Interplay Between Institutions and Players

The report of the WHO-UNICEF meeting was followed by a WHA resolution in May 1980. The 33rd WHA resolution #33.32 requested the director-general "to prepare the draft code and submit it to the current [67th] session of the Executive Board with a view to its communication to the Thirty-Fourth World Health Assembly together with proposals for application either as a regulation in the sense of Articles 21 and 22 of the Constitution or in the form of a recommendation under Article 23, and indicating the legal and other consequences of each choice." The resolution in support of the code formulation was unanimous. The passage of the WHA resolution 33.32 and the activities of the U.S. delegation expressed serious concerns about the WHO decision-making process as envisaged in the resolution 33.32. It also showed internal confusion and a lack of clear-cut vision within the U.S. government as to its position with regard to WHO and the infant formula code. Furthermore, this internal confusion — and cross-purposeness between the political and departmental operatives — would persist through the time of the ultimate passage of the code at the WHA's 34th assembly and expose the U.S. government to worldwide criticism for its negative vote on the code.

Prior to the WHA's 33rd session, the U.S. government's Inter Agency Task Force (IATF) — responsible for developing the U.S. position on the infant formula code — had prepared a number of possible amendments to the proposed code. According to Neil A. Boyer, a key member of the U.S.
MNCs AND THE IMPACT OF PUBLIC ADVOCACY

deployment, "They were instituted by the Carter administration to air those amendments during the assembly session, but not to block the consensus."* While the assembly was in session, the United States, along with 10 other government representatives, held a behind-the-scenes meeting with Dr. Tejada-de-Rivero, WHO's assistant director-general. They strongly argued in favor of the code being developed by an intergovernmental group of member states instead of the secretariat task force, the implication being that such a process would make it easier to obtain a consensus for approval. Dr. de-Rivero, however, took it as a sign of mistrust in the secretariat and refused to go along. The U.S. leadership of this group, and its opposition to the secretariat's efforts in devising a code, became public knowledge and helped coalesce strong opposition among a majority of the delegates against that position. It was seen as a power play by developing countries and their European allies. It became apparent that any and all U.S. amendments would most likely face an overwhelming defeat.

In another maneuver, which caught the U.S.-led group unprepared, the chairman of the assembly, surprisingly and without any specific request from a member government, called for the assembly vote to authorize the secretariat to go ahead with the process of code development. This move put the U.S. delegation in a quandary. While it had instructions "not to block the consensus," it did not have specific instructions to vote "yes." Since none of the U.S. amendments had ever been debated, only a "No" vote would have been consistent with the stated concerns of the U.S. delegation. However, while the assembly debate was in progress, the U.S. delegation received telephone instructions from Washington to vote "yes." According to Neil Boyer, "Since the basic purpose of the resolution was to authorize WHO to go ahead and to prepare a code, [by our vote] the U.S., more or less agreed that the Secretariat could go ahead and develop the code." The outcome left the United States empty-handed. Although it voted with the majority, no benefits were garnered from doing so. In the minds of other delegates, the secretariat staff, and news media, the United States was seen as opposed not only to the process but to the code itself. The United States did raise some eleventh hour objections about the procedures that WHO would be using in the code development process. However, these were withdrawn upon WHO assurances that extensive consultations among member states and all other interested parties would take place prior to the submission of the code for WHA approval.

*Interview with the author. Unless otherwise specifically stated, all direct quotes and paraphrased statements attributed to various people are based on personal on-the-record interviews or written communications with the author.