

5. CONSTITUTIONAL AND LEGAL MATTERS

*For health legislation and policy on patents,
see Volume II, pages 62 and 81 respectively.*

5.1 AMENDMENTS TO THE CONSTITUTION

See also Volume II,
page 262.

Articles 24 and 25 (Number of Members of the Executive Board)

months in advance of their consideration, in accordance with
the provision of Article 73 of the Constitution.

May 1985

EB75.R4 The Executive Board,

Having considered the report by the Regional Director for the Western Pacific and resolution WPR/RC35.R10 of the thirty-fifth session of the Regional Committee;

Recognizing the need to increase the number of Members from the Western Pacific Region entitled to designate a person to serve on the Executive Board from the current three to four, taking into account the recent increase in the number of Members in the Region and the size of its population;

RECOMMENDS to the Thirty-eighth World Health Assembly that it consider increasing the membership of the Executive Board from 31 to 32 to meet this need.

January 1985

WHA38.14¹ The Thirty-eighth World Health Assembly,

Having considered resolution EB75.R4 of the Executive Board and resolution WPR/RC35.R10 of the thirty-fifth session of the Regional Committee for the Western Pacific;

Recognizing the need to increase the number of Members from the Western Pacific Region entitled to designate a person to serve on the Executive Board from the current three to four, taking into account the recent increase in the number of Members in the Region and the size of its population;

REQUESTS the Director-General to propose for the consideration of the Thirty-ninth World Health Assembly draft amendments to the Constitution in order to increase the membership of the Executive Board from 31 to 32, so that the number of Members of the Western Pacific Region entitled to designate a person to serve on the Executive Board be increased to four, and to transmit such draft amendments to Members at least six

¹ See document WHA38/1985/REC/1, p. 95.

WHA39.6 The Thirty-ninth World Health Assembly,

Recalling resolution WHA38.14 concerning the number of members of the Executive Board;

Considering that the membership of the Executive Board should be increased from 31 to 32, so that the number of Members of the Western Pacific Region entitled to designate a person to serve on the Executive Board be increased to four;

1. ADOPTS the following amendments to Articles 24 and 25 of the Constitution, the texts in the Arabic, Chinese, English, French, Russian and Spanish languages being equally authentic:

ENGLISH TEXT

Article 24 – Delete and replace by

Article 24

The Board shall consist of thirty-two 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, provided that, of such Members, not less than three shall be elected from each of the regional organizations established pursuant to Article 44. 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 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 thirty-one to thirty-two the term of office of the additional Member elected shall, insofar as may be necessary, be of such lesser duration as shall facilitate the election of at least one Member from each regional organization in each year.

2. DECIDES that two copies of this resolution shall be authenticated by the signatures of the President of the Thirty-ninth

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;

3. DECIDES that the notification of acceptance of these amendments by Members in accordance with the provisions of Article 73 of the Constitution 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.

May 1986

5.2 MEMBERSHIP

5.2.1 DECISIONS CONCERNING INDIVIDUAL STATES AND TERRITORIES

See also Volume II,
page 265.

WHA42.1 The Forty-second World Health Assembly,

Mindful of the basic principle established in the WHO Constitution, which affirms that the health of all peoples is fundamental to the attainment of peace and security and is dependent upon the fullest cooperation of individuals and States;

Noting that, according to Article 3 of the WHO Constitution, membership of the Organization shall be open to all States;

Acknowledging the information provided by the Director-General in his note verbale of 14 April 1989 transmitting the letter in which the desire of Palestine to become a Member of the World Health Organization was formally expressed and the intention to further the humanitarian work of the World Health Organization as a means of achieving peace in the Middle East;

Noting United Nations General Assembly resolution 43/177;

Noting the political declaration of the Palestine National Council at its nineteenth extraordinary session, held in Algiers from 12 to 15 November 1988;

Aware that the Conference of the African Ministers of Health of the Organization of African Unity, at its third ordinary session, held in Kampala from 3 to 5 May 1989, adopted resolution CAMH/EXP/Res.8(III) which, *inter alia*, calls on WHO to ensure that the rights to good health of the Palestinian people in the occupied territories are strictly respected;

Emphasizing the importance of the continuing quest for peace in the Middle East;

Taking into consideration the relevant articles of the WHO Constitution;

Commending the diplomatic approaches made by the Director-General in an effort to provide both clarification and a universally satisfactory solution;

Recognizing in this context that the legal and other issues related to the application of Palestine for membership of the World Health Organization require further detailed study;

1. EXPRESSES the hope that the Palestinian people will be fully represented within the World Health Organization by their legitimate representatives;

2. REQUESTS the Director-General:

(1) to pursue his studies on the application of Palestine contained in the note verbale of 14 April 1989 and its implications for the work of WHO, in consultation with all appropriate organizations and bodies;

(2) to report on the outcome of his studies to the Forty-third World Health Assembly for its decision;

(3) to undertake immediately, in cooperation with all Members of WHO, intergovernmental and nongovernmental organizations and with others concerned, further assistance to improve the health conditions of the Palestinian people in the occupied territories;

(4) to enter into discussion with all parties concerned with a view to ensuring extensive assistance in the field of health from WHO to the Palestinian people in the occupied territories.

May 1989

WHA43.1 The Forty-third World Health Assembly,

Mindful of the basic principle established in the WHO Constitution, which affirms that the health of all peoples is fundamental to the attainment of peace and security and is dependent upon the fullest cooperation of individuals and States;

Noting that, according to Article 3 of the WHO Constitution, membership in the Organization shall be open to all States;

Taking into consideration the consultations conducted by the Director-General, in accordance with resolution WHA42.1, on the preliminary information on the application of Palestine for membership in WHO, and the proposals contained in document A43/25;

Aware of the resolutions of the Council of Arab Ministers of Health, adopted at its fifteenth session held in Cairo from 12 to 14 March 1990, and appreciative of the constructive efforts made by the Council in order to find, in cooperation with WHO, a harmonious solution to current questions facing the Organization;

Fully supporting the development of the peace process in the Middle East and hoping that current initiatives will soon be conducive to sustainable peace in the Middle East;

Recalling resolution WHA42.14 and commending the Organization's efforts to prepare and implement the special technical assistance to improve the health conditions of the Palestinian people in the occupied territories;

1. REAFFIRMS resolution WHA42.1;
2. REQUESTS the Director-General:

(1) to continue his studies on the application of Palestine contained in the note verbale of 14 April 1989, in consultation with all appropriate organizations and bodies, and to report to the Health Assembly at the appropriate time, taking into consideration any relevant developments;

(2) to pursue the implementation of special technical assistance to improve the health conditions of the Palestinian people in the occupied territories in cooperation with all Members of WHO, and intergovernmental and nongovernmental organizations, in the light of relevant Health Assembly resolutions.

May 1990

1. Member States

Individual Member States admitted to membership of WHO in the period May 1990 – May 1992, and the relevant Health Assembly resolutions, are as follows:

	Resolution	Date
Namibia	WHA43.22	May 1990
Marshall Islands	WHA44.1	May 1991
Micronesia, Federated States of	WHA44.2	May 1991
Georgia	WHA45.1	May 1992
Slovenia	WHA45.2*	May 1992
Latvia	WHA45.11	May 1992
Lithuania	WHA45.11	May 1992

	Resolution	Date
Armenia	WHA45.13	May 1992
Kyrgyzstan	WHA45.13	May 1992
Republic of Moldova	WHA45.13	May 1992

* Reproduced below.

WHA45.2 The Forty-fifth World Health Assembly

ADMITS Slovenia as a Member of the World Health Organization, subject to the deposit of a formal instrument with the Secretary-General of the United Nations in accordance with Article 79 of the Constitution.

May 1992

2. Associate Members**WHA44.3** The Forty-fourth World Health Assembly

ADMITS Tokelau as an Associate Member of the World Health Organization, subject to notice being given of acceptance of associate membership on behalf of Tokelau in accordance with Rules 117 and 118 of the Rules of Procedure of the World Health Assembly.

May 1991

WHA45.3 The Forty-fifth World Health Assembly

ADMITS Puerto Rico as an Associate Member of the World Health Organization, subject to notice being given of acceptance of Associate Membership on behalf of Puerto Rico in accordance with Rules 117 and 118 of the Rules of Procedure of the Health Assembly.

May 1992

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

See Volume II, page 266.

5.2.3 ACTION BY CERTAIN STATES WITH REGARD TO MEMBERSHIP

See Volume I, page 351.

5.2.4 REPRESENTATION OF A MEMBER STATE

See Volume I, page 353.

**5.2.5 ACTION BY HEALTH ASSEMBLY
REGARDING RIGHTS AND SERVICES**

VOTING PRIVILEGES AT HEALTH ASSEMBLIES

See Volume II, page 266.

For the majority vote required for the suspension of rights and services, see resolution WHA32.12, Volume II, page 215.

For voting rights of Members subject to Article 7 of the Constitution, see pages 182-188.

5.3 PRIVILEGES AND IMMUNITIES

5.3.1 CONVENTION ON THE PRIVILEGES AND IMMUNITIES OF THE SPECIALIZED AGENCIES

5.3.3 CONVENTION ON THE LAW OF TREATIES BETWEEN STATES AND INTERNATIONAL ORGANIZATIONS OR BETWEEN INTERNATIONAL ORGANIZATIONS

See Volume I, page 354.

EB79(4) The Executive Board, having considered the Director-General's report on the United Nations Conference on the Law of Treaties between States and International Organizations or between International Organizations, decided to authorize the Director-General to arrange for the signature, on behalf of WHO, of the Convention on the Law of Treaties between States and International Organizations or between International Organizations, adopted in Vienna in 1986.

5.3.2 HOST AGREEMENTS

For the Host Agreement with the Government of the Philippines, see resolution EB61.R9, Volume II, page 267.

January 1987

5.4 OFFICIAL INSIGNIA

See Volume I, page 359.

5.5 TRANSFER OF FUNCTIONS AND ASSETS

See Volume I, page 360.