

WHO reform: governance

Report by the Director-General

1. In January 2018, the Executive Board at its 142nd session decided to defer consideration of an earlier version of this report, contained in document EB142/5, to its 143rd session in May 2018.¹ The present report reflects part A of document EB142/5, on measures to improve the efficiency of the governing bodies and their focus on strategic issues. The section on establishing a clear distinction between the modalities for the participation of Board members and non-members in sessions of the Board has been updated. New paragraphs (3 and 4), on a possible approach to continuing work on governance reform, have been added. A draft decision is also presented for the consideration of the Board.

2. Parts B and C of document EB142/5, which contained an analysis of the Rules of Procedure of the governing bodies, are reflected in a separate report.²

3. A number of options and proposals aimed at strengthening the strategic role of the Executive Board and improving agenda management are put forward in the present report. In the draft decision set out in paragraph 22, it is proposed to request the Director-General to establish an expert group on governance and to select its members on the basis of a number of specific principles, with a view to achieving balanced and diverse representation. The expert group would: evaluate and make recommendations on the proposals contained in the present report, as well as those made in the context of past WHO processes relating to governance reform; evaluate and make recommendations on the overall effectiveness and efficiency of current WHO governance structures; establish its own method of work, based on a proposal by the Director-General; and subject to the availability of funds, meet in person and/or virtually, as needed.

4. It is further proposed to request the Director-General to regularly update and consult Member States on the work of the expert group, and to transmit its final report with recommendations to the Executive Board at its 145th session in 2019.

MEASURES TO IMPROVE THE EFFICIENCY OF THE GOVERNING BODIES AND THEIR FOCUS ON STRATEGIC ISSUES

5. As recommended by the Officers of the Board, the scope of the consultation on the Rules of Procedure of the Executive Board and the Rules of Procedure of the World Health Assembly, held in

¹ See the summary records of the Executive Board at its 142nd session, first meeting, section 1.

² Document EB143/3.

response to decisions WHA69(8) (2016) and EB141(8) (2017), was expanded to include the methods of work of the governing bodies.¹ The consultation document solicited the comments of Member States regarding various governing bodies practices employed by other organizations of the United Nations system, and WHO regional offices.² Through the consultation processes, Member States expressed the views set out below.

(a) The Board currently functions similarly to a small-scale version of the Health Assembly, with the broad participation of all Member States,³ irrespective of whether they are members of the Board, as well as all other categories of participants.⁴ There is thus little differentiation between the levels of participation of the 34 Board members and the Member States not represented on the Board.

(b) Discussions during sessions of the Board are often lengthy and cover many of the same matters discussed by the Health Assembly. Participants deliver a series of consecutive prepared statements on nearly all technical agenda items. Discussions therefore often lack substantial interaction or debate, and do not necessarily focus on the most important and strategic issues.

(c) There is duplication between the work of the Health Assembly and that of the Board. The division of labour between the two governing bodies should be clarified in order to ensure greater efficiency and complementarity.

(d) Steps should be taken to reduce the number of agenda items and improve the overall management of sessions of the Board, including by focusing discussions on the essential points where action or guidance is requested. The practice of delivering statements that focus on domestic experiences should be dispensed with and the repetition of points already made by other Member States should be discouraged, especially in statements delivered on behalf of a given region.

6. While the Secretariat was encouraged to make suggestions for improving the methods of work of the Board, thereby taking into account the concerns raised, the need to ensure continued inclusiveness, transparency and decision-making by consensus was also emphasized. In response, the Secretariat has outlined the following options for consideration by the Board.

¹ See paragraph 16 of the Note for the record of the meeting of the Director-General with the Officers of the Executive Board, held on 31 July–1 August 2017 (<http://apps.who.int/gb/gov/assets/nfr-eb-july2017-en.pdf>, accessed 16 March 2018).

² See the consultation document on the Rules of Procedure (<http://apps.who.int/gb/CONSULT-Rules/index.html>, accessed 16 March 2018).

³ Sessions of the Board, which are, in principle, meetings of 34 members, are often attended by about 1200 participants during the January sessions and 500 participants during the May sessions.

⁴ These include associate members, observers, non-State actors in official relations and intergovernmental organizations in effective relations.

STRENGTHEN THE STRATEGIC ROLE OF THE EXECUTIVE BOARD

A. Establish a clear distinction between the modalities for the participation of Board members and non-members in sessions of the Board

7. This could be achieved through the following options.

(a) Amend the Rules of Procedure of the Executive Board to permit Board members only to take the floor during the session, with the views of other Member States being expressed by the Board members they elected. This would require redefining the role of Board members to include, to the extent possible, coordinating the positions of Member States within their respective regions. The Secretariat would provide assistance in that regard, including by providing briefings to support the coordination of positions within the regional groups. The topics and schedules of the briefings would be selected in close cooperation with the six regional coordinators. In the event of a divergence of views among Member States in a given region, individual Member States could articulate their positions in writing for publication on the WHO website.¹ A variation on this suggestion might involve Member States with positions that do not align with that of the rest of their region, requesting permission, as an exceptional measure, to take the floor for one minute to summarize how their position diverges from that of the region and indicate that their contribution will be submitted for posting on the WHO website. Since the 142nd session of the Executive Board, in January 2018, written statements may be posted on the website but do not form part of the official records of the session unless also delivered orally during the meeting.²

(b) Reduce the amount of time allotted for statements by non-members of the Board to two minutes and invite them to submit longer versions of their statements for posting on the website.³ In addition, allow non-members to take the floor only once under each agenda item.

(c) Approach consideration of agenda items as follows. The Chairman would open the discussion on each substantive agenda item by inviting participants, in the following order, to deliver oral statements that do not exceed two minutes and submit any longer versions of statements for posting on the website: Member States that are not members of the Board; associate members; observers; representatives of organizations of the United Nations system and intergovernmental organizations in effective relations with WHO and non-State actors in official relations with WHO. Once all statements by non-members of the Board have been completed, the Chairman would open the floor for statements by Board members only, which would be limited to three minutes. In this way, Board members would have the opportunity to be informed by statements made by non-members of the Board before beginning their deliberations.

¹ On the relevant part of the governance webpages (<http://apps.who.int/gb/gov/>).

² See document EB143/3.

³ Currently, statements for all participants are limited to three minutes for individual statements and five minutes for regional statements.

B. Enhance the role of the Officers of the Board, such that they work collectively during intersessional periods to prepare for sessions of the Board

8. In addition to the twice yearly teleconferences that have traditionally been organized among the Director-General and the Officers of the Board to prepare the provisional agendas of the Board's two annual sessions,¹ the Officers would meet more frequently and in person, including to prepare a proposed programme of work, discuss methods of work and deal with any other matters requiring guidance by the Board in the forthcoming session. During recent meetings, the Officers have emphasized the importance of face-to-face meetings. Additional meetings could be held, as needed, in Geneva or elsewhere. In line with usual practices, the records of these meetings would be circulated to Member States.

C. Provide information about the costing implications of draft resolutions and decisions in a clearer and more timely manner for better informed decision-making

9. Since 2005, reports on the financial and administrative implications of proposed draft resolutions and decisions have been provided.² The quality of these reports, however, has varied for several reasons, including the inconsistent application of a costing methodology, time constraints, complexity of the reports, and the time frames for implementation of the resolutions and decisions. To promote more coherent and actionable resolutions and decisions that make governing bodies discussions more priority-focused, the Secretariat proposes to develop a more robust methodology for determining the cost implications of draft resolutions and decisions and to devote more time to considering them during governing bodies meetings, by opening the floor for a discussion on the financial and administrative implications with a representative of the Secretariat available to answer any specific questions. This would help to determine whether the adoption of proposed resolutions and decisions could be accommodated within the Organization's existing budget, or whether budget increases would be required. If necessary, budget increases may then also be discussed.

10. In order to facilitate this measure, the Board may wish to consider revising the deadline for the submission of draft resolutions and decisions, bringing it forward from the end of the first day of the session to two weeks before the opening of the session. In this way, the Secretariat would have adequate time to apply the methodology and prepare more substantial reports on financial and administrative implications for consideration during the session. The current practices of submitting proposals for draft resolutions and decisions at the closure of the first day of the session gives insufficient time for thorough analyses and preparation of reports on the financial and administrative implications. During the consultation, most Member States agreed that stricter deadlines for submission would be beneficial. This change would require an amendment to the Rules of Procedure of the Executive Board.³

¹ According to Rule 8 of the Rules of Procedure of the Executive Board, "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 ...".

² See resolution WHA58.4 (2005).

³ See document EB143/3.

D. Promote the participation of women in governing bodies meetings

11. Invitation letters to recent WHO constitutional meetings refer to resolution WHA49.9 (1996) on employment and participation of women in the work of WHO and Sustainable Development Goal 5 (Achieve gender equality and empower all women and girls) and invite Member States to consider gender balance in the composition of their delegations. In order to promote the participation of women in governing bodies meetings and in line with WHO's proposed 2023 gender targets to achieve gender parity in the heads of delegations to the Health Assembly,¹ the governing bodies are invited to consider requesting the Secretariat to track and share information on the gender of delegates participating in meetings. The governing bodies may also wish to request the Secretariat to track and share information on the gender of officers and presiding officers of governing bodies meetings; over the past 20 years, only 25% of Board Chairmen and Health Assembly Presidents have been female.²

IMPROVE AGENDA MANAGEMENT

E. Undertake an exercise to “sunset” or establish an end date for resolutions and decisions containing unspecified reporting requirements

12. Since 2010, the Health Assembly has adopted, on average, 24 resolutions and 15 decisions each year, many of which have contained new reporting requirements (Table). These requirements vary widely from annual reports until a fixed end date, to those that specify neither the frequency of reporting, nor the occasions on which reports should be submitted. There are approximately 80 unspecified reporting requirements.

Table. Number of new reporting requirements mandated in resolutions and decisions between 2010 and 2017

World Health Assembly (year)	Resolutions	Decisions	New reporting requirements
WHA70 (2017)	16	24	21
WHA69 (2016)	25	19	28
WHA68 (2015)	20	15	18
WHA67 (2014)	25	16	25
WHA66 (2013)	24	13	17
WHA65 (2012)	23	11	17
WHA64 (2011)	28	11	23
WHA63 (2010)	28	10	23

¹ See the draft thirteenth general programme of work, 2019–2023 (document A71/4).

² The accompanying report, document EB143/3, covers the issue of gender equity in the language of the Rules of Procedure of the governing bodies.

13. There are two main challenges associated with reporting requirements. First, new reporting requirements translate into additional agenda items, thereby increasing the pressure on already heavy agendas. Secondly, with respect to resolutions and decisions that contain unspecified reporting requirements, it is not clear when WHO's mandate to undertake the actions required by those resolutions and decisions will expire. As a result, the mandates outlined in such resolutions or decisions may be considered to continue indefinitely.

14. With regard to new reporting requirements, the Secretariat recommends a maximum of three biennial reports over a six-year period.¹ In respect of existing reporting requirements, the global governing bodies are invited to consider undertaking an exercise to establish an end date or "sunset" some resolutions and decisions, as has been recently done by some WHO regional offices.² In the regional offices, such exercises have involved setting up an internal committee to review resolutions and decisions, which made recommendations on whether the resolutions or decisions contained mandates that: were still active; had been superseded by another mandate; or had been satisfied. Some of the committees issued recommendations for consideration by the relevant governing body on "sunsetting" some resolutions and streamlining the reporting requirements of others. Should a similar exercise be undertaken at the global level, an internal committee could be established to recommend end dates for resolutions and decisions with unspecified reporting requirements and streamline resolutions and decisions with multiple reporting requirements. Those recommendations would be submitted to the global governing bodies for consideration.

15. One variation of this proposal might involve the Secretariat developing options on the best way to consider reports on progress in implementing resolutions and decisions. During the consultation process, representatives of several Member States noted that, in resolution WHA67.2 (2014), the Health Assembly had decided that progress reports would be considered by the Health Assembly only. Yet, several considered that progress reports are often not given due consideration, as they are usually taken up towards the end of the Health Assembly when there is considerable time pressure for the main committees to complete consideration of all agenda items. Moreover, representatives of several Member States considered that the function of reviewing progress in the implementation of resolutions and decisions would be better placed with the Board, given its constitutional mandate to "give effect to the decisions and policies of the Health Assembly".³ In response to these concerns, the Secretariat could collect information on how other organizations of the United Nations system report on progress and outline options for more meaningful consideration of such reports in the context of the WHO global governing bodies.

16. In addition, the Secretariat is analysing the link between resolutions and decisions and the priorities outlined in the draft thirteenth general programme of work. In this regard, the Secretariat will include in the five-year assessment of the Thirteenth General Programme of Work 2019–2023, once adopted, a summary of draft resolutions and decisions agreed during the period 2019–2023 and their financial and administrative implications.

¹ This recommendation has been made previously to the governing bodies, including in document EB136/6 (paragraph 6).

² The Regional Office for the Americas and the regional offices for South-East Asia, Europe and the Eastern Mediterranean.

³ See Article 28 of the Constitution of the World Health Organization.

F. Provide, prior to sessions of the Board, a proposal on how each agenda item will be handled

17. In preparing the provisional agenda for the 142nd session of the Board, the Director-General and Officers of the Board proposed a new structure for the Board's agendas, to be applied as from the 142nd session. The new structure aims to focus discussions on matters of strategic priority. This focus could be sharpened further in future and the Board's overall efficiency increased by providing, prior to each session, a document listing each agenda item, outlining the corresponding action requested of the Board and proposing how each item will be handled. The document could, for example, propose that more time be allotted to the discussion of items under which the Board is requested to consider a draft resolution or decision or provide specific guidance and less time to items that the Board is requested simply to note. At the opening of the session, Board members would have the opportunity to comment on and suggest adjustments to the proposal before agreeing on the approach to be taken.

18. In this regard, the Secretariat would provide more detail in its reports to the Board regarding the action requested, such as by outlining specific questions or identifying the points on which guidance is requested. The Secretariat would also update the forward-looking schedule of agenda items developed in response to decision WHA69(8), to chart more clearly the work of the governing bodies relative to each agenda item, with the aim of minimizing overlap in discussions of the Board, Health Assembly and Programme, Budget and Administration Committee of the Executive Board. This might include, for example, removing items from the agenda of a session of one governing body when they already appear on the agendas of sessions of the others. Alternatively, if an item is required to appear on the agenda of sessions of more than one governing body, the Chairman may clearly reference previous discussions and invite Member States to deliver statements only if they have additional information to add or further questions to pose.

STREAMLINE MANAGEMENT OF THE SESSION**G. Expand the use of the governing bodies website for posting statements**

19. In recent governing bodies meetings, the Secretariat has provided for the posting of statements on the website, which allows Member States to deliver abridged statements orally during the session and to submit the full versions, and any additional information, for posting online. As a next step, use of the website could be developed further to allow Member States to submit for posting statements describing their domestic experiences relevant to any given technical agenda item, thus enabling the discussion during the session to focus directly on aspects related to the specific action requested of the Board. As indicated in paragraph 7(a) of this report, statements appearing on the website will not form part of the official records unless they have also been delivered orally during the meeting.¹

H. Management of the session by the Chairman

20. In relation to the previous suggestion on broadening the use of the website to post statements, the Chairman of the Board would be invited to manage the discussion in such a way that the reading of statements outlining domestic experiences would be strongly discouraged. The Chairman would also be invited to encourage the delivery of regional statements and strongly discourage any repetition by

¹ Issues regarding the provision of written statements are included in the accompanying report, document EB143/3, paragraphs 7-9.

representatives of individual Member States of the views expressed therein. In this regard, the Secretariat proposes to develop a guide to chairing governing bodies meetings and to offer training for presiding officers, at their request.

I. Paperless meetings

21. Several organizations of the United Nations system¹ and WHO regional offices have either eliminated or considerably reduced the use of paper during their governing bodies meetings. In some instances, documents are only printed for delegations that order them in advance. With a view to reducing WHO's ecological footprint, Member States are invited to consider moving to a paperless system during governing bodies meetings. In 2016 and 2017 alone, some US\$ 733 000 was spent on printing and document preparation for the Board and the Health Assembly, which could have been saved by going paperless.

ACTION BY THE EXECUTIVE BOARD

22. The Executive Board is invited to note the report and consider the adoption of the following draft decision:

The Executive Board, having considered the report on governance reform,² decided to request the Director-General:

(1) to establish, in accordance with the WHO Regulations for Study and Scientific Groups, Collaborating Institutions and other Mechanisms of Collaboration, an expert group with technical ability and experience in the governance of multilateral organizations (such as previous experience in chairing and managing the meetings of the Health Assembly and the Executive Board) and to select the members of the expert group on the basis of the principles of equitable geographical representation, gender balance, representation of different approaches and practical experience in various parts of the world, and an appropriate interdisciplinary balance. The terms of reference of the expert group shall be as follows:

(a) to evaluate the proposals contained in the report on governance reform,² as well as the proposals made in the context of past WHO processes related to governance reform; and to make recommendations in this regard;

(b) to evaluate the overall effectiveness and efficiency of current WHO governance structures and to make recommendations in this regard;

(c) to establish its own method of work, based on a proposal by the Director-General and, subject to the availability of funds, meet in person and/or virtually as needed;

¹ Including ITU and UNEP.

² Document EB143/2.

(2) to regularly update and consult Member States on the work of the expert group on governance reform;

(3) to transmit the final report of the expert group on governance reform with recommendations to Executive Board at its 145th session in 2019.

= = =