COMMITTEE ON ADMINISTRATION, FINANCE AND LEGAL MATTERS

PROVISIONAL MINUTES OF THE NINTH MEETING

Palais des Nations, Geneva
Tuesday, 16 May 1950, at 2.30 p.m.

CHAIRMAN: Dr. J.H. HOLM (Denmark)

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Note: Corrections to these provisional minutes should be submitted in writing to Mr. Richards, Room A.519, within 48 hours of their distribution or as soon as possible thereafter.
1. STATEMENT BY THE DELEGATE OF AUSTRALIA

Mr. HILL (Australia) said that in order to avoid confusion he wished to explain certain remarks he had made at the previous meeting of the Committee with regard to the functioning of the Executive Board and the Standing Committee on Administration and Finance. He had said that in the view of his delegation these bodies should be composed of highly qualified persons in the field of health. That was a principle embodied in the Constitution and it was only right that it should be so. He had merely wished to emphasize that principle and had not intended to refer to the members of the Board and the Standing Committee in any capacity as representatives of governments. On that point his delegation would later be putting forward a recommendation for amendment of the Constitution.

2. ACTION TAKEN BY CERTAIN COUNTRIES WITH REGARD TO MEMBERSHIP OF WHO:

Item 19 of the Agenda (Official Records No. 17, page 19, item 8.1; No. 21, page 52, WHA2.90; No. 24, page 77; No. 25, page 1, item 1.1; Documents A3/68 and A3/68 Add.1)

COMUNICATIONS FROM BULGARIA, ALBANIA, CZECHOSLOVAKIA AND ROUMANIA:
Item 19.1 of the Agenda (Official Records No. 25, 1, item 1.1; Document A3/33)

The CHAIRMAN suggested that the committee should consider items 19 and 19.1 of the agenda together because they were related in substance, and should take the question of China (Documents A3/68 and A3/68 Add.1) which was somewhat different, as a separate sub-item.

The committee agreed the procedure suggested by the Chairman.
Mr. LINDSAY (United Kingdom) considered that the committee's best course would be to refrain from taking action on the communication received from the countries in question. No further appeals should be addressed to these countries with regard to their participation in the activities of the Organization. It would not be in the interest of the Organization, nor would it be diplomatic, to adopt any other course.

Dr. BJÖRNSSON (Norway) then put forward a resolution which he felt would meet the situation and give effect to the point of view expressed by the delegate of the United Kingdom.

Mr. HILL (Australia) recalled that the matter had been before the Organization since February 1949. Official Records No. 17, page 18, and Annex 22 contained an exchange of correspondence between the USSR and the Director-General which showed that a suggestion made by the Director-General to the Government of the USSR that he should go to Moscow to discuss the question had been ignored by that government. Further, the Executive Board had endorsed the Director-General's initiative and resolution WHA2.90 (Official Records No. 21, page 52) had been subsequently adopted. The Government of the USSR had taken no notice of that resolution.

The history of the question showed clearly that the countries concerned no longer considered themselves Members of the Organization, and in view of that history he found it disquieting that the committee was being asked merely to repeat the terms of the Assembly's resolution he had just quoted. To his
mind the Norwegian proposal was inappropriate, and steps of a more positive character should be taken, and the intimation received from those countries that they did not wish to be Members of the Organization nor benefit from the services it provided should be accepted. The committee should, therefore, give serious consideration to Article 7 of the Constitution where it was laid down that if a Member failed to meet its financial obligations to the Organization, or in other exceptional circumstances, the Health Assembly might suspend the voting privileges and services to which that Member was entitled. He realised, of course, that the decision to adopt a budget of $7,300,000 required that those countries be assessed in full. To assess them, however, did not preclude the application of Article 7 of the Constitution.

He therefore suggested that - although he did not particularly care for the Norwegian resolution - the committee might consider adding to it various paragraphs to the effect that all services to which those countries were entitled and their voting privileges were suspended and that they were not eligible to designate persons to serve on the Executive Board. Such action would entail a considerable saving of money that could be usefully employed elsewhere. Those provisions should continue to operate until the countries in question returned to the Organization, and that quite apart from all financial considerations.

His suggestions were submitted, not as a formal proposal, but merely so that he could hear the views of other members of the committee before putting forward a formal proposal.

Mme. LABEYRIE (France) supported the Norwegian proposal.
Mrs. WHITEHURST (United States of America) did not think that any useful purpose would be served by applying Article 7 of the Constitution. The United States had always considered the World Health Organization as a universal non-political organization. Her delegation therefore supported the Norwegian proposal.

Mr. LINDSAY (United Kingdom) then read the text of the proposal submitted by the United Kingdom delegation, and, after a short discussion on the wording, the resolution was put to the vote.

**Decision:** The committee adopted the United Kingdom resolution by 18 votes to 6 with 9 abstentions, its terms being while WHO will always welcome the resumption by these Members of full co-operation in the work of the Organization, the Third World Health Assembly does not consider that any further action at this stage is desirable.

The CHAIRMAN confirmed to the delegate of Norway that the Rapporteur would put the resolution into proper form.

Mr. LINDSAY (United Kingdom) recalled that the delegate of Australia had suggested that some action should be taken under Article 7 of the Constitution in consequence of non-payment of contributions by the countries under consideration and that that action should take the form of depriving them of the services of the Organization.

When the committee had earlier considered the action to be taken under Article 7, his delegation had submitted that the resolution proposed by the South African delegation did not cover the class of defaulter whose other actions were now being considered and that resolution had been carried. Did the committee consider that the matter,
as far as those countries were concerned was closed, or could the
delegate of Australia's point be taken care of at that stage under
Article 7?

Mr. HILL (Australia) enquired whether the delegate of the United
Kingdom was suggesting applying Article 7 because of failure to meet
financial obligations or on the grounds of other exceptional circumstances.

Mr. LINDSAY (United Kingdom) said that a proposal to withdraw voting
privileges and services should be made under Article 7 of the Constitu-
tion. The normal reply to his enquiry would be that action under that
Article had already been taken. However, the South African resolution
had not covered those Members at present being considered. The question
was, therefore, whether Article 7 could still be invoked against those
countries.

The CHAIRMAN drew the attention of the committee to the resolution
it had just adopted, in which it had considered that further action at
that stage was undesirable. The committee could re-open the discussion
on a two-thirds majority vote.

Mr. CRITE (Canada) did not doubt the validity of the ruling but
wondered whether the Secretary had been able to ascertain, in reply to
his delegation's informal enquiry, how much the services rendered to the
eight States in question had cost the Organization.

Mr. STEFEL, Secretary, said he had a list before him of services in
progress to seven of the governments in question. China, as had been
agreed, was to be dealt with separately.
Of the $5,000 allocated to Albania for the Fellowship Programme $4,200 had been committed and five fellows were studying. $13,924 had been allocated to that country for medical literature and teaching equipment and of that sum $612 had been committed.

Bulgaria had been allocated slightly under $18,000 for fellowships, of which $2,100 had been committed, and $1,280 for medical literature and teaching equipment, of which $465 had been committed.

By way of transfer from 1948 out of funds made available by UNRRA Byelorussia had been allocated $30,444 of which $29,765 had been committed.

Czechoslovakia had had an allocation of $61,660 for fellowships of which $14,585 had been committed, and for medical literature and teaching equipment $1,873 of which $446 had been committed. The commitment on the allocation to that country of $28,200 in respect of a medical reference library was not known, and that was also the case for the allocation of $28,100 for an anaesthesiology training centre. The position was similar in connexion with the $6,000 allocation for a congenital heart disease centre.

Roumania had been allocated $2,500 for fellowships and that sum had been transferred from 1948. if the allocation to the Ukraine amounting to $94,780 transferred from UNRRA funds $32,000 had been committed. The figures for the USSR were nil.

M. GEERAERTS (Belgium) submitted that as the countries in question did not attend meetings the question of voting did not arise, so that, if he was correct in his assumption that they had not asked for services since notifying withdrawal, there seemed to be no point in applying Article 7 of the Constitution. Any such action would detract from the value of the resolution to be adopted.
Replying to Dr. McCANN (Canada) who asked whether he was correct in assuming that unexpended portions of allocations to those Governments would revert to the general fund, the SECRETARY stated that if no action were taken to suspend services, funds already allocated would be spent for the purposes for which they were earmarked, with the possible exception of unused funds in respect of fellowships and medical literature and teaching equipment. These latter would be made available at the end of the year for use, as the Assembly might decide, in future years. One complication, on which he was not sure, was the question of the balances of fellowship monies. Such balances were carried over from year to year until fully used, so that it would appear that there would be balances of that nature carried over at the end of 1950 as available for the States in question in 1951.

The CHAIRMAN pointed out that so far there had been merely a seeking-after and providing of information, and that the discussion proper had not been re-opened.

After Mr. HILL (Australia) had suggested that it would be useful to re-open the discussion, if for no other reason than to obtain the fullest possible information, the question was put to the vote and the Committee decided by 18 votes to 4 not to re-open the discussion.

Communication from China (Documents A/68 and A/68 Add.1)

The CHAIRMAN, in opening the discussion on communications received from the Minister of Foreign Affairs of the Republic of China (Document A3/68) and from the "Minister of Foreign Affairs of the Central People's Government of the People's Republic of China" (Document A3/68 Add.1) stated that the item had
been placed on the agenda at the special request of the General Committee.

Dr. STAMPAR (Yugoslavia) observed that whereas the telegram from Taipeh (Document A3/68) intimated withdrawal from the Organization, it seemed clear from the telegram received from Pekin that the Central People's Government was interested in WHO, for otherwise it would not have insisted on the withdrawal of the other Government.

China was a vast country with immense health problems and it seemed to him that the Organization now had an opportunity of bringing that large country and its Government into the Organization. He therefore considered that in the light of the telegram received from the Minister of Foreign Affairs of the Central People's Government of the People's Republic of China, the Assembly should invite that Government to participate in the work of the Organization and to send a delegate to attend its meetings. He proposed to put forward a resolution to that effect.

Dr. TOGBA (Liberia), whilst agreeing that the Organization was a humanitarian one, felt nevertheless that there were certain political bounds that could not be overstepped. It was not possible under the Constitution to accept a government unless that government had applied for admission through the normal channels of the United Nations. Until the government in question did so, no action could be taken by the Organization.

At the same time WHO should not withdraw whatever aid was being given to China, for it was to the people and not to the government that assistance was being provided.
He therefore proposed that the Assembly should take no action in accepting any one government until it had been formally recognized and proper instruments had been submitted to the Assembly.

Dr. TABA (Iran) observed that the Peking Government had not expressed any desire with regard to participation in the activities of the Organization. Moreover, it had not been recognized by some of the Member States. Consequently he could not see how the committee could invite participation, despite the nature of the Organization, and suggested that no immediate action be taken and the matter be left for decision by the Fourth Health Assembly.

Dr. SCHEELE (United States of America) strongly supported the proposal of the delegate of Liberia.

The DIRECTOR-GENERAL pointed out that there was a very important issue at stake: namely, the autonomy of WHO on matters relating to its membership. In this regard WHO was completely autonomous, and except in the special case of Spain, its requirements for membership bore no relation to that of the United Nations. Incidentally, the Secretary-General of the United Nations had recently made a very strong point that recognition or non-recognition by individual governments of the status of any particular government was entirely irrelevant to its acceptance as a member of the United Nations. The Director-General stressed the fact that WHO was at liberty on its own authority to accept a new government or recognize a change in government.

Mr. LINDSAY (United Kingdom) accepted entirely the opinions expressed by the Director-General, but felt that in the present rather obscure situation, it would be premature to admit a Member which had not applied for admission.
M. GEERAERTS (Belgium) was not aware of the existence of any document requesting such admission.

The DIRECTOR-GENERAL again endeavoured to clarify the situation. The question facing the committee was not whether China should be admitted to WHO, since she was already a Member, but the status of the communication received from Formosa. WHO was concerned only with the health of the Chinese people; if the committee believed that the government of Formosa represented the people of China, then it must assume that the status of that communication was valid and that it was a request on the part of the Government of China to withdraw from WHO.

The CHAIRMAN stated that there were two resolutions before the committee. He called upon the Secretary to read the one proposed by the delegate of Yugoslavia, which was as follows:–

Whereas a communication has been received from Taipeh that the Chinese Government has withdrawn from WHO;

Whereas a communication has been received from Peking indicating that the Central People's Government of the People's Republic of China have expressed their interest in WHO;

Whereas the Third World Health Assembly is of the opinion that it is desirable that all governments should participate in the work of WHO

The Third World Health Assembly

DECIDES to invite the Chinese Government in Peking to send a delegate to participate in the work of the Third World Health Assembly.

The committee then adjourned to permit the delegate of Liberia, with the help of the delegates of Iran and the United States of America, to formulate his proposal. The meeting was resumed at 4.45 p.m.

At the request of the CHAIRMAN, Dr. TOGBA (Liberia) read his proposal as follows:
Whereas the Director-General has received a telegram from the Minister of Foreign Affairs of the Republic of China indicating that the Government of China will withdraw from the World Health Organization;

Whereas the Third World Health Assembly has adopted a resolution expressing regret that certain Members are not fully participating in the work of the Organization and indicating that the World Health Organization will always welcome the resumption by these Members of full participation in the work of the Organization;

The Third World Health Assembly

Will welcome the resumption by the Government of the Republic of China of full participation in the work of the Organization; and

RESOLVES that no further action is necessary at this time in connexion with the communications now before the Assembly (A3/68 and A3/68 Add.1.)

Mr. COTE (Canada) asked whether the Secretariat could give some indication of the services rendered to China for the years 1948, 1949 and 1950.

The SECRETARY replied that he could not, without notice, give complete information, but the figures for 1949 were to be found on page 38 of Official Records No. 27. The following amounts (columns 4 and 7 respectively) had been carried over to 1950: $114,594 for fellowships (all committed) and $123,476 for medical literature and teaching equipment ($12,000 committed) and to these must be added $15,000 for short-term advisers. Part of the sum relating to medical literature came out of the UNRRA funds made available to the Interim Commission in 1947 and 1948, and possibly the same applied in the case of fellowships.

Introducing two slight amendments to his resolution, Dr. TOGBA (Liberia) took the opportunity of explaining that it was far from his wish that help should be withdrawn from the people of China.

Mr. WILL (Australia) asked whether any estimate could be given of the cost
of minor services to the governments referred to in the resolution, such as
distribution of documents, paper, duplication, etc., and in particular the cost of
translation into Russian and Chinese.

The SECRETARY said that following the Second Health Assembly's decision not
to recognize the withdrawal of certain governments from WHO, the Secretariat was
continuing to furnish documentation, technical publications and services relating
to epidemiology; it was not, however, possible to estimate the cost. The only
publication translated was the Chronicle, and the estimated cost of printing for
1951 was $4,000 for Russian and $4,080 for Chinese.

Dr. TABA (Iran) proposed, and the delegate of Liberia and the United States
agreed to, the deletion in the second paragraph of the preamble to the resolution
of the words "expressing regret that certain Members are not fully participating
in the work of the Organization and".

On budgetary grounds Mr. COTE (Canada) criticized the continuance of
complete services to China, until that country was again participating fully in
the work of the Organization. He therefore proposed to vote against both
resolutions.

Dr. van den BERG (Netherlands) could not see that either of the telegrams
(A3/68 and Add.1.) called for action and proposed the closure of the debate.

The motion was put to the committee and carried unanimously.

The CHAIRMAN then put the two draft resolutions to the vote.

Decision: The resolution proposed by Dr. Stampar (Yugoslavia) was
rejected by 16 votes to 2 with 12 abstentions.

The resolution proposed by Dr. Togba (Liberia), amended as follows, was
adopted by 16 votes to 4 with 10 abstentions:

Whereas the Director-General has received a telegram from the Minister of Foreign Affairs of the Republic of China indicating that the Government of China will withdraw from the World Health Organization;

Whereas the Third World Health Assembly has adopted a resolution indicating that the World Health Organization will always welcome the resumption of full participation in the work of the Organization by Members who are not so participating;

The Third World Health Assembly

Will welcome the resumption by the Government of the Republic of China of full participation in the work of the Organization; and

RESOLVES that no further action is necessary at this time in connexion with the communication now before the Assembly in document A3/68.

3. PROVISIONAL SCALES OF ASSESSMENT FOR ASSOCIATE MEMBERS: Item 9 of the Agenda (Official Records No. 21, page 42, WHA270, and No. 22 page 11, item 4.3.1; Document A3/25 and Corr.1.)

Dr. GEAR introduced the item on behalf of the Executive Board, and the SECRETARY outlined the circumstances presented in document A3/25. Document A3/25 Corr. 1 contained a resolution submitted by the Director-General for the consideration of the Third World Health Assembly.

Having in mind the slightly reduced privileges of Associate Members of WHO as compared with full Members, and also the fact that the majority of Associate Members would be small countries, Mr. LINDSAY (United Kingdom) proposed that their assessment should be 60% of the minimum assessment of full Members, which would be 3 units.

Decision: The resolution in document A3/25 Corr. 1, with the addition of the figure 3 in the space left in the last line, was adopted.
4. RESOLUTION ON SCALES OF ASSESSMENT FOR 1950: Item 10 of the Agenda (Official Records No. 21, page 40, WHA2. 67; Document A3/2)

The SECRETARY introduced the resolution appearing in document A3/2, which was necessary in order to correct an oversight made at the Second World Health Assembly.

Decision: The resolution in document A3/2 was adopted without comment.

5. SCALE OF ASSESSMENT FOR 1951: Item 11 of the Agenda (Official Records No. 21, page 41, WHA2. 78; Document A3/36 and Add.1)

In view of the fact that he had cabled his Government for instructions, since this item concerned his country, Dr. YOUNG TAI CHOI (Korea) asked that discussion might be postponed until he had received a reply, which would be within about 3-4 days.

Mr. BRADY (Ireland) proposed that rather than delay the whole item, discussions should start on the part which did not relate to Korea.

Since it was almost time to adjourn, it was agreed to place the item on the agenda of the following meeting.


The CHAIRMAN drew the committee's attention to the draft resolution on page 2 of document A3/18.

Although the Standing Committee on Administration and Finance had not considered the question of the appointment of the External Auditor, it had made a recommendation on the scope of his activities. The SECRETARY considered that
a reference to this should be made in the resolution.

Decision: The resolution appearing in document A3/18 amended in accordance with the Secretary's suggestion, was adopted.


The SECRETARY introduced the above subject. As explained in document A3/27 the committee had before it the question of deciding whether to adopt the uniform Financial Regulations which had recently been agreed by the administrative heads of the United Nations and the specialized agencies (document A3/27 Add.1) for recommendation to the governing bodies of the United Nations and the various agencies or whether to extend the existing Provisional Financial Regulations of the Organization for another year, so that members might have time for consideration before the Fourth Health Assembly. Alternative resolutions were provided on page 2 of document A3/27.

On the proposal of Mr. BRADY (Ireland) supported by Mr. TALJAARD (Union of South Africa) and Mr. LINDSAY (United Kingdom), it was agreed to recommend that the existing Provisional Financial Regulations should remain in force until the Fourth Health Assembly, Mr. Taljaard proposing that the matter should also be considered by the Executive Board during the coming year.

Decision: The first of the resolutions on page 2 of document A3/27 was adopted, subject to an amendment to meet the suggestions of the delegate of the Union of South Africa.
8. REPORT ON FINANCIAL RULES (FINANCIAL REGULATION 39): Item 4.1 of the Agenda (Official Records No. 22, page 12, Item 4.3.3; Document A3/24)

The SECRETARY introduced document A3/24 and the resolution proposed therein was adopted without comment.

9. AGENDA FOR THE FOLLOWING MEETING

Mr. ROSEMAN (United States of America) raised the question of the working capital fund. As this subject was likely to involve technical problems, he proposed the establishment of a small working party. It was agreed that this should be discussed as the first item on the agenda of the following meeting.

The meeting rose at 6:15 p.m.
Page 7, line 4:
Delete "$612" and substitute "approximately $600".

line 7:
Delete "$465" and substitute "approximately $490".

line 9:
Delete "$30,444" and substitute "$30,344"; and delete "$29,765" and substitute "$29,900".

line 11:
Delete "$14,585" and substitute "approximately $17,200".

lines 12-16:
Delete and substitute "$24,380 (including the Medical Reference Library, Prague - $20,000) of which approximately $16,600 had been committed."

line 19:
Delete "funds $32,000" and substitute "monies, $31,000".

Page 12, line 18
For "page 38" read "pages 27 and 38".

line 19:
Delete "(columns 4 and 7 respectively)."

line 20:
Delete "$114,594" and substitute "$143,500"; and delete "all" and substitute "approximately $125,800".

line 21:
Delete "$12,000" and substitute "$11,500".

line 23:
Delete "funds" and substitute "monies".