Sra. NAVARRO (Bolivia):

Apoyamos la propuesta de la India, puesto que la encontramos valiosa y que nos podría llevar adelante, porque el resultado que buscamos es un acuerdo para todos con lo que Bolivia estaría dispuesta a sacrificar un poco de elegancia para obtener un resultado que satisfaga a todos. Esto, sin perjuicio de otras propuestas que puedan elevar a un consenso y que estaríamos dispuestos a escuchar, puesto que creemos que nos tenemos que sentir todos representados en una resolución tan importante como ésta. Bolivia está dispuesta a trabajar en la propuesta de la India o en otras propuestas que incluyen el sentimiento de todos en esta Asamblea de la Salud y que faciliten nuestra tarea.

The PRESIDENT:

Thank you very much Bolivia. I will give the floor again to the United States of America.

Mr HOHMAN (United States of America):

Well, thank you, Mr President. I asked for the floor to correct some drafting errors on my own part because when I read the text I realized that it should say "Requests the Director-General in implementing the agreed parts of the plan of action". Now it is a bit more complicated with the Norwegian proposal which is a little difficult to fully understand. Perhaps Bolivia has the correct idea that we should build on the proposal of India and insert this in specific paragraphs throughout the text. I think, for example, that in subparagraph 4(2) there is at the end a reference to "and when the approved plan of action" and I do not think this is the correct wording now. I had actually asked last night in the drafting group that some of these anomalies in the text be fixed by the Secretariat but that did not happen and I think there are a couple of them here that we would have to look at, so I am still waiting for the response of the Legal Counsel on some of the general questions that have been raised with respect to the resolution. Depending on what he has to say, it may be that proceeding through the text along the lines originally proposed by India might be the solution. Thank you.

The PRESIDENT:

Thank you very much. Libya has the floor.

Dr GASHUT (Libyan Arab Jamahiriya):

Thank you, yes, we were going to say exactly the same, that we would like to work on the suggestion of India. We think that it is the most appropriate but we are really flexible to accept any of the amendments as long as we do this very quickly.

The PRESIDENT:

Thank you very much. That is the spirit. Can we go to Ecuador now?

La Sra. BAQUERIZO GUZMÁN (Ecuador):

Recogiendo las palabras de la Unión Europea, creemos que los resultados de este proceso son bastantes positivos. Estamos en una etapa que incluye únicamente la forma más que el fondo. Creemos que podemos lograrlo el día de hoy con una adecuación del lenguaje que utilizamos en esta resolución. En este sentido, Ecuador es flexible a aceptar una propuesta que pueda llevar a un consenso y que nos permita adoptar esta resolución. Como señalé, creo que es una cuestión de forma y asimismo, como lo señaló los Estados Unidos, quisiéramos conocer algunos criterios de la asesoría jurídica de la OMS en el sentido de que tal vez nos puedan facilitar el trabajo con algunas sugerencias de lenguaje que nos permita viabilizar la adopción de esta resolución por consenso.

The PRESIDENT:

Thank you very much, Ecuador. At this time, I do have a couple of countries that still want the floor, but at this time I will give the floor to the Legal Counsel.

Mr BURCI (Legal Counsel):

Thank you, Mr President. I understand the United States of America asked me to give my views on the point raised earlier by Brazil concerning the consequence, or the impact of having some stakeholder elements in the plan of action still in brackets. I apologize if I may have misunderstood Brazil's point since he actually repeated it twice. If I understood correctly, I think Brazil's point was that, given the interconnection between the various elements of the strategy and plan of action, those brackets will basically affect the overall mandate of the Director-General under this resolution. It would be useful in a way if Brazil could provide some examples, because the strategy itself is divided into various elements and even though, obviously, there are interconnections and cross influences, at the same time, some of the elements which are completely agreed and on which, arguably, the Director-General could carry out a number of actions, may not be negatively affected or impacted by the lack of agreement on the stakeholder element in other objectives. Also, under the text of the resolution adopted by Committee A, subparagraph 4(2)*bis* recalls explicitly previous mandates that the Health Assembly has given to the Director-General in the area of intellectual property rights and trade and so those mandates which, in a way, complement the strategy, would serve to strengthen the overall role of Director-General, so I am not sure that I fully understand the argument by Brazil made in such absolute terms; but I will stop at this stage. Thank you, Mr President.

The PRESIDENT:

Thank you very much Legal Counsel. Let me just say this, that Dr Cicogna has worked so very hard on this and I would like, on behalf of us all, to thank him for the wonderful work he has accomplished. Since I know that he has prepared to give a three-minute address in the next plenary, I will use my prerogative at this point to say that, if he does have two or three minutes before he leaves for his flight, he can have the microphone at this time.

Address by the Chairman of Committee A
Allocution du Président de la Commission A

Dr CICOGNA (Chairman of Committee A):

Mr President, thank you very much. I did not expect that. I am a bit embarrassed but at the same time, very grateful. I really have a flight which will not wait for me and I really have to go; I apologize for that. Mr President, your excellencies, distinguished delegates, Dr Chan, ladies and gentlemen, it is with great, great pleasure that I present to you the report of the work of Committee A. I will only mention some highlights of our work since we have all had access to comprehensive daily reports. The work was concentrated on technical health matters as you know and discussions were complex, sometimes thorny, yet they took place in a spirit of mutual respect, sensitive collaboration, constructive dialogue and, sometimes, a uniform tolerance for a too-pressing and time-obsessed Chairman. There have been technical and health matters with resolutions which were approved and I will not mention all of them in order to save time, but you have the report before you.

If you would indulge me, I would like to convey my sincere appreciation to the various delegations who took the lead in obtaining consensus in order to have these resolutions adopted and I will quote them, because I really do think that they deserve to be quoted: New Zealand for Alcohol and Prevention and control of noncommunicable diseases; Portugal for Health of migrants; Denmark for Female genital mutilation; Bahamas and Canada for Global immunization strategy; and United Kingdom of Great Britain and Northern Ireland for Climate change. It did not escape my attention that you tried your best to reach out to other delegates and find much-needed common ground. Thank you for your initiative, your passion and commitment.

Committee A had only one drafting group which met from Tuesday through until today and there is no need to further comment on that – discussions are still in progress. I would really like to thank the Chairman of this group and the Vice-Chairman for their leadership and their utmost perseverance and their hard work during these days. Also, I would like to take this opportunity to thank all the delegates for exhibiting restraint, discipline and good humour by sticking to the three minutes speech limit even on agenda items which were extremely important for both their government and their citizens. During those times when consensus seemed unobtainable and with the clock ticking in the background, I express my appreciation to those delegates who either withdrew their amendments or who found ways for creatively crafting a comprehensive compromise that was acceptable to all.

Mr President, excellencies, distinguished delegates, Director-General and staff of WHO, it has been a real honour and a privilege to serve as Chairman of Committee A both for myself and for my country. I am a veteran of many Health Assemblies and veterans should be synonymous with an old and also with a wise and experienced gentlemen but it has been a great pleasure to be involved in this Health Assembly, a special one, and it was heart-warming to witness from the podium how all of you made efforts to find common ground and develop shared principles, policies and practices in such a constructive spirit of cooperation and solidarity so that WHO is empowered to achieve its mandate of promoting health for all in our highly interlinked global community. I would also quickly like to mention my fellow officers in Committee A for the assistance, Vice-Chairperson Mr J.O. Da Silva (Timor-Leste) and Dr M.J. Muñoz (Uruguay) and the Rapporteur, Dr D. Parirenyatwa (Zimbabwe). Thank you, my dear colleagues, and of course, all the Committee's work could not have been possible without the tremendous support and professional assistance we all received from the Secretariat of Committee A. I would like to thank especially Dr Q.M. Islam, Secretary of the Committee and his wonderful team for facilitating my work. I warmly acknowledge the tremendous efforts of all professional and support staff who have been at my disposal throughout the six days to ensure that the work of the Committee could proceed smoothly and fruitfully; I felt always more than well looked after. And thank you, Mr President, for your most competent and resourceful leadership which was instrumental in achieving the objectives of this Health Assembly. I would also like to thank the Vice-Presidents and the Rapporteur for their commendable assistance and superb support, in making this Health Assembly successful and to you, Director-General, I would like to extend my personal thanks and utmost regard. Here, I am sure, I speak on behalf of all of us when I say that we appreciated your

presence during the deliberations of Committee A despite your very tight schedule. Your strong commitment to make WHO a fit-for-purpose organization is shown in your interest in the debates regarding the needs of Member States before we fly back, and I should like to take this opportunity to wish you, Mr President, and all the other officers and delegates good health, peace and well-being during the coming year. *Bon voyage* and thank you all.

The PRESIDENT:

Thank you very much, Dr Cicogna and as he must run now, on all of our behalf, I thank him and want to assure him that it is all going to be all right and as he flies back home, that there will be an agreement. I am not adjourning this session until we have an agreement. I will, at this point ask Brazil to take the floor.

Mr BENTO ALCÁZAR (Brazil):

Thank you, Mr President and I thank the delegation of India for proposing, many minutes ago, what we thought was a very constructive way out. We had proposed a miracle earlier on and we were very disappointed when it did not happen but it is happening now. It is happening now because in all the process of the Intergovernmental Working Group, Brazil and the distinguished delegate from the United States, have been face-to-face in opposite ends in many issues and I appreciate the strength, the energy put forward by my dear friend Mr Hohman and, at this point, I have to give him a hand. He had proposed an excellent way out and I have to recognize this because he had made a suggestion which I think covers the concerns put forward by my delegation and by the delegation of India as well, and by the delegation of Thailand. I am going to read that proposal which, of course, we fully support. So, it would read as follows: "Requests the Director-General in implementing the global strategy and the agreed parts of the plan of action, without prejudice to the existing mandates ...". Thank you very much, Mr President. I hope this helps.

The PRESIDENT:

Thank you very much, Brazil. You see, dreams do come true and I think an elegant proposal has been presented that I hope can bring this to closure. I do have a couple of countries but, at this point before I call on them, and you having had a few seconds to consider the proposal from Brazil, do we want to adopt that amendment? The United States.

Mr HOHMAN (United States of America):

Thank you, Mr President. Well, after that intervention by Brazil, you can imagine how nervous I am. It is true that the proposal that he just made is one that I had just suggested and I appreciate his support for it. I do have one question for the Legal Counsel, just to clarify exactly what this means because I had informally suggested another formulation to Brazil which they did not like very much apparently. So my question is, when we say "implementing the global strategy and agreed parts of the plan of action", I wonder if the Legal Counsel could give an opinion on whether or not that means the Director-General can implement the global strategy without paying any attention to the plan of action; are these two linked in a way that requires the Director-General to take into account the work that has been done by this group on the stakeholders or are these things completely separate from one another? Thank you.

The PRESIDENT:

I am going to give the floor to the Legal Counsel at this point.

Mr BURCI (Legal Counsel):

Thank you, Mr President: it is my view that the two are linked, linked both in their nature because the plan of action is a spelling-out of the element of the strategy with a clarification of who will implement the various elements and other indicators, so they are not two separate documents, they are almost entirely overlapping. They seemed to be linked in the language now appearing on the screen proposed by the United States and amended by Brazil so I do not think that the Director-General could somehow separate the two and implement the strategy without regard to the plan of action because the plan of action is an instrument through which the strategy will be implemented. Thank you.

The PRESIDENT:

Thank you very much. Canada, do you still need the floor?

Ms WISEMAN (Canada):

Thank you, I will just take one minute to express, on behalf of Canada, our appreciation to Member States and the Secretariat for their extraordinary efforts and cooperation throughout this process in fulfilling the Intergovernmental Working Group's mandate. We have had the privilege to debate on many complex issues, the complexity of these issues however did not deter the commitment we all have to increasing access to medicines in developing countries. Our success is, to a great extent, due to the exceptional leadership of all our Chairmen, and in the support we received from Dr Chan and the Secretariat. We are proud of what we have accomplished in solidarity together and we are anxious to work with all of you in implementing the global strategy. The suggestions with respect to the resolution, I think, are good ones and I would request that we move forward and adopt this resolution with a global strategy and agreed plan of action. Thank you.

The PRESIDENT:

Thank you very much Canada. Switzerland, do you still need the floor? Thank you very much. I think we have got now an amendment that could bring consensus to this resolution; the Legal Counsel is working at cleaning the text and then we will read it and I will put it to the Health Assembly for approval. I think it is being displayed on the screen. I am going to give you a little bit of time to look at it. It is in front of you. At this time, I will put the amended resolution for our approval. Thailand you have the floor.

Dr SUWIT WIBULPOLPRASERT (Thailand):

Thank you, Mr President. I understand that our colleague from Switzerland has proposed in operative subparagraph 4(3) that we request the Director-General to work on the text that we have not yet agreed on and to come to back to the Health Assembly next year through the Executive Board, but this proposal was also deleted, so I would like to bring that back. Thank you.

The PRESIDENT:

Thailand you are correct and it has now hopefully been reflected on the screen. And so now I put the resolution as amended for our approval. Any objection? The United States of America.

Mr ABDOO (United States of America):

Thank you, Mr President, we would need some further amendments to operative paragraph 4. Could we see that on the screen, please? We would need operative paragraph 4 to read as follows: "Requests the Director-General in implementing the provisions of the global strategy in a manner consistent with the agreed parts of the plan of action, without prejudice to the existing mandates". Thank you.

The PRESIDENT:

The United States has now added some words to the amendment. Is there any objection? Brazil is asking for the floor.

Mr BENTO ALCÁZAR (Brazil):

Thank you, Mr President, I thought that we had a very elegant little paragraph and now we do not have a very elegant little paragraph. I wonder if that amendment is really necessary and I would ask the United States delegation to drop it in the name of elegance.

The PRESIDENT:

I will give the floor to the Director-General.

The DIRECTOR-GENERAL:

Thank you, Mr President: I have been listening very carefully to the interventions, comments and proposed amendments by all delegations; as Director-General of WHO, your technical officer and your administration officer, I get a very good sense of what you want me to do. I just ask for your understanding and also flexibility. I think you know that paragraph 4 to me in English is not my first language, actually it is my third language, as it is for the delegate of Thailand but, nonetheless, the last proposal by the United States' delegation to me actually is really expanding on what was captured and even without a provision I would not dare to do anything that is not consistent with what you have agreed, so I would appeal to the delegations to agree and also in particular the United States' delegation to go back to the original broad agreement which is: paragraph 4, "Requests the Director-General in implementing the global strategy and the agreed parts of the plan of action without prejudice to the existing mandates ..." and I am well aware of your thinking and your discussion because I have been following your hard work and your deliberations. I know what you want and I would deliver on what you want. No more and no less. Thank you.

The PRESIDENT:

Thank you very much, Director-General. Ladies and gentlemen we have worked really hard in the spirit of compromise in the last many days. I look at the words now that are delaying this process and it does not seem that deleting it would create any jeopardy for us. In any case, the bracketed paragraphs in the plan of action are being referred to the Executive Board and also to the Sixty-second World Health Assembly, so there are parallel mechanisms in place. I therefore believe that since this is so important to us we have an opportunity of beginning implementation of this global strategy and this plan of action now and still have time and still have mechanisms in place to come to further agreements on those bracketed paragraphs that we all seem to have some reservations about. And so I would appeal at this time that we adopt the resolution as I had originally put it before the United States' last amendment, and would ask the United States at this point if they are willing to accept that.

Mr ABDOO (United States of America):

Thank you, Mr President. Yes, we will.

The PRESIDENT:

Thank you very much.

(Applause/Applaudissements)

I believe therefore that we have consensus and so I now put the resolution as amended for the Health Assembly's approval. There being no objection this resolution is adopted by the Sixty-first World Health Assembly.

(Applause/Applaudissements)

Ladies and gentlemen, progress comes not just by hard work; sometimes you reach a milestone stage and then progress happens rapidly. This is indeed a milestone agreement and sets the stage for us to have a global implementation of provisions that will improve health commodities and improve public health. Now that we have the resolution, the fifth report of Committee A is therefore approved. This now completes our consideration of item 8 of our Agenda, Reports of the main committees.

**2. SELECTION OF THE COUNTRY OR REGION IN WHICH THE SIXTY- SECOND
WORLD HEALTH ASSEMBLY WILL BE HELD
CHOIX DU PAYS OU DE LA REGION OU SE TIENDRA LA SOIXANTE-
DEUXIEME ASSEMBLEE MONDIALE DE LA SANTE**

I would like to draw the Health Assembly's attention to the fact that under the provisions of Article 14 of the Constitution the Health Assembly at each annual session shall select the country or region in which the next annual session shall be held. The Executive Board subsequently fixing the date and the place. I therefore take it that the Health Assembly decides that the Sixty-second World Health Assembly will be held in Switzerland. In the absence of any objection, the Sixty-second World Health Assembly will be convened in Switzerland on a date to be fixed by the Executive Board.

I shall now adjourn this eighth plenary.

**The meeting rose at 16:15.
La séance est levée à 16h15.**