

WHO governance reform processes

Involvement of non-State actors

Report by the Director-General

1. In January 2019, the Board in its decision EB144(3) on WHO reform processes, including the transformation agenda, and the implementation of United Nations development system reform requested the Director-General “to elaborate a report and make recommendations to be submitted to the 145th session of the Executive Board about an informal meeting or forum to bring together Member States and non-State actors in official relations”. The discussion of the report of the Executive Board Chairperson on the outcome of the informal consultation on governance reform¹ identified several aspects of the involvement of non-State actors in WHO’s governance that have to be considered together.² This report responds to the Board’s request.

2. The participation of non-State actors in WHO’s governing bodies without the right to vote is foreseen by the Constitution of the World Health Organization (Article 18(h)) and has been the case since the International Health Conference at which the Constitution was drafted and adopted.³ The constitutional mandate had first been implemented through the Principles governing Relations between the World Health Organization and Nongovernmental Organizations. Following their

¹ Document EB144/34.

² See the summary records of the Executive Board at its 144th session, second meeting, section 4.

³ Official records of the World Health Organization No. 2: Summary report on proceedings, minutes and final acts of the International Health Conference held in New York from 19 June to 22 July 1946. New York and Geneva: United Nations World Health Organization Interim Commission; 1948 (https://apps.who.int/iris/bitstream/handle/10665/85573/Official_record2_eng.pdf;jsessionid=C333675A1E09AF734DE7A8854B1DC9AD?sequence=1, accessed 18 March 2019).

replacement in 2016 by the Framework of Engagement with Non-State Actors,¹ the relevant normative framework is now provided by that instrument and the rules of procedure of both the World Health Assembly and the Executive Board.²

3. In order to achieve its objectives and advance its work, WHO needs to engage with non-State actors. They need to be able to voice their contributions for consideration by Member States through their involvement without the right to vote in sessions of WHO's governing bodies. As described in the Thirteenth General Programme of Work, 2019–2023 (paragraph 78), "WHO is and will remain a Member State organization; however, current conceptions of global governance also include a range of non-State actors." The modalities of the involvement of non-State actors have indeed evolved since the inception of the Organization. Participation in governing bodies is regulated through Official relations, which "is a privilege that the Executive Board may grant to nongovernmental organizations, international business associations and philanthropic foundations that have had and continue to have a sustained and systematic engagement in the interest of the Organization."³

4. The practice of non-State actors in official relations addressing WHO's governing bodies at the end of a debate has served the Organization well during several decades. However, the increased interest reflected by the greater numbers of non-State actors participating and requests for interventions has not led to a more meaningful involvement. When a large number of non-State actors intervene in sequence

¹ Adopted by the Health Assembly in resolution WHA69.10. Paragraphs of the framework dealing with participation include the following:

15(a) **Meetings of the governing bodies.** This type of interaction involves sessions of the World Health Assembly, the Executive Board and the six regional committees. Non-State actors' participation is determined by the governing bodies' respective rules of procedure, policies and practices as well as the section of this framework that deals with official relations.

55. Entities in official relations are invited to participate in sessions of WHO's governing bodies. This privilege shall include:

- (a) the possibility to appoint a representative to participate, without right of vote, in meetings of WHO's governing bodies or in meetings of the committees and conferences convened under its authority;
- (b) the possibility to make a statement if the Chairman of the meeting (i) invites them to do so or (ii) accedes to their request when an item in which the related entity is particularly interested is being discussed;
- (c) the possibility to submit the statement referred to in subparagraph (b) above in advance of the debate for the Secretariat to post on a dedicated website.

56 Non-State actors participating in WHO governing bodies' meetings shall designate a head of their delegation and declare the affiliations of their delegates. This declaration shall include the function of each delegate within the non-State actor itself and, where applicable, the function of that delegate within any affiliated organization.

57. Regional committees may also decide on a procedure granting accreditation to their meetings to other international, regional, and national non-State actors not in official relations with WHO as long as the procedure is managed in accordance with this framework.

² The proposed amended text of Rule 47 of the Rules of Procedure of the World Health Assembly (see document A72/52) reads: "Representatives of non-State actors, international business associations and philanthropic foundations in official relations, may be invited to attend plenary meetings and meetings of the main committees of the Health Assembly and to participate without vote therein in accordance with the Framework of Engagement with Non-State Actors, when invited to do so by the President of the Health Assembly or by the chairman of a main committee, respectively."

Rule 4 of the Rules of Procedure of the Executive Board reads. "Subject to the terms of any relevant agreement, representatives of the United Nations and of other intergovernmental organizations with which the Organization has established effective relations under Article 70 of the Constitution may participate without vote in the deliberations of meetings of the Board and its committees. Such representatives may also attend and participate without vote in the deliberations of the meetings of subcommittees or other subdivisions if so invited.

Representatives of nongovernmental organizations, international business associations and philanthropic foundations in official relations with the Organization may participate in the deliberations of the Board as is provided for in the Framework of Engagement with Non-State Actors."

³ Resolution WHA69.10 (2016) Framework of engagement with non-State actors; paragraph 50 (https://apps.who.int/iris/bitstream/handle/10665/252790/A69_R10-en.pdf?sequence=1&isAllowed=y, accessed 18 March 2019).

at the end of a debate after representatives of Member States have taken the floor, their interventions no longer have any impact on the outcome of the debate. Dissatisfaction with the current system has been expressed by Member States and echoed for different reasons in communications from non-State actors.

5. In 2002, there were 189 nongovernmental organizations in official relations. This number increased to 214 non-State actors in official relations in 2018. From 1998 to 2002, on average 16 entities made a statement at the Health Assembly and 11 at the Executive Board. Over the years, more non-State actors have made interventions and some non-State actors have intervened on more different topics. In 2018, non-State actors made a total of 236 statements at the Seventy-first World Health Assembly, with some entities intervening on 15 different agenda items; some agenda items attracted up to 36 statements from non-State actors.

6. With regard to participation in sessions of the governing bodies, records showed that 444 delegates representing 88 nongovernmental organizations in official relations attended the Fifty-fifth World Health Assembly (2002) whereas 1500 delegates representing 127 non-State actors in official relations attended the Seventy-first World Health Assembly (2018).

7. In addition to those organized by Member States, official side events may also be organized during the Health Assembly by non-State actors in official relations. Thus, in 2018 the Secretariat confirmed eight official side events from the 20 applications received from non-State actors in official relations.

8. Since 2016, and before the entry into force of the Framework of Engagement with Non-State Actors, entities in official relations have had the possibility to submit their statements in advance for online posting on a dedicated website. This action was intended to allow Member States to review these inputs while crafting their own statements, but it is much perceived by some non-State actors in official relations as an additional constraint although others seize this opportunity to advocate their activities. For non-State actors that have published their statements in advance it can be even more frustrating if their speaking time is shortened at short notice to sometimes only one minute.

9. Regional committees have also increased the involvement of non-State actors in official relations in accordance with their respective rules of procedures, as have regional offices for the meetings they convene. All regional offices invite non-State actors to participate in the sessions of the regional committees and in other events and provide opportunities to speak. The Regional Office for the Americas has adjusted its official relations process after the adoption of the Framework of Engagement with Non-State Actors by PAHO's 55th Directing Council¹ and non-State actors continue to be admitted into official relations with PAHO. The Regional Office for Europe has introduced an accreditation system as foreseen by paragraph 57 of the Framework and actively works with non-State actors, posting written and recorded oral statements on the regional committee's website in addition to the statements delivered during sessions of the regional committee. The Regional Office for Africa organized its second WHO Africa Health Forum (held in Praia, 26–28 March 2019)² to promote partnerships and provide an opportunity for dialogue on the further development and adoption of joint innovation strategies for addressing the goal of achieving universal health coverage in Africa. The regional offices for Europe and the Western Pacific each offer an informal briefing to non-State actors on items on the respective regional committee's provisional agenda before sessions.

¹ Resolution CD55.R3 (2016).

² WHO Regional Office for Africa. Second WHO Africa Health Forum – Achieving universal health coverage and health security: the Africa we want to see (<http://africahealthforum.afro.who.int/>, accessed 19 March 2019).

INVOLVEMENT OF NON-STATE ACTORS IN THE GOVERNANCE OF OTHER ORGANIZATIONS IN THE UNITED NATIONS SYSTEM AND INTERGOVERNMENTAL ORGANIZATIONS

10. The United Nations uses a different model from WHO with a simple accreditation not based on concrete engagements. Currently, 5161 nongovernmental organizations enjoy active consultative status with the **United Nations Economic and Social Council**, which allows them access to the Council, its many subsidiary bodies, major conferences, mechanisms and other events.¹

11. The **World Trade Organization** organizes an annual Public Forum.² This three-day event, with a different theme each year, brings together 2000–3000 participants from Member States and non-State actors; for 2019, it has been extended to a four-day event. The Public Forum is served by a secretariat within the World Trade Organization and draws on resources from across the Organization.

12. The **Food and Agriculture Organization of the United Nations** has 110–115 international nongovernmental organizations with consultative status granted by the Organization’s Conference and others with specialized consultative status or liaison status granted by the Director-General. International nongovernmental organizations are briefed by the Secretariat before the annual Conference and nominate between three and five representatives for the main conferences and meetings.

13. The **Committee on World Food Security** has set up a separate mechanism: civil society has organized itself into 11 constituencies and the chair of the Committee’s meetings allocates three to four speaking slots to civil society during the debates of Member States. Civil society is also involved in the Food and Agriculture Organization’s regional consultations and organizes itself in a civil society mechanism which has to raise its own resources.

WHO’S PREVIOUS MECHANISMS AND PROPOSALS

14. Between 2000 and 2003, the Secretariat organized Meetings of Interested Parties³ in the last quarter of each year for one week around WHO’s programme of work. Attendance at the last such meeting, in 2003, included 56 nongovernmental organizations in official relations and other parties not in official relations.⁴ The proposal for a civil society mechanism was abandoned in 2003.

15. In the context of the previous WHO reform programme the creation of a world health forum was proposed in 2011.⁵ Its intended purpose was “to explore, in an informal and multistakeholder setting, ways in which the major actors in global health can work more effectively together – globally and at country level – to increase effectiveness, coherence and accountability and to reduce fragmentation and duplication of effort”. The proposal did not find sufficient support and was not pursued at that time.

¹ Basic Facts about ECOSOC Status (<https://csonet.org/?menu=100>, accessed 19 March 2019).

² World Trade Organization. Public Forum (https://www.wto.org/english/forums_e/public_forum_e/public_forum_e.htm, accessed 19 March 2019).

³ WHO. Meeting of Interested Parties (MIP) (<http://www.who.int/mip/en/>, accessed 20 March 2019).

⁴ WHO. Meeting of Interested Parties (Geneva, 3–7 November 2003). List of participants (<http://www.who.int/mip/2003/official/en/MIP%202003%20final%20LOP%20and%20Panels.pdf?ua=1>, accessed 20 March 2019)

⁵ WHO: World Health Forum: concept paper (22 June 2011) (http://www.who.int/dg/reform/en_who_reform_world_health_forum.pdf, accessed 20 March 2019).

WHO'S CURRENT REFORM

16. So far, the deliberations on WHO's current reforms have shown that the involvement of non-State actors in the governance of WHO can be improved only with a package of measures and combined with an overall strengthening of WHO's engagement with non-State actors in line with the Thirteenth General Programme of Work and in accordance with the Framework of Engagement with Non-State Actors. Improving the engagement of non-State actors in WHO's governance should respect the following objectives:

- (a) respect the intergovernmental nature of WHO;
- (b) become more meaningful;
- (c) increase the efficiency and effectiveness of interactions;
- (d) respect the diversity of non-State actors.

17. The imposition of limits on the number of delegates in the delegation of a non-State actor in official relations or on the number of interventions by non-State actors, or both, might be balanced by measures that would make their participation more meaningful. One possibility is for non-State actors to provide consolidated input at the opening of discussion on agenda items or during the debate, as practiced by the Food and Agriculture Organization which places a limit on the number of constituency statements.

18. Among the three groups of non-State actors eligible for official relations, international business associations and philanthropic foundations could be asked to form one constituency each. The diversity of nongovernmental organizations would justify up to three further constituencies on either a permanent or a case-by-case basis. Individual non-State actors in official relations could still post their statements on a dedicated website two weeks before the session of the Executive Board in January and the Health Assembly in May. They could then meet prior to the governing bodies, for instance in parallel to the meetings of the Programme, Budget and Administration Committee of the Executive Board around those two governing body events to decide on which agenda items they wanted to deliver constituency statements at the beginning or during the debate.

19. As Member States shape their positions before governing body sessions, a more structured interaction between Member States and non-State actors before those sessions could add value to the discussions and improve the involvement of non-State actors in the work of the governing bodies and thus WHO's governance.

20. A world health forum could be organized along similar lines to the World Trade Organization's Public Forum. Such a world health forum could be an annual stand-alone event in November each year, as with the Meetings of Interested Parties. It could be organized in January before the session of the Executive Board to allow for broader participation at lower cost. Alternatively, it could be held every second year with the recently-inaugurated WHO Partners' Forum¹ or in the alternate years, or it could become a larger event hosted by a Member State every four to five years.

¹ WHO. Inaugural WHO Partners' Forum: collaborating with partners for impact (<https://www.who.int/news-room/events/inaugural-partners-forum>, accessed 21 March 2019).

21. These proposed changes should not be introduced in isolation but combined with measures by Member States and the Secretariat to enhance the engagement of non-State actors. More Member States could follow the example of those that hold consultations with non-State actors before sessions of the Executive Board and the Health Assembly at national level and/or include civil society and youth representatives in their delegations. The Secretariat will also strengthen its engagement with non-State actors through an engagement strategy based on the Thirteenth General Programme of Work through a unit explicitly responsible for the coordination and promotion of that engagement. Conferences organized by WHO will continue to strongly involve non-State actors. The Secretariat could also improve the flow of information towards non-State actors in official relations by measures such as the webcasting of the information sessions it organizes for missions based in Geneva.

ACTION BY THE EXECUTIVE BOARD

22. The Board is invited to note this report and provide guidance on whether the Secretariat should refine these proposals and organize a web consultation with non-State actors before discussion of the issue at the next session of each of the regional committees, with a view to elaborating a proposal for consideration by the Board at its 146th session.

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