

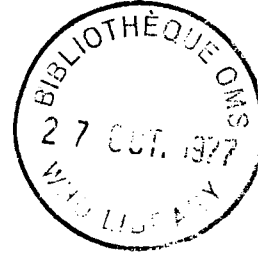


7 October 1977

EXECUTIVE BOARD

Sixty-first Session

Provisional agenda item 14.6



INDEXED

TWENTY-EIGHTH SESSION OF THE REGIONAL COMMITTEE FOR
THE WESTERN PACIFIC

Report by the Regional Director

The Director-General has the honour to present to the Executive Board the report by the Regional Director on the twenty-eighth session of the Regional Committee for the Western Pacific, annexed to this document. This report highlights those matters emanating from the session to which the Regional Director wishes to draw the attention of the Board. Should members of the Board wish to see the full report of the Regional Committee, it is available on request.

ANNEX

REPORT OF THE REGIONAL DIRECTOR
ON THE WORK OF THE TWENTY-EIGHTH SESSION
OF THE REGIONAL COMMITTEE FOR THE WESTERN PACIFIC

The twenty-eighth session of the Regional Committee for the Western Pacific was held in Tokyo from 6 to 12 September 1977. It was attended by representatives of 18 Member States. Representatives of the United Nations Children's Fund and 42 nongovernmental organizations in official relations with WHO were also present.

Dr T. Saburi of Japan was elected Chairman, Dr J. Sumpaico, Philippines, Vice-Chairman, Dr B. W. Christmas, New Zealand, Rapporteur for the English language and Dr M. Debray, France, Rapporteur for the French language.

The Committee established two subcommittees during the session: a standing subcommittee on the general programme of work and a subcommittee on technical cooperation among developing countries. Both subcommittees met during the twenty-eighth session and presented reports which the Regional Committee adopted unanimously.

The Sub-Committee on the General Programme of Work will examine, in 1978, the general impact of WHO's work in Member States in implementation of the Sixth General Programme of Work within the Region and will also undertake a specific, in-depth review of primary health care within the local context of comprehensive health services, focused particularly on the health manpower development aspects and the use of auxiliaries. It will do this through country visits and a meeting in July 1978 prior to the twenty-ninth session of the Regional Committee, to which it will present a report.

The Sub-Committee on Technical Cooperation Among Developing Countries (TCDC) will advise the Regional Committee on the recommendations it should make for future action to emphasize TCDC, indicating practical and realistic ways in which TCDC activities relating to national programmes and projects could be carried out and strengthened. It will do this by meeting in early July 1978 to discuss information on the subject collected by the Secretariat, following which it will report to the twenty-ninth session of the Regional Committee.

It was also decided to discontinue in the future the establishment of a subcommittee on programme and budget. This was because, despite the fact that it was composed, on a basis of rotation, of half the members of the Regional Committee, nearly all members invariably wished to be present during discussions on programme budget, which could therefore just as well be held in plenary; and also because the functions of the newly-established Sub-Committee on the General Programme of Work could possibly provide conflict in the future.

The Committee noted the progress made at national level with training in primary health care in preparation for the Regional Conference on Primary Health Care to be held in Manila in November 1977. Seminars had been organized in six countries, with considerable support from UNICEF. The Committee heard that, although much research needed to be carried out on the cold chain and the Region still lacked trained epidemiologists, the expanded programme on immunization was also gaining momentum, with the recruitment of experienced field development officers.

Throughout its deliberations the Committee was concerned with the need to develop coordination between the agencies providing health services and those producing the necessary manpower; the importance of training the people best suited to carry out the work, particularly in rural areas, was emphasized many times. Manipulation of attitudes towards training, both before and after it had taken place, a most difficult component of health manpower development programmes, was also discussed.

Annex

In discussing changing trends in training, the Committee recognized that improvement of the WHO fellowship programme rested within the administrative machinery of Member States themselves. Only they could select the most appropriate candidates to follow the most appropriate programmes, ensure that those candidates were utilized in the best way on completion of their studies and provide sufficient incentive to keep them in the country on their return from training. Member States were urged to accept their responsibilities in rendering the fellowship programme more effective. The Regional Director was requested to convene a meeting of senior representatives from Member States, with decision-making powers within their national health administrations, to discuss the scope of concerted regional cooperation in health manpower development including not only the fellowship programme but also new methods and approaches to training.

The Committee asked that the feasibility of establishing a coordinating working group on mental health similar to those established at WHO headquarters and three other regional offices be placed on the agenda of its twenty-ninth session in 1978.

Also to be placed on the agenda of the twenty-ninth session, since alarm had been expressed by several representatives at the deteriorating malaria situation throughout the world, was "The status of the antimalaria programme in the Western Pacific Region".

Health manpower development: medium-term programme

A draft of the medium-term programme for health manpower development in the Western Pacific Region was presented to the Committee in accordance with the request contained in resolution WHA29.72 adopted by the Twenty-ninth World Health Assembly. The Committee noted that, because of lack of time between preparation of the programme and the dates of the Regional Committee, it had not yet been possible to clear it formally with Member governments: it was therefore subject to modification as clearance and additional information was received from Member States. The Committee decided that the draft programme, with whatever amendments might be needed as the programme developed, could be used as a basis for health manpower development activities in the Western Pacific Region and transmitted to the Director-General for inclusion in the global medium-term programme.

Western Pacific Regional Centre for the Promotion of Environmental Planning and Applied Studies

The Committee agreed to the establishment of a Western Pacific Regional Centre for the Promotion of Environmental Planning and Applied Studies and accepted the invitation of the Government of Malaysia to locate it at the University of Agriculture, some miles outside Kuala Lumpur. The Government of the United States of America had also offered a location in Guam. The primary objectives of the Centre would be (a) to promote and facilitate collaboration between environmental institutions and personnel within the Region; and (b) to support the development by Member States of self-reliant institutes and capabilities in the field of environmental health.

An advisory committee to review and provide guidance on the programme of the Centre was also authorized.

In making its decision to establish the Centre the Committee was aware that although WHO regular budget funds, mainly from the Director-General's Development Programme, would support the Centre for the first two years, considerable extrabudgetary resources would be needed and carefully conceived approaches would have to be made to Member governments and other agencies for the progressive contribution of voluntary funds.

Annex

Other items discussed by the Committee were:

Prevention of road traffic accidents

It recognized that the high morbidity rate from motor vehicle accidents presented a serious public health problem in the Region but felt that funds should not be diverted from programmes of as great, or greater, importance. In requesting the Regional Director to collaborate with Member States in obtaining data to enable control projects to be established within the framework of the WHO global programme, a multidisciplinary pilot study within the Western Pacific Region was first recommended.

Greater involvement of the regions in research

It endorsed the recommendations of the Regional Advisory Committee on Medical Research for strengthening the Institute for Medical Research, Kuala Lumpur to become a WHO centre for research and training in tropical diseases; for the establishment of a multidisciplinary research programme on schistosomiasis in the Region; and for the organization, in 1978, of a workshop on health services research and a training course on the epidemiology of cardiovascular diseases. Since four out of the six diseases covered by the Special Programme for Research and Training for Tropical Diseases occurred in the Western Pacific the importance of coordinating that programme and the research programme was stressed, as was coordination between the headquarters and Regional Advisory Committee on Medical Research.

* * *

The Committee selected candidates nominated by the Governments of the Philippines, Republic of Korea and Singapore for the Jacques Parisot Foundation Fellowship for Research in Social Medicine or Public Health. In doing so, however, it asked that the candidates be requested to provide additional information on their research proposals to enable the Regional Advisory Committee on Medical Research to review them and make recommendations to the Jacques Parisot Foundation. With some diffidence it also suggested that the Foundation could assist regional committees in selecting suitable candidates in the future by providing better defined guidelines for eligibility for the fellowship.

The Committee considered that Section 22(g), Article VIII of the Host Agreement between the Government of the Republic of the Philippines and the World Health Organization should be reexamined and, if necessary, renegotiated.

The Committee accepted, with pleasure, the offer of the Government of the Republic of the Philippines, confirmed by its representative, to act as host to the twenty-ninth session which would be held in Manila from 21 to 25 August 1978. It also accepted the tentative invitation of the Government of Singapore to hold the thirtieth session in that country.

The theme of the Technical Presentation was "National drug policies and management". "Diarrhoeal diseases including cholera, typhoid and paratyphoid" was selected as the topic for the Technical Presentation in 1978.

In preparation for substantive discussions during the twenty-ninth session in 1978 the Committee briefly considered the question of its deeper involvement in the work of the Organization.

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WORLD HEALTH ORGANIZATION
ORGANISATION MONDIALE DE LA SANTÉ

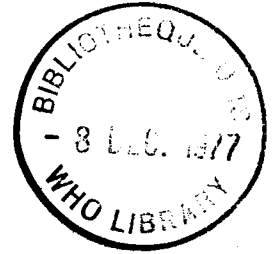
EB61/13 Add.1

5 December 1977

EXECUTIVE BOARD

Sixty-first Session

Provisional agenda item 14.6



TWENTY-EIGHTH SESSION OF THE REGIONAL COMMITTEE FOR
THE WESTERN PACIFIC

Interpretation of the Host Agreement between the Government
of the Republic of the Philippines and the World Health Organization

Pursuant to operative paragraph (2) of resolution WPR/RC28.R5 adopted by the Regional Committee for the Western Pacific at its twenty-eighth session on 8 September 1977, the Director-General has the honour to transmit the text of this resolution together with the summary records of the discussion in the Regional Committee to the Executive Board for information.

EXTRACT FROM THE SUMMARY RECORD OF THE DISCUSSIONS AT THE
TWENTY-EIGHTH SESSION OF THE REGIONAL COMMITTEE:Interpretation of the Host Agreement between the Government of the Republic of the Philippines and the World Health Organization: Supplementary item 1 of the Agenda
(Document WPR/RC28/13)

The REGIONAL DIRECTOR drew the attention of the Committee to document WPR/RC28/13 on the interpretation of the Host Agreement between the Government of the Republic of the Philippines and the World Health Organization. Reduced to its simplest terms, the issue was the unilateral reinterpretation of one section of an international treaty which had been interpreted in a different way for twenty-five years. WHO Headquarters had requested that the subject be placed on the Agenda of the Regional Committee.

In a meeting with the Honourable Secretary of Foreign Affairs of the Philippines, which took place in August 1976, the Regional Director had readily agreed that the interpretation of the section of the Host Agreement which was in dispute should be mutually renegotiated to meet the wishes of the Government, but no further information had been received from the Government.

The section in question was included in all WHO agreements with host countries and no other government had interpreted it in the sense now applied by the Philippine Department of Finance. In the case of one other Regional Office - that for South-East Asia in New Delhi - a special procedure existed with the Government, arrived at because the market price of second-hand tax and duty free cars exceeded their price when new. It had been suggested to the Department of Foreign Affairs of the Philippines that a similar procedure could provide a solution to the present problem but no response had been received to this suggestion.

The Regional Director concluded by saying that, because the present situation was unprecedented in the experience of WHO, the records of the discussion and whatever resolution the Committee decided to adopt, should be transmitted to the Director-General with a request that they be presented to the Executive Board and the World Health Assembly.

Dr NOORDIN (Malaysia) requested clarification on one point. Who paid the duty when the car was resold, either within the three-year or after the three-year period, the buyer who was not exempt from tax or the WHO staff member? In Malaysia it was the buyer who paid the tax, in which case it did not affect the WHO staff at all. The point of issue here seemed to be the need to respect the Host Agreement.

Dr SUMPAICO (Philippines) stated that the Government of the Philippines attached great importance to the attainment of WHO's objectives. It was for this reason that it had offered Manila as the site for the Organization's Regional Office. The Government took an active interest and participated in the Organization's projects and his delegation's presence at this session of the Regional Committee was a concrete manifestation of that interest. Dr Sumpaico said that when the Government of the Philippines applied the provisions of its Tax Code on a person not covered by the Host Agreement (i.e., the buyer of the vehicle) it did not consider there was any violation of the Host Agreement; the scope of the exemption privileges for WHO officials indicated in Section 22(g) was not at all diminished. Tax-exempt cars owned by diplomatic officials, subsequently sold to non-exempt buyers were subject to duties and taxes. The Tax Code had to be applied if the buyer of a car was liable for tax irrespective of the fact that the owner was not. The Government of the Philippines believed in the soundness of the provisions of the Tax Code. Without these provisions a non-exempt buyer would, in effect, be enjoying a privilege which was not intended for him. It was his delegation's hope that the Government of the Philippines' policy with regard to the Tax Code, would not in any way be denying its treaty commitments

and obligations; it might now simply be more difficult to sell cars owned by tax-exempt persons to non-exempt persons, as the latter would have to pay whatever taxes and duties were due. It was in this context that the Government of the Philippines viewed the draft resolution contained in document WPR/RC28/13.

Dr KING (United States of America) asked for certain clarifications. Had the Government of the Philippines definitely not responded to the Regional Director's attempts to clarify the questions presented to it? Did all Host Agreements between governments and WHO, whether they related to Headquarters or the Regional Offices, have the same provisions and had they been interpreted in the same way in the past? Did a reinterpretation of one provision of any Host Agreement have implications for a possible reinterpretation of other provisions in that agreement? Were there provisions in the Host Agreement for the settlement of differences of interpretation of that agreement?

The REGIONAL DIRECTOR stated that if taxes and duties proved to be due on a vehicle being sold, the buyer paid. The World Health Organization had written more than ten letters to the Department of Foreign Affairs. There had been a reply to only one, that dated 8 December 1976, which informed him that the matter was being referred for an opinion to the Secretary of Justice. Up to the present time there had been no formal reply from the Department of Foreign Affairs, WHO's formal channel of communication for such matters.

All Host Agreements between governments and WHO had the same provisions which had in the past all been interpreted in the same way.

The Regional Director stressed that the crucial matter for concern was the fact that there had been a unilateral reinterpretation of one provision of the Host Agreement without any consultation with WHO. If unilateral reinterpretation of this one provision were to be accepted without any reaction from the Organization it could constitute a precedent for reinterpretation of any other, more important, provision of the Agreement.

There were provisions in the Host Agreement for the settlement of differences in its interpretation. Section 32 stated: "Any difference between the Organization and the Government of the Republic of the Philippines arising out of the interpretation or application of the present Agreement or of any supplementary arrangement or agreement which is not settled by negotiation shall be submitted for decision to a Board of three arbitrators; the first to be appointed by the Government of the Republic of the Philippines, the second by the Director-General of the Organization, and the third, the presiding arbitrator, by the President of the International Court of Justice, unless in any specific case the parties hereto agree to resort to a different mode of settlement."

The Regional Director said he had been informed verbally by the Department of Foreign Affairs that one of the reasons the Government was imposing a tax on the sale of vehicles owned by WHO and its officials even after three years had expired was that WHO was the only organization in the Philippines enjoying this privilege. Several agencies, including United Nations agencies and foreign diplomatic offices and embassies, wished to have the same privileges. He had replied that, if this was so, WHO was willing to re-negotiate Section 22(g) of the Agreement. The Secretary of Foreign Affairs, General Carlos P. Romulo, had suggested a cut-off date, after which taxes and duty would be payable on all cars imported tax and duty free no matter when they were sold. He had agreed that this would be acceptable. What was not acceptable was the unilateral reinterpretation of a provision of the Host Agreement, without consultation with WHO.

Dr CHRISTMAS (New Zealand) said that although it was written in Section 22(g) that duty would become payable in the event of the sale or disposal of a motor car to a person not entitled to exemption within three years of its importation there was nothing in writing to say duty would not be payable if the car was sold after the period of three years. Had this issue ever been brought up before and been clarified?

Dr DEBRAY (France) stated that the Government of France regarded the matter from a legal point of view only. It considered that if the Government of the Philippines maintained its position, both parties must re-negotiate the provisions dealing with the sale of motor cars.

Dr TAPA (Tonga) asked which nationalities were included in the "staff of the World Health Organization" referred to in the document. He also asked if Article XII, Section 35 of the Host Agreement provided the machinery for re-negotiating the Agreement.

The REGIONAL DIRECTOR said that the staff referred to were the international staff of WHO assigned to the Regional Office and to field projects in the Philippines. Article XII, Section 35 of the Agreement stated: "The present Agreement may be revised at the request of either party. In this event the two parties shall consult each other concerning the modifications to be made in its provisions. If the negotiations do not result in an understanding within one year, the present Agreement may be denounced by either party giving two years' notice. Notice of denunciation to the Government of the Republic of the Philippines may be given to the representative of that Government in the Organization and notice to the Organization may be given to the Director-General."

In reply to the earlier question of the Representative of New Zealand, the Regional Director stated that Section 22(g) had always been interpreted by both the Government and WHO to mean that no taxes would be payable, either by the seller or the buyer, if a car was sold three years after importation. A letter from the Director of Protocol, Department of Foreign Affairs, dated 12 April 1973, which quoted a communication from the Secretary of Finance, dated 3 April 1973 stated: "It is to be informed, in this connection, that this Department has consistently held that pursuant to Section 22(g) of the Host Agreement executed between the Government of the Republic of the Philippines and the World Health Organization, cars brought in tax and duty-free by officials of the WHO are free from the payment of taxes and duties upon the sale and disposal thereof after the lapse of three (3) years immediately following the dates of their importation into the Philippines. So far, no change in the policy has been made yet." This interpretation had been mutually acceptable to both parties for more than twenty-five years. If the Government was now ready to re-define its interpretation of any provision in the Agreement it must, in fairness and justice, inform the Organization before putting the new regulations into effect.

Dr SUMPAICO (Philippines) thanked the Representatives for their comments, particularly those of the Representatives of France and New Zealand. It appeared that there might have been some delay or breakdown in communications; a re-negotiation of Section 22(g) of the Host Agreement would seem to be called for.

The REGIONAL DIRECTOR stated that WHO was perfectly willing to abide by the wishes of the Government and wished to have the problem settled as soon as possible. There would be no objection to a change in Section 22(g) of the Host Agreement but there should be a cut-off date. It was because replies had not been received to his communications that the Director-General had instructed him to place the subject on the agenda of the Regional Committee.

Since the Host Agreement had originally been examined by the Executive Board and the World Health Assembly and because the problem might have similar implications for other Regions, the record of the present discussions should be brought to the attention of the Director-General. He suggested that in the light of the discussions just held, the Rapporteurs be asked to prepare an appropriate draft resolution for consideration of the Committee.

This was so agreed.

Dr SUMPAICO (Philippines) said that note had been taken of the Regional Director's comments; they would be transmitted to the responsible officials of the Government of the Philippines.

The meeting rose at 12.50 p.m.

WPR/RC28/SR/4

EXTRACT FROM THE SUMMARY RECORD - CONSIDERATION OF DRAFT RESOLUTIONS:

1.3 Interpretation of the Host Agreement between the Government of the Republic of the Philippines and the World Health Organization (Document WPR/RC28/Conf.Paper No. 5)

The REGIONAL DIRECTOR said he had no objection to adoption of the draft resolution, but it should be noted that the more important issue was not the interpretation of Section 22(g) of the Agreement relating to motor-cars but the unilateral reinterpretation of a provision of the Host Agreement by the Government of the Philippines without any prior consultation of WHO whatsoever.

Decision: The draft resolution was adopted without comment (see resolution WPR/RC28.R5).

WORLD HEALTH ORGANIZATION



ORGANISATION MONDIALE DE LA SANTE

R E S O L U T I O N

REGIONAL COMMITTEE FOR THE
WESTERN PACIFIC

COMITE REGIONAL DU
PACIFIQUE OCCIDENTAL

WPR/RC28.R5
8 September 1977

INTERPRETATION OF THE HOST AGREEMENT BETWEEN
THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES
AND THE WORLD HEALTH ORGANIZATION

The Regional Committee,

Having considered the information and the report presented by the Regional Director on the interpretation of the Host Agreement between the Government of the Republic of the Philippines and the World Health Organization, signed on 22 July 1951;¹

Considering that the Host Agreement has the status of an international treaty and is registered in the United Nations Treaty Series (Vol. 149:197);

1. EXPRESSES the hope that the Government of the Republic of the Philippines and the World Health Organization will re-examine the interpretation of and, if necessary, renegotiate Article VIII, Section 22(g) of the Host Agreement;
2. REQUESTS the Regional Director to transmit the text of this resolution together with the summary record of the discussion in the Regional Committee to the Director-General for the information of the Executive Board and the World Health Assembly.

Fourth meeting, 8 September 1977
WPR/RC28/SR/4

¹ Document WPR/RC28/13 (not attached).