



# **Amendments to Articles 24 and 25 of the Constitution**

## **Report by the Director-General**

At its 101st session, the Executive Board endorsed the proposal of its special group for the review of the Constitution of WHO to amend Articles 24 and 25 of the Constitution to increase the membership of the Board to 34. Two proposals to amend these articles to increase the Board membership had been submitted earlier to the Forty-ninth World Health Assembly, which decided to defer consideration of them, pending the outcome of the review of the Constitution. The Fifty-first World Health Assembly may now wish to consider these proposals in light of the recommendation of the Board.

1. Two proposals to amend Articles 24 and 25 of the Constitution were communicated by the Director-General to all Member States in accordance with Article 73 of the Constitution and were submitted to the Forty-ninth World Health Assembly (see Annex). These proposals were considered by the Forty-ninth World Health Assembly which decided to defer further consideration of the proposals to increase the membership of the Executive Board pending the review of the Constitution being carried out by the Executive Board pursuant to resolution WHA48.14.<sup>1</sup> These proposals therefore remain before the Assembly.

2. At its 101st session, the Executive Board considered the report of the special group it had established to review the Constitution and regional arrangements.<sup>2</sup> The special group proposed that, on the basis of a mathematical formula set forth in its report, paragraph 43, the total number of seats should be increased to 34, with an additional seat each for the European and Western Pacific regions. The Board endorsed the recommendation of the special group that the total number of seats on the Executive Board should be increased to 34.

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<sup>1</sup> See document WHA49/1996/REC/3, p. 153.

<sup>2</sup> Document EB101/1998/REC/1, Annex 3.

## MATTERS FOR THE PARTICULAR ATTENTION OF THE HEALTH ASSEMBLY

3. Now that the outcome of the Executive Board's review of the Constitution is reported to the Health Assembly under agenda item 27, the Health Assembly may wish to consider the two proposals referred to in paragraph 1 above, and the following draft resolution:

The Fifty-first World Health Assembly,

Considering that the membership of the Executive Board should be increased from 32 to [33][34], so that the number of Members in the [European Region][and Western Pacific Region] entitled to designate a person to serve on the Executive Board be increased to [eight][and five, respectively],

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:

*Article 24* - Delete and replace by

[Reproduce from Annex]

*Article 25* - Delete and replace by

[Reproduce from Annex]

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

## ANNEX

**EXTRACT FROM DOCUMENT A49/20 (11 MARCH 1996)**

Two proposals have been made to increase the membership of the Executive Board, one by the Director-General pursuant to resolution EB96.R1, and another by the Cook Islands. This document summarizes the situation concerning both amendments.

1. Resolution EB96.R1, adopted by the ninety-sixth session of the Executive Board, requested the Director-General to propose for consideration of the Forty-ninth World Health Assembly draft amendments to the Constitution increasing the membership of the Executive Board from 32 to 33. This resolution was adopted pursuant to a recommendation from the Regional Committee for Europe for an increase of the membership of the Board so as to enable an additional member to come from that Region.
2. A request was also received from the Government of the Cook Islands, dated 26 September 1995, proposing amendment of Articles 24 and 25 of the Constitution to increase the membership of the Executive Board from 32 to 34. The communication from the Government noted that this proposal was made pursuant to resolution WPR/RC46.R19, adopted by the Regional Committee for the Western Pacific Region at its forty-sixth session, recommending that consideration be given to increasing the number of Members from the Western Pacific Region entitled to designate a member of the Board from four to five.
3. In accordance with Article 73 of the Constitution, the Director-General communicated to the governments of all Member States, by circular letter C.L.21.1995, dated 15 November 1995, the texts of the two proposed amendments. The proposals were presented as alternatives in a combined text as set forth below. The words that would be deleted from the present texts of Articles 24 and 25 have been struck out; the words that would be added have been placed inside square brackets. Alternative texts for the Health Assembly to choose from are shown by two sets of bracketed texts appearing together.

*Article 24*

The Board shall consist of ~~thirty-two~~ [thirty-three]<sup>1</sup> [thirty-four]<sup>2</sup> 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*

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~~ [thirty-two] to ~~thirty-two~~ [thirty-three]<sup>1</sup> [thirty-four]<sup>2</sup> the term of office of the additional Member[s] 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.

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<sup>1</sup> Proposal pursuant to resolution EB96.R1.

<sup>2</sup> Proposal by the Cook Islands.