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NINTH WORLD HEALTH ASSEMBLY

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AMENDMENT TO THE CONSTITUTION - INCREASE IN THE NUMBER OF MEMBERS
ENTITLED TO DESIGNATE A PERSON TO SERVE ON THE
EXECUTIVE BOARD (ARTICLES 24 AND 25)

Proposal by the Government of Belgium

The Director-General has the honour to draw the attention of the Ninth World Health Assembly to the following communication from the Government of Belgium proposing amendments to the Constitution of the World Health Organization, so as to increase the number of persons designated to serve on the Executive Board.

LETTER FROM THE BELGIAN GOVERNMENT DATED 30 SEPTEMBER 1955
RECEIVED ON 3 OCTOBER 1955¹

"On the basis of the provisions of the Rules in force, and particularly in order to enable you to comply with those of Article 73 of the Constitution, I should be glad if you would place the following amendment on the agenda of the next World Health Assembly.

The amendment proposed by my Government would read as follows:

Article 24, first line: replace the word "eighteen" by the word "twenty-four".

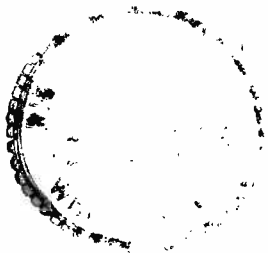
Article 25: to be deleted and replaced by:

"These Members shall be elected for three years and may be re-elected; of the twelve Members elected by the first session of the Assembly following the entry into force of the amendment to the Constitution increasing the number of Executive Board Members from eighteen to twenty-four, two shall serve for a term of one year and two others for a term of two years, as determined by lot."

The text of the proposed amendments was communicated to Members and Associate Members of the Organization on 14 October 1955 in compliance with Article 73 of the Constitution."²

¹ Translation from the French original.

² By Circular Letter No. CL.30, 1955.



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Note by the Director-General

In considering the proposed amendment to the WHO Constitution regarding the increase in the number of persons designated to serve on the Executive Board, the Ninth World Health Assembly may wish to have the following information relating to: the financial implications of the proposed amendment; the consideration of this question at the International Health Conference and at previous Health Assemblies or Executive Board sessions; the position in other international organizations as concerns the size of the membership in their Executive Board, Council or Governing Body.

1. Financial implications of the proposed amendment

1.1 In accordance with Rule 13 of the Rules of Procedure of the World Health Assembly, it is reported that the proposed increase in the membership of the Executive Board from 18 to 24 would entail an estimated additional cost for meetings of the Executive Board and its committees, under appropriation Section 2, of approximately \$14 000 in each year.

2. Consideration of this question at the International Health Conference and at previous Health Assembly and Executive Board sessions

2.1 The size of the membership of the Executive Board of the World Health Organization was first discussed in 1946 by the Technical Preparatory Committee for the International Health Conference, when that Committee prepared a document entitled "Proposals for the Constitution of the World Health Organization",¹ for

¹ Off. Rec. Wld Hlth Org. 1, Annex 23, p. 69 etc.

consideration by the International Health Conference. While a Sub-Committee of the Technical Preparatory Committee had initially suggested that the number of the members of the Board should be 9 to 15,¹ the Committee agreed on the following wording concerning the composition of the Executive Board:²

2.1.1 "The Board should be composed of a fixed number (not less than 12 and not more than 18) of persons designated by as many Member States ..." leaving it to the International Health Conference to decide ultimately on the number.

2.2 At the International Health Conference, several proposals were put forward which suggested that the number of persons serving on the Executive Board should be 14 (Chinese proposal)³ of 18 (proposals of Iran,⁴ USSR, Ukraine and Byelorussia⁵). In the course of the debate, having been asked why he advocated the number of 14, the delegate from China stated "that the members of the Board, chosen according to the principle of geographic representation ought not to be too numerous, as this might make the work of the Board more difficult".⁶ The delegate from Australia stated that he "thought it would be wise to stick to the number of 18 which had been put to the test at San Francisco, for instance, where 18 delegates had represented 51 nations".⁷ The Conference finally decided that the Board should be composed of 18 persons.

2.3 In connexion with the discussion of the election of the members of the Executive Board during the First World Health Assembly, the Italian delegation addressed a letter to the President of the Assembly by which it requested that

2.3.1 "The Executive Board be instructed to study the possibility of modifying the Constitution of the World Health Organization so that the Executive Board shall consist

¹ Off. Rec. Wld Hlth Org. 1, p. 33

² Off. Rec. Wld Hlth Org. 1, Annex 23, p. 72

³ ECOSOC Document E/H/AF/W.8

⁴ ECOSOC Document E/H/AF/W.15

⁵ ECOSOC Document E/H/AF/W.17

⁶ ECOSOC Document E/H/AF/W.41 p. 3

⁷ ECOSOC Document E/H/AF/W.41 p. 3

of more than 18 members, the exact number to be dependent upon the ratifications which will be deposited in future, in such a way that the members represented on the Board shall be one-third of all members of the Organization; ..."

2.4 Upon recommendation of the Legal Committee the First World Health Assembly adopted a resolution [WHA1.69] by which it transmitted this letter to the Executive Board for consideration in connexion with its study of the question of the annual nomination and election of members of the Board pursuant to the resolution of 12 July 1948 of this Assembly.

2.5 At its second session, the Executive Board "(1) did not consider it desirable to amend the Constitution as suggested; (2) decided that in any case such an amendment would not meet the immediate problem, because of the unavoidable delay imposed by the procedural conditions required, and (3) was therefore of the opinion that the proposal of the Italian delegation should not be adopted".¹ The Executive Board therefore recommended to the Health Assembly [resolution EB2.R24] "that Chapter VI of the Constitution be preserved".²

2.6 The Second World Health Assembly in resolution WHA2.80 adopted the above-mentioned report of the Executive Board.

2.7 The question of the size of the membership of the Executive Board was again discussed in 1954 when the Seventh World Health Assembly considered the proposals for the amendment of the Constitution submitted by the Governments of Belgium, France, Italy and the United Kingdom of Great Britain and Northern Ireland, to the effect that the number of persons serving on the Executive Board be raised from 18 to 24. In the Committee on Administration, Financial and Legal Matters these proposals did not receive the required two-thirds majority vote and were therefore rejected.³

¹ Off. Rec. Wld Hlth Org. 14, Annex 20, p. 66

² Handbook of Resolutions and Decisions, 3rd ed., 156

³ Off. Rec. Wld Hlth Org. 55, p. 372

3. Position in other international organizations as concerns the size of the membership in their Executive Board, Council or Governing Body

The position in other international organizations is as follows:

3.1 As concerns the FAO Council

3.1.1 The FAO Conference at its sixth session in 1952 discussed a suggestion that there should be an increase in the number of members of the FAO Council which Article V of the Constitution fixes at 18, and instructed the Council to consider the subject further and make appropriate recommendations to the Conference.

3.1.2 At its fifteenth and sixteenth Sessions the Council examined the question in detail and decided to recommend to the Conference that the number of seats should not exceed one-third of the total number of members of the Organization, without regard to whether that number was an exact multiple of three. Specifically, the Council recommended that its membership should consist of a minimum of 18 and a maximum of 24 members, and that, since the membership of the Organization was then 68, the number of members of the Council should be increased to 22 but if the membership increased to 69, the Council should be increased to 23 seats. There would be no further change until membership of the Organization totalled 72, when the number of seats in the Council would be increased to 24. A reduction in the membership of the Organization would involve a corresponding decrease in the number of Council members in the manner outlined above.

3.1.3 Commission III of the seventh session in 1953 of the FAO Conference which examined the question of increase in the number of Council seats, came to the conclusion that it would be a more simple method to have a flat increase from 18 to 24. This would have the virtue of retaining a figure which is an exact multiple of three, one of the matters considered by the Council earlier. Secondly, it would avoid the invention of any formula which would require the Council membership to be adjusted at perhaps fairly short intervals as the size of the membership of the Organization itself varied.

3.1.4 The FAO Conference at its seventh session in 1953 adopted this solution and decided that the membership of the Council should be increased from the figure of 18 to 24, and decided further to amend the Constitution and the Rules of Procedure of the Organization accordingly.

3.2 As concerns the ILO Governing Body

3.2.1 At its thirty-sixth session (June 1953) the International Labour Conference adopted an "Instrument for the Amendment of the Constitution of the International Labour Organisation" according to which the Governing Body of the International Labour Organisation shall consist of 40 persons, 20 representing governments, 10 representing the employers and 10 representing the workers. Of the 20 persons representing governments, 10 shall be appointed by the members of chief industrial importance, and 10 shall be appointed by the members selected for that purpose by the government delegates to the Conference, excluding the delegates of the 10 members mentioned above. Before this amendment the Governing Body consisted of 32 persons, 16 representing governments, eight representing the employers and eight representing the workers; of the 16 persons representing governments eight had to be appointed by the members of chief industrial importance, the other eight persons having to be appointed by the members selected for that purpose by the government delegates to the Conference, excluding the delegates of the eight members mentioned above. Previously also the ILO Constitution provided that, of the 16 members represented, six had to be non-European States; this last provision has been deleted by the amendment.

3.2.2 The reasons which led to the adoption of the increase in membership of the ILO Governing Body are set forth in the following text quoted from page 5, Report VIII submitted by the Governing Body to the 1953 session of the ILO Conference, on the basis of which the action for amendment was taken:

3.2.3 "4. The International Labour Organisation, which at the outset was composed of 43 Member States, now has 66 members. That is the highest number yet attained. Between the two wars there were certain fluctuations in membership. In 1934-1935 there were, for a short period, some 60 States Members; during the late 'thirties there was a decrease in membership, and during the war there were only some 50 members. Since 1945, 16 States have been admitted or readmitted to membership, giving the Organisation

a more and more universal character and bringing the membership to the above-mentioned record number of 66. The size of the Governing Body has not been reconsidered by the Conference since its fourth session, held in 1922, when it decided to increase the number of Members of the Governing Body from 24 to 32.

"5. In these circumstances, a solution to ensure that the composition of the Governing Body corresponds to the growth of the Organisation would appear to be indispensable. While it is clearly essential that the Governing Body should remain sufficiently small to retain its present character, some enlargement of its membership would nevertheless seem necessary to afford effective representation for the much wider range of interests which now play an active part in the work of the Organisation. The simplest and least inconvenient manner in which to provide for such representation would appear to be to make certain modifications to the Constitution of the Organisation with a view to a slight increase in the membership of the Governing Body, by means of an Instrument of Amendment such as that set out in paragraph 3 above."

3.3 As concerns the Executive Board of the UNESCO

3.3.1 At its seventh session held in Paris in 1952, the General Conference of the UNESCO decided to amend Article V of the Constitution in order to raise the number of the Members of the Executive Board from 18 to 20. At its eighth session, in 1954, the General Conference adopted a further amendment of Article V of the UNESCO Constitution, whereby the number of Members of the Executive Board was raised from 20 to 22.

3.4 As concerns the Council of the ICAO

3.4.1 The Council of the ICAO "is composed of 21 Member States elected by the Assembly for a period of three years. In electing these States, the Assembly must give adequate representation to: (1) those Member States of major importance in air transport; (2) those Member States not otherwise included which make the largest contribution to the provision of facilities for international civil air navigation; and (3) those Member States not otherwise included, the election of which will ensure that all major geographical areas of the world are represented".¹

¹ Year-Book of the United Nations, 1952, pp. 850, 851

3.4.2 According to the constituent instrument of the ICAO, the Council is a permanent body which meets in virtually continuous session.

4. The following table shows the total membership of other international organizations and the membership of their Executive Board, Council or Governing Body:

Agency	Total Membership	Membership of Executive Board, Council or Governing Body
FAO	72	24
ILO	71	40 ²
UNESCO	74	22
ICAO	67	21
WHO	81 ¹	18

¹ Excluding Associate Members

² Of which 20 represent governments, 10 represent employers and 10 represent workers