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## WHO reform

### Involvement of non-State actors in WHO's governing bodies

#### Report by the Director-General

1. In January 2022, the Executive Board, at its 150th session, noted the report by the Director-General on WHO reform: Involvement of non-State actors in WHO's governing bodies,<sup>1</sup> and decided that the informal pre-meeting for interested non-State actors in official relations, Member States and the Secretariat would be organized annually during the four to six weeks before the World Health Assembly.<sup>2</sup>
2. The Executive Board also decided that the non-State actor constituency statements would be tested again for three agenda items during the Seventy-fifth World Health Assembly before making a final decision on their implementation during all WHO governing body meetings, and requested the Director-General to report on the experience of the constituency statements during the Seventy-fifth World Health Assembly, as well as during the 150th session of the Executive Board, to the Executive Board at its 152nd session. The present report responds to that request.
3. The participation of non-State actors in WHO's governing bodies without the right to vote, as foreseen by the Constitution of the World Health Organization (Articles 18(h) and 71), has been the practice since the first meeting of the Organization and is now governed by the Framework of Engagement with Non-State Actors,<sup>3</sup> together with the Rules of Procedure of the World Health Assembly (Rule 48) and the Rules of Procedure of the Executive Board (Rule 4).
4. As described in the *Thirteenth General Programme of Work, 2019–2023*,<sup>4,5</sup> “WHO is and will remain a Member State organization; however, current conceptions of global governance also include a range of non-State actors”. Paragraph 50 of the Framework of Engagement with Non-State Actors states that the participation of non-State actors in WHO governing bodies is regulated through official relations, which “is a privilege that the Executive Board may grant to nongovernmental organizations,

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<sup>1</sup> Document EB150/37; see also document EB150/2022/REC/2, summary record of the eleventh meeting, section 4.

<sup>2</sup> See decision EB150(12).

<sup>3</sup> See Framework of Engagement with Non-State Actors (paragraphs 15(a) and 55–57) in the 49th edition of Basic documents (<http://apps.who.int/gb/bd/>, accessed 5 October 2022).

<sup>4</sup> The extension of the period of the Thirteenth General Programme of Work from 2023 to 2025 was approved by the Seventy-fifth World Health Assembly in resolution WHA75.6 (2022).

<sup>5</sup> See Thirteenth General Programme of Work, 2019–2023, page 33. (<https://apps.who.int/iris/bitstream/handle/10665/324775/WHO-PRP-18.1-eng.pdf>, accessed 5 October 2022).

international business associations and philanthropic foundations that have had and continue to have a sustained and systematic engagement in the interest of the Organization”.

5. At the invitation of the Chair, non-State actors in official relations voice their contributions for consideration by Member States through their involvement, without the right to vote, in sessions of WHO’s governing bodies.

6. Non-State actors in official relations have usually addressed WHO’s governing bodies at the end of a debate, but it is not apparent that this has a meaningful impact on the debate. Dissatisfaction with the current system has been expressed by Member States and non-State actors alike.

7. Based on the consultations with non-State actors on their involvement in WHO governance, and on the outcomes of Member States’ discussions during the 146th and 148th sessions of the Executive Board,<sup>1</sup> it was felt that engagement with non-State actors in WHO’s governance could be improved to ensure greater impact by:

- (a) providing incentives for non-State actors to deliver a limited number of grouped statements in governing bodies; and
- (b) facilitating enhanced technical exchanges through informal meetings between Member States, non-State actors and the Secretariat.

8. The feedback from Member States and non-State actors obtained from a survey conducted after constituency statements were first tested at the Seventy-fourth World Health Assembly was both positive and negative, with no clear majority views. This may have been partially due to late clarification on modalities for making statements and the fact that the process was new. It should be noted that a majority of the responding non-State actors indicated that if more time was allocated to preparations, or if there were no individual statements, they would attempt to join a constituency statement.

9. Constituency statements by non-State actors in official relations were again tested during the 150th session of the Executive Board and the Seventy-fifth World Health Assembly, as requested by the Executive Board at its 150th session. The non-State actors constituency statements were made on three agenda items, with five constituency statements for each item, and they were made between Member State statements, earlier in the debates.

10. Overall the experience of the constituency statements was more positive, although the information provided to Member States ahead of the governing body meetings on the procedures for constituency statements should be: (i) clearer and (ii) made available in a more timely manner. Non-State actors found the timing of the constituency statements earlier on in the debates to be important and effective in bringing their views to the attention of Member States.

11. The informal pre-meeting for interested non-State actors in official relations, Member States and the Secretariat was spread over two weeks, from 11 April to 6 May 2022, with one session each week (four to six weeks before the Seventy-fifth World Health Assembly). The experience was considered positive by all three parties. Member States showed greater interest in participation than they did during the pre-meeting ahead of the Seventy-fourth World Health Assembly in 2021, and made several important contributions that were highly appreciated by non-State actors.

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<sup>1</sup> See documents EB146/2020/REC/2 and EB148/2021/REC/2.

## PROPOSED WAY FORWARD

12. The involvement of non-State actors in WHO's governance processes can only be improved through a package of measures, combined with an overall strengthening of WHO's engagement with non-State actors in line with the Thirteenth General Programme of Work, 2019–2025 and in accordance with the Framework of Engagement with Non-State Actors. Improving the engagement of non-State actors in WHO's governance means adhering to the following objectives:

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

13. The proposed measures should be organized in addition to, and as part of, non-State actors' regular participation in WHO's governing bodies.

14. The Secretariat will continue to organize the informal pre-meetings as decided by the Executive Board at its 150th session in January 2022.

15. It is further proposed that constituency statements should continue to be implemented during governing body meetings in order to:

- (a) improve the participation of non-State actors in official relations in WHO governing bodies; and
- (b) facilitate the increased efficiency and effectiveness of governing body meetings.

16. It is proposed that the Secretariat should select a limited number of agenda items for constituency statements based on an assessment of which items are likely to attract the most interest for statements by non-State actors. Non-State actors will make a maximum of five constituency statements on those items earlier in the debates at the invitation of the Chair of the meeting. Only non-State actors in official relations may join the constituencies for a statement.

17. Non-State actors can join more than one constituency statement, but those joining constituency statements cannot make an additional individual statement on the same agenda item. However, for items where constituency statements are made, there will be flexibility in respect of non-State actors that have not joined the constituency statement. Such non-State actors should be allowed to make an individual statement at the Chair's discretion. It is expected that the number of individual statements will decrease as more non-State actors find joining a constituency statement made earlier in the debates to be more impactful. This should increase the meaningful engagement of non-State actors in governing body debates while maintaining or even reducing the time needed for their statements.

**ACTION BY THE EXECUTIVE BOARD**

18. The Board is invited to consider the following draft decision in respect of the proposed way forward:

The Executive Board, having examined and noted the report on WHO governance reform: Involvement of non-State actors in WHO's governing bodies,

Decided that the constituency statements will continue to be implemented during all WHO governing body meetings, in accordance with the modalities outlined in paragraphs 15 to 17 of document EB152/38.

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