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ORIGINAL: ENGLISH

COMMITTEE ON ADMINISTRATION, FINANCE AND LEGAL MATTERS

PROVISIONAL MINUTES OF THE TWELFTH MEETING

Palais des Nations, GenevaTuesday, 22 May 1951 at 2.30 p.m.CHAIRMAN: Professor G.A. CANAPERIA (Italy)
later Mr. T.J. BRADY (Ireland)CONTENTS

1. Salary of the Director-General
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Note: Corrections to these provisional minutes should be submitted in writing to Mr. Richards, Room A.571, within 48 hours of their distribution or as soon as possible thereafter.

1. SALARY OF THE DIRECTOR-GENERAL: Item 20.3 of the Supplementary Agenda (document A4/48)

The CHAIRMAN presented the proposal by the delegations of Brazil, France and India (document A4/48) to raise the salary of the Director-General of WHO to a level more comparable with that of the Directors-General of other specialized agencies.

On the request of Mr. CALDERWOOD (United States of America), Mr. SIEGEL, Secretary, gave the following information regarding the salaries and allowances of the Directors-General of other specialized agencies.

	<u>Salary</u> \$ US	<u>Representation allowance</u> \$ US
ILO	20,000	10,000
FAO	18,000	6,500
UNESCO	18,000 plus residence allowance 3,800	5,000

Dr. SHAKHASHIRI (Lebanon) proposed an immediate vote on the resolution contained in the document before the meeting.

Dr. FERREIRA (Brazil) said that the document was quite self-explanatory but he wished delegates to know that the proposal had originally been made at a meeting of the Executive Board by the late Dr. de Paula Souza and that it was one of two items to which Dr. de Paula Souza, shortly before his death, had requested him to give special attention at the Fourth World Health Assembly.

Dr. PADUA (Philippines) pointed out that the Director-General of WHO had the same level of responsibility and authority as the Directors-General of other

specialized agencies and he felt it was only equitable that his total remuneration should be on a comparable level.

Decision: The resolution contained on page 2 of document A4/48 was adopted unanimously.

2. APPOINTMENT OF REPRESENTATIVES TO UN JOINT STAFF PENSION FUND TO REPLACE MEMBERS WHOSE PERIOD OF MEMBERSHIP EXPIRES: Item 6.4.3.1 of the Agenda (Official Records No. 21, WHA2.49 and WHA2.64) (Document A4/2)

The CHAIRMAN pointed out that the retiring representative on the WHO Staff Pension Committee had been designated by the Government of India and felt that it was geographically desirable that he should be replaced by a representative who was also from the Asian Continent, the other two members being from the United States and France. He therefore proposed the member of the Executive Board designated by the Government of Ceylon as the new representative, and the member of the Executive Board designated by the Government of the Lebanon as his alternate.

Decision: The draft resolution on page 2 of document A4/2; incorporating the proposals made by the Chairman, was adopted unanimously.

3. ASSIGNMENT TO REGIONS: MOROCCO, TUNISIA AND ALGERIA: Item 6.3.6.2 of the Agenda (Documents A4/AFL/18, A4/AFL/22, Rev.1 and A4/AFL/24)

Dr. McCUSKER (Canada) asked whether, if Algeria, Morocco and Tunisia were assigned to the European Region before being Members or Associate Members of WHO, these countries would be able to opt for the region of their own choice on becoming full Members of the Organization. If that were so he suggested that it should be made clear in the event of the adoption of the resolution proposed by the French Delegation.

The CHAIRMAN referred to the three resolutions before the committee. That contained in the second report of the Legal Sub-Committee (document A4/AFL/18 page 3) and the amended resolutions proposed by the delegation of India (A4/AFL/22 Rev.1) and the delegation of France (A4/AFL/24). In order to reach a solution acceptable to all delegations, and taking into consideration the opinions expressed in the previous debate, he would propose adoption of a resolution on the following lines:

The Fourth World Health Assembly

TAKES COGNIZANCE of the desire expressed by the French Government that Morocco, Tunisia and the French Departments of Algeria be included within the European Region, and

REQUESTS the Executive Board to study the proposal of the French Government and to report thereon to the Fifth World Health Assembly.

Rajkumari AMRIT KAUR (India) accepted this rewording of the resolution on behalf of her delegation.

M. MASPETIOL (France) said that his delegation would have preferred a decision on the matter during the present Health Assembly but that in view of the long discussion which had already taken place and the limited time available, he would agree to adoption of the Chairman's amended resolution.

Dr. HASHEM (Egypt) noted with pleasure that the committee realized the necessity for the Executive Board to study various aspects of this question. The Fifth World Health Assembly would then be in a position to take the necessary decision. He further noted that the resolution proposed by the Chairman was substantially the same as that proposed by the Indian delegation and he therefore gave it his full support.

The CHAIRMAN thanked the delegates of India and France for their co-operation.

Decision: The resolution proposed by the Chairman was adopted unanimously.

Mr. Brady (Ireland), Vice-Chairman, took the Chair

4. PROPOSED APPROPRIATION RESOLUTION FOR THE FINANCIAL YEAR 1952:
Item 6.5.4 of the Agenda (Official Records, No.31, p.46; Document A4/AFL/23)

The CHAIRMAN opened the discussion on the draft appropriation resolution for the financial year 1952 (document A4/AFL/23), pointing out that the amounts of money entered opposite the various headings on page 2 of the document would have to be left blank for the time being as they were still under consideration by the joint working party. He asked the Secretary to explain in what respects the proposed appropriation resolution for 1952 differed from that adopted last year.

The SECRETARY said that one essential difference between the draft contained in the document A4/AFL/23 and that shown on page 46 of Official Records No.31 was the inclusion of Part 4 (reserve) in the resolution, in order to allow for the fact that the working budget level for 1952 did not include the assessments against inactive Members of the Organization. The amount inserted under Part 4 would be equal to the sum of the assessments made against inactive Members. A second sub-paragraph had also been added to paragraph II, in order to provide for the limitation by the Director-General of obligations incurred during 1952 to the amount of the effective working budget.

A further problem had come to the Secretariat's attention since the resolution contained in document A4/AFL/23 was drafted - namely the delay which had been experienced in the delivery of supplies and equipment purchased for programme activities. Under the Financial Regulations as they now stood, the cost of items

ordered during the current year but not delivered before the 31 December had to be carried over to the ensuing year. Owing to supply difficulties created by the world situation, no reliance could be placed on any assurance that material ordered would be delivered by a certain date. In 1951, for example, there were contracts for supplies to be delivered three or four months before the end of the year, which were not fulfilled until January or February 1952. That state of affairs would distort the budget position unless some special provision was made. He proposed that the committee should recommend the adoption of a resolution on the following lines:

Notwithstanding the provisions of the Financial Regulations, the Director-General is authorized to transfer to the ensuing year the unliquidated obligations under allotments (made under the provisions of the Financial Regulations) for the costs, including transportation, of operational supplies and equipment for which contracts have been entered into prior to 31 December 1952.

Mr. MELLIS (United Kingdom) asked whether this addition would affect Financial Regulations 4.3 (Official Records No.33, annex 6).

The SECRETARY confirmed that the proposal had been designed with the specific intention of avoiding the application of one part of the paragraph of Financial Regulations referred to by the delegate from the United Kingdom.

Decision: The proposed draft appropriation resolution for the financial year 1952 (A4/AFL/23) was adopted with the addition proposed by the Secretary.

5. AMENDMENT OF APPROPRIATION RESOLUTIONS FOR THE FINANCIAL YEARS 1950 and 1951.

The SECRETARY proposed that the committee should recommend the adoption of additions to the appropriation resolutions for 1950 and 1951, similar to that just adopted for the financial year 1952. The difficulties he had mentioned would thus

be avoided in respect of those two years.

Decision: The Secretary's proposal to recommend the adoption of an addition to the appropriations resolution for the financial years 1950-1951, similar to that adopted for 1952, was approved and would be embodied in the committee's report.

6. WORKING CAPITAL FUND FOR 1952: Item 6.6.3.3 of the Agenda (Official Records No.31, p.48, and No.33, p.16; Document A4/19)

The CHAIRMAN indicated that the proposed Working Capital Fund Resolution before the committee was that given on page 48 of Official Records No.31 with the first paragraph amended to read as follows:

1. RESOLVES that the Working Capital Fund for the membership as at 1 May 1951 be maintained for 1952 in the amount of \$3,193,955 plus the assessments of Members joining after 1 May 1951.

In reply to a question by Dr. van den BERG (Netherlands), the SECRETARY stated that the figure of \$3,192,032.85 for the Working Capital Fund recommended by the Executive Board at its seventh session (Official Records No.33, p.16) had been altered to \$3,193,955 in order to include the assessment of Panama, which had become a Member of the World Health Organization since that date. The assessments of Members who had joined since 1 May 1951 were as follows:

Japan.....	\$53,969
Spain.....	\$33,289
Germany.....	\$97,598

Decision: There being no objection, the draft resolution on the Working Capital Fund for 1952, as proposed in Official Records No.31, page 48, and amended in document A4/19, was adopted.

7. HOST AGREEMENT WITH THE GOVERNMENT OF EGYPT: Item 6.3.4. of the Agenda
(Document A4/AFL/25)

The CHAIRMAN continued the discussion on the resolution on the host agreement with the Government of Egypt contained in the draft third report of the Committee on Administration, Finance and Legal Matters. The committee had to decide whether to accept the resolution in the form in which it had been put forward by the Rapporteur and circulated to members of the committee that morning, or the wording which they had adopted at the previous day's meeting (document A4/AFL/25).

Dr. van den BERG (Netherlands) considered that the alteration in the wording of the resolution was merely a matter of drafting. His delegation supported the resolution as circulated by the Rapporteur.

Dr. HASHEM (Egypt) felt that the new wording of the resolution was a great improvement on the original both as regards logical sequence and the consistency of its contents. He requested that a vote be taken on the resolution in its amended form.

M. RUEDI (Switzerland) said that he had supported the amendment submitted the previous day by the delegation of Israel because he had understood from the explanations given by the delegates from Israel and Belgium that the resolution was merely a request addressed to the Government of Egypt and in no way a condition to the signing of the agreement, but following the Director-General's observations, he had realized that the resolution as originally drafted might be subject to misinterpretation. He therefore fully supported the new version drafted that morning by the Rapporteur, which was a more accurate expression of the request which he felt should be sent to the Egyptian Government.

Dr. HÖJER (Sweden) considered that there had been no change of substance. He supported the new wording as being a more courteous rendering of the previous day's resolution.

Sir Dhiren MITRA (India) believed that the difference between the two texts, though small, was nevertheless fundamental. The first wording was an invitation by the Fourth World Health Assembly to the Government of Egypt to withdraw point 5 from the text of the notes to be exchanged. The Government of Egypt could take this action either immediately or later, no special time being specified. Paragraphs 3 and 4 of the resolution made it clear that the agreement was approved in any case and that the Director-General was to go ahead with the necessary formalities. In the revised draft it was the Director-General who was invited to take action. He had already done so without success, and it was obvious from what the Egyptian delegate had said that any request regarding the matter which might be made to the Government of Egypt at the Director-General's level would be turned down. He asked the committee not to discard the wording they had adopted the previous day without careful consideration and good cause.

Mr. KAHANY (Israel) thanked the delegates of Switzerland and India for their clear explanations of the question under discussion. When the committee had voted on the resolution the previous day, there had been no doubt that the Director-General was authorized by the Assembly to sign the agreement. It was therefore clear that the invitation addressed to the Government of Egypt by the Assembly did not constitute a condition. In order to eliminate all possible doubt regarding this point some delegates might suggest the addition of the following words: "whatever decision the Egyptian Government may feel called upon

to take with regard to the above invitation of the Assembly," at the end of paragraph 4 of the resolution contained in document A4/AFL/25.

Dr. HASHEM (Egypt) asked, on a point of order, whether the resolution was still open to amendment.

The CHAIRMAN considered that as two alternative wordings of the resolution were before the committee, an amendment which led to a compromise would be welcome.

Mr. KAHANY (Israel) withdrew his proposed amendment. He insisted, however, that the new wording involved a change of substance. He hoped that the clear explanation given by the delegate from India had removed the doubts expressed by certain delegations with regard to the meaning of the original resolution.

M. MASPETIOL (France) agreed with the delegate of India that the new wording must be regarded as an amendment to that adopted by the committee the previous day. In the first text the request came from the World Health Assembly and was to be made prior to the carrying out of the formalities required to bring the agreement into force, whereas in the second, it only came from the Director-General and would be made after the formalities in question were undertaken. The question could if necessary be raised again in a plenary meeting, but could not in his opinion be considered again by the committee unless the discussion were formally reopened.

Dr. van den BERG (Netherlands) said that any request to the Egyptian Government by the Director-General under the revised text would be made on behalf of the Assembly; there was no essential difference on that point between the

first and second drafts. Again, the original draft asked the Government of Egypt to withdraw point 5 without making any reference to acceptance, while the revised text included the words, "in view of the acceptance". This difference again was not one of substance, but the second draft was to be preferred. He proposed that the discussion be closed and a vote taken.

M. GEERAERTS (Belgium) proposed that in accordance with the precedent established that morning on two other points of difficulty, the question should be referred for decision to the Executive Board.

The CHAIRMAN pointed out that two resolutions were before the committee - one which it had adopted yesterday and another, substantially the same, which had been submitted that day. The committee must deal with the problem in such a way that it would not recur.

Mr. KAHANY (Israel) moved, on a point of order, that there was only one resolution before the committee. No one had proposed the second resolution and opinions were, to say the very least, divided on the subject of whether the changes introduced by the Rapporteur were matters of substance or not. He disagreed with the Netherland delegate's interpretation of the second text.

Mr. CALDERWOOD (United States of America) reminded the committee that drafting amendments to resolutions adopted during a meeting were to be expected. His delegation considered the text proposed that morning by the Rapporteur to be satisfactory subject to two minor drafting amendments.

Mr. MASON (New Zealand) felt that if, under the new draft, the invitation to the Government of Egypt was only open during the negotiations while under the

original one it was open indefinitely, then the change was indeed one of substance. He asked whether it was within the competence of the Chair to declare that the new draft involved matters of substance, and whether it would then be in order for the Rapporteur to withdraw the new draft of the resolution.

The CHAIRMAN replied that the procedure suggested by the delegate of New Zealand was within the competence of the Chair.

Mr. BRAVO (Chile) withdrew his draft in favour of the original wording (document A4/AFL/25), which corresponded with the wording adopted the day before.

Dr. HASHEM (Egypt) stated that his delegation was strongly opposed to any attempt by an international organization to interfere with or influence the Egyptian Government's freedom of action in a matter which was strictly that government's concern. Moreover, the action of the Chair in permitting the second draft of the resolution to be withdrawn was inconsistent, as the Chairman had, that morning, asked the committee to vote on the question of whether or not to proceed with the discussion of the text in question.

The CHAIRMAN decided to proceed with the next item of the agenda until the minutes of the previous meeting could be made available.

He read the minutes of the previous meeting immediately before the closure, noting that a motion by the delegate of Israel to close the discussion on the revised text of the resolution had been rejected.

Further discussion on this item was deferred to the next meeting.

8. PLACE OF THE FIFTH WORLD HEALTH ASSEMBLY: Item 6.2.3. of the Agenda
(Official Records No.32, page 17; Document A4/AFL/21)

Replying to a point of order raised by Dr. EVANG (Norway), the CHAIRMAN pointed out that under Articles 14 and 15 of the Constitution, the Health Assembly had to select the country or region in which the next annual session was to be held. The Executive Board was responsible for determining the date (after consultation with the Secretary of the United Nations) and the actual place within the country or region selected.

The Executive Board had made no recommendation as to the place of meeting of the Fifth World Health Assembly, the only resolution before the committee being that proposed by the delegation of India.

Rajkumari Amrit KAUR (India) believed that in order that the World Health Organization should have a living place in the minds of the nations, every second meeting of the Health Assembly should take place in some place other than Geneva. Financial stringency had made this impossible up to date and in 1952 it would still be necessary, for reasons of economy, to hold the Health Assembly at headquarters. But her delegation proposed that in 1953 it should be held away from Geneva. Individual countries, particularly those which were under-developed, would not, of course, be in a position to bear the cost involved and her delegation therefore proposed that the expenses involved should be part of the general budget. Either South America or South-East Asia would be a suitable venue.

M. MASPETIOL (France) noted that paragraph 3 of the resolution proposed by the delegation of India would affect the budget for 1953, which was the concern of next year's Health Assembly. Moreover, he feared that the extra expense

involved might, under present circumstances, reduce the amount of money available for the Organization's essential services.

Provided point (3) were dropped and the words "contemplate arranging" substituted for "arrange" in point (1), the Indian delegation's resolution could be adopted and referred to the Executive Board for consideration.

Rajkumari Amrit KAUR (India) did not think under-developed countries would be able to pay the bill. She was, however, prepared to accept the amendment suggested by the delegate from France.

Dr. DOROLLE, Deputy Director-General, agreed with the delegate of India regarding the advantage of holding the Assembly away from headquarters at least every second year. As the delegate of France had said, however, next year's Assembly should not be bound by a decision made now concerning the 1953 budget. He felt that the proposal to refer the matter to the Executive Board for consideration was a very sensible one, provided that the Board were given some idea of the Assembly's wishes. It was, incidently, quite clear that if the Health Assembly were held away from Geneva, the host country, whichever it was, could not be expected to bear the whole cost. The Organization itself would have to meet all or very nearly all the expense.

Dr. SHAKASHIRI (Lebanon) proposed that the Fifth World Health Assembly be held in Geneva.

Decision: There being no objections, the proposal by the delegate of Lebanon was adopted.

The meeting rose at 5 p.m.