



# WORLD HEALTH ORGANIZATION

**EXECUTIVE BOARD**  
**111th Session**  
**Provisional agenda item 9.5**

**EB111/25**  
**16 December 2002**

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## **Ad hoc open-ended intergovernmental working group**

### **Report of the Chairman (Professor T. Zeltner, Switzerland)**

1. The Ad hoc open-ended intergovernmental working group to review the working methods of the Executive Board has held five meetings.<sup>1</sup> The fourth and fifth meetings were held since I last reported to the Executive Board on the progress of the work,<sup>2</sup> the dates of these meetings being 12 to 14 August and 25 to 29 November 2002 respectively. It is fair to say that the group has made considerable progress in finding consensus solutions on a range of issues. These concern primarily amendments to the Rules of Procedure of the Executive Board. Notwithstanding the progress achieved, there still remain several outstanding matters concerning the wording of the Rules of Procedure already discussed and areas within its mandate on which the group has not yet been able to consider fully.

2. As was explained to the Executive Board at its 110th session the working group had divided the issues to be considered by it into 11 categories, namely, (1) the committee system in WHO, (2) documents and communications, (3) harmonization of the Rules of Procedure of the Executive Board with those of the Health Assembly and the Constitution, (4) languages, (5) mandate of the Board and its accountability, (6) methods of decision-making, (7) participation of Member States (and Observers), (8) regional involvement, (9) relations between the Board and other organs of the Organization, (10) sessions of the Executive Board and other meetings and (11) transparency. The fourth meeting of the group completed an initial review of all these categories of topics on the basis of a series of submissions from Member States and a Chairman's note setting forth draft texts for certain

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<sup>1</sup> The Ad hoc working group was established by the Board by decision EB109(2), pursuant to Health Assembly resolution WHA54.22, with the following terms of reference: (1) to conduct a review of the working methods of the Executive Board and those of its subsidiary bodies in order to ensure that they are effective, efficient and transparent, and that participation of Member States in the proceedings of the Board, including working groups and drafting committees, is improved. The review will include the Rules of Procedure of the Executive Board in light of the functions of the Board, and interaction between the Board and other organs of WHO; (2) to make recommendations to the Executive Board on the working methods that may need improvement, and to include relevant cost implications; (3) to report on its work at every session of the Executive Board; (4) to prepare draft provisions and other measures for implementing its recommendations and to submit them to the Board for consideration.

<sup>2</sup> Document EB110/9.

rules of procedure.<sup>1</sup> Member States were subsequently given an additional opportunity to submit comments and suggestions within the 11 categories.

3. The fifth meeting of the working group had before it the additional submissions made since the previous meeting and a set of proposals from the Chairman which drew upon the submissions made by the Member States.<sup>2</sup>

## **CURRENT STATUS OF THE WORK**

4. Notwithstanding the efforts made by all participants at the fifth meeting of the group, it was possible to consider at this meeting only proposals falling within the first seven of the 11 categories. In particular, it was not possible to consider a range of suggestions made for improving the method of work of the Board which do not entail changes to the Rules of Procedure. Nevertheless, within the seven categories which were reviewed at the fifth meeting, the group drew up draft texts amending 13 rules of procedure and adding two new rules. These draft texts, which are still subject to review in the context of all of the proposals being considered, are set forth in Annex 1. Some of these texts still contain unresolved issues requiring further discussion. These issues are reflected by brackets or by the express presentation of options.

5. In addition, preliminary discussions were held on Rule 52, concerning the nomination of the Director-General. There was a consensus that discussion of amendments to this Rule would not affect the established procedure for nomination of the Director-General taking place at the 111th session of the Executive Board. Since there has not yet been a comprehensive discussion on this topic, nor agreement on how to formulate a draft text setting forth common areas of agreement and remaining matters, Annex 2 contains only the two sets of textual proposals submitted so far by Member States with respect to Rule 52.

## **FUTURE WORK**

6. Bearing in mind the progress made, it is recommended that the Executive Board request the group to continue its work in order to reach agreement on the amendments proposed to the Rules of Procedure and to consider the issues falling within the remaining subject headings that were not covered at its fifth meeting. The group should then submit its recommendations to the Board as soon as possible.

7. If the Board agrees that the group should continue its work, I would seek to facilitate that work by convening a meeting of the “friends of the Chairman” before the next meeting of the group. This informal mechanism was used successfully at the fifth meeting of the group. It should be attended by representatives of groups of Member States having submitted proposals on issues still to be

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<sup>1</sup> Documents IGWG/Working Methods/4/2, IGWG/Working Methods/4/2 Add.1, IGWG/Working Methods/4/4 and IGWG/Working Methods/4/4 Corr.1.

<sup>2</sup> Documents IGWG/Working Methods/5/3, IGWG/Working Methods/5/3 Corr.1, IGWG/Working Methods/5/2 and IGWG/Working Methods/5/2 Add.1.

considered, but would nevertheless be open to all interested Member States. The results of these informal discussions would then be submitted to the working group itself for consideration.

**ACTION BY THE EXECUTIVE BOARD**

8. The Board is invited to endorse the Chairman's proposals for completion of the work of the working group.

ANNEX 1

**RULES OF PROCEDURE OF THE EXECUTIVE BOARD  
(INITIAL DRAFTS)**

**1. COMMITTEE SYSTEM IN WHO**

**Rule 16**

The Board may establish such committees as it may deem necessary for the study of, and report on, any item on its agenda. Standing Committees established by the Board shall be composed of members of the Board or their alternates (referred to in these Rules as “committees of limited membership”). All Member States and Associate Members shall have the right to attend such committees in accordance with Rule 3. All committees other than standing committees shall be open-ended, [in the sense of being] composed of all interested Member States of the Organization (referred to in these Rules as “open-ended committees”), [unless the Board decides otherwise]<sup>1</sup>.

**Option 1**

The composition of committees of limited membership shall be determined by the Board, after hearing any proposals made by the Chairman, respecting the principles of equitable geographical representation, gender balance and balanced representation of developing and developed countries and countries in transition having regard to the membership of the Board.

**Option 2**

The composition of committees of limited membership shall be determined by the Board, respecting the principles of equitable geographical representation, gender balance and balanced representation of developing and developed countries and countries in transition, after hearing any proposals made by the Chairman having regard to the membership of the Board.

The Chairmen of all committees, and any other officers deemed necessary, shall be determined by the Board or, in the absence thereof, by the committees themselves, respecting the principles of equitable geographical representation, gender balance and balanced representation of developing and developed countries and countries in transition, including between the chairmanship of various committees[, having regard to the membership of the Board] and rotating regularly between regions and, wherever applicable, between developed and developing countries and countries in transition within the regions.

The Board shall review from time to time the need to maintain any committee established under its authority.

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<sup>1</sup> Egypt, speaking on behalf of a group of States including, China, Cuba, Iran (Islamic Republic of), Pakistan, Syria and Zimbabwe, proposed to move the bracketed text to the end of the second sentence of this paragraph.

**Rule 16 bis**

Subject to any decision of the Board, and as provided in these Rules, the procedure governing the conduct of business and voting in committees established by it shall conform as far as practicable to the Rules relating to the conduct of business and voting in plenary meetings of the Board. Open-ended committees shall conduct their business on the basis of consensus. In the event of an inability to reach consensus, the difference of views shall be reported to the Board.

In the case of committees of limited membership, a majority of the members shall constitute a quorum.

No distinction in terms of rights of participation in open-ended committees shall be made between members of the Board and Member States not represented on the Board.

**2. DOCUMENTS AND COMMUNICATIONS****Rule 5**

The Board shall hold at least two sessions a year. It shall determine at each session the time and place of its next session.

Notices convening the Board shall be sent by the Director-General, eight weeks before the commencement of a regular session, to the members of the Board, to Member States and Associate Members and to the organizations referred to in Rule 4 invited to be represented at the session.

Documents for the session shall be dispatched by the Director-General not less than six weeks before the commencement of a regular session of the Board. They shall, at the same time, be made available in electronic form in the working languages of the Board on the Internet site of the Organization.

Documents for the session should conform to the functions of the Board and contain clear recommendations for Board action and the information required by Rule 18.

**3. HARMONIZATION OF THE RULES OF PROCEDURE OF THE EXECUTIVE BOARD WITH THOSE OF THE HEALTH ASSEMBLY AND THE CONSTITUTION****Rule 7****Option 1**

Attendance at meetings of the Board and of committees established by it shall be as follows:

- (a) plenary meetings of the Board shall be “public”, to which Member States, Associate Members, representatives of the United Nations and other organizations identified in Rule 4 and members of the public may attend, unless the Board decides otherwise;

(b) all other meetings of the Board and its committees shall be “open” in the sense that all Member States and Associate Members may attend, and participate either as provided in Rule 3 or – in the case of open-ended committees – as provided in Rule 16 *bis*. In the case of meetings of the Board for the nomination of the Director-General, provided for in Rule 52, and for the appointment of the Regional Directors, Member States and Associate Members may attend without the right to participate in the proceedings and no official records shall be made.

## Option 2

Attendance at meetings of the Board and of committees established by it, in addition to members of the Board (including their alternates and advisers) and members of the Secretariat, shall depend on whether the meeting is “public”, “open” or “private” as hereinafter provided:

(a) plenary meetings of the Board shall be “public”, to which Member States, Associate Members, representatives of the United Nations and other organizations identified in Rule 4 and members of the public may attend, unless the Board or these Rules provide otherwise;

(b) meetings of committees established by the Board shall be “open” in the sense that all Member States and Associate Members may attend, and participate either as provided in Rule 3 or – in the case of open-ended committees – as provided in Rule 16 *bis*, unless the Board decides otherwise;

(c) attendance at meetings for which the Board decides, or for which these Rules provide, are “private” shall be limited to members of the Board, their alternates and advisers, essential members of the Secretariat and such others as may be decided by the Board.

Meetings of the Board for the nomination of the Director-General provided for in Rule 52, and for the appointment of the Regional Directors, and such other meetings as the Board may decide, shall be private, except that representatives of Member States may attend without the right to participate.

## Rule 43

1. [In the event of an inability to reach consensus,] Decisions by the Executive Board on important questions shall be made by a two-thirds majority of the members present and voting. These questions shall include:

(a) recommendations on: (i) the adoption of conventions and agreements, (ii) the approval of agreements bringing the Organization into relation with the United Nations and intergovernmental organizations and agencies in accordance with Articles 69, 70 and 72 of the Constitution, (iii) amendments to the Constitution, (iv) the effective working budget [,] [and] (v) suspension of the voting privileges and services of a Member under Article 7 of the Constitution; [and (vi) the nomination of the Director-General;] [and]

[(b) decisions to suspend or amend these Rules of Procedure.]

2. Except as otherwise provided by the Constitution of the Organization, or decided by the Health Assembly, or laid down in these Rules, the decisions of the Board on other questions, including the determination of additional questions to be decided by a two-thirds majority, shall be made by a majority of the members present and voting.

#### **4. LANGUAGES**

##### **Rule 23**

Speeches made in an official language shall be interpreted into the other official languages in all meetings of the Board and of committees established by it.

#### **5. MANDATE OF THE BOARD AND ITS ACCOUNTABILITY**

##### **Roles of the Chairman and Vice-Chairmen**

##### **Rule 12**

The Board shall elect its officers, viz. a Chairman, four Vice-Chairmen [without priority]<sup>1</sup> and one rapporteur, from among its members each year at its first session after the Health Assembly, following a principle of rotation among geographical regions. These officers shall hold office until their successors are elected. The Chairman shall not become eligible for re-election until two years have elapsed since he ceased to hold office.

##### **Working methods**

##### **Rule 21**

Reports of each session of the Board, containing all resolutions, recommendations and other formal decisions, as well as the summary records of the Board and of its committees, shall be communicated by the Director-General to all Member States and Associate Members of the Organization. Such reports shall also be submitted to the subsequent Health Assembly so that it may take such action as appropriate, for information, endorsement or approval, having regard to the respective functions of the Health Assembly and of the Executive Board as set forth in the Constitution.

##### **Rule 53**

Subject to the provisions of the Constitution, any of these Rules may be suspended by the Board [by a two-thirds majority,] provided that [such suspension is not inconsistent with any applicable decisions of the Board or the Assembly and provided that] at least forty-eight hours' notice of the proposal for such suspension has been given to the Chairman and communicated by him to the members twenty-four hours before the meeting at which the proposal is to be submitted. If, however, on the advice of the Chairman the Board is unanimously in favour of such a proposal, it may adopt it immediately and without notice. [Any such suspension shall be limited to a specific purpose and to a period required to achieve that purpose.]

##### **Rule 54**

Subject to the provisions of the Constitution, the Board may amend or supplement these Rules.

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<sup>1</sup> Pakistan, speaking on behalf of a group of States including Egypt, China, Cuba, Iran (Islamic Republic of), Syria and Zimbabwe, stated that this bracketed text needed to be considered in connection with the phrase "by lot" in Rule 15.

## Agenda of the Executive Board

### Rule 8

The Director-General shall draw up a draft provisional agenda for each session of the Board, which shall be circulated to Member States and Associate Members within four weeks after the closure of its previous session.

Any proposal for the inclusion on the agenda of any item under (c), (d), and (e) of Rule 9 shall reach the Director-General not later than ten weeks before the commencement of the session.

The provisional agenda of each session shall be drawn up by the Director-General in consultation with the Officers of the Board, on the basis of the draft provisional agenda and any proposals received under paragraph 2 of this Rule.

Where the Director-General and the Officers find it necessary to recommend the deferral or exclusion of proposals received under paragraph 2 of this Rule, the provisional agenda shall contain an explanation for such recommendation.

An annotated provisional agenda, together with any recommendations referred to in paragraph 4 of this Rule shall be dispatched with the notice of convocation to be sent in accordance with Rule 5 or Rule 6, as the case may be.

### Rule 9

Except in the case of sessions convened under Rule 6, and subject to Rule 8, the provisional agenda of each session shall include, *inter alia*:

- (a) all items the inclusion of which has been ordered by the Health Assembly;
- (b) all items the inclusion of which has been ordered by the Board at a previous session;
- (c) any item proposed by a Member State or Associate Member of the Organization;
- (d) subject to such preliminary consultation as may be necessary between the Director-General and the Secretary-General of the United Nations, any item proposed by the United Nations;
- (e) any item proposed by any specialized agency with which the Organization has entered into effective relations; and
- (f) any item proposed by the Director-General.

### Rule 10

Except in the case of special sessions convened under Rule 6, any authority referred to in Rule 9 may propose one or more additional items of an urgent nature for inclusion in a supplementary provisional agenda after the deadline referred to in the second paragraph of Rule 8 and before the opening day of the session. Any such proposal shall be accompanied by a supporting statement from



the authority initiating it. The Director-General shall include any such item in a supplementary provisional agenda which the Board shall examine together with the provisional agenda.

#### **Rule 10 bis**

The Board, subject to its constitutional mandate and having regard to the resolutions and decisions of the Health Assembly, shall adopt its agenda at the opening meeting of each session on the basis of the provisional agenda, together with any supplement thereto. In adopting its agenda, the Board may decide to add to, delete from, or amend, the provisional agenda and any supplement thereto.

### **6. METHODS OF DECISION-MAKING**

### **7. PARTICIPATION OF MEMBER STATES (AND OBSERVERS)**

#### **Member States not represented on the Executive Board**

##### **Rule 3**

All Member States not referred to in Rule 2 and Associate Members may designate a representative who shall have the right to participate without vote in the deliberations of meetings of the Board, and of committees of limited membership (as defined in Rule 16) established by it.

The cost of representation under this Rule shall be borne by the Member State or Associate Member concerned.

Representatives of Member States and Associate Members participating in meetings under this Rule shall have the following rights: (a) the right to speak after members of the Board; [(b) the right to make proposals, and amendments to proposals, which shall be considered by the Board only if seconded by a Board member;] and (c) the right of reply.

ANNEX 2

**TEXTUAL PROPOSALS FOR THE AMENDMENT OF RULE 52**

**Submitted by Bangladesh, China, Cuba, Egypt, Iran (Islamic Republic of), Pakistan, South Africa and Zimbabwe**

Rule 52

At least six months before the date fixed for the opening of a session of the Board at which a Director-General is to be nominated, the Director-General shall inform Member States and members of the Board that they may propose persons for nomination by the Board for the post of Director-General.

Any Member State ~~or member of the Board~~ may propose for the post of Director-General one or more persons, submitting with the proposal the curriculum vitae or other supporting information for each person. Such proposals shall be sent under confidential sealed cover to the Chairman of the Executive Board, care of the World Health Organization in Geneva (Switzerland), so as to reach the headquarters of the Organization not less than two months before the date fixed for the opening of the session.

The Chairman of the Board shall open the proposals received sufficiently in advance of the meeting so as to enable all proposals, curricula vitae and supporting information to be translated, duplicated and dispatched under confidential cover to **all Member States** ~~members of the Board~~ one month before the date fixed for the opening of the session.

If no proposals have been received in time for distribution to members in accordance with this Rule, **fresh applications shall be invited** ~~and in this event only, the Board shall itself establish a list of candidates in alphabetical order composed of the names proposed in secret by the members present and entitled to vote.~~

All members of the Board shall ~~have the opportunity to~~ participate in an initial screening of all candidatures, **at a public meeting**, in order to eliminate those candidates not meeting the criteria set by the ~~Board~~ **Health Assembly**.

The Board shall decide, by a mechanism ~~to be determined by it~~ **determined by the Health Assembly**, on a short list of candidates. This short list shall be drawn up at the commencement of its session **at a public meeting**, and the selected candidates shall be interviewed by the Board meeting as a whole **in public** at the end of the second week of the session.

The interviews should consist of a presentation by each selected candidate in addition to answers to questions from members of the Board. If necessary, the Board may extend the session in order to hold the interviews and make its selection.

The Board shall fix a date for the ~~public private~~ meeting at which it shall elect a person by secret ballot from amongst the candidates on the short list.

For this purpose each member of the Board shall write on his ballot paper the name of a single candidate chosen from the short list. If no candidate obtains the **two-thirds** majority ~~or required, the~~

~~candidate who obtains the least number of votes shall be eliminated at each ballot. If the number of candidates is reduced to two and if there is a tie between these two candidates after three further ballots, the procedure shall be resumed on the basis of the short list originally established at the commencement of the balloting. **If after three rounds, no candidate obtains the two-thirds majority, the Board shall submit to the Health Assembly the names of three candidates with largest number of votes.**~~

The name(s) of the person(s) so nominated shall be announced at a public meeting of the Board and submitted to the Health Assembly.

### **Submitted by Denmark, Finland, Iceland, Norway, Sweden and the United Kingdom of Great Britain and Northern Ireland**

First paragraph (new amendment): At least six months before the date fixed for the opening of a session of the Board at which a Director-General is to be nominated, the Director-General shall inform Member States (delete members of the Board).

Second paragraph: support similar existing proposal to delete “or member of the Board”.

Third paragraph (new amendment): The Chairman of the Board shall open the proposals received. All proposals and curricula vitae (maximum [5?] pages in length) shall be translated into the official languages and dispatched to all Member States at least one month before the date fixed for the opening of the session.

Fourth paragraph: support existing proposed amendment.

Fifth paragraph: keep original language.

Sixth paragraph (amendment to existing proposed amendment): At the commencement of its session, the Board shall decide on a short list of candidates which meet its criteria. This list shall be circulated to all Member States. The selected candidates shall be interviewed by the Board meeting as a whole in private.

Seventh paragraph: keep original language.

Eighth paragraph (amendment to existing proposed amendment): The Board shall fix a date for the private meeting at which it shall elect a person by secret ballot from amongst the candidates on the short list. Member States not being Board members may each designate one representative to attend the meeting as an observer.

Ninth and tenth paragraphs: keep existing language.

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