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COMMITTEE ON ADMINISTRATION, FINANCE AND LEGAL MATTERS
PROVISIONAL MINUTES OF THE NINTH MEETING

Palais des Nations, Geneva
Monday, 18 May 1953, at 10 a.m.

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

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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. ORDER OF DISCUSSION OF ITEMS ON THE AGENDA

In view of the fact that representations had been made at the previous meeting of the committee that item 14 should be disposed of during the present day's meetings, it was decided by 28 votes to 6, with 15 abstentions that the morning's proceedings should open with consideration of that item.

2. REPORT OF THE EXECUTIVE BOARD ON ITS RECONSIDERATION OF RELATIONS WITH NON-GOVERNMENTAL ORGANIZATIONS; Item 14 of the Agenda (Official Records No. 40, EB9.R42; Official Records No. 46, EB11.R54 and Annex 15; Documents A6/4, A6/5, incorporating A4/15 and EB11/6, A6/AFL/10 and A6/AFL/15)

Dr. HAYEK (Lebanon), presenting the draft resolution of the delegation of Lebanon contained in document A6/AFL/10, drew the attention of the committee to certain references to Articles of the Constitution of WHO appearing in document A4/15 (circulated with document A6/5). Article 2 (b) stated that one of the functions of the Organization was "to establish and maintain effective collaboration with the United Nations, specialized agencies, governmental health administrations, professional groups and such other organizations as may be deemed appropriate", and in Article 71 the following words appeared: "The Organization may, on matters within its competence, make suitable arrangements for consultation and co-operation with non-governmental international organizations...". That meant that WHO should benefit by the variety and multiplicity of those organizations, each of which would contribute, by its own status and achievements in the field of health, to the realization of the objective of WHO, which was the attainment by all peoples of the highest possible level of health, brought about by the collaboration of individuals and of States without discrimination; and collaboration and co-operation implied relationship.

Both constitutionally and logically, it was in the interests of all that WHO should admit into relationship the largest number of bodies capable of contributing to the attainment of its objective. Moreover, WHO had established criteria by which requests for admission could be judged, and each request had been made the subject of a most careful study by the Secretariat and the Executive Board in the light of principles laid down by the First and Third Health Assemblies. Some controversies having arisen with regard to further requests for admission into relationship, the Organization had taken up again the study of those criteria; proposals had been made for changes and even for abolishing relations altogether.

The delegation of Lebanon was in favour not only of maintaining relations with non-governmental organizations, but of broadening this relationship by accepting the co-operation of any important professional groups which satisfied the established criteria and whose activities were directed to the same ends as those of WHO.

For those reasons, and to avoid discrimination, which was contrary to the Constitution, and restrictive measures, which would be regrettable, the delegation of Lebanon had proposed the draft resolution contained in document A6/AFL/10.

Mr. GEERAERTS (Belgium) prefaced his remarks by an apology for the inadvertent retention of the word "pretext" in document A4/15 applied to a resolution of the Executive Board. As had been pointed out by Sir Arcot Mudaliar during the Fourth World Health Assembly, it had unfortunate implications and some better words should have been found.

The report of the Executive Board (Annex 15 of Official Records No. 46) noted that certain members of the Board had stressed that international non-governmental

organizations which did not admit to membership all persons engaged in their field of work were guilty of being exclusive, an attitude which was incompatible with the Constitution of WHO. Thus presented, that interpretation of non-discrimination might have unfortunate repercussions. He would endeavour to define how human rights, as regards non-discrimination, should be understood in the light of the United Nations Charter. In connexion with human rights, the Constitution of WHO limited itself to the statement that the enjoyment of the highest attainable standard of health was one of the fundamental human rights. The human rights referred to in the Charter of the United Nations, however, formed a complete whole and were defined by the Declaration of Human Rights; Article 20 of the Declaration stated that freedom of association was considered as an absolute right of the individual; it was a right objective in substance and subjective in application, whereas the right to health was, unfortunately, merely relative, because it was conditioned by a number of factors outside the control of the individual or of society. The Charter of the United Nations specified that international co-operation must be realized by encouraging respect for human rights and the fundamental freedoms without distinction of race, sex, language or religion. If the fundamental right to freedom of association was rejected, how could one conceive of an international co-operation which would respect human rights?

It would be well to clarify what was understood by non-discrimination. A group, whether national or international, was guilty of discrimination only when it refused to accept within its own organization those who, by subscribing

to its basic principles, could justly claim to be admitted; the same group could not be accused of discrimination if it refused membership to people because they did not share the opinions which constituted the very reason for the existence of the group.

Also, once it was established that a group performing a professional task, exercised its activities for the benefit of all countries without distinction of race, religion, political opinion, social or economic conditions, one could not accuse that group of taking a discriminatory attitude.

The interpretation to be given to the concept of non-discrimination in the context of international co-operation appeared clearly when one examined the attitude of the Economical and Social Council of the United Nations. That Council did not reject international groups which, because of the principles which governed them, were unable to admit to their own membership all persons without distinction; it had relations with professional groups of different kinds and even with purely regional groups, without regard to the fact that two or more were working in the same field. That was an example of the right interpretation of non-discrimination in the international field and it was the way in which non-discrimination should be interpreted within WHO.

If, recalling that the Third World Health Assembly had rejected criterion No. (VII)¹ dealing with conditions of admission, the World Health Organization

¹ This read: "The organization shall not be sectional". Off. Rec. World. Hlth. Org.
25, 65, para. (VII)

would wish to adhere to its constitutional principles and rules, it was to be hoped that a solution might be found which would manifest an understanding of and respect for the true principles of international collaboration. Such a solution would appear to be found in the draft resolution submitted by the delegation of Lebanon.

The Belgian delegation could not support the draft resolution presented by the delegation of Sweden in document A6/AFL/15. In particular, the words contained in paragraph 2, "such plurality should be avoided and should in no case be based on elements of race, religion or political belief as relevant factors for the granting of a relationship status" introduced anew and in another form criterion (VII) which had already been rejected.

The delegation of Belgium warmly supported the draft resolution of the delegation of Lebanon.

Dr. JIMENEZ (Chile) also supported the draft resolution of the delegation of Lebanon. He had studied the various arguments and was convinced that the principle of plurality was a right one. He gave some details of the methods used in the implementation of health measures in his country, which illustrated the great value of having the co-operation of individuals representative of many different sections of the community, police, schoolteachers, leaders of religion, etc., in persuading the public to receive the health benefits which were being offered to them.

The World Health Organization, the United Nations, the parliaments and municipalities of the various countries, were made up of pluralities, of

different theories, opinions and practices, out of which one arrived at truth. Therefore the principle of plurality must be accepted by the World Health Organization; no group should be excluded for philosophical or religious reasons; and the immense majority of those working in the field of health, whose aims were the same as those of WHO, must be permitted to become associated with the Organization, bringing to it their contributions of experience, ideas and opinions, without which there could be no life and no progress.

He urged the committee to give their full support to the draft resolution of the delegation of the Lebanon.

Professor FERREIRA (Brazil) said all were aware that a specific case was involved, that of an important organization which was nevertheless a religious group.

Twentyseven non-governmental organizations were already recognized by WHO. The principle which appeared to have been established was that non-governmental organizations could group all religious, political or economic tendencies but that those various differences should not be brought into the Organization. Acceptance of the principle of plurality might bring about the situation that non-governmental organizations would wish to enter WHO in ever-increasing numbers, bringing perhaps discord and difficulties arising from other than technical causes.

There were two proposals before the committee; (1) that presented by the delegation of Lebanon, which was merely a repetition of a draft

resolution which had been presented by Professor Canaperia and which was to be found in Official Records No. 46, Annex 15, page 259, and (2) that presented by the delegation of Sweden, which really went to the heart of the matter.

From a study of the Constitution, it was difficult to know whether it was intended that unity or plurality should be the principle adopted by the Organization, and the problem still had not been finally resolved.

The specific question was why the organization at present requesting admission to relationship with WHO could not affiliate with the organization already accepted. Was that because the latter exercised discrimination, or made difficulties? He did not think there was any obstacle of doctrine or religion which prevented such affiliation.

If no solution could be found by the Organization, Professor Ferreira would suggest that the advice to be found in the note submitted by the delegation of Belgium, document A6/4, page 4: "Let us have the courage of our convictions: in the field of international co-operation let us get away from ideological considerations and keep to the principles of collaboration" should be given to the organization concerned rather than to those persons within WHO or the Executive Board who had to take the decision on the matter.

Mr. de ERICE y O'SHEA (Spain) believed that the problem under discussion was much broader than that of the admission of a certain non-governmental organization. It was the problem of plurality and the competence of a non-governmental organization to co-operate with WHO. It was a question of plurality or unity, competence or lack of competence.

Plurality of representation was implied by freedom of association, established as a fundamental freedom in the Declaration of Human Rights, Paris, 1948, and in the Charter of the United Nations, and that right was respected under the Spanish régime as long as such freedom of association did not involve subversive principles. In Article 20 of that declaration, it was stated that no-one should be obliged to belong to any association, thus not only providing for freedom of association, but for freedom not to belong to any association. If the World Health Organization would respect that principle, it must accept the corresponding principle of plurality of representation.

The United Nations was affiliated with five different organizations of category A and with 14 feminine associations of category B. The Economic and Social Council recognized three different groups in the specific field of penal law.

A resolution of the General Assembly of the United Nations of November 1947 as well as the Act of Chapultepec of 7 March 1945 also established and proclaimed freedom of association. That was why plurality of representation must be recognized.

The Spanish delegation, with great respect, would differ from the views expressed by the delegate of Brazil. What the Organization needed to know was, not whether there were different organizations working in different fields, but whether those organizations were interesting to WHO on account of their competence, and it was the

Executive Board which should decide on questions of competence.

The Organization had now before it an application from a group which simply asked to be allowed to work with WHO and to apply the principles of WHO. It was already working in the same field and towards the same ends. Its doctors and nurses had certain religious convictions, but that should not interest this Organization. Here, freedom of association and freedom not to belong to any association should be defended.

There was no fundamental difference between the proposals of the delegation of the Lebanon and of Sweden; for the latter stated, in paragraph 2, that there could be no theoretical objection to a plurality of representation. If there were no legal theoretical objections, logically there could be no practical objections either. He agreed that plurality should in no case be based on certain factors - such as those set out in the Swedish text - but must be based solely on the qualifications of the organization requesting admission.

Professor PALMIERI (Italy) supported the draft resolution submitted by the delegation of Lebanon. Plurality of representation of non-governmental organizations within the same field of activity was necessary when those organizations represented groups having great authority and importance. It was in the interests of WHO to establish relations with such organizations, and the success of the work of WHO was in proportion to the collaboration which it could effect with other international organizations. Such a collaboration was as important for WHO as for the organizations in question. The only question to be settled was whether the organization wishing

to enter into relationship with WHO was sufficiently important and if its field of endeavour was closely connected with health problems. In any case, collaboration did not commit WHO to any great extent. For that reason, his delegation would vote in favour of the resolution of the delegation of Lebanon.

Dr. KARABUDA (Turkey) said it was necessary to arrive at a solution of the question which had been brought up at several Health Assemblies. Since the request of the organization in question was plainly a justified one, he warmly supported the resolution of the delegation of Lebanon.

Mr. WILLIAMS (Canada) drew the attention of the committee to document A6/5, containing the report of the Director-General to the Executive Board at its eleventh session on relations with non-governmental organizations (document EB11/6). The Canadian delegation placed particular emphasis on that part of section 3 appearing on page 6 of document EB11/6 which suggested that WHO, in special circumstances, might extend relationship to two or more non-governmental organizations working in the same field with the aim of reaching a co-ordination which might prove impossible at the non-governmental organization level. While his delegation had always expressed the view that, in general, it was desirable to limit organizations granted consultative status to those international in composition and with a considerable importance in their particular field, it did not feel that relationship should necessarily be limited to one in each technical field. The Canadian delegation supported the principle of plurality of non-governmental organizations in relationship with WHO.

Dr. de PINHO (Portugal) thought there could be no opposition to plurality of representation of non-governmental organizations. Plurality was the democratic decision which admitted all opinions and all doctrines. He would support the resolution of the delegation of Lebanon and seconded by the delegate of Belgium.

Dr. AUJALEU (France) said the French delegation shared the opinion of the Belgian delegation on plurality of participation of non-governmental organizations. The thought that important non-governmental organizations desired to enter into formal relationship should be an agreeable one for WHO. Secondly, from the organizations admitted into relations with the United Nations, it would be seen that precedents were not wanting. Moreover, if the list of non-governmental organizations in official relationships with WHO were examined, some subtlety would be required to appreciate the differences between their fields of activity in certain cases. He cited the International Union against Tuberculosis and the American College of Chest Physicians. The field of activity was certainly wider in one of those organizations, but otherwise their activities were very similar.

The French delegation supported the resolution of the delegation of Lebanon.

Dr. SIGURJONSSON (Iceland), supporting the resolution submitted by the delegation of Sweden, thought it would be inadvisable in general to adopt formal relationships with more than one non-governmental organization in one field of activity. It was also a general principle that it was unwise to establish official relations with organizations whose membership was restricted on grounds of religion, race or political belief. He did not think that attitude was in contradiction to the spirit of the

Constitution, since the preamble to the Constitution laid emphasis on the fact that there should be no distinction on those grounds.

Dr. EVANG (Norway) asked if the Secretariat would inform the committee of the estimated number of organizations who might wish to enter into relationship with WHO if the principle of plurality were accepted, and also whether the increased work could be undertaken by the present staff.

The DIRECTOR-GENERAL, replying to the delegate of Norway, said it was impossible to estimate the number of organizations which might apply for relations with WHO. No survey had been carried out and no questionnaire had been sent to non-governmental organizations not in relationship with WHO with a view to finding out the estimated figures. The answer to the second question would naturally depend on the answer to the first question, and also on controversial points which might be raised by those organizations.

Dr. EVANG (Norway) thanked the Director-General for the statement he had just made. He did not consider that the position of non-governmental organizations would be strengthened if the principle of plurality were accepted. On the contrary, to admit into relations only one organization in each field would facilitate universality of the organizations; and, under that principle of universality, freedom of association and human rights would be fully safeguarded, whereas they would be violated if it were abandoned.

He was in full agreement with the wise remarks made by the delegate of Brazil, and supported the resolution of the delegation of Sweden with the following amendment:

To replace paragraph 2 of the draft resolution submitted by the delegation of Sweden (document A6/AFL/15) by the following text:

"CONSIDERS that regardless of whether these principles may be interpreted to mean that a plurality of representation vis à vis WHO of non-governmental organizations within the same field of work is permissible in special circumstances, such plurality should as a general rule, for economic and practical reasons, be avoided and should in no case be based on elements of race, religion or political belief as relevant factors for the granting of a relationship status."

Mr. CHESSON (Liberia) thanked the delegation of Sweden for their foresight and wisdom in the preparation of the draft resolution, and stated that the Liberian delegation earnestly supported the views of the delegate of Brazil. No change should be accepted in criterion (iii) (on page 117 of the Handbook of Basic Documents) of the working principles governing the admission of non-governmental organizations into relations with WHO. All similar non-governmental organizations should present their views through the non-governmental organization already accepted by WHO. That would be a simple matter in the present case as the organization under discussion was represented in the same field by the International Council of Nurses and therefore its exclusion would be a step towards eliminating confusion.

Supporting the draft resolution of the delegation of Sweden, he suggested the following addition after the word "status" at the end of paragraph 2:

"especially so where the non-governmental organizations can be represented by a joint committee or other body fully authorized to act for the group as a whole."

Mr. Ruedi (Switzerland) requested the closure of the debate if the delegate of Sweden did not wish to speak.

Dr. Engel (Sweden) said there was little he could add to the remarks already made by other speakers, and he was in agreement with the delegate of Turkey that attempts should be made to reach a final decision on the matter. He considered that the amendments proposed to the resolution of his delegation would render that resolution acceptable to many delegations.

Dr. van den Berg (Netherlands) said the principle of plurality had already been accepted in the Third World Health Assembly since it had been agreed then that sectional organizations should not be excluded. Difficulties had arisen because some members of the Executive Board had not recognized that fact, and therefore the resolution proposed by the delegation of the Lebanon was opportune. Referring to the question put to the Secretariat by the delegate of Norway, he did not feel that large numbers of non-governmental organizations would apply for relationship since they had not done so between the Third and Sixth World Health Assemblies. The Netherlands delegation supported the resolution of the delegation of Lebanon.

The CHAIRMAN drew the attention of the committee to the fact that while a motion of closure of debate was not a point of order, that closure might be moved at any time by a delegate. He asked the delegate of Switzerland whether he wished to move formally that the debate be closed, and receiving a reply in the affirmative, said he could permit two speakers against closure of the debate under Rule 56 of the Rules of Procedure.

Professor FERREIRA (Brazil) was not in favour of closing the debate at that point since after so long a discussion he felt that a little more time should be given in order that the committee might reach a satisfactory conclusion.

Dr. JAFAR (Pakistan) opposed closure of the debate because he wished to lay another proposal before the committee.

On a vote by show of hands, the motion for closure of debate was defeated by 21 votes to 16 with 14 abstentions.

Dr. JAFAR (Pakistan) said it was obvious that there was sharp division of opinion on the question, and it would simplify the matter if the admission of non-governmental organizations into official relationship were to be abandoned. WHO should co-operate with any organization which could place its services at the disposal of WHO provided that organization were certified by the national government as a recognized one. He proposed that the question be referred once more to the Executive Board for study from that particular angle.

Sir Arcot MUDALIAR (India) said that discussions such as the present one had taken place at each Health Assembly, and, as the delegate of Pakistan had said, there

was sharp difference of opinion on what was at the same time both a simple and a complicated matter. It was not a question of an individual organization but of the principle involved, whether the Organization should admit into relationship more than one organization in the same field of activity. From his experience in other specialized agencies of the United Nations, he could say that many of those agencies regretted not having followed the principles which WHO had adopted from the beginning. There were 118 non-governmental organizations in official relationship with one particular specialized agency wherein it was not clear whether it was the governing body which functioned as its executive board, or the non-governmental organizations which had been given official recognition. The position was extremely unsatisfactory and no solution had yet been found. The delegation of India stood, and had always stood, for freedom of association, but freedom of association might be interpreted differently in another organization which had a different policy. The duty of the Health Assembly was to safeguard the interests of WHO, and he believed that, if the principle of plurality were accepted, WHO would find itself in a very difficult position. Religion always provoked controversy, and that was something which should be avoided in WHO. In the best interests of WHO the existing state of affairs should be allowed to continue, even if later further consideration were given to the matter.

The endeavours to relieve human suffering all over the world by the International Committee of Catholic Associations of Nurses and Medico-Social Workers were so widespread that that organization would appreciate that the attitude of the delegation of India was not based on religious feeling or bias against any religious belief, but on its inability to believe that such recognition would be in the interests of WHO. His delegation was unable to support the resolution of the delegation of Lebanon.

The CHAIRMAN said that there were three proposals before the committee:

1. Draft resolution submitted by the delegation of Lebanon (document A6/AFL/10).
2. Draft resolution submitted by the delegation of Sweden (document A6/AFL/15),
as amended by

(i) the delegate of Norway (amendment accepted by the Swedish delegation)

(ii) the delegate of Liberia

3. The proposal of the delegate of Pakistan on the following lines:

"The World Health Assembly resolves that official relationship of non-governmental organizations with the WHO be given up altogether. Instead WHO should co-operate and co-ordinate with any society or organization which can make a useful contribution in the sphere of WHO's activities, provided such organization is certified as a recognized one by the national government

The question be referred to the Executive Board for further study and report to the next session of the Assembly on the financial and administrative implications."

Mr. GEERAERTS (Belgium) said the attention of the committee had been drawn to the possibility of fusion of certain organizations, but he thought the principle of fusion was a grave attack on the principle of freedom of association. It was impossible to oblige an international organization which had recognized importance on the international plane to become subordinate to another organization which called itself "universal". No organization was universal if other international organizations existed in the same field of endeavour.

Secondly, allusion had been made to the expense which might be incurred in the admission of certain international organizations into relationship with WHO. However, all Member States subscribed to the funds of the Organization, and it was evidenced that international organizations wishing to collaborate with WHO would be prepared to

subscribe to WHO, and those funds would pay the salary of supplementary personnel who might be required to look after correspondence with those organizations.

The Constitution stipulated that no distinction should be made as to race, religion or political belief; but WHO itself would be making that distinction if it rejected the principle of representation by international organizations with different ideologies, economies or political beliefs.

The delegate of Pakistan proposed referring the question to the Executive Board in order to determine whether the admission of certain international organizations could be supported by a national government who would certify the authenticity of that organization. He could not see how any government could testify to the authenticity of an international organization, since the existence of that organization was a recognized fact and not peculiar to one national government. By referring the question to the Executive Board, the committee would ultimately be referring the question again to a future Health Assembly. The Executive Board had fully examined the question and it was now the responsibility of the Health Assembly to take a final decision in the matter.

Concerning the resolution of the delegation of Sweden, it re-introduced the problem of sectional organizations. That problem had already been settled, as the delegate of the Netherlands had stated, and the problem which remained was that of principle, the plurality of representation or otherwise, which question had to be decided constitutionally. He could not recognize the applicability of the proposed amendment of the delegation of Liberia. It was superfluous in view of the fact that the criteria for admission of non-governmental organizations provided that those which did not fulfil the required conditions could group together and be represented by a committee

qualified to speak in their name.

The CHAIRMAN said he would give the floor to the last two speakers on his list at the meeting of the committee that afternoon.

The meeting rose at 12.25 p.m.