

6. CONSTITUTIONAL AND LEGAL MATTERS

For Health Legislation, see pages 35 and 182.

6.1 AMENDMENTS TO THE CONSTITUTION¹

See also Frequency of Sessions of the Health Assembly, page 280.

[EB5.R94] The Executive Board

(1) NOTES the several proposals to amend the Constitution made by the Governments of Australia, Denmark, India, Norway and Sweden which had been circulated to Member States in accordance with Article 73 of the Constitution; and

(2) DECIDES to place this matter on the agenda of the Third World Health Assembly.

Feb. 1950 25,1

WHA3.96 1. *Amendment proposed by the Governments of Denmark, Norway and Sweden*

The Third World Health Assembly,

Having examined the proposals for the amendment of the Constitution submitted by the Governments of Denmark, Norway and Sweden,²

1. APPROVES the plan in principle, and

2. REQUESTS the Director-General to study carefully the arrangements necessary for implementing the decision and to submit to the Fourth World Health Assembly a report on the necessary amendments and transitional arrangements.³

2. *Amendment proposed by the Government of Australia*

The Third World Health Assembly,

Having examined the amendment to Article 24 of the Constitution proposed by the Government of Australia;⁴

Considering that since the Executive Board as now constituted represents the World Health Assembly as a whole, it is in the best interests of the Organization to maintain the present status of the Executive Board,

DECIDES therefore to preserve the existing text of this Article.

3. *Amendment to Article 55 proposed by the Government of Australia*⁴

The Third World Health Assembly

DECIDES that the Executive Board may, at its discretion, recommend amendments in submitting the Director-General's budget estimates to the Health Assembly.

May 1950 28,57

WHA8.28 The Eighth World Health Assembly

1. DECIDES to defer further discussion of the proposed Rule (108) 111 bis of the Rules of Procedure of the Health Assembly until the Ninth World Health Assembly; and

2. REQUESTS the Director-General to study the procedural problems related to constitutional amendments.⁵

May 1955 63,30

WHA9.44 The Ninth World Health Assembly

DECIDES that, for the present, no provision regarding the procedural problems related to constitutional amendments shall be inserted in the Rules of Procedure. *May 1956 71,33*

WHA9.51 The Ninth World Health Assembly,

Having considered the proposal by the Government of Belgium to increase the number of Members entitled to designate a person to serve on the Executive Board,⁶

DECIDES to preserve the existing text of Article 24 of the Constitution. *May 1956 71,38*

WHA12.43 The Twelfth World Health Assembly,

Considering the proposal made by the Government of the United Kingdom of Great Britain and Northern Ireland concerning the increase in the number of persons designated to serve on the Executive Board;⁷

Having examined the text of the amendments to Articles 24 and 25 of the Constitution communicated by the Director-General to Member States on 3 November 1958; and

Noting that the provision of Article 73 of the Constitution, which requires that proposed amendments to the Constitution shall be communicated to Members at least six months before consideration by the Health Assembly, has been duly complied with,

⁵ In discussing the revision of the Rules of Procedure of the Health Assembly, the Eighth World Health Assembly considered a proposal to insert after Rule (108) 111 (now 117), which deals with proposed amendments to the Constitution, the following rule:

The Health Assembly may, without prior communication to Members, adopt any changes in the texts referred to in Rule (108) 111 which do not deviate from the underlying purpose thereof, or which are purely matters of drafting, and any changes designed to embody in a single text similar substantive proposals communicated to Members in accordance with the provision of Rule (108) 111.

In case of doubt, such proposed changes shall be deemed not to be admissible, unless the Health Assembly, by a two-thirds majority, decides otherwise.

⁶ See *Off. Rec. Wld Hlth Org.* 71, Annex 10.

⁷ *Off. Rec. Wld Hlth Org.* 95, Annex 12.

¹ Only the English text of amendments is reproduced here. For the text in other languages, see relevant *Official Records* volume.

² *Off. Rec. Wld Hlth Org.* 28, Annex 16, Part 1.

³ For subsequent resolutions on this subject, see pp. 280-283.

⁴ See *Off. Rec. Wld Hlth Org.* 28, Annex 16, Part 2; 389-93, 394, 401-2.

1. **ADOPTS** the amendments to the Constitution set forth in the Annexes to this resolution, and which shall form an integral part of this resolution, the texts in the Chinese, English, French, Russian and Spanish languages being equally authentic;
2. **DECIDES** that two copies of this resolution shall be authenticated by the signatures of the President of the Twelfth World Health Assembly, and the Director-General of the World Health Organization, of which one copy shall be transmitted to the Secretary-General of the United Nations, depositary of the Constitution, and one copy retained in the archives of the World Health Organization; and
3. **FURTHER DECIDES** that acceptance of the amendments to the Constitution set forth in this resolution under Article 73 of the Constitution, shall be effected by the deposit of a formal instrument with the Secretary-General of the United Nations.

Annex B : English Text

In Article 24 substitute the word "twenty-four" for the word "eighteen".

Delete the whole Article 25 and replace by:

"These Members shall be elected for three years and may be re-elected, provided that of the twelve Members elected at the first session of the Health Assembly held after the coming into force of the amendment to this Constitution increasing the membership of the Board from eighteen to twenty-four the terms of two Members shall be for one year and the terms of two Members shall be for two years, as determined by lot."

May 1959 95,38

EB25.R57 The Executive Board,

Recalling resolution WHA12.43 of the Health Assembly amending Articles 24 and 25 of the Constitution in order to increase the membership of the Executive Board from eighteen to twenty-four,

1. **URGES** Members to take the necessary steps to accept the amendments;
2. **REQUESTS** the Director-General to report to the Thirteenth World Health Assembly on the situation at that time.

Jan. 1960 99,26

WHA13.32 The Thirteenth World Health Assembly,

Recalling resolution WHA12.43 of the Health Assembly amending Articles 24 and 25 of the Constitution in order to increase the membership of the Executive Board from eighteen to twenty-four;

Noting that forty-four Members have deposited their instrument of ratification of the amendments to the Constitution in the form and manner provided by the Constitution; and

Considering that it is desirable that the amendments to the Constitution be ratified at the earliest possible time in order to permit their implementation if possible by the time of the Fourteenth World Health Assembly,

1. **URGES** Members to take the necessary steps to accept the amendments; and
2. **REQUESTS** the Director-General to report to the Executive Board at its twenty-sixth session on the situation at that time.

May 1960 102,11

EB26.R14 The Executive Board,

Having considered the report of the Director-General on acceptance by governments of the amendments to the Constitution,

1. **NOTES** with satisfaction that the two-thirds required for the entry-into-force of the amendments to Articles 24 and 25 of the Constitution, as adopted by resolution WHA12.43, was obtained on 25 October 1960, sixty-four Member States, out of a total of ninety-five Members, having accepted them; and

2. **REQUESTS** the Director-General to inform Members of the World Health Organization that the amendments to the Constitution have entered into force

Oct. 1960 106,9

WHA14.1 The Fourteenth World Health Assembly,

Having taken cognizance of the letter from the Secretary-General of the United Nations informing the Director-General of the World Health Organization of the entry-into-force on 25 October 1960 of the amendments to Articles 24 and 25 of the Constitution,¹

NOTES with satisfaction that henceforward the Executive Board will consist of twenty-four persons designated by as many Members.

Feb. 1961 110,1

WHA18.48 The Eighteenth World Health Assembly,

Considering the proposal made by the Government of the Ivory Coast for the amendment of Article 7 of the Constitution;² and

Noting that the provision of Article 73 of the Constitution, which requires that the texts of proposed amendments to the Constitution shall be communicated to Members at least six months before consideration by the Health Assembly, has been duly complied with,

I

1. **ADOPTS** the amendments to the Constitution set forth in the Annexes to this resolution, and which shall form an integral part of this resolution, the texts in the Chinese, English, French, Russian and Spanish languages being equally authentic;

2. **DECIDES** that two copies of this resolution shall be authenticated by the signatures of the President of the Eighteenth World Health Assembly and the Director-General of the World Health Organization, of which one copy shall be transmitted to the Secretary-General of the United Nations, depositary of the Constitution, and one copy retained in the archives of the World Health Organization;

II

Considering that the aforesaid amendments to the Constitution shall come into force for all Members when accepted by two-thirds of the Members in accordance with their respective constitutional processes, as provided for in Article 73 of the Constitution,

DECIDES that the notification of such acceptance shall be effected by the deposit of a formal instrument with the Secretary-General of the United Nations, as required for acceptance of the Constitution by Article 79 (b) of the Constitution.

¹ Reproduced in *Off. Rec. Wld Hlth Org.* 110, Annex 2.

² *Off. Rec. Wld Hlth Org.* 143, Annex 14.

Annex B: English Text**Article 7 — Delete and replace by****Article 7**

(a) If a Member fails to meet its financial obligations to the Organization or in any other exceptional circumstances, the Health Assembly may, on such conditions as it thinks proper, suspend the voting privileges and services to which a Member is entitled. The Health Assembly shall have the authority to restore such voting privileges and services.

(b) If a Member ignores the humanitarian principles and the objectives laid down in the Constitution, by deliberately practising a policy of racial discrimination, the Health Assembly may suspend it or exclude it from the World Health Organization.

Nevertheless, its rights and privileges, as well as its membership, may be restored by the Health Assembly on the proposal of the Executive Board following a detailed report proving that the State in question has renounced the policy of discrimination which gave rise to its suspension or exclusion.

May 1965 143,32

EB38.R20 The Executive Board,

Considering that the membership of the Organization has substantially increased in recent years;

Believing that, in order to provide for an equitable distribution of Members entitled to designate a person to serve on the Executive Board, it would be appropriate to increase the membership of the Board; and

Considering the provisions of Articles 24, 25 and 73 of the Constitution,

1. BELIEVES that an increase in the membership of the Executive Board is desirable;

2. DRAWS the attention of the Members of the Organization to the provisions of Article 73 of the Constitution with respect to the advance communication of proposed amendments to the Constitution; and

3. REQUESTS the Director-General to transmit this resolution to all Members, together with the minutes of the Board at its thirty-eighth session in which the discussions on the size of the Executive Board are recorded, as well as the working paper on the subject which the Board had before it.

May 1966 153,9

WHA20.36 The Twentieth World Health Assembly,

Considering the proposal made by the Government of Brazil for the amendments to Articles 24 and 25 of the Constitution; and

Noting that the provision of Article 73 of the Constitution, which requires that the texts of the proposed amendments to the Constitution shall be communicated to Members at least six months before consideration by the Health Assembly, has been duly complied with,

I

1. ADOPTS the amendments to the Constitution set forth in the Annexes to this resolution, and which shall form an integral part of this resolution, the texts in the Chinese, English, French, Russian and Spanish languages being equally authentic;

2. DECIDES that two copies of this resolution shall be authenticated by the signatures of the President of the Twentieth World Health Assembly and the Director-General of the World Health Organization, of which one copy shall be transmitted to the

Secretary-General of the United Nations, depositary of the Constitution, and one copy retained in the archives of the World Health Organization;

II

Considering that the aforesaid amendments to the Constitution shall come into force for all Members when accepted by two-thirds of the Members in accordance with their respective constitutional processes, as provided for in Article 73 of the Constitution,

DECIDES that the notification of such acceptance shall be effected by the deposit of a formal instrument with the Secretary-General of the United Nations, as required for acceptance of the Constitution by Article 79(b) of the Constitution.

Annex B : English Text**Article 24 — Delete and replace by****Article 24**

The Board shall consist of thirty persons designated by as many Members. The Health Assembly, taking into account an equitable geographical distribution, shall elect the Members entitled to designate a person to serve on the Board. Each of these Members should appoint to the Board a person technically qualified in the field of health, who may be accompanied by alternates and advisers.

Article 25 — Delete and replace by**Article 25**

These Members shall be elected for three years and may be re-elected, provided that of the fourteen Members elected at the first session of the Health Assembly held after the coming into force of the amendment to this Constitution increasing the membership of the Board from twenty-four to thirty the terms of two Members shall be for one year and the terms of two Members shall be for two years, as determined by lot.

May 1967 160,20

WHA22.26 The Twenty-second World Health Assembly,

Recalling resolutions WHA18.48 and WHA20.36, adopting amendments to the Constitution;

Having considered the report of the Director-General; and
Noting that the required majority of Members has not so far indicated acceptance of the amendments,

1. URGES those Members who are in agreement with the amendments to communicate their acceptance of them as soon as possible; and

2. REQUESTS the Director-General to report to the Twenty-third World Health Assembly on the situation at that time.

July 1969 176,11

WHA23.29 The Twenty-third World Health Assembly

NOTES the report of the Director-General on the situation regarding the possibilities for the acceptance of amendments to the Constitution of the World Health Organization.

May 1970 184,14

WHA25.24¹ The Twenty-fifth World Health Assembly,

Considering the desirability of long-term planning;

Recalling the decision of the Twenty-second World Health Assembly² that the World Health Organization should adopt in principle a system of biennial programming;

Aware of the need for a study of the implications and possible methods of implementation of biennial budgeting;

Noting that a constitutional amendment would be necessary for the introduction of biennial budgeting and that six months' notice thereof to governments would be needed prior to consideration by the World Health Assembly;

¹ See *Off. Rec. Wld Hlth Org.* 201, Annex 8.
² Resolution WHA22.53, part II, p. 5.

Aware that a constitutional amendment abolishing any reference to a particular budgetary period would permit biennial budgeting but without commitment thereto,

1. AGREES in principle to amend the Constitution to delete any references to a particular budgetary period;
2. REQUESTS the Executive Board to examine the implications and possible methods of implementation of biennial budgeting and report thereon to the Twenty-sixth World Health Assembly;
3. REQUESTS the Director-General to communicate the proposed amendments as in operative paragraph 1 above to governments with the necessary six months' notice prior to the Twenty-sixth World Health Assembly.

May 1972 201,11

6.2 MEMBERSHIP

WHA14.35 The Fourteenth World Health Assembly,

Recalling the provisions of the Preamble of the Constitution of the World Health Organization, that the health of all peoples is fundamental to the attainment of peace and security and is dependent upon the fullest co-operation of individuals and States;

Recalling the provisions of Chapter III of the Constitution, concerning membership, and in particular Article 3, which states that membership in the World Health Organization is open to all States;

Considering that fuller development of the activities of the Organization would be promoted by participation in the work of the Organization by additional States which are eligible but not represented in it; and

Considering that a number of new States are being created, above all in Africa, and will become eligible for membership,

INVITES all States which are or become eligible in accordance with Chapter III of the Constitution, but which are not represented in the World Health Organization, to consider applying for membership in the Organization.

Feb. 1961 110,14

Japan	WHA4.42	35,34	May 1951
Federal Republic of Germany	WHA4.43	35,34	May 1951
Spain	WHA4.44	35,35	May 1951
Libyan Arab Republic	WHA5.2	42,17	May 1952
Nepal	WHA6.5	48,18	May 1953
Morocco	WHA9.3	71,18	May 1956
Sudan	WHA9.4	71,18	May 1956
Tunisia	WHA9.5	71,18	May 1956
Cameroon	WHA13.2	102,2	May 1960
Togo	WHA13.3	102,2	May 1960
Kuwait	WHA13.11	102,3	May 1960
Mauritania	WHA14.20	110,9	Feb. 1961
Western Samoa	WHA15.16	118,8	May 1962
Oman	WHA24.21	193,11	May 1971
Bangladesh	WHA25.20	201,10	May 1972

UNITED STATES OF AMERICA

[WHA1.76] The First World Health Assembly

RECOGNIZED the validity of the ratification of the Constitution by the United States of America; and

RESOLVED that the Secretary-General of the United Nations be advised of this decision.

July 1948 13,341

6.2.1 DECISIONS CONCERNING INDIVIDUAL STATES AND TERRITORIES

1. Member States

Below are listed the resolutions by which, up to the Twenty-fifth World Health Assembly inclusive, individual States were admitted to membership of WHO:

State	Resolution	Official Records	Date
Sri Lanka	[WHA1.77]	13,341	July 1948
Monaco	[WHA1.78]	13,341	July 1948
Korea	WHA2.99	21,54	June 1949
Indonesia	WHA3.75	28,47	May 1950
Khmer Republic, Laos, Viet-Nam	WHA3.76	28,48	May 1950

SAN MARINO

[WHA1.79] The First World Health Assembly

NOTED that the representative of San Marino had withdrawn his request for the admission of San Marino but that an application for the admission of that country to membership would be made to the Second World Health Assembly.

July 1948 13,341

WHA2.98 Whereas the Republic of San Marino has announced that it cannot withdraw its reservation concerning the question

of its financial contribution to the World Health Organization,¹ should its application for membership be accepted,

The Second World Health Assembly

REGRETS not being able to accept San Marino's application for membership in the World Health Organization with such reservation.

June 1949 21,54

SULTANATE OF MUSCAT AND OMAN

WHA15.24 The Fifteenth World Health Assembly,

Having considered the application made by the Sultanate of Muscat and Oman for admission to membership of the World Health Organization,

DECIDES to postpone consideration of this application.

May 1962 118,12

GERMAN DEMOCRATIC REPUBLIC

WHA23.11 The Twenty-third World Health Assembly,

DECIDES to defer consideration of the participation of the German Democratic Republic until the Twenty-fourth World Health Assembly.

May 1970 184,6

WHA24.20 The Twenty-fourth World Health Assembly

DECIDES to defer consideration of the participation of the German Democratic Republic until the Twenty-fifth World Health Assembly.

May 1971 193,11

WHA25.19 The Twenty-fifth World Health Assembly

DECIDES to defer consideration of the participation of the German Democratic Republic until the Twenty-sixth World Health Assembly.

May 1972 201,10

2. Associate Members

WHA3.77 The Third World Health Assembly

ADMITS Southern Rhodesia as an Associate Member of the World Health Organization, subject to notice being given of acceptance of associate membership on behalf of Southern Rhodesia in accordance with Rules 98 and 99² of the Rules of Procedure of the World Health Assembly.

May 1950 28,48

WHA7.13³ The Seventh World Health Assembly

ADMITS the Federation of Rhodesia and Nyasaland as an Associate Member of the World Health Organization, subject to notice being given of acceptance of associate membership on

behalf of the Federation of Rhodesia and Nyasaland in accordance with Rules 106 and 107² of the Rules of Procedure of the World Health Assembly, the associate membership of Southern Rhodesia consequently lapsing.

May 1954 55,22

PAPUA NEW GUINEA

WHA25.21 The Twenty-fifth World Health Assembly

ADMITS Papua New Guinea as an Associate Member of the World Health Organization, subject to notice being given of acceptance of associate membership on behalf of Papua New Guinea in accordance with Rules 115 and 116 of the Rules of Procedure of the Health Assembly.

May 1972 201,10

6.2.2 RIGHTS AND OBLIGATIONS OF ASSOCIATE MEMBERS (AND OTHER TERRITORIES)

[WHA1.80] Whereas Article 8 of the Constitution of the World Health Organization provides that the nature and extent of the rights and obligations of Associate Members shall be determined by the Health Assembly, and

Whereas there is need for further study in connexion with Articles 8 and 47 of the Constitution of the rights and obligations in regional organizations of Associate Members and of territories or groups of territories which are not responsible for the conduct of their international relations and which are not Associate Members,

The First World Health Assembly

RESOLVES

1. that Associate Members shall have the right:

(i) to participate without vote in the deliberations of the Health Assembly and its main committees;

(ii) to participate with vote and to hold office in other committees or sub-committees of the Assembly, except the General Committee, the Committee on Credentials, and the Nominations Committee;

(iii) to participate equally with Members, subject to the limitation on voting in paragraph (i) above, in matters pertaining to the conduct of business of meetings of the Assembly and its committees, in accordance with Rules 39 to 53, and 62 to 63, of the Rules of Procedure of the Assembly;⁴

(iv) to propose items for inclusion in the provisional agenda of the Assembly;

(v) to receive equally with Members all notices, documents, reports and records;

(vi) to participate equally with Members in the procedure for convening special sessions;

2. that Associate Members shall have the right, equally with Members, to submit proposals to the Executive Board, and to participate, in accordance with regulations established by the Board, in committees established by it, but they shall not be eligible for membership on the Board;

3. that Associate Members shall be subject to the same obligations as Members, except that the difference in their status shall be taken into account in determining the amount of their contribution to the budget of the Organization;

¹ See *Off. Rec. Wld Hlth Org.* 21, 312.

² The corresponding rules in the Rules of Procedure as reproduced in *Basic Documents*, twenty-third edition, are Rules 115 and 116.

³ The associate membership of Southern Rhodesia as such revived following the dissolution of the Federation of Rhodesia and Nyasaland. (Northern Rhodesia and Nyasaland are Members of the Organization as Zambia and Malawi).

⁴ The corresponding rules in the Rules of Procedure as reproduced in *Basic Documents*, twenty-third edition, are Rules 49 to 68, and 82 to 83.

4. that the Executive Board be requested to submit a report with recommendations to the next Health Assembly, taking into account Article 47 of the Constitution and any comments or recommendations from Members and from regional organizations concerning the rights and obligations in regional organizations of Associate Members and of territories or groups of territories which are not responsible for the conduct of their international relations and which are not Associate Members, the report to be transmitted to the Members at least two months in advance of the convening of the Assembly.

July 1948 13,337

[EB2.R47] After considering divergent views on the question of the rights and obligations of Associate Members in regional committees,¹ the Executive Board approved the principles embodied in the following resolution:²

The Executive Board,

Having regard to Articles 8 and 47 of the Constitution of the World Health Organization and to paragraph 4 of the resolution of the First World Health Assembly of 21 July 1948, and having considered the observations which several Members have made in reply to the circular letter of 5 August 1948,

Whereas Article 47 of the Constitution states that regional committees shall be composed of representatives of the Member States and Associate Members in the region concerned;

Whereas it is necessary to have the best possible representation, with equal responsibilities, of all parts of a region on its regional committee and to have available the maximum resources in securing the objectives of the Constitution, and

Whereas it is desirable to secure this representation at the earliest possible opportunity,

RECOMMENDS

- (1) that the World Health Assembly, acting in pursuance of Article 75 of the Constitution of WHO, consider the interpretation to be given to the words "Member States in the region" in line 1 of Article 47 of the Constitution, or refer the question to another authority competent to make the interpretation;
- (2) that the World Health Assembly confer on Associate Members rights and obligations in regional committees equal to those of Members;
- (3) that the rights and obligations of Associate Members in regional committees be periodically reviewed by the World Health Assembly.

Nov. 1948 14,26

[EB2.R48] The Executive Board

Having regard to the resolution of the First World Health Assembly of 21 July 1948,

RECOMMENDS to the World Health Assembly that the rights and obligations in regional organizations of territories or groups of territories which are not responsible for the conduct of their international affairs and which are not Associate Members, and the question of the application to Associate Members of the General Convention on the Privileges and Immunities of the Specialized Agencies, be considered when the status to be accorded to Associate Members in regional organizations has been determined.

Nov. 1948 14,26

[EB3.R45] The Executive Board,

Considering that decisions on the questions of the status of Member States in a region and the rights and obligations of Associate Members and other territories are urgent and of particular importance in the establishment of the African Regional Organization; and

Considering that the Health Assembly is the appropriate body for making such decisions,

REQUESTS the Director-General to obtain the views of Member Governments on the interpretation of the words "Member States in the Region" in line 1 of Article 47 of the Constitution and that he place these views, together with full documentation and data, before the Second World Health Assembly.

March 1949 17,17

WHA2.102 The Second World Health Assembly,

Having regard to the resolution of the First World Health Assembly of 21 July 1948 concerning the rights and obligations of Associate Members,

ADOPTS the amendments to the Rules of Procedure of the World Health Assembly concerning the status of Associate Members.³

June 1949 21,55

WHA2.103 The Second World Health Assembly,

Having regard to Articles 8 and 47 of the Constitution; and

Having regard to paragraph 4 of the resolution of the First World Health Assembly concerning the rights and obligations of Associate Members; and

Having regard to the reports of the Executive Board at its second and third sessions; and

Having regard to a statement concerning the Pan American Sanitary Organization,⁴

RESOLVES as follows:

1. For the purposes of Article 47 of the Constitution, States Members in a region shall be deemed to be those States Members having their seat of government within the region;
2. Those States Members not having their seat of government within the region, which (a) either by reason of their Constitution consider certain territories or groups of territories in the region as part of their national territory, or (b) are responsible for the conduct of the international relations of territories or groups of territories within the region, shall participate as Members of the regional committee, in which case they shall have all the rights, privileges and obligations of Member States in the region, but with only one vote for all the territories or groups of territories in the region, as defined in (a) and (b) above;

3. (1) Territories or groups of territories in the region which are not responsible for the conduct of their international relations, whether Associate Members or otherwise, may participate in regional committees, in accordance with Articles 8 and 47 of the Constitution;

(2) Associate Members shall have all rights and obligations in the regional organizations, with the exception that they will have no vote in plenary meetings of the regional committee, nor in subdivisions dealing with finance or constitutional matters;

¹ See *Off. Rec. Wld Hlth Org.* 14, Annex 14.

² The Board noted that the question was to be discussed further at its third session, and that an alternative wording suggested had been "approved the following resolution in principle".

³ *Off. Rec. Wld Hlth Org.* 14, Annex 19.

⁴ *Off. Rec. Wld Hlth Org.* 21, Annex 14.

(3) Representatives of Associate Members should be qualified by their technical competence in the field of health and should be chosen from the native population in accordance with Article 8 of the Constitution;

(4) In the case of territories not responsible for the conduct of their international relations and not Associate Members, the rights and obligations in (2) above shall apply subject to consultation between the States Members in a region as defined in 1 above and the Members or other authority having responsibility for the international relations of these territories;

(5) In recommending any additional appropriation under Article 50 (f) of the Constitution, the regional committee shall take account of the difference in status between States Members on the one hand and Associate Members and other territories or groups of territories not responsible for the conduct of their international relations on the other;

4. In view of the statement made by the Director of the Pan American Sanitary Organization¹ and of the fact that integration between PASO and WHO is still in process, the application of the above recommendation in the American Region shall await the completion of these negotiations for such integration;

5. The Executive Board should keep under review the implementation of these decisions and submit to the Fifth World Health Assembly at the latest a report thereon in order that that Assembly might determine what, if any, modifications might be required in the above decisions in the light of experience.

June 1949 21,55

EB9.R27 The Executive Board

1. TRANSMITS to the Fifth World Health Assembly a report concerning the rights and obligations of Associate Members and other territories in regional organizations,² in accordance with the request of the Second World Health Assembly in resolution WHA2.103;

2. DRAWS THE ATTENTION of the Health Assembly to the fact that since there is only one Associate Member of the Organization (Southern Rhodesia) no particular conclusions have been drawn from the facts contained in the report nor have any specific recommendations been made.

Jan. 1952 40,11

WHA5.42 The Fifth World Health Assembly,

Having considered the rights and obligations of Associate Members; and

Taking into account the admission of two additional Associate Members by the Fifth World Health Assembly,³

REQUESTS the Executive Board to study this matter and submit a report to the Sixth World Health Assembly.

May 1952 42,31

EB10.R5 The Executive Board,

In pursuance of the request of the Fifth World Health Assembly (in resolution WHA5.42) that the Board study the subject

of the rights and obligations of Associate Members and submit a report to the Sixth World Health Assembly,

REQUESTS the Director-General to communicate immediately with Member States in order that their views and suggestions on this subject may be presented to the Board at its eleventh session.

May 1952 43,3

EB11.R26 The Executive Board,

I. Pursuant to the resolution (EB10.R5) on the rights and obligations of Associate Members, adopted by the Board at its tenth session; and

Having considered a report made by the Director-General on the results obtained from his communication with Member States on this subject,⁴

1. RECOMMENDS to the Sixth World Health Assembly that Associate Members should be given the right to vote in the meetings of regional committees; and, further,

2. RECOMMENDS the adoption of the following resolution:

The Sixth World Health Assembly,

Having considered a report of the Executive Board on the rights and obligations of Associate Members; and

Noting a recommendation of the Board that Associate Members should be given the right to vote in meetings of regional committees,

1. RESOLVES to amend paragraph 3 (2) of resolution WHA2.103 of the Second World Health Assembly by deleting the phrase "with the exception that they will have no vote in plenary meetings of the Regional Committee, nor in subdivisions dealing with finance or constitutional matters," so that the paragraph now reads: "Associate Members shall have all rights and obligations in the regional organizations."

Jan. 1953 46,8

WHA6.38 The Sixth World Health Assembly,

Having noted the report of the Executive Board on its consideration of the rights and obligations of Associate Members in regional committees,

1. RESOLVES that it is premature to adopt any changes in the existing rights and obligations of Associate Members as defined in resolution WHA2.103; and

2. RESOLVES that the WHO regional committees shall be invited to comment on the advisability of any such changes.

May 1953 48,32

EB13.R29 The Executive Board,

Having considered the comments of regional committees⁵ on the rights and obligations of Associate Members as defined in resolution WHA2.103, which were made in pursuance of resolution WHA6.38,

1. TRANSMITS these comments to the Seventh World Health Assembly; and

2. DECIDES to recommend no change in the existing rights and obligations of Associate Members pending further study of the subject.

Jan. 1954 52,11

WHA7.28 The Seventh World Health Assembly,

Having considered the comments of regional committees on the rights and obligations of Associate Members as defined in

¹ *Off. Rec. Wld Hlth Org.* 21, Annex 14.

² *Off. Rec. Wld Hlth Org.* 40, Annex 14.

³ Morocco and Tunisia.

⁴ *Off. Rec. Wld Hlth Org.* 46, Annex 5.

⁵ *Off. Rec. Wld Hlth Org.* 52, Annex 6.

resolution WHA2.103, which were made in pursuance of resolution WHA6.38, together with the recommendation of the Executive Board that no change in the existing rights and obligations should be made pending further study of this subject (resolution EB13.R29),

1. DECIDES to make no change in the rights and obligations of Associate Members at the present time; and

2. REQUESTS the Executive Board to continue its study of this question.

May 1954 55,27

EB15.R45 The Executive Board,

Taking note of the resolution of the Regional Committee for Europe and the request of the Government of Tunisia concerning the rights and obligations of Associate Members in regional committees;

Recalling that the World Health Assembly in resolutions WHA6.38 and WHA7.28 decided not to make any changes in the existing rights and obligations of Associate Members;

Considering that the power to determine the nature and extent of the rights of Associate Members rests exclusively with the World Health Assembly, in accordance with Article 8 of the Constitution,

1. BELIEVES that it would not be desirable for the rights and obligations of Associate Members to differ in the various regions; and

2. DECIDES to continue its study of the rights and obligations of Associate Members in regional committees, in the light of experience, at a future session of the Board.

Jan. 1955 60,18

WHA9.52 The Ninth World Health Assembly,

Considering the proposal relating to the rights and obligations of Associate Members;¹

Considering the statements regarding their rights and obligations made by the representatives of Associate Members;

Considering that it is premature to adopt any changes in the existing rights and obligations of Associate Members,

1. DECIDES to defer to the Tenth World Health Assembly re-examination of the rights and obligations of Associate Members;

2. REQUESTS regional committees to study the subject of the rights and obligations of Associate Members in the regional organizations and to report thereon;

3. REQUESTS the Executive Board to consider the subject together with the comments of the regional committees and to submit its recommendations to the Tenth World Health Assembly.

May 1956 71,38

EB19.R36 The Executive Board,

Considering resolution WHA9.52 adopted by the Ninth World Health Assembly;

Having examined the comments of regional committees as well as those of Sub-Committee A of the Regional Committee for the Eastern Mediterranean, on the rights and obligations of Associate Members and other territories in the Health Assembly and Executive Board and in regional organizations,²

1. TRANSMITS these comments to the Tenth World Health Assembly; and

2. DECIDES to recommend no change at the present time in the existing rights and obligations of Associate Members and other

territories in the Health Assembly and Executive Board and in regional organizations.

Jan. 1957 76,11

WHA10.24 The Tenth World Health Assembly,

Having considered the report of the Executive Board on the rights and obligations of Associate Members and other territories in the World Health Assembly and Executive Board and in the regional organizations,²

DECIDES to make no change at the present time in the existing rights and obligations of Associate Members and other territories.

May 1957 79,29

EB27.R25 The Executive Board,

Considering resolution AFR/RC10/R12³ of the Regional Committee for Africa at its tenth session concerning Associate Members which have attained independence but which have not yet become full Members of the Organization;

Considering that it is desirable to determine the status and the rights and obligations of such States pending their becoming Members of the Organization; and

Considering that this determination is for consideration by the Health Assembly in accordance with Article 75 of the Constitution,

RECOMMENDS to the Fourteenth World Health Assembly the adoption of the following resolution:⁴

The Fourteenth World Health Assembly,

Considering that it is desirable to determine the transitional status of those Associate Members which attain independence; and

Considering Chapter III and Article 75 of the Constitution,

DECIDES that

(1) Associate Members which have attained independence and which expressly state their intention of becoming full Members of the Organization shall, during the transitional period which must necessarily elapse before they can become Members of the Organization, continue to enjoy the rights and privileges of associate membership; and

(2) Rule 109⁵ of the Rules of Procedure of the World Health Assembly shall be supplemented by the insertion of the following additional paragraph:

"An application for membership made by a State formerly an Associate Member may be received at any time by the Health Assembly."

Feb. 1961 108,10

WHA14.45 The Fourteenth World Health Assembly,

Considering that it is desirable to determine the transitional status of those Associate Members which attain independence; and

Considering Chapter III and Article 75 of the Constitution,

DECIDES that Associate Members which have attained independence and which expressly state their intention of becoming full Members of the Organization shall, during the transitional period which must necessarily elapse before they can become Members of the Organization, continue to enjoy the rights and privileges of associate membership.

Feb. 1961 110,19

¹ Reproduced in the minutes of the first meeting of the twenty-seventh session of the Executive Board (EB27/Min/1 Rev. 1), section 7.

² Sub-paragraph (1) of the Board's recommendation was given effect to by the Health Assembly in resolution WHA14.45 below, and sub-paragraph (2) in resolution WHA14.46 (see table on p. 292).

³ The corresponding rule in the Rules of Procedure as reproduced in *Basic Documents*, twenty-third edition, is Rule 113.

¹ *Off. Rec. Wld Hlth Org.* 71, Annex 11.

² *Off. Rec. Wld Hlth Org.* 76, Annex 7.

6.2.3 ACTION BY CERTAIN STATES WITH REGARD TO MEMBERSHIP

WHA2.90 Whereas the Vice-Minister of Health of the Union of Soviet Socialist Republics, the Vice-Minister of Health of the Ukrainian Soviet Socialist Republic and the Vice-Minister of Health of the Byelorussian Soviet Socialist Republic, expressing their dissatisfaction with certain aspects of the work of WHO, have notified the Director-General that their States no longer consider themselves Members of the World Health Organization;¹

Whereas the objective of the World Health Organization is the attainment by all peoples of the highest possible level of health, which involves the co-operation of all countries; and

Whereas this principle has been proclaimed by these States at the First World Health Assembly,

The Second World Health Assembly,

Regretting deeply the absence of representatives of these States from the Assembly and, in the case of the Union of Soviet Socialist Republics and the Byelorussian Soviet Socialist Republic, of members of the Executive Board;

Recognizing the consequent loss to the work of the Organization; and

Taking note of the observations in the communications sent to the Director-General; and

Hoping that these States will in the near future wish to reconsider their position,

(1) INVITES them to reconsider their intention and join if possible the present and following sessions of the Health Assembly and, in the case of the Union of Soviet Socialist Republics and the Byelorussian Soviet Socialist Republic, those of the Executive Board; and in any event

(2) FULLY APPROVES the steps taken in this regard by the Executive Board and the Director-General;¹

(3) REQUESTS the Chairman of the Executive Board and the Director-General to continue endeavours to prevail upon the said States and their responsible authorities to change their decision and to report to the Third World Health Assembly on the results of such endeavours; and

(4) RECOMMENDS that States Members of the Organization take such steps as they may deem suitable in order that the said States may reconsider their decision.

June 1949 21,52

WHA3.84 The Third World Health Assembly,

Having noted the communications received from the Vice-Minister of Health of the Union of Soviet Socialist Republics,¹ the Vice-Minister of Health of the Ukrainian Soviet Socialist Republic,² the Vice-Minister of Health of the Byelorussian Soviet Socialist Republic,¹ the Minister for Foreign Affairs of the People's Republic of Bulgaria,³ the Minister of Health of the People's Republic of Romania,³ the Minister for Foreign Affairs of the People's Republic of Albania,³ and the Minister for Foreign Affairs of the Republic of Czechoslovakia,³ notifying the Director-General that their States no longer consider themselves Members of the World Health Organization,

RESOLVES that while the World Health Organization will always welcome the resumption by these Members of full co-

operation in the work of the Organization, it is not considered that any further action at this stage is desirable.

May 1950 28,52

WHA3.90 Whereas the Director-General has received a telegram from the Minister of Foreign Affairs of the Republic of China indicating that the Government of China⁴ will withdraw from the World Health Organization;⁵

Whereas the Third World Health Assembly has adopted a resolution indicating that the World Health Organization will always welcome the resumption of full participation in the work of the Organization by Members who are not so participating,

The Third World Health Assembly

RESOLVES that the resumption by China of full participation in the work of the Organization will be welcomed.⁴

May 1950 28,55

WHA3.123 The Third World Health Assembly,

Having noted a communication from the Minister of Social Affairs of the People's Republic of Hungary notifying the Director-General that this State no longer considers itself a Member of WHO,³

RESOLVES that while the World Health Organization will always welcome the resumption by that Member of full co-operation in the work of the Organization, it is not considered that any further action at this stage is desirable.

May 1950 28,72

EB7.R18 The Executive Board

NOTES the resolution adopted by the United Nations General Assembly⁶ expressing the hope that Members of the United Nations not participating in the specialized agencies will assume or resume full participation in these agencies as soon as possible.

Jan. 1951 32,6

WHA4.45 The Fourth World Health Assembly,

Having noted with regret a communication from the Minister of Poland at Berne, notifying the Director-General that the Republic of Poland withdraws from the World Health Organization,⁷

RESOLVES that while the World Health Organization will always welcome the resumption by that Member of full co-operation in the work of the Organization, it is not considered that any further action at this stage is desirable.

May 1951 35,35

WHA6.6 The Sixth World Health Assembly,

I. Having considered the report of the Executive Board on the communication from the Republic of China containing proposals which would enable China to resume active participation in the Organization,

WELCOMES the return of China to active participation;^{8,9}

May 1953 48,18

⁴ See footnote 8 below.

⁵ See *Off. Rec. Wld Hlth Org.* 28, Annex 13, Part 2.

⁶ Resolution 414 (V).

⁷ See *Off. Rec. Wld Hlth Org.* 35, Annex 6.

⁸ This refers to actions which took place before the adoption of resolution WHA25.1 (p. 353).

⁹ For financial contribution, see pp. 375-376.

¹ See *Off. Rec. Wld Hlth Org.* 17, 19, 52.

² See *Off. Rec. Wld Hlth Org.* 25, Annex 3.

³ See *Off. Rec. Wld Hlth Org.* 28, Annex 13, Part 1.

WHA7.16 The Seventh World Health Assembly,

3. INVITES the Member States which have not been actively participating in the work of the Organization to resume full participation at the earliest date.

May 1954 55,23

EB17.R27 The Executive Board,

Having examined the report of the Director-General¹ regarding the notification by the Union of Soviet Socialist Republics on the subject of its participation in the work of the World Health Organization;

Having heard the statement made by the representative of the USSR,

I. 1. BELIEVES that, for the achievement of the Organization's aims, it is very desirable that all States participate fully in its activities;

2. EXPRESSES its pleasure at the USSR's readiness to participate actively again in the work of the Organization; and

3. EXPRESSES the hope that the USSR will be represented at the Ninth World Health Assembly;

II. 1. CALLS ATTENTION to the fact that, according to the terms of the Constitution, Members of the Organization have rights and obligations—in particular, the right to participate in the World Health Assembly and in the regional committees, to designate, upon election, a member to serve on the Executive Board, to benefit from the services of the Organization, and the obligation in particular to make technical and financial contributions to the Organization;

2. RECALLS that these rights and obligations cannot be dissociated;

III. 1. IS OF THE OPINION, consequently, that it will be desirable to examine ways and means to enable the USSR rapidly to resume the exercise of its rights and fulfil its obligations, in particular its financial obligations;

2. RECOMMENDS that the Ninth World Health Assembly establish, at the beginning of its session, a committee which, after consultation with the delegation of the USSR and with the delegations of any other Members which may be in a similar position, would submit to the Assembly a proposal aimed at facilitating settlement of the question of contributions in arrears; and

3. REQUESTS the Director-General to transmit to the Ninth World Health Assembly all relevant information.

Jan. 1956 68,9

WHA9.9 The Ninth World Health Assembly,

Having studied the recommendations of the Executive Board in resolution EB17.R27;

Desiring to find ways and means of enabling those Members who have not been actively participating in the work of the Organization rapidly to resume the exercise of their rights and to fulfil their obligations;

Considering the provisions of the Constitution governing the financial obligations of Members, together with the provisions of the Financial Regulations;

Having considered the principles and policies which should apply to the settlement of the arrears of contributions of those Members;

Considering that, during the period in which those Members were not actively participating in the work of the Organization, the Members who were actively participating carried the financial

burden of the Organization, bore the cost of acquiring assets which now belong to the Organization, and of providing to Members not actively participating certain services of the Organization,

1. DECIDES that contributions must be paid in full for the years during which the Members participated actively in the work of the Organization (including the year during which the intention of the Member concerned no longer to participate in the work of the Organization was communicated to the Organization);

2. DECIDES that, for those years during which the Members did not actively participate in the work of the Organization, a token payment of five per cent. of the amount assessed each year shall be required which shall, upon payment, be considered as discharging in full the financial obligations of those Members for the years concerned;

3. DECIDES that the payments required under paragraphs 1 and 2 above must be paid in US dollars or Swiss francs; and may be paid in equal annual instalments over a period not exceeding ten years beginning with the year in which active participation is resumed if the Members concerned wish to take advantage of this provision of the resolution; and that payment of those annual amounts shall be construed as preventing the application of the provisions of Article 7 of the Constitution;

4. DECIDES that, in accordance with Financial Regulation 5.6, payments made by the Members concerned shall be credited first to the Working Capital Fund; and, further,

5. DECIDES that, notwithstanding the provisions of Financial Regulation 5.6, payments of contributions for the years beginning with that in which the Members return to active participation shall be credited to the year concerned;

6. REQUESTS the Director-General, as the token payments established in paragraph 2 above are received, to so adjust the accounts of the Organization as is appropriate under the terms of this resolution in respect of those years;

7. REQUESTS the Director-General to inform the Members concerned of these decisions;

8. EXPRESSES the hope that this decision of the Health Assembly will facilitate the resumption by the Members concerned of active participation in the work of the Organization.

May 1956 71,19

EB19.R67 The Executive Board,

Having noted the report of the Director-General on the action taken pursuant to resolution WHA9.9;

Having been informed of the response of certain governments to the communications of the Director-General on this subject,

1. REQUESTS the Director-General to submit the various communications received to the Tenth World Health Assembly;

2. NOTES with satisfaction the communications from the Governments of Albania, Bulgaria and Poland notifying the Director-General of their resumption of active participation in the World Health Organization as from 1957; and

3. EXPRESSES the hope that the Member States which have not so far notified the Director-General of their decision to resume active participation in the work of the Organization will do so in the near future.

Jan. 1957 76,25

WHA10.22 The Tenth World Health Assembly

1. NOTES with satisfaction the resumption of active participation in the work of the Organization by the Governments of Albania,

¹ *Off. Rec. Wld Hlth Org.* 68, Annex 8.

Bulgaria, Poland and the Union of Soviet Socialist Republics;¹ and

2. EXPRESSES the hope that the Member States which have not so far notified the Director-General of their decision to resume active participation in the work of the Organization will do so in the near future.

May 1957 79,29

6.2.4 REPRESENTATION OF A MEMBER STATE

EB49.R37² The Executive Board,

Considering resolution 2758 (XXVI) adopted by the General Assembly of the United Nations at its twenty-sixth session on 25 October 1971 and in which the General Assembly recognized the representatives of the Government of the People's Republic of China as the only legitimate representatives of China to the United Nations;

Recalling resolution 396 (V) adopted by the General Assembly at its fifth session on 14 December 1950 in which the General Assembly recommended that the attitude adopted by the General Assembly on the question of the representation of a Member State should be taken into account in other organs of the United Nations and in the specialized agencies;

Recalling the provisions of Article IV of the Agreement between the United Nations and the World Health Organization under which all formal recommendations made to the World Health Organization by the United Nations shall be submitted as soon as possible to the World Health Assembly, the Executive Board or such other organ of the World Health Organization as may be appropriate;

Considering that under the provisions of Article 28 (e) of the Constitution, it is a function of the Executive Board to submit advice or proposals to the Health Assembly on its own initiative,

1. DECIDES to include in the provisional agenda of the Twenty-fifth World Health Assembly the question of the representation of China in the World Health Organization;

2. AUTHORIZES the Director-General to address to the Government of the People's Republic of China the notice of convocation, the provisional agenda and the documents for the Twenty-fifth World Health Assembly in accordance with Rule 3 of the Rules of Procedure of the World Health Assembly;

3. RECOMMENDS to the World Health Assembly that it recognize the Government of the People's Republic of China as the only Government having the right to represent China in the World Health Organization.

Jan. 1972 198,27

WHA25.1 The Twenty-fifth World Health Assembly,

Recalling the United Nations General Assembly resolution 2758 (XXVI) of 25 October 1971 by which it decided to restore all its rights to the People's Republic of China and to recognize the representatives of its Government as the only legitimate representatives of China to the United Nations and to expel forthwith the representatives of Chiang Kai-Shek from the place which they unlawfully occupied at the United Nations and in all organizations related to it;

Noting that the Executive Board, in its resolution EB49.R37, has recommended to the World Health Assembly that it recognize the Government of the People's Republic of China as

the only Government having the right to represent China in the World Health Organization,

DECIDES to restore all its rights to the People's Republic of China and to recognize the representatives of its Government as the only legitimate representatives of China to the World Health Organization, and to expel forthwith the representatives of Chiang Kai-Shek from the place which they unlawfully occupy at the World Health Organization.

May 1972 201,1

6.2.5 ACTION BY HEALTH ASSEMBLY REGARDING RIGHTS AND SERVICES

WHA17.50 The Seventeenth World Health Assembly,

Having considered the development of the situation in the African Region since the Sixteenth World Health Assembly;

Considering the statement made by the African delegates at the last meeting of the Regional Committee for Africa, held on 23 and 24 September 1963, in Geneva;

Noting in particular with great concern the gradual deterioration in this situation and the manifold consequences which may result therefrom both for the peoples of the countries concerned and for the Organization as a whole;

Reiterating the provisions of resolution WHA16.43³ and, in particular, the operative paragraphs 2, 3, 4, 5 and 7;

Recalling further that, according to the provisions of Article 7 of the Constitution, the Health Assembly may, in certain exceptional circumstances and on such conditions as it thinks proper, suspend the voting privileges and services to which a Member is entitled;

Considering that *apartheid* officially raised to the status of a political system by a government represents an exceptional circumstance of failure to adhere to the humanitarian principles governing the World Health Organization, and therefore makes such a government liable to the penalties provided for in the said Article 7;

Considering that the Republic of South Africa persists in violating the Constitution and in ignoring the resolutions of the World Health Organization and of the United Nations; and

Considering that the mere designation of a representative of the Director-General at Brazzaville can in no way bring about an appreciable improvement in this situation,

1. DECIDES to apply to the Republic of South Africa the provisions of Article 7 of the Constitution relating to voting privileges; and

2. REQUESTS the Executive Board and the Director-General to submit to the Eighteenth World Health Assembly formal proposals with a view to the suspension or exclusion from the Organization of any Member violating its principles and whose official policy is based on racial discrimination.

March 1964 135,23

WHA18.40 The Eighteenth World Health Assembly

NOTES the report⁴ of the Director-General and of the representatives of the Executive Board on operative paragraph 2 of resolution WHA17.50.

May 1965 143,25

¹ See *Off. Rec. Wld Hlth Org.* 79, Annex 8.

² See *Off. Rec. Wld Hlth Org.* 198, Annex 7.

³ See p. 323.

⁴ *Off. Rec. Wld Hlth Org.* 143, Annex 13.

WHA19.31 The Nineteenth World Health Assembly,

Having regard to Articles 7, 8 and 47 of the Constitution;

Having regard to the provisions established by the Second World Health Assembly in resolution WHA2.103 concerning the representation in the regional committees of Member States which have not their seat of government within the region, and in particular Article 2, paragraphs (a) and (b) of these provisions;

Considering resolution AFR/RC15/R2¹ adopted by the Regional Committee for Africa at its fifteenth session on 9 September 1965;

Considering the various resolutions adopted by the General Assembly of the United Nations and the Security Council in regard to African territories under Portuguese administration, and in particular the position taken by the Security Council in its resolution 180 (1963) of 31 July 1963 by declaring the system of government applied by Portugal in Africa to be contrary to the principles of the Charter, a resolution mentioned in resolution 2107 (XX) of 21 December 1965 of the General Assembly;

Considering that Portugal no longer fulfils, under the terms of Articles 2 and 47 of the Constitution and of resolution WHA2.103, the conditions required to represent on the Regional Committee the territories it administers in Africa; and

Considering furthermore that by adopting a passive attitude the World Health Organization would be an accessory to Portugal in refusing to comply with the decisions of the United Nations,

1. SUSPENDS the right of Portugal to participate in the Regional Committee for Africa and in regional activities until the government of that country has furnished proof of its willingness to conform to the injunctions of the United Nations;
2. SUSPENDS, pursuant to Article 7 of the Constitution, technical assistance to Portugal in application of point 9 of the operative part of resolution 2107 (XX) of the General Assembly; and
3. REQUESTS the Director-General to report to the Twentieth World Health Assembly on the measures which have been taken in application of the decisions of this resolution.

May 1966 151,13

¹ *Off. Rec. Wld Hlth Org.* 151, Annex 11.

WHA20.38 The Twentieth World Health Assembly

1. NOTES the report of the Director-General on the implementation of resolution WHA19.31;² and

2. DECIDES to refer the matter to the regional committees concerned for further consideration. May 1967 160,24

WHA21.34 The Twenty-first World Health Assembly,

Having considered the report of the Director-General on the implementation of resolution WHA19.31;³

Bearing in mind resolutions WHA19.31 and WHA20.38 adopted by the Nineteenth World Health Assembly and the Twentieth World Health Assembly respectively;

Noting resolution AFR/RC17/R2 adopted by the Regional Committee for Africa at its seventeenth session, resolution EUR/RC17/R9 adopted by the Regional Committee for Europe at its seventeenth session and resolution WPR/RC18/R2 adopted by the Regional Committee for the Western Pacific at its eighteenth session; and

Having regard to resolutions 2270 (XXII), 2311 (XXII) and 2326 (XXII) adopted by the General Assembly of the United Nations at its twenty-second session,

DECIDES that, in applying paragraph 2 of resolution WHA19.31, the Director-General should take into consideration the need:

- (a) not to envisage in WHO programmes any assistance for Portugal until that country renounces the policy of colonial domination,
- (b) to provide, if necessary in co-operation with other appropriate organizations through special programmes, for health assistance to the refugees and nationals of countries under colonial domination, particularly in regard to the control of communicable diseases and the professional training of qualified national personnel,
- (c) to ensure, within the limits of his competence, the implementation of this resolution and to report periodically to the Regional Committees concerned and to the World Health Assembly on the measures taken to put this into effect.

July 1968 168,15

² *Off. Rec. Wld Hlth Org.* 160, Annex 14.

³ *Off. Rec. Wld Hlth Org.* 168, Annex 10.

6.3 PRIVILEGES AND IMMUNITIES

6.3.1 CONVENTION ON THE PRIVILEGES AND IMMUNITIES OF THE SPECIALIZED AGENCIES

The text of the Convention, together with Annex VII as amended by resolutions WHA1.81, WHA3.102, WHA10.26 and WHA11.30 below, is reproduced in Basic Documents, twenty-third edition.

[WHA1.81] The First World Health Assembly

(1) ADOPTS the Convention on the Privileges and Immunities of the Specialized Agencies as already adopted by the Assembly of the United Nations on 21 November 1947;

(2) ADOPTS Annex VII to the said Convention as already adopted by the Assembly of the United Nations on 21 November 1947, and supplements Article 2 (i) of the said Annex VII with the following additions:

“(d) inviolability for all papers and documents;

(e) the right to use codes and to receive documents and correspondence by courier or in sealed dispatch bags for their communications with the World Health Organization.”¹

July 1948 13,333

[WHA1.82] The First World Health Assembly

RECOMMENDS that the States Members of the World Health Organization, whether or not Members of the United Nations, pending their formal accession to the general convention concerning the privileges and immunities of specialized agencies, including Annex VII with the accepted additions, should immediately accord as far as possible to the Organization the benefit of the privileges and immunities provided in the said general convention and annex.

July 1948 13,334

¹ For Annex VII as thus amended, see *Off. Rec. Wld Hlth Org.* 13, Annex 5.

WHA2.92 The Second World Health Assembly,

Considering the desirability of the application of the Convention on the Privileges and Immunities of the Specialized Agencies and its Annex VII to the World Health Organization; and, in particular,

Having regard to the necessity of conferring its benefits on the Organization and its staff while engaged on the programme of the Organization throughout the world,

RECOMMENDS that Members should as soon as possible accede to this convention and, if necessary, take such legislative measures as may be necessary in order to extend its provisions to the World Health Organization.

June 1949 21,52

WHA2.105 The Second World Health Assembly

(1) AGREES in principle that the application of the Convention on the Privileges and Immunities of the Specialized Agencies, together with its Annex VII, should be extended to representatives of Associate Members in the World Health Assembly, and in regional committees to representatives both of Associate Members and of other territories or groups of territories not responsible for the conduct of their international relations, participating under the provisions of Article 47 of the Constitution; and

(2) REQUESTS the Executive Board to study the implementation of this principle and to submit a report with recommendations to the Third World Health Assembly.

June 1949 21,56

[EB4.R32] The Executive Board

RECOMMENDS to the World Health Assembly:

(1) that the following additional paragraph be inserted in Annex VII of the ... Convention:

“ 3. Article V and Section 25, paragraphs 1 and 2 (I) of Article VII shall extend to the representatives of Associate Members and of other territories or groups of territories which are not responsible for the conduct of their international relations and which are not Associate Members participating in the work of the Organization in accordance with Articles 8 and 47 of the Constitution. ”

(2) that, pending the acceptance of the revised annex, States Members be invited to apply its provisions, as supplemented, to representatives of Associate Members and of other territories or groups of territories which are not responsible for the conduct of their international relations.

July 1949 22,9

[EB5.R33] The Executive Board

(3) RECOMMENDS to the Third World Health Assembly that in the revision of Annex VII of the Convention on the Privileges and Immunities of the Specialized Agencies consideration be given to the extension of the provisions of Clause 2 to members of expert advisory panels, in the exercise of their functions as such;

Feb. 1950 25,15

WHA3.102 The Third World Health Assembly

1. APPROVES the revised text of Annex VII of the Convention on the Privileges and Immunities of the Specialized Agencies;¹

2. REQUESTS the Director General, in accordance with Article 38 of this convention, to transmit this revised annex to the Secretary-General of the United Nations;

3. INVITES Members, parties to the Convention, to notify to the Secretary-General their acceptance of this revised annex under section 47, paragraph 1, and pending such notification to apply its provisions as modified;

4. INVITES Members not parties to the Convention to accede thereto, and pending such accession to apply the provisions of the Convention and of the Annex, as modified, in their territories; further

5. RESOLVES that while it is agreed in principle that the provisions of Article V and Section 25, paragraphs 1 and 2 (I) of Article VII of the Convention should extend to the representatives of territories or groups of territories not responsible for the conduct of their international relations and which are not Associate Members, express provisions for this purpose should not be inserted in Annex VII at this time.

May 1950 28,61

EB15.R73 The Executive Board,

Having noted the long period of time which has elapsed since the adoption of the Convention on the Privileges and Immunities of the Specialized Agencies and its Annex VII, and that so far only twenty-one Member States have acceded to this convention;

Recognizing that, as a result, difficulties may be encountered by the Organization in connexion with the privileges and immunities afforded to its officials in certain countries,

1. URGES Member States to ratify this convention and its Annex VII as soon as possible;

2. REQUESTS the Director-General, with all the means at his disposal, to bring this problem to the attention of Member States;

3. RECOMMENDS to the Eighth World Health Assembly the adoption of the following resolution:²

Feb. 1955 60,29

WHA8.18 The Eighth World Health Assembly,

Having noted the relatively small number of Member States that have acceded to the Convention on the Privileges and Immunities of the Specialized Agencies;

Noting that in the territories of the governments which have not acceded to this convention or are not already bound by a similar instrument there have been or may be difficulties regarding the legal status of the staff of the Organization and particularly of its project personnel under the regular budget and the Technical Assistance funds;

Recognizing that the best way to solve these difficulties would be the accession to this convention and its Annex VII by Members of the Organization,

URGES Members not yet parties to the Convention on the Privileges and Immunities of the Specialized Agencies, or to instruments conferring similar privileges, to accede to this convention and to its Annex VII and, pending such accession,

¹ *Off. Rec. Wld Hlth Org.* 28, Annex 18.

² For text recommended by the Board and adopted by the Health Assembly, see resolution WHA8.18 below.

to accord to the World Health Organization by executive action the benefit of the privileges and immunities which this convention and its annex provide.

May 1955 63,24

WHA10.26 The Tenth World Health Assembly,

Considering that the Deputy Director-General of the World Health Organization should enjoy the privileges, immunities, exemptions and facilities accorded to diplomatic envoys in international law,¹

1. DECIDES to amend Annex VII to the Convention on the Privileges and Immunities of the Specialized Agencies by inserting in the said Annex as paragraph 4 the following provision:

“4. The privileges, immunities, exemptions and facilities referred to in Section 21 of the standard clauses shall also be accorded to any Deputy Director-General of the Organization.”

2. REQUESTS the Director-General to transmit the revised Annex VII to the Secretary-General of the United Nations in accordance with Section 38 of the Convention.

May 1957 79,30

WHA11.30 The Eleventh World Health Assembly,

Considering that the Assistant Directors-General and the Regional Directors of the World Health Organization should enjoy the privileges, immunities, exemptions and facilities accorded to diplomatic envoys in international law,

1. DECIDES to revise Annex VII to the Convention on the Privileges and Immunities of the Specialized Agencies by amending paragraph 4 of the said Annex to read as follows:

“4. The privileges, immunities, exemptions and facilities referred to in Section 21 of the standard clauses shall also be accorded to any Deputy Director-General, Assistant Director-General and Regional Director of the Organization.”

2. REQUESTS the Director-General to transmit to the Secretary-General of the United Nations the revised Annex VII in accordance with Section 38 of the Convention.

June 1958 87,29

EB23.R27 The Executive Board,

Having considered the request made by the Government of the United Kingdom of Great Britain and Northern Ireland,²

RECOMMENDS to the Twelfth World Health Assembly the adoption of the following resolution:³

Jan. 1959 91,17

WHA12.41 The Twelfth World Health Assembly,

Considering Section 18 of Article VI of the Convention on the Privileges and Immunities of the Specialized Agencies, which requires that each specialized agency will specify the categories of officials to which the provisions of that Article and Article VIII shall apply; and

Considering the practice hitherto followed by the World Health Organization under which, in implementing the terms of Section 18 of the Convention, due account has been taken of the provisions of resolution 76 (I) of the General Assembly of the United Nations,

1. CONFIRMS this practice; and

2. APPROVES the granting of the privileges and immunities referred to in Articles VI and VIII of the Convention on the Privileges and Immunities of the Specialized Agencies to all officials of the World Health Organization, with the exception of those who are recruited locally and are assigned to hourly rates.

May 1959 95,37

WHA12.42 The Twelfth World Health Assembly,

Having noted the relatively small number of Member States that have acceded to the Convention on the Privileges and Immunities of the Specialized Agencies;

Noting that in the territories of the governments which have not acceded to this convention or are not already bound by a similar instrument there have been or may be difficulties regarding the legal status of the staff of the Organization and particularly of its project personnel; and

Recognizing that the best way to solve these difficulties would be the accession to this convention and its Annex VII by Members of the Organization,

1. URGES Members not yet parties to the Convention on the Privileges and Immunities of the Specialized Agencies, or to instruments conferring similar privileges, to accede to this convention and to its Annex VII and, pending such accession, to accord to the World Health Organization by executive action the benefit of the privileges and immunities which this convention and its annex provide; and

2. REQUESTS the Director-General to invite Member States to take the appropriate action to provide the Organization with the necessary privileges and immunities.

May 1959 95,38

6.3.2 HOST AGREEMENTS

1. Host Agreement with the Government of Switzerland

[WHA1.83] The First World Health Assembly

APPROVES the draft agreement of 19 September 1946, between the Swiss Federal Council and the World Health Organization, together with the proposed arrangement for its execution accompanying it,⁴ with the following addition to be inserted in Article 9 *e* of the said draft:

After the words “on application by the Director-General of the World Health Organization”, add the words “and in agreement with the Federal Political Department”.

July 1948 13,333

2. Host Agreement with the Government of India

[EB2.R49] The Executive Board requested the Director-General to continue negotiations with the Government of India in order to obtain an agreement extending privileges and immunities to the Regional Organization of WHO in South-East Asia, and to report to its next session. Pending coming-into-force of such agreement the Government was invited to extend to the Regional Organization the privileges and immunities set out in the Convention on the Privileges and Immunities of the Specialized Agencies.

Nov. 1948 14,26

[EB3.R46] The Executive Board noted that the Director-General had initiated negotiations as requested.

March 1949 17,16

¹ See *Off. Rec. Wld Hlth Org.* 79, Annex 9.

² See *Off. Rec. Wld Hlth Org.* 91, Annex 20.

³ For text recommended by the Board and adopted by the Health Assembly, see resolution WHA12.41 below.

⁴ *Off. Rec. Wld Hlth Org.* 4, 81.

WHA2.81 The Second World Health Assembly,

Acting in pursuance of Chapter XV of the Constitution,

(1) APPROVES the draft agreement between the Government of India and the World Health Organization concerning the privileges and immunities and facilities to be granted by the Government of India to the World Health Organization with regard to its arrangements in the South-East Asia Region;¹

(2) AUTHORIZES the Director-General or his representative to sign the said agreement on behalf of the World Health Assembly;

(3) REQUESTS the Director-General or his representative, in furtherance of Article XII, Section 33 of the said agreement, to notify the Government of India of the approval of the said agreement by the World Health Assembly.

June 1949 21,49

3. Host Agreement with the Government of Egypt

WHA2.82 *The Second World Health Assembly requested the Director-General to continue negotiations with the Government of Egypt in order to obtain an agreement extending privileges and immunities to the Regional Organization of WHO in the Eastern Mediterranean, and to report to its next session. Pending coming-into-force of such agreement the Government was invited to extend to the Regional Organization the privileges and immunities set out in the Convention on the Privileges and Immunities of the Specialized Agencies.*

June 1949 21,49

[EB5.R95] *The Executive Board noted the status of negotiations and requested the Director-General to report to the Third World Health Assembly.*

Feb. 1950 25,15

WHA3.83 Whereas, by letter of 23 March 1950, the State Adviser to the Ministries for Foreign Affairs and Justice of the Government of Egypt notified the Organization of the acceptance of the draft agreement² concerning the privileges, immunities and facilities to be accorded to the World Health Organization in Egypt, in particular with regard to the regional arrangements in the Eastern Mediterranean Area,

The Third World Health Assembly,

Having regard to Article 19 and to Chapter XV of the Constitution,

1. APPROVES the agreement between the Government of Egypt and the World Health Organization for the purpose of determining the privileges, immunities and facilities to be granted by the Government of Egypt to the World Health Organization, to the representatives of its Members and to its experts and officials, in particular with regard to its arrangements in the Eastern Mediterranean Region, and of regulating other related matters;

2. REQUESTS the Director-General or his representative to notify the Government of Egypt of this approval;

3. REQUESTS the Director-General or his representative to sign the said agreement after approval by the Government of Egypt in accordance with the respective constitutional procedures, and

4. AUTHORIZES the Director-General to exchange notes with the Government of Egypt concerning the following matters:

(1) the criminal jurisdiction of the Egyptian Courts with regard to acts not connected with their official functions,

committed by officials, irrespective of grade, who are Egyptian nationals,

(2) police regulations concerning access into Egypt with regard to the provisions of international treaties on sanitary and quarantine matters.

May 1950 28,52

EB7.R8 The Executive Board

1. NOTES with satisfaction the progress shown by the Regional Organization for the Eastern Mediterranean, as set out in the report of the third session of the Regional Committee, held in Istanbul, Turkey, from 4 to 7 September 1950;

2. NOTES the results of the negotiations for an agreement concerning the privileges, immunities and facilities to be accorded to the World Health Organization, in particular with regard to the regional arrangements in the Eastern Mediterranean Area;

3. REQUESTS the Director-General to submit a report on these negotiations and the agreement for approval by the Fourth World Health Assembly.

Jan. 1951 32,3

WHA4.59 The Fourth World Health Assembly

1. TAKES COGNIZANCE of the declaration made by the Egyptian delegation in the name of its Government³ under the terms of which paragraph 5 of the notes to be exchanged⁴ neither extends nor restricts the scope of Section 31 of Article X of the agreement or of any other provision thereof; and consequently, taking account of this declaration,

2. INVITES the Government of Egypt to be kind enough to reconsider point 5 in the text of the notes to be exchanged;

3. APPROVES the agreement, together with the notes to be exchanged; and

4. AUTHORIZES the Director-General to undertake the necessary formalities and in particular the exchange of notes accompanied by a formal communication of this resolution.

May 1951 35,41

WHA7.14 The Seventh World Health Assembly

1. NOTES with satisfaction the statement made by the Government of Egypt to the effect that it has withdrawn point 5 of the notes exchanged between the Egyptian Government and the World Health Organization in connexion with the agreement concluded on 25 March 1951 between the World Health Organization and the Government of Egypt concerning the privileges, immunities and facilities to be accorded to the World Health Organization in Egypt,⁵ and

2. REQUESTS the Director-General to inform the Government of Egypt of the action taken by the World Health Assembly.

May 1954 55,22

4. Host Agreement with the Government of the Philippines**EB9.R4** The Executive Board

1. NOTES and APPROVES the text of the agreement with the Government of the Philippines, signed on 22 July 1951 for the

¹ *Off. Rec. Wld Hlth Org.* 35, 317.

² *Off. Rec. Wld Hlth Org.* 35, Annex 7, Appendix.

³ On 16 December 1953 the Director-General received a letter from the Government of Egypt informing him that by Act No. 556 of 30 November 1953 it had withdrawn point 5 of the notes. The letter noted that point 5 constituted no more than a specific application of the provisions of Section 31 (1) of the agreement, which recognized the Government's right to take any measure necessary for the security of Egypt. That right had been, as far as necessary, reaffirmed.

¹ *Off. Rec. Wld Hlth Org.* 21, Annex 11.

² *Off. Rec. Wld Hlth Org.* 35, Annex 7.

purpose of defining the privileges and immunities of the Organization and of its Regional Office situated in the Philippines;¹ and

2. TRANSMITS this agreement to the Fifth World Health Assembly for consideration and adoption. *Jan. 1952* 40,2

WHA5.41 The Fifth World Health Assembly

1. APPROVES the agreement signed on 22 July 1951 for the purpose of defining the privileges and immunities of the Organization and of its regional office situated in the Philippines;

2. REQUESTS the Director-General to exchange notes with the authorized representatives of the Government of the Philippines in accordance with Section 33 of Article XII of the agreement.

May 1952 42,30

5. Host Agreements with the Government of France

REGIONAL OFFICE FOR AFRICA

EB11.R3 The Executive Board,

Having noted the proposed host agreement between the World Health Organization and the Government of France defining the privileges and immunities of the Organization and of its regional office in Africa, signed on 23 July and 1 August 1952, and the exchange of notes relating thereto,²

TRANSMITS these texts to the Sixth World Health Assembly with a recommendation that they be approved.

Jan. 1953 4'92

WHA6.39 The Sixth World Health Assembly

APPROVES the agreement concerning the privileges and immunities of the Organization and of its Regional Office for Africa, signed for the Government of France on 1 August 1952 by M. Maurice Schumann, Secretary of State for Foreign Affairs, and for the Organization on 23 July 1952 by the Director-General, together with the related exchange of notes.

May 1953 48,32

INTERNATIONAL AGENCY FOR RESEARCH ON CANCER

WHA19.24 The Nineteenth World Health Assembly

1. NOTES the report of the Director-General³ concerning the negotiations on a host agreement between the Government of France and the World Health Organization concerning the headquarters of the International Agency for Research on Cancer; and

2. EXPRESSES the hope that a satisfactory agreement will be concluded at an early date.

May 1966 151,10

EB39.R45 The Executive Board

NOTES that the negotiations between the Government of France and the Organization concerning the host agreement for the International Agency for Research on Cancer are continuing

and that the Director-General will submit a further report on this matter to the next World Health Assembly.

Jan. 1967 157,25

WHA20.25 The Twentieth World Health Assembly,

Having taken cognizance of the text of the Host Agreement defining the legal status, privileges and immunities of the International Agency for Research on Cancer and the related exchange of notes signed in Paris on 14 March 1967 by the Government of France and the World Health Organization;⁴ and

Noting that the Governing Council of the Agency at its third session has recommended the approval of this agreement,

APPROVES the Host Agreement and the exchange of notes relating thereto.

May 1967 160,15

6. Host Agreement with the Government of Denmark

WHA8.24 The Eighth World Health Assembly,

Having been informed by the Director-General of the developments in respect of the establishment of the Regional Office for Europe,

NOTES that the host agreement on privileges, immunities and facilities being negotiated between the Government of Denmark and the World Health Organization will be submitted to the Ninth World Health Assembly.

May 1955 63,27

EB16.R9 The Executive Board,

Having noted the information given by the Director-General on recent developments concerning office accommodation for the Regional Office for Europe in Copenhagen and on the host agreement to be concluded with the Danish Government;

Considering with satisfaction the progress achieved,

REQUESTS the Director-General to pursue the negotiations undertaken and to report to the seventeenth session of the Executive Board.

May 1955 65,3

EB17.R11 The Executive Board,

Having noted the proposed host agreement⁵ between the World Health Organization and the Government of Denmark defining the privileges and immunities of the Organization and of its regional office in Europe, signed on 29 June and 7 July 1955, and the exchange of notes relating thereto,⁶

TRANSMITS these texts to the Ninth World Health Assembly with a recommendation that they be approved.

Jan. 1956 68,4

WHA9.37 The Ninth World Health Assembly

APPROVES the host agreement⁵ between the World Health Organization and the Government of Denmark defining the privileges and immunities of the Organization and of its Regional Office in Europe, signed on 29 June and 7 July 1955, and the exchange of notes relating thereto.⁶

May 1956 71,31

¹ *Off. Rec. Wld Hlth Org.* 40, Annex 11, Appendix.

² *Off. Rec. Wld Hlth Org.* 46, Annex 4.

³ *Off. Rec. Wld Hlth Org.* 151, Annex 9, part 2.

⁴ *Off. Rec. Wld Hlth Org.* 160, Annex 10.

⁵ *Off. Rec. Wld Hlth Org.* 68, Annex 4.

6.4 OFFICIAL INSIGNIA

6.4.1 OFFICIAL EMBLEM OF WHO

[WHA1.133] The First World Health Assembly

RESOLVES

(1) to adopt a distinctive design as the emblem of WHO to be used as the official seal of the Organization;

(2) to adopt for this emblem the symbol of the United Nations, surmounted by an Aesculapian staff and serpent in gold, provided that the consent of the United Nations to the proposed use of its seal be obtained by the Director-General from the Secretary-General of the United Nations;

(3) that, in view of the necessity for obtaining legal protection for the name of the Organization and any emblem which it might adopt:

(a) appropriate measures should be taken to prevent the use, without authorization by the Director-General, and in particular for commercial purposes by means of trademarks or commercial labels, of the emblem, the official seal and the name of the World Health Organization, and of abbreviations of that name through the use of its initial letters;

(b) the prohibition should take effect as soon as practicable but in any event not later than the expiration of two years after the adoption of this recommendation by the Health Assembly; and

(c) each Member of the World Health Organization, pending the coming-into-effect within its territory of any such prohibition, should endeavour to prevent any use, without authorization by the Director-General, of the emblem, name, or initials of the World Health Organization, in particular for commercial purposes by means of trademarks or commercial labels.

July 1948 13,333

WHA9.23 The Ninth World Health Assembly

1. DECIDES that the French text of resolution WHA1.133 adopted by the First World Health Assembly (and the Spanish translation thereof), dealing with the official seal and emblem, shall be corrected by the deletion in the second paragraph of the reference to the caduceus, the corrected paragraph consequently reading as follows:

“(2) d’adopter, pour cet emblème, le symbole des Nations Unies coupé verticalement par le bâton d’Esculape avec serpent en or, à la condition que le Directeur général obtienne du Secrétaire général des Nations Unies le consentement de celles-ci pour l’utilisation projetée de leur sceau;”

paragraph 2 of the Spanish text consequently reading as follows:

“(2) adoptar para este emblema el símbolo de las Naciones Unidas cargado de la vara y la serpiente de Esculapio en oro, a condición de que el Director General obtenga de las Naciones Unidas, por conducto del Secretario General, autorización para utilizar su sello;”

and

2. REQUESTS the Director-General to notify this correction to all Member States.

May 1956 71,25

6.4.2 ADOPTION OF A WHO FLAG

EB25.R71 The Executive Board,

Having considered the report by the Director-General on the adoption of a WHO flag;

Believing it desirable to adopt an official flag of the World Health Organization, to be flown on the premises of the Organization and to be displayed elsewhere on ceremonial and other appropriate occasions,

1. RECOMMENDS to the Thirteenth World Health Assembly to decide to adopt an official flag of the World Health Organization, which could be based on the official emblem of the Organization with or without modification;

2. REQUESTS the Director-General to initiate with the Secretary-General of the United Nations such consultations as may be appropriate and to report to the Thirteenth World Health Assembly.

Jan. 1960 99,32

WHA13.26 The Thirteenth World Health Assembly,

Considering that the consultations envisaged in resolution EB25.R71 on the adoption of an official flag of the World Health Organization are still in process,

NOTES that the Director-General will report on the question to the Fourteenth World Health Assembly.

May 1960 102,9

WHA14.24 The Fourteenth World Health Assembly,

Recognizing that it is desirable to adopt an official flag of the World Health Organization to be flown on the premises of the Organization and to be displayed elsewhere on ceremonial and other appropriate occasions,

1. DECIDES that the flag of the World Health Organization shall be the official emblem of the World Health Organization adopted by the First World Health Assembly, centred on a United Nations blue background, provided that the emblem shall appear in white with the Aesculapian staff and serpent in gold;¹

2. REQUESTS the Director-General to draw up regulations concerning the dimensions and proportions of the flag; and

3. AUTHORIZES the Director-General to adopt a flag code, bearing in mind the desirability of a regulated use of the flag and the protection of its dignity.

Feb. 1961 110,10

¹ See *Off. Rec. Wld Hlth Org.* 110, Annex 4.

6.5 TRANSFER OF FUNCTIONS AND ASSETS

6.5.1 ENDORSEMENT OF EARLIER DECISIONS OF OTHER INTERNATIONAL INSTITUTIONS ON INTERNATIONAL HEALTH LEGISLATION

[EB2.R30] The Board considered the recommendation of the Director-General that WHO, as the authority responsible for international health legislation, while retaining the right to abrogate or amend any action previously taken, required the use of the body of technical decisions established by its predecessors and should therefore signify blanket endorsement of such decisions. The following resolution was adopted:

The Executive Board,

Considering the need for continuity of action in international health legislation and related matters,

EXPRESSES the opinion that all technical decisions taken in regard to the International Sanitary Conventions and their application, biological standards and habit-forming drugs, by the Permanent Committee of the Office International d'Hygiène Publique, the Health Organization of the League of Nations, the Quarantine Commission of UNRRA, and the Interim Commission of the World Health Organization, shall remain in force unless rescinded or modified in an appropriate manner.

Nov. 1948 14,23

6.5.2 INTERIM COMMISSION OF WHO

[WHAI.74]

The First World Health Assembly

1. GIVES a vote of congratulation and gratitude to the Interim Commission for its splendid work;
2. APPROVES in general and in principle the report of the Interim Commission.¹

July 1948 13,81

[WHAI.87] By virtue of Article 11 of the Arrangement signed at New York on 22 July 1946,

The First World Health Assembly

RESOLVES as follows:

Effective as of the date on which the Executive Board of the World Health Organization is constituted, the Governing Body of the Interim Commission, composed of persons designated by the eighteen States specified in Article 1 of the Arrangement, shall cease to exist.

Thereupon, the Executive Board of the World Health Organization shall act as Governing Body of the Interim Commission, which shall continue to exist and function as a legal entity until 31 August 1948 at midnight, at which date and time it shall cease to exist.

Whereupon the property, records, assets, liabilities, responsibilities, and obligations of, and all rights and interests pertaining to, the Interim Commission, by whomever held or wherever situated, shall be transferred to the Organization.

¹ Off. Rec. Wld Hlth Org. 9, 10 and 12.

Such of the staff of the Interim Commission as may be required shall be transferred to the Organization. Immediately upon transfer, such staff members shall be subject to the Staff Regulations and Staff Rules of the Organization, in the application of which periods of service with the Interim Commission shall count as periods of service with the Organization. Subject to policies to be approved by the Executive Board, staff members transferred to the Organization shall be eligible to receive such allowances (including installation grant, expatriation allowance and transportation of household goods) as may be approved for staff members of the Organization, to the extent that they have not yet received such allowances from the Interim Commission. Every member of the staff not transferred to the Organization shall be given reasonable notice of not less than one month or a suitable indemnity in lieu thereof.

July 1948 13,317

6.5.3 OFFICE INTERNATIONAL D'HYGIÈNE PUBLIQUE

1. Denunciation of Rome Agreement and Transfer of OIHP Assets to WHO

[WHAI.84] The First World Health Assembly, taking note of

(a) the Protocol concerning the Office International d'Hygiène Publique, signed on 22 July 1946,² and

(b) the decisions³ taken by the Interim Commission with respect to

- (i) the transfer to it of the duties and functions of OIHP and
- (ii) the administration of its pension fund; and

Taking note of the co-operative spirit of OIHP in giving effect to the measures which have been taken in anticipation of the dissolution of OIHP, including the transfer of funds for the purpose of financing certain of the duties which the Interim Commission has been performing on behalf of OIHP,

AGREES to the continuation by the World Health Organization of the responsibilities which were assumed by the Interim Commission, including the administration of the pension fund, and requests the Director-General to continue such arrangements with OIHP as may be necessary to ensure co-operation in matters of common interest pending the termination of the Rome Agreement of 1907 and the dissolution of OIHP as provided for in the Protocol of 22 July 1946;

The Health Assembly further

INSTRUCTS the Executive Board to maintain the present liaison with OIHP with a view eventually to the transfer of assets and liabilities of OIHP to the World Health Organization on the termination of the Rome Agreement of 1907. In this connexion, the Executive Board should be guided by the decisions which were taken by the Interim Commission in regard to OIHP and by the resolution which was adopted by the Comité permanent of OIHP on 31 October 1946.

July 1948 13,325

² Off. Rec. Wld Hlth Org. 2, 113.

³ Off. Rec. Wld Hlth Org. 10, 81.

[EB2.R50] The Board noted with appreciation the offer of the Office International d'Hygiène Publique to try to negotiate the inclusion, in the future lease of the premises in Paris, of an option to continue the lease in favour of WHO, but decided to inform the Office that the Board did not think this necessary.

The Board heard statements by the observers from the Office International d'Hygiène Publique, and accepted the report on the joint session of the Finance and Transfer Commission and the WHO and OIHP negotiating committee. The following decisions were taken:

- (1) The Board instructed the Director-General:
 - (a) to inform Member States parties to the Rome Agreement of the action that they should take in order to denounce the Agreement before November 1949, and
 - (b) to seek legal advice on a high level—possibly from the United Nations legal department—regarding the complication that might arise if the Rome Agreement were not denounced by all the parties to that agreement.
- (2) The Transfer and Finance Committee of OIHP having allocated a sum of sixteen million French francs for epidemiological studies in 1949, the Board requested the Expert Committee on International Epidemiology and Quarantine:
 - (a) to advise on the need for further meetings of the WHO/OIHP groups in the matter of the preparation of international sanitary regulations, and
 - (b) to advise on epidemiological studies in the field, and, if judged advisable, to prepare a programme;
- (3) The Board authorized the Director-General, in agreement with the President of the Permanent Committee of OIHP, to carry out this programme within the limits of the above-mentioned sum;
- (4) The Board decided to accept as a loan a part of the OIHP library, and to transport and insure this part at the expense of WHO.

Nov. 1948 14,30

[EB3.R47] The Executive Board

Desiring to bring to the attention of Members of the World Health Organization which were parties to the Rome Agreement of 1907 the present situation with respect to the termination of this agreement,

- (1) INVITES those parties to the Agreement of 1907 which have not already done so to denounce the said Agreement and, if possible, to accept the Protocol of 1946;
- (2) INVITES those governments which are competent to act on behalf of any party not now in a position to act for itself, to denounce the Agreement of 1907 and to agree to the dissolution of the Office on behalf of those parties;
- (3) INVITES those governments which are responsible for the conduct of the international relations of any non-self-governing territories and which acceded to the Agreement of 1907 on behalf of any such territories, to denounce the Agreement of 1907 and to agree to the dissolution of the Office on behalf of any such territories.

March 1949 17,20

WHA2.83 Whereas forty-nine States have accepted the Protocol of 1946 regarding the Office International d'Hygiène Publique;

Whereas a certain number of parties to the Rome Agreement of 1907 have not yet accepted the Protocol or have not otherwise taken steps to denounce the said Agreement;

Whereas it is desirable to terminate the Rome Agreement of 1907 and to transfer to WHO, after the complete liquidation of the Office, all its tasks and functions as well as the assets and liabilities concerned;

Whereas certain governments, parties to the Rome Agreement of 1907, may be unable to proceed to the denunciation of the said Agreement;

The Second World Health Assembly

INVITES

- (1) those parties to the Agreement of 1907 which have not already done so to denounce the said Agreement and, if possible, to accept the Protocol of 1946;
- (2) those governments which are competent to act on behalf of any party not now in a position to act for itself, to denounce the Agreement of 1907 and to agree to the dissolution of the Office on behalf of that party;
- (3) those governments which are responsible for the conduct of the international relations of any non-self-governing territories and which acceded to the Agreement of 1907 on behalf of any such territories, to denounce the Agreement of 1907 and agree to the dissolution of the Office on behalf of any such territories;
- (4) the Executive Board and the Director-General of WHO to keep in touch with the Office International d'Hygiène Publique and to give their assistance if required in settling the situation which might arise should certain governments, parties to the Rome Agreement of 1907, be unable to denounce the said Agreement;
- (5) the Director-General of WHO to inform without delay all interested governments of the text of the present resolution, for such purposes as they may deem fit.

June 1949 21,50

WHA3.98 Considering the resolution adopted on 6 May 1950 by the Permanent Committee of the Office International d'Hygiène Publique;¹

Considering that the transfer of the duties and functions referred to in the above-mentioned resolution confirms the various measures previously decided and approved by the Health Assembly;

Considering that the transfer of the various assets which the Office has decided to carry out in favour of WHO is not made subject to any unacceptable condition;

Considering that the proposed employment of the funds transferred to WHO by the Office satisfies fully certain aims and activities of WHO and that, in addition, no special condition is attached to the manner of their employment;

Considering also that the stipulation of free access to the library and archives which was laid down by the Office when deciding to transfer its assets to WHO satisfies the principle of universality laid down in the Constitution of the World Health Organization;

Considering the provisions of Article 72 of the Constitution, of the Protocol concerning the Office International d'Hygiène Publique and of the arrangement creating the Interim Commission of the World Health Organization, these last two instruments having been signed at New York on 22 July 1946,

The Third World Health Assembly

¹ See *Off. Rec. Wld Hlth Org.* 28, Annex 17.

1. AGREES to continue to assume the functions and duties pertaining to the Office International d'Hygiène Publique through the Rome Agreement of 1907 and the international agreements included in the annex to the Protocol of 22 July 1946 for the period during which these agreements are to remain in force and subject to budgetary limitations;

2. NOTES the measures decided upon by the Office for the termination of its activities, and in particular those relating to the termination of the lease of the premises of that body and the dismissal of its staff;

3. ACCEPTS with gratitude

(1) the transfer on 15 November 1950 of the whole of the library and archives of the Office, to which nationals of all countries may have unhindered access;

(2) the transfer of the sums to be derived from the liquidation of the assets of the Office as well as the sums due to the latter, the said assets to be devoted to epidemiological work to be carried out in accordance with the programme;

4. APPROVES, to the extent that it can be provided from the transferred assets, the said programme, which, in fact, continues the epidemiological work undertaken during past years under the joint auspices of WHO and OIHP, being work the value of which has been proved;

5. DECIDES that the use of the funds of the Office for the purposes for which they are intended shall be effected without the necessity of keeping a separate account to distinguish such funds from those of the World Health Organization, although an indication shall be provided of the budget items earmarked against these funds;

6. DESIRES to pay a solemn tribute to the remarkable work carried out by the Office International d'Hygiène Publique during the forty-three years of its existence, work which was rendered possible by close international co-operation in the sphere of health and by the ability, wisdom and devotion of the men of goodwill who took part in that work.

May 1950 28,59

WHA4.58 The Fourth World Health Assembly

1. CONGRATULATES the Chairman of the Permanent Committee of the Office International d'Hygiène Publique, the Chairman of the Committee on Finance and Transfer of the said Office and the members of that committee, upon the efforts which they have made to bring about the liquidation of the assets and liabilities of that institution;

2. TAKES NOTE of the transfer of the assets of the Office International d'Hygiène Publique to the World Health Organization; and

3. REQUESTS the Director-General to investigate the position with regard to the denunciation of the Rome Agreement of 1907 by the Member Governments of the Office International d'Hygiène Publique which have not been able hitherto to denounce the Agreement, and to report thereon to the Executive Board.

May 1951 35,41

EB8.R5 The Executive Board,

Noting the resolution adopted by the Fourth World Health Assembly concerning the investigation of the position with regard to the denunciation by Germany, Spain and Japan of the Rome Agreement of 1907 setting up the Office International d'Hygiène Publique (resolution WHA4.58, paragraph 3),

POSTPONES until its ninth session the consideration of this question.

June 1951 36,2

EB9.R6 The Executive Board

1. NOTES that the Government of the Federal Republic of Germany and the Governments of Japan and Spain have denounced the Rome Agreement of 1907, and further

2. NOTES that all States concerned have now denounced the Agreement.

Jan. 1952 40,2

WHA5.40 The Fifth World Health Assembly

NOTES that the Government of the Federal Republic of Germany and the Governments of Japan and Spain have denounced the Rome Agreement of 1907, which established the Office International d'Hygiène Publique.

May 1952 42,30

2. Epidemiological Work Carried Out with OIHP Funds

[EB3.R13] The Board ... approved the programme proposed for the expenditure of the sixteen million French francs made available by the Office International d'Hygiène Publique and requested the Director-General to decide on the allocation of this sum, in consultation with the Chairman of the Permanent Committee of OIHP.

March 1949 17,14

[EB5.R56] The Executive Board

(1) NOTES with satisfaction the allocation of a sum of 24 million French francs on the 1950 budget of the Office International d'Hygiène Publique for the continuation of epidemiological work already undertaken jointly by OIHP and WHO and for the extension of such work;

(2) NOTES the very satisfactory technical results obtained by the meetings in 1948 and 1949 of the joint OIHP/WHO study-groups on cholera, plague, typhus and other rickettsioses, smallpox, the African forms of bilharziasis and trachoma;

(3) EXPRESSES its appreciation of the collaboration extended by OIHP as regards the study of communicable diseases;

(4) APPROVES the continuation of the work undertaken on cholera, bilharziasis, and rickettsioses;

(5) APPROVES the extension of the work to yellow fever;

(6) APPROVES also its extension to other communicable diseases, which in the opinion of the President and Director of the Office International d'Hygiène Publique and the Director-General of WHO necessitate study in 1950 under the auspices of those two organizations, subject to the decisions reached in this respect being referred to the Board, except in case of emergency;

(7) REQUESTS the Director-General to make, in agreement with the President and Director of the Office, the arrangements necessary for holding a meeting of the Finance and Transfer Committee and the Permanent Committee of the Office in Geneva, should it be decided to convene them on the occasion of the Third World Health Assembly.

Feb. 1950 25,6

WHA3.53 The Third World Health Assembly,

Considering the epidemiological work carried out jointly, from 1948 to 1950, by the World Health Organization and the Office International d'Hygiène Publique,

AGREES to the continuation of this work by WHO during the coming years, using the funds transferred from OIHP for the purpose.

May 1950 28,35

3. Arrears of Contributions Due in respect of OIHP**EB11.R38** The Executive Board,

Having considered the report of the Director-General regarding the arrears of contributions due in respect of the Office International d'Hygiène Publique,

1. NOTES

(1) that the Director-General has notified the States concerned of the amounts due; and

(2) that the replies received from certain States would require negotiations between the States and the Organization in order to arrive at a settlement;

2. RECOMMENDS that the Director-General be authorized to negotiate with these States in order to obtain a settlement; and, therefore,

3. RECOMMENDS to the Sixth World Health Assembly the adoption of the following resolution:¹

.....
Jan. 1953 46,15

WHA6.32 The Sixth World Health Assembly,

Having considered the resolution of the Executive Board concerning the arrears of contributions due in respect of the Office International d'Hygiène Publique (EB11.R38),

1. AUTHORIZES the Director-General to negotiate with the States concerned in order to arrive at a settlement of these debts as to both amount and currency of payment, and to keep the Executive Board informed of the development of the negotiations;

2. RESOLVES to delegate to the Executive Board full powers to approve the final settlement of these debts; and

3. REQUESTS the Board to submit a report on this subject to the Seventh World Health Assembly. May 1953 48,29

EB12.R19 The Executive Board,

Having considered resolution WHA6.32, concerning the arrears of contributions due in respect of the Office International d'Hygiène Publique,

1. RESOLVES to appoint a committee of three members as follows: ...

2. AUTHORIZES the committee to approve on behalf of the Board the final settlement of the debts of the States concerned;

3. REQUESTS the committee to submit a report on this subject to subsequent sessions of the Board. May 1953 49,6

The Health Assembly and Executive Board subsequently adopted the following resolutions:

Resolution	Relevant reports of the Committee on Arrears of Contributions in respect of OIHP published in Official Records No.
EB13.R35 (Jan. 1954)	52, Annex 9
WHA7.20 (May 1954)	—
WHA8.15 (May 1955)	—
EB16.R15 (May 1955)	—
EB17.R51 (Jan. 1956)	68, Annex 12
EB21.R59 (Jan. 1958)	83, Annex 20
EB23.R70 (Jan. 1959)	91, Annex 5

¹ The text recommended by the Board was adopted by the Health Assembly, with some modifications, as resolution WHA6.32 (see below).

EB25.R55 (Jan. 1960)	99, Annex 5
EB40.R19 (May 1967)	162, Annex 4
EB41.R29 (Jan. 1968)	— ^a
EB43.R40 (Feb. 1969)	173, Annex 3
EB45.R40 (Jan. 1970)	181, Annex 3
EB47.R47 (Jan. 1971)	189, Annex 12
EB48.R8 (May 1971)	—
*EB48.R17 (May 1971)	195, Annex 3

^a The Director-General reported that, since the Committee on Arrears of Contributions in respect of the Office International d'Hygiène Publique had last met on 29 May 1967, he had received a proposal for the liquidation of its arrears from the Government of Hungary, consisting of an offer to provide a quantity of pharmaceutical preparations valued at US \$1000. The Director-General communicated this offer to the members of the Committee, who gave their written approval to accept the pharmaceutical preparations valued at US \$1000 as full and final settlement of the arrears of Hungary in respect of the Office International d'Hygiène Publique.

* By this resolution the Executive Board recognized that there were no further arrears of contributions in respect of the OIHP.

4. Adjustment of Pensions for Retired OIHP Staff Members**EB23.R24** The Executive Board,

Having considered the situation of the pensioners of the OIHP in relation to that of persons receiving pensions from the United Nations Joint Staff Pension Fund, and having regard particularly to recent improvements in the pensions of the latter; and

Believing that the World Health Organization, as the successor organization to the OIHP, has a moral responsibility to ameliorate the situation of the OIHP pensioners with regard to the increase in cost of living in a manner consistent with that approved by the General Assembly of the United Nations for pensioners of the United Nations Joint Staff Pension Fund,

REQUESTS the Director-General to complete his study of this matter and, on the basis of his findings, to provide, as from 1 February 1959, such supplemental payments to these pensioners as will accord to them an adjustment, related to cost of living increases, similar to that recently granted to pensioners of the United Nations Joint Staff Pension Fund.

Jan. 1959 91,15

EB27.R24 The Executive Board,

Having considered the situation of the pensioners of the OIHP in relation to that of persons receiving pensions from the United Nations Joint Staff Pension Fund, and having regard particularly to recent improvements in the pensions of the latter; and

Believing that the World Health Organization, as the successor organization to the OIHP, has a moral responsibility to ameliorate the situation of the OIHP pensioners in a manner consistent with that approved by the General Assembly of the United Nations for pensioners of the United Nations Joint Staff Pension Fund,

1. REQUESTS the Director-General to provide, as from 1 April 1961, such supplemental payments to these pensioners as will accord to them an adjustment similar to that to be granted to pensioners of the United Nations Joint Staff Pension Fund; and

2. AUTHORIZES the Director-General to make future adjustments in the payments to those pensioners should further adjustments be made in the Joint Staff Pension Fund by the General Assembly of the United Nations.

Feb. 1961 108,10

6.5.4 UNRRA

[WHA1.85] In recognition of the fact that obligations assumed under the agreement with UNRRA will not have been completed, nor UNRRA funds expended by the end of the life of the Interim Commission,

The First World Health Assembly

AGREES to accept the obligations and assets of the Interim Commission under the agreement with UNRRA, and undertakes to perform and continue the activities transferred by UNRRA to the Interim Commission to the extent possible

with the remainder of the funds made available under the agreement.

July 1948 13,326

UNRRA SPECIAL FUND

The following resolutions, relating to the utilization of the grant of \$1 million made to WHO by UNRRA for programmes approved by the UNICEF/WHO Joint Committee on Health Policy, have been omitted from this volume:

[WHA1.—] 13,314 (July 1948), [EB2.—] 14,17 (Nov. 1948), [EB3.—] 17,12 (March 1949), WHA3.79 (May 1950), EB6.R33 (June 1950).