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COMMITTEE ON ADMINISTRATION, FINANCE AND LEGAL MATTERS

PROVISIONAL SUMMARY RECORD OF THE ELEVENTH MEETING

Palais des Nations, Geneva
Monday, 22 May 1967, at 9.30 a.m.

CHAIRMAN: Dr A. R. AL-ADWANI (Kuwait)

CONTENTS

	<u>Page</u>
1. Draft Fourth Report of the Committee	2
2. Draft Fifth Report of the Committee	2
3. Proposed amendments to Articles 24 and 25 of the Constitution (proposals by Brazil, Cameroon, Dahomey, Guinea, India, Iran, Ivory Coast, Jamaica, Mali, Togo and the United Republic of Tanzania) (continued) .	6

Note: Corrections to this provisional summary record should be submitted in writing to the Chief, Records Service, Room A.843, within 48 hours of its distribution.

1. DRAFT FOURTH REPORT OF THE COMMITTEE (Document A20/AFL/27)

Decision: The draft fourth report of the Committee was adopted.

2. DRAFT FIFTH REPORT OF THE COMMITTEE (Document A20/AFL/30)

Mr de CONINCK (Belgium), referring to part 3 of the draft report - the resolution entitled "Amendment to Rule 28 of the Rules of Procedure of the Health Assembly" - suggested that a more appropriate title for the resolution might be: "Amendments to Rules 28, 119 and 120 of the Rules of Procedure of the Health Assembly".

The wording of paragraph 2 of the resolution should be amended so that it was clear that the proposed amendment applied only to the English text of Rule 119.

He had no formal objection to paragraph 3 of the resolution, but questioned whether it would really be necessary to change the order of Rules 119 and 120 if the words "the foregoing" in Rule 119 were replaced by "these".

Mr SIEGEL, Assistant Director-General, Secretary, agreed that the wording of the resolution should be slightly amended.

Bearing in mind the fact that the resolution would eventually be included in the Handbook of Resolutions and Decisions, he suggested that a preferable title might be "Amendments to the Rules of Procedure of the Health Assembly".

He agreed that the French text should be revised so that it was clearly stated that the proposed amendment to Rule 119 referred only to the English text.

It was true that, with the amendment to the English text of Rule 119, it would no longer be necessary to change the order of Rules 119 and 120. However, since the Committee had clearly decided to change the order, and since it was not illogical to do so, he suggested that paragraph 3 of the resolution be maintained.

Mr PLEVA (Czechoslovakia) supported the amended title proposed by the Secretary, and agreed that paragraph 3 could be maintained, since the Committee had taken a clear decision on that point.

With regard to paragraph 2, he drew attention to the fact that the amendment to Rule 119 applied equally to the Russian text, while the Spanish corresponded with the French.

Sir George GODBER (United Kingdom of Great Britain and Northern Ireland) suggested that a more appropriate wording for paragraph 3 ("Invert Rules 119 and 120 . . .") might be "Reverse the order of Rules 119 and 120 . . .".

The SECRETARY explained that appropriate adjustments would be made when the Russian and Spanish texts of the resolution were issued; at the moment, for the purposes of approval of the resolution, only the English and French texts were under consideration. The French text of paragraph 2 would be revised to make it clear that the amendment referred only to the English text of Rule 119.

The proposed amended title would read "Amendments to the Rules of Procedure of the Health Assembly", and paragraph 3, with the amendment proposed by the delegate of the United Kingdom, would read: "3. Reverse the order of Rules 119 and 120 and renumber them accordingly".

Decision: The revised text of the resolution contained in part 3 of the Committee's draft fifth report was approved.

Members in arrears in the payment of their contributions to an extent which may invoke Article 7 of the Constitution

The SECRETARY suggested that the work of the Assembly would be facilitated if the Committee now reconsidered item 3.13.3 of the agenda: at the request of the delegate of Ecuador, the resolution previously approved by the Committee on the subject and included in its first report had been referred back to the Committee by the General Committee in order to allow the Government of Ecuador additional time to make the further payment that it had indicated would be made shortly.

However, no further payment had been received from Ecuador, so the position remained unchanged. The Government of Ecuador had made great efforts over the years to pay its contributions, and there was little doubt that it would fulfil its promise. But since it was now the last week of the Assembly and the further payment promised had not been received, he suggested that the resolution as previously approved by the Committee now be included in its fifth report, as part 4.

Dr MARTINEZ COBO (Ecuador) said that, as just indicated by the Secretary, his Government had made every effort to pay its contributions. Two payments had been made during May 1967: one on 2 May, another on 16 May. He was not sure whether the total required had been paid, but he believed so. At all events, he could assure the Committee that the whole of the contribution for 1965 would be paid before the end of the present week.

The DIRECTOR-GENERAL, by way of clarification, explained that he had received a cable dated 10 May from the Government of Ecuador informing him that two payments of \$ 1640 would be made to ensure that Ecuador was not more than two years in arrears in payment of its contributions. One payment had been made since 10 May, but the second payment had not yet been received.

The resolution previously approved by the Committee merely recognized that Ecuador was more than two years in arrears on 15 May, but, recognizing the efforts being made by Ecuador, did not suspend its voting rights. It was not possible to remove the name of Ecuador from the resolution, as had been requested in a letter dated 14 May 1967 received from the Permanent Mission of Ecuador in Geneva, since part of Ecuador's contribution for 1964 - \$ 1196 - was still outstanding.

Dr MARTINEZ COBO (Ecuador) said that there seemed to be some misunderstanding; he had himself handed over a cheque in payment of Ecuador's contribution on 16 May. The Permanent Mission of Ecuador in Geneva had not sent any letter to WHO requesting that its name not appear in the resolution. It was true that Ecuador had made its payment one day after the date cited, and the resolution should of course remain unchanged.

The DIRECTOR-GENERAL said that the letter he had referred to was, to be more precise, a note verbale received from the Permanent Mission of Ecuador, and he quoted the text of that note verbale.

The CHAIRMAN asked whether the Committee agreed to include the resolution, as approved previously, in its fifth report.

It was so agreed.

The CHAIRMAN put to the vote the report as a whole.

Decision: The amended draft fifth report of the Committee was adopted.

3. PROPOSED AMENDMENTS TO ARTICLES 24 AND 25 OF THE CONSTITUTION (PROPOSALS BY BRAZIL, CAMEROON, DAHOMEY, GUINEA, INDIA, IRAN, IVORY COAST, JAMAICA, MALI, TOGO AND THE UNITED REPUBLIC OF TANZANIA): Item 3.7 of the Agenda (Documents A20/AFL/8, A20/AFL/28, and A20/AFL/Conf.Doc. No.5)(continued)

The CHAIRMAN invited the Committee to resume consideration of agenda item 3.7.

Dr ALAN (Turkey) said that his delegation, too, attached great importance to the quality and number of the members serving on the Executive Board since the Board was a vital organ of WHO. Both considerations were covered by the Constitution under Article 24. The definition given there as to quality appeared to satisfy everyone and no proposal for amendment in that respect had been made. However, in view of the increasing membership of the Organization, the previous Health Assembly had deemed it useful to take up the question of number and had referred that matter to the Executive Board for study.

As a result of its study the Executive Board had come out in principle in favour of enlarging its membership, and, in consequence the Committee had before it various propositions by different governments, some proposing enlargement to twenty-seven, others to twenty-eight and in the case of Brazil to thirty members. On the question of number, his delegation reserved the right to take a final stand later, but it would prefer a number that was a multiple of three.

The proposal submitted by the Government of India contained a new element, i.e. that each region should have at least three seats on the Board, apart from the four seats assigned to the major powers, as suggested by the Soviet Union. Under the rotation system applied in elections to the Board, each Member State had a practically equal chance of being elected to designate a member, irrespective of the region to which it belonged or of the size of its population. On that latter point, his delegation agreed with New Zealand that population size should not affect the rights of Member States in the matter.

On that same basis, if the Indian proposal was adopted, the African Region would have six seats on the Board. That would mean that at any time twenty-two out of the twenty-eight African Members would be awaiting their turn to be elected. Since the membership was renewed by one-third each year, two members would be re-elected each year, so that the last two countries on the African list would have to wait for eleven years for their turn to come. In other words, complete rotation of Board membership for the African Region would take eleven years. On the other hand, the South-East Asia Region would have three seats and, having nine Member States, the rotation for that Region would be completed in six years.

Similarly, for the Western Pacific Region, rotation would be completed in nine years. The matter was slightly more complicated in so far as Europe was concerned. The European Region had thirty-one members and seven seats. If three seats had to be reserved permanently for the three European major powers, there would be only four seats left for the remaining Member States awaiting their turn for election. Accordingly, on the basis of the same calculation as applied above, it would take about fifteen years to complete rotation in the European Region. The position in so far as the Americas was concerned was comparable. The proposal made by the Government of India was therefore not acceptable to his delegation.

As to the question of permanent representation for the major powers, he would suggest that three seats be reserved instead of four, so that the four major powers would also be subject to slight rotation at least. He could see no reason why such a practice should be deemed to complicate matters, and if his suggestion found support in the Committee, there would be six additional seats available on the Executive Board, two to be assigned to the African Region, one to the Western Pacific, and three to the permanent arrangement which might in theory be regarded as an additional region.

The SECRETARY explained that there was no formal proposal by the Union of Soviet Socialist Republics to amend the Constitution; notification of such proposals had to be given at least six months before the beginning of the Assembly. The only formal proposals for amendment of the Constitution were those contained in the Annex to document A20/AFL/Conf.Doc. No.5.

He drew attention to an inaccuracy in the third paragraph of that document, where the word "determining" was misleading; the intention had been to suggest that, from a procedural point of view, it might facilitate the work of the Committee if it first discussed the question of the exact size of the Board. The voting, of course, would be taken on each proposal as a whole.

Dr MARTINEZ (Mexico) warned against the danger of attaching excessive importance to the size of the Board; amid all the figures and fractions that were being cited, delegates should not forget that the most important aspect was the efficiency of the Board. He also warned against an exaggerated feeling of "regionalism" that would detract from that efficiency. In his view, the optimum efficiency could only be achieved if there were a certain flexibility - avoiding both undue rigidity, preventing the full participation of members, and excessive freedom, leading to chaos. It was essential to find good working procedures; to ensure adequate representation of all the various cultures of the world, and the participation of outstanding personalities representing those different cultures; and to maintain a balance between technical efficiency and medical humanism.

He fully supported the proposal to increase the number of members of the Board to thirty: that proposal was neither too daring nor too modest, and would enable every Member of the Organization to participate in the Board once every twelve or fourteen years.

Mr HAVLASEK (Austria) said that there had been a constant increase in the membership of WHO, particularly marked during the past decade. It was to be hoped that that trend would continue. The proposed increase in the size of the Board was the logical result.

His delegation supported the proposal to increase the number of members of the Board to twenty-seven: experience has shown that work was often hampered if the size of a body was too large. Due consideration should be given to equitable geographical distribution, as laid down in Article 24. At the same time it should be remembered that the Board was a technical body, consisting of persons having outstanding technical qualifications. According to Article 29, the Board was to exercise on behalf of the whole Assembly the powers delegated to it by that body.

Dr NCHINDA (Cameroon) said that it was because of the disparity in the representation of the various Regions on the Board and the fact that the African Region no longer seemed to be adequately represented that his Government had made the proposal to amend Article 24 to increase the membership of the Board from twenty-four to twenty-seven. Twenty-eight was not divisible by three, and would therefore be unsatisfactory. So long as the membership of the Board was equitably distributed geographically, his Government had no objection to the membership of the Board being increased to thirty, instead of the suggested twenty-seven: on the contrary, thirty would be preferable, since an analysis of the figures given in the table attached to document A20/AFL/28 seemed to indicate that difficulties might arise in the distribution among the various Regions if the Board numbered twenty-seven (taking the numbers given for the various Regions to

the nearest round figure, they would be six for the African Region, six for the Americas, two for South-East Asia, seven for Europe, four for the Eastern Mediterranean, and three for the Western Pacific - a total of twenty-eight).

As had already been said, the Assembly selected the countries that were to be entitled to designate persons to serve on the Board; the members of the Board, from whatever country or region they came, owed primary allegiance to the Organization. It was up to the countries concerned to designate technically qualified people.

Dr ROUHANI (Iran) said he had intended to announce that his delegation was withdrawing the Iranian proposal for a Board membership of twenty-eight in favour of the proposal made by the group of African countries; however, he was not quite sure of the position in regard to that proposal, following the statement just made by the delegate of Cameroon. If the proposal of the African group of countries still stood, his delegation would give it full support.

Dr TURBANSKI (Poland) said his delegation believed that, taking a realistic approach, it would be admitted that the representation of certain regions, in particular the African Region, on the Executive Board could not be properly achieved without enlarging the Board membership. His delegation was therefore prepared to support an enlargement to re-establish equity. As to the number to which the membership should be increased, neither twenty-seven, twenty-eight nor thirty would give full satisfaction to everyone. Convincing arguments had been adduced in favour of the various proposals, both on number and distribution, except perhaps for those made in support of the idea that each region should have

at least three members on the Board. The matter of greatest importance was that each region should be represented on the Board and that was already provided for under the present arrangements. His delegation therefore considered that the Committee's choice should fall on the number whereby equitable representation of the different regions on the Board would best be fulfilled, and the greatest possible number of countries and regions satisfied, bearing in mind that amendment of the Constitution would require the support of two-thirds of the Members.

His delegation believed an enlarged membership of thirty would meet the case and it was prepared to support the proposal to that effect, provided that an appropriate and acceptable distribution of the additional seats among the regions was found. In that regard, the interests of all the regions should be duly weighed, including those of Europe.

He thanked the Secretariat for the helpful tables that had been provided.

The CHAIRMAN reminded the Committee that, in accordance with Articles 60(a) and 73 of the Constitution, the decision on the proposals under the item had to be taken by a two-thirds majority of the Members present and voting. Further, since it was furthest removed from the existing position, the proposal made by Brazil would be put first to the vote.

Mr WILLOT (Belgium) said that, among the various proposals before the Committee, his delegation would opt strongly for a Board membership of twenty-seven. The basic, if not the sole, objective of increasing the size of the Executive Board was to give the African Region a representation more proportionate to its size, without reducing the seats allocated to other regions. The membership of twenty-seven would achieve that objective in providing two additional seats for Africa. That being so, his delegation saw no reason to exceed that number.

Although giving some indication, the amendments before the Committee did not strictly lay down how the additional seats were to be distributed. The various texts should be interpreted, he thought, in relation to, first, the tradition according a privileged position to the four major powers and, second, whether the distribution by region would be based on the number of States in each region at the time the amendment was approved by the Assembly or at the time the amendment entered into force after ratification. There was already, therefore, a slight ambiguity that probably could not be resolved at the moment; indeed, it was a minimal ambiguity since it already existed without hitherto having created any great difficulties.

But other demands of substance had been put forward. The first related to permanent representation of the four major powers on the ground of continuity in the work of the Executive Board. If adopted, such a tradition would mean that three countries of Europe and one of the Americas would have permanent seats and that, in turn, would mean that one seat in Europe would have to be reserved at all times

for the purpose. Obviously, the reservation would be made at the expense of the smaller nations. The proportion for the Americas would be one-third of a seat. Mere justice would require that an additional seat be allocated to Europe solely to meet that need.

The second demand was that each region should have at least three seats at its disposal. That would mean one additional seat each for South-East Asia and the Western Pacific. In other words, taking all the demands together, seven seats would be, so to speak, allocated in advance on the assumption that the Board membership would be increased to thirty. That would leave twenty-three seats to be distributed among the non-major States of all the regions, and the question was how those should be allocated. On the basis of the quotas as calculated by the Secretariat, six seats would go to Africa, six to the Americas, seven to Europe (plus the one lost to the major powers) and four to the Eastern Mediterranean. Accordingly, if agreement could not be reached on a membership of twenty-seven, Belgium might eventually support an enlargement to thirty. He would stress that prior agreement on distribution would be a prerequisite for that support, since otherwise accepting a membership of thirty would lead to confusion. How such an understanding was to be legally enacted was a matter he had been unable to resolve; possibly the Secretariat might give help in the matter.

Mr HEGNER (Switzerland) said that on grounds of efficiency, his delegation was not, at first sight, happy about an increase in the size of the Executive Board. The figures given in document A20/AFL/28 amply showed that the present position was not satisfactory for the countries of the African and the Western Pacific Regions. The membership of the Board should, therefore, be adjusted to the development in the Organization's membership. However, as undoubtedly more members would be joining WHO in the future, there was no guarantee that the decision to be made now would not have to be amended in the not too distant future. No perfect solution that would remain perfect could, therefore, be reached; and in those conditions, the increase indicated would be that which would best assure the effective functioning of the Board. A membership of twenty-seven would best serve the purpose; that was a number that had shown its usefulness in other United Nations bodies. At that stage, his delegation could not vote for any other solution or for any of the proposals to introduce criteria alien to the scientific and technical character of the Organization.

Mr TUBBY (United States of America) recalled his earlier intimation that the United States final stand would take account of other views expressed in the discussion. In the light of information available from statements made in the Committee and in informal conversations, it would seem there was a consensus in favour of adopting the proposal made by Brazil. In the circumstances, his delegation had decided also to vote in favour of that amendment.

Reference had been made in the discussion to the allocation of seats among the various regions. That was an issue that should be decided later, after the amendment would have come into effect and when the Health Assembly proceeded to the election to fill the new seats. No useful purpose would be served in pursuing that issue now.

Mr DUPONT-WILLEMIN (Guatemala) said that, in principle, his delegation would wish to support the Brazilian proposal to increase the Board's membership to thirty.

Dr MARTINEZ COBO (Ecuador) said that it had been maintained that the smaller a body in size, the greater efficiency of its work. That was not the case for WHO since the size of the Executive Board must be increased in order to obtain an appropriate balance in the representation of the various regions and satisfy all the peoples of the world. In that regard, he agreed with Mexico that the proposal made by Brazil would enlarge the membership to an adequate size. His delegation would therefore support that proposal. A Board of thirty members was not excessive when compared with similar bodies in other specialized agencies; the Executive Committee of UNESCO had thirty members; the FAO Council, thirty-one; the ILO Governing Body, forty-six; and the Trade and Development Board, forty-six.

Lastly, his delegation believed it would be dangerous and contrary to international principles to agree that the largest contributors to the budget or the most powerful nations should, on those grounds, have permanent seating in the Board. It was not prepared to accept that position.

Dr OJALA (Finland) thanked the Secretariat for the additional information supplied to the Committee.

Speaking generally, his Government was in favour of a reasonable enlargement of the Board's membership for the same reasons as those given by earlier speakers. Reference had been made in the discussion to possible loss of efficiency in the Board's work if its size were unduly inflated. Of the various proposals before the Committee, that suggesting an increase to twenty-eight should be ruled out because the number was not a multiple of three. His delegation's preference was for the smaller of the two remaining proposals, namely a membership of twenty-seven, which was still small enough to ensure efficient working.

Dr DOLGOR (Mongolia) said all were aware of the importance of the Executive Board and of the fact that regional representation on it should be equitable. That was why his delegation supported the proposals that each region should be represented by at least three members and that the membership should be increased to thirty. That number was the most acceptable and fair in so far as regional representation was concerned and, further, would be big enough to cover developments in the Organization's growth in membership for the future. That latter consideration was important in view of the fact that amendment of the Constitution was a serious and complicated matter that should not be frequently in question.

Dr KEITA (Guinea) recalled that Africa had been the first, a few years ago, to raise the question of increasing the size of the Executive Board, because of the injustice the Region was suffering as a result of under-representation. In the Board discussion on the matter, two additional seats had been foreseen for Africa

and one for the Western Pacific on the basis of a membership of twenty-seven. However, with the growth in the Organization's membership, the figures, as presented in the Secretariat's tables (document A20/AFL/28), would automatically warrant one additional seat for the Americas to the exclusion of the one envisaged for the Western Pacific. In the circumstances, therefore, he thought agreement might be reached on a rise to thirty, so as to be able to meet the case of the Western Pacific. That was a number that would give general satisfaction, provided the relevant provisions of the Constitution were strictly applied. There was no point in remedying one injustice by perpetrating another and, accordingly, the African States would vote in favour of the Brazilian proposal, while at the same time maintaining their own proposal so that action might be taken on it in the event of rejection of the former.

He disagreed with the stand taken by the United States on the question of seat distribution. Lack of action on the matter at that stage might lead to further injustices with consequent rebellion against them. The provisions of Article 24 of the Constitution were plain and all that was needed was that they should be applied.

Dr CHANG (China) said that, in view of the fact that there had been an increase in the Organization's membership, equitable geographical representation, in principle, no longer existed in the Executive Board. His delegation was therefore in favour of enlarging its membership from twenty-four to thirty so as to ensure adequate application of that principle. Its understanding from the tables given in document A20/AFL/28 was that, if the membership was increased to thirty, the distribution of the seats on the Board would be as follows: seven to Africa, six to the Americas, two to South-East Asia, eight to Europe, four to the Eastern Mediterranean and three to the Western Pacific.

Sir George GODBER (United Kingdom of Great Britain and Northern Ireland) said that the delegate of Guinea had rightly stated that Africa had not been treated fairly in its representation on the Board in recent years; all knew that the size of the Board must be increased to get a readjustment for Africa. But there were going to be further new Members of the Organization in future years, perhaps even before the change under consideration was ratified. The calculations in document A20/AFL/28 would be out of date before the change came into operation.

It seemed to his delegation that a Board of thirty was really larger than was desirable, but it was a number that would one day be reached. At the same time, in view of the probable increase in the Organization's membership, his delegation felt that more room should be kept back for manoeuvre at future Assemblies because it did not wish to see the Board eventually reach a size larger than thirty. Sizes of twenty-seven, twenty-eight or thirty would all be practicable, but delegations that preferred twenty-seven were going to have to vote first on thirty; accordingly they would have to vote against thirty and twenty-eight, even though they might think either to be acceptable alternatives to twenty-seven. The United Kingdom would therefore vote against thirty and subsequently for twenty-seven, as in the amendments proposed by Jamaica and Tanzania, because it considered twenty-seven to be the minimum membership that would give justice to Africa. Incidentally, the United Kingdom was not seeking permanent representation on the Board, a matter to which the Belgian delegate had referred.

Dr BURGOS (Panama) said that, despite the large degree of autonomy accorded to them as technical organizations, the specialized agencies were still subject to the major principles laid down in the United Nations Charter, including the principle

of proportional representation of all Member States. Accordingly, his delegation considered that that principle should be equally applied within the specialized agencies, including WHO. It therefore endorsed the views expressed by Ecuador and would vote in favour of the Brazilian proposal for a Board membership of thirty and against any proposal for a smaller size Board.

Dr AL-AWADI (Kuwait) said he had found the discussion on what was a critical issue most interesting. It would be going too far to make a habit of enlarging the Executive Board year after year. It was to be hoped that representation on the Board would not be sought as a matter of prestige; and that persons designated to serve on the Board would continue to have a broad enough outlook to assess health problems from the world standpoint. If that condition was fulfilled, the size of the Board was not a matter of moment, provided the best distribution possible was achieved. Increasing the number of seats allocated to the regions would not bring much in the way of benefit for them.

At that stage, he would not commit his delegation to any specific enlargement, but would again remind the Committee of the dangerous precedent that would be set by taking such action. Each region should have enough representation to give expression to its own essential culture. On the other hand, the quality of representation could not be improved by enlargement in number. The question of increased cost of meetings should also be borne in mind, as well as the possibility of less effective work by a larger body.

The meeting rose at 12 noon