

**Report with recommendations of the Agile
Member States Task Group to the Seventy-sixth
World Health Assembly, through the 152nd session
of the Executive Board and the thirty-seventh
meeting of the Programme, Budget and
Administration Committee, to recommend
long-term improvements**

1. The Agile Member States Task Group on strengthening WHO's budgetary, programmatic and financing governance held three hybrid meetings between July and November 2022, under the co-facilitation of Mr José Acacio of Australia and Ms Philomena Bawelile Simelane of Eswatini. In furtherance of the mandate of the Task Group, the co-facilitators also convened an information session and a deep dive on issues related to the work of the Task Group.

**BACKGROUND, MANDATE AND SCOPE OF THE AGILE MEMBER STATES
TASK GROUP**

2. The Executive Board at its 151st session in May 2022 decided, through decision EB151(1) (2022), and taking into consideration the outcome of the Seventy-fifth World Health Assembly, in particular the adoption of the recommendations of the Working Group on Sustainable Financing through decision WHA75(8) (2022) and noting paragraph 40 of those recommendations, to establish the Agile Member States Task Group on strengthening WHO's budgetary, programmatic and financing governance.

3. The mandate of the Task Group was to: (a) focus on strengthening WHO's budgetary, programmatic and financing governance; (b) analyse the challenges in governance for transparency, accountability, compliance and efficiency; and (c) develop recommendations aimed at long-term improvements, building upon the recommendations of the Working Group on Sustainable Financing,¹ as adopted by the Seventy-fifth World Health Assembly in decision WHA75(8) (2022).

4. Closely related to the work of the Task Group and as per paragraph 39(e)(i) of the recommendations of the Working Group on Sustainable Financing as adopted by the Health Assembly, the discussions in the Task Group may inform the development of the Secretariat implementation plan on reform. The Secretariat's implementation plan on reform will be submitted to the Executive Board

¹ See document A75/9.

at its 152nd session for endorsement, through the Programme, Budget and Administration Committee of the Executive Board at its thirty-seventh meeting.

5. Pursuant to its mandate, the Task Group considered an overview of the challenges in governance for transparency, accountability, compliance and efficiency during its first and second meetings, and also provided written inputs to the co-facilitators in advance of the second meeting. The analysis of challenges was prepared on the basis of discussions within the Task Group, Member States' written input, and the interventions by Member States during the seven meetings of the Working Group on Sustainable Financing and related deep dives. In its consideration of the analysis of challenges, focus was placed on the impact, feasibility, timeline and resource implications of the potential topics for action, the objective/problem to be addressed, and the priority for delivery. Furthermore, the Task Group made a distinction between the potential areas for inclusion in the Secretariat's implementation plan on reform and the areas that would require action from Member States, including through decisions of the governing bodies.

6. This report of the Task Group highlights the key issues considered and provides recommendations for long-term improvements to be submitted to the Seventy-sixth World Health Assembly, through the Executive Board at its 152nd session and the Programme, Budget and Administration Committee of the Executive Board at its thirty-seventh meeting in January 2023.

KEY ISSUES CONSIDERED BY THE TASK GROUP

7. In approaching the prospect of governance reform, Member States started from the proposition that any reform proposal should be driven by a commonly agreed objective and a deficiency or problem in the current process or governance. The sections below seek to identify such issues; an initial set of recommendations for reform is then provided in the Annex.

8. Member States acknowledge and welcome the Secretariat's efforts to prepare its implementation plan on reform, which will be an internal management plan for reforms that the Secretariat has the power to implement and/or initiate. Member States look forward to that plan's articulation of timelines and deliverables, as well as entry points at which Member States will be updated on its implementation and invited to provide feedback. Recognizing that the Secretariat is the author and manager of the implementation plan, Member States propose to use the present report to emphasize reform issues that may or may not feature in the Secretariat's implementation plan.

9. In this context, addressing the issues described in the present report would involve action by Member States to varying degrees, since Member States undertake a variety of roles in identifying, advocating for, supporting, approving and implementing reform, in collaboration with the Secretariat.

Organizational relevance and capability

10. Member States' efforts to strengthen WHO's budgetary, programmatic and financing governance are rooted in their affirmation of the Organization's central role in the global health architecture as the directing and co-ordinating authority for health within the United Nations system (as set forth in the WHO Constitution), and in support of the best outcomes possible in WHO's technical support, leadership and normative work.

11. All of the key issues raised in this report are aimed at strengthening the Organization's capability to carry out these objectives.

Operation of governing bodies

12. It is through WHO's governing bodies – the Health Assembly, the Executive Board and its subcommittees – that Member States as a collective exert the most significant influence over WHO's strategy and decision-making. The governing bodies were established in the mid-twentieth century; since then, however, WHO's agenda (and Member States' ambitions for it) has broadened and its focus changed significantly. Although many facets of the operation of governing bodies have evolved to accommodate such changes, there remains great potential to build upon previous improvements to better reflect the current context.

13. Governing bodies, particularly the Executive Board and its subcommittees, fundamentally should position Member States to provide strategic guidance to the Organization. The form, length and structure of the reports submitted should elicit such guidance but, while Member States often engage in rich discussions, the reports do not necessarily guide Member States' discussion towards providing the specific guidance that is needed. For Member States to meaningfully prepare for discussion, reports should also be available, in official languages, with sufficient time to consider them.

14. The live debate among Member States in governing bodies is important to reaching a conclusion and/or consensus on the topic under discussion, but is constrained by several interrelated factors, including: the amount of time permitted for interventions; the number of items on a given agenda (also affected by the procedural or mandatory inclusion of items); content in interventions that is not materially relevant to the provision of strategic guidance; and the grouping of similar, but different, matters under a single discussion.

15. Resolutions and decisions of the governing bodies are visible, executive and enduring articulations of Member States' collective will. Accordingly, the requests and decisions made in them should be considered judiciously, as their effects – on outcomes, on the budget and on ongoing reporting within governing bodies – last for years beyond their adoption. Furthermore, there appears to be a disconnect between aspirations (approved by Member States in resolutions and decisions) and their impact on the budget.

16. On a macro level, the structure, function, meeting cadence, composition and leadership of the governing bodies themselves are all central to their effective operation. Member States recognize (for example, through the establishment of the Standing Committee on Health Emergency Prevention, Preparedness and Response as a new subcommittee of the Executive Board) the potential for improving the operation of governing bodies by refining and/or repositioning their responsibilities and how they work.

Information to inform Member States' strategic decisions in relation to WHO

17. To be able to provide meaningful strategic guidance to the Secretariat, to make informed decisions on matters that relate to WHO and its activities (including through resolutions and decisions), and to effectively engage their own stakeholders, including at the political level, Member States must also be able to access information that is accurate and contemporary, in an appropriate level of detail. The presentation of such information must facilitate Member States' understanding of WHO's work and promote their engagement with the Organization, including by being timely, responsive to need and predictable, where possible.

18. WHO's programme budget and general programme of work are the foundations from which decisions about the Organization's activities are made. It is critical to design and present them so

Member States' understanding is sufficiently clear, in order for Member States to properly consider them in the context of respective priorities and interests, to consult relevant stakeholders, and to evaluate their implementation. Integral to Member States' insight into these documents is understanding of the processes by which they are developed (including financing, planning, resource allocation, costing and priority-setting), implemented, evaluated and reported upon. Any proposal to increase the programme budget must also be explained well to Member States. These are complex documents, and thus 'more detail' is not necessarily the solution to improving understanding. The presentation of such documents needs to be comprehensible not only to Member States in Geneva-based missions, but also to their stakeholders, including other ministries and levels of government. Member States, in turn, have a responsibility to guide the Secretariat as to what they need in order to sufficiently understand these documents.

19. Member States' consideration and approval of the programme budget is only one half of the picture of WHO's operations: insight into how financing and budgeted activities are linked is critical to Member States' participation in achieving structural alignment between the two. Member States acknowledge the instrumental role that flexible funding must play alongside other sources of financing, and have adopted a package of measures in that regard.¹ To plan further remedial measures to financing, the programme budget and related materials must be presented in a way that highlights the alignment (or proposed pathway to alignment) between funding and priorities. Additionally, WHO's investment case presents a compelling analysis in support of financing the Organization, and its ongoing credibility and utility should be preserved by keeping the data in its analysis updated regularly.

20. Resolutions and decisions are critical tools at Member States' disposal for shaping WHO's strategic direction. The Secretariat provides invaluable technical and logistic support as well as legal interpretation to Member States in the informal consultation phase of their development. Costing of resolutions and decisions has become an important part of the adoption process, but Member States have little or no access to such valuable cost information at the drafting stage (including whether proposals can be accommodated within existing resources); neither do they have the opportunity to assess the rigour or consistency of the costing methodologies used.

21. The establishment of new initiatives and programmes, and the creation of new senior leadership posts, are significant strategic decisions for the Organization, with budgetary, strategic and administrative implications. When taken outside the scope of resolutions and decisions, or without otherwise consulting governing bodies, Member States are not afforded the information or opportunity to properly consider their implications. Similarly, Member States need information about the pursuit of new streams of financing, with sufficient time and detail to consider implications.

22. Member States' engagement with the Secretariat, and vice versa, are at the heart of this Member-State-led organization. Giving Member States access to an up-to-date and complete organigram is critical to their functional understanding of the Organization's component parts, across levels and offices. Further, an accompanying working-level contact list (with sufficient protections to limit access only to Member States) would facilitate the necessary contact and timely sharing of information between Member States and technical units. The Secretariat's Governing Body Services plays an essential role at the interface between the Secretariat and Member States, but to manage all such interactions manually would be labour intensive and inefficient. Member States welcome work already under way to enhance or introduce digital solutions to support Governing Body Services' engagement with Member States.

¹ See decision WHA75(8) and document A75/9.

Impact and best value for money

23. Member States, like the Secretariat, want to make the most of scarce resources to achieve WHO's mandate with the most significant impact. Measures to optimize efficiency and effectiveness, and to plan for, track and report on results, all contribute to a virtuous circle promoting the Organization's credibility and reputation, and thus enhancing trust and ongoing investment and resourcing.

24. Voluntary contributions represent a significant proportion of the current financial inflows to WHO, and many donors predictably attach certain demands to their donations. Programme support costs are notionally designed to offset the administrative costs of managing the large number of grants and awards, including their accompanying reporting requirements – but, if this is not the case, this should be addressed. Even without reforms to programme support costs, there are potential efficiency gains to be made in the management of voluntary contributions, such as standardizing the reporting procedure for small donors, alongside the use of guidelines and thresholds for applying standardization or streamlining reporting. The important work of mobilizing resources and soliciting financing is carried out by many parts of the Organization, and efforts to ensure these are well coordinated to maximize reach and avoid duplication would also add to efficiency.

25. Member States support WHO's results-based management approach, promoting an internal structure designed to deliver the greatest impact at all levels of the Organization. In turn, it is important for the elements of results-based management to be easily demonstrated to Member States and other stakeholders, subject to timely reviews to allow for continuous improvement to effectively deliver on the goals of various reform initiatives. Results reporting is key to Member States' understanding of impact – particularly in identifying links between budgetary expenditures and programmatic impacts –and Member States look forward to the outcomes of the review by the Office of Internal Oversight Services. Member States and donors alike have particular interest in country-level impact, including strong visibility of any operational challenges, the performance of country offices and the role of country cooperation strategies in achieving outcomes.

Accountability, equity, ethics and oversight

26. A WHO that is fair, ethical and has robust internal controls that reflect best practice is an organization that promotes trust, strengthens integrity and enhances its credibility among its people and its stakeholders. Member States will always value and scrutinize WHO's success in these areas, but recognize that cultivating and maintaining a relationship of mutual trust is essential to empowering nimble decision-making, responsiveness to threats and opportunities, and efficient pursuit of Member States' collective priorities, as articulated in the programme budget and general programme of work.

27. In making decisions relating to WHO, each Member State and each region, rightly and simultaneously, pursues the interests of their own constituency, alongside those of the broader Organization and the membership as a collective. In this respect, Member States are interested in better understanding prioritization processes affecting regional and country levels (including for thematic voluntary contributions), and how equity in resource allocation translates into impact, into addressing under-financed programmes, and into the distribution and mobility of staff across posts.

28. WHO is a large specialized agency within the broader United Nations system. Consistency in practice among entities within the United Nations system can lead to more efficient and effective practice, but Member States also recognize the value of tailoring operations and practices appropriately to the WHO context. Member States welcome the Secretariat's commitment to review best practice in governance and oversight across the United Nations system and other multilateral institutions, with a

view to setting out options to improve the effectiveness of WHO practice. Member States would further welcome consultations by WHO on implementation of United Nations Development System reforms.

29. In pursuit of best practice, Member States recognize the valuable insights of the Joint Inspection Unit, and strongly support work to implement the Unit's legacy recommendations still to be addressed by WHO. These include reform of the WHO ethics function, reform of the Office of Internal Oversight Services, and formal procedures for the investigation of complaints of misconduct by WHO Directors-General.

30. Member States value the role they play in the election of the Director-General and of regional directors, as well as the transparency of these processes and the scrutiny of candidates' merit and suitability for the role. Member States further recognize that the Director-General and senior leadership must be empowered to manage the Organization and make organizational and administrative decisions, such as the filling of senior management vacancies. Nonetheless, these decisions must still be made on the basis of merit, with sufficient transparency to substantiate such appointment decisions.

31. Member States welcome the completion of WHO's risk appetite framework and keenly await the release of the risk management strategy, as well as the Secretariat's plans for further release of statements of internal control.

32. WHO's efforts on preventing and responding to sexual exploitation, abuse and harassment, as well as its dedicated resourcing for this work, insights into the management response plan and regular engagement with Member States are all welcome. The Task Group recognizes that these streams of work have their own cadence and opportunities for Member States to scrutinize and provide feedback.

ACTION BY THE EXECUTIVE BOARD

33. The Executive Board is invited to provide comments and recommend the adoption of the recommendations contained in the Annex to this document by the Seventy-sixth World Health Assembly.

ANNEX

RECOMMENDATIONS FOR LONG-TERM IMPROVEMENTS

The key issues raised in the present report represent the governance issues or problems that Member States, as a collective, have identified as needing attention. In preparing the recommendations for reform set out below, Member States acknowledge that initial consensus lies in a subset of a broader suite of reform ideas. The listing of these recommendations does not preclude Member States from proposing, advocating for or participating in other reforms that are not listed here.

Transparency

	Recommendation	First actions for Member States	Link to WHO Secretariat and ongoing tracking mechanism needed
T1	Establish a consistent and transparent approach to the establishment of new initiatives and programmes, including the related costing and future funding thereof and consultation with Member States.	<p>Regarding any new initiative or programme established outside a resolution, decision or other agreement by WHO governing bodies (i.e. the Health Assembly, Executive Board, Programme, Budget and Administration Committee or other relevant subcommittees), the Chair of the Programme, Budget and Administration Committee of the Executive Board or Member State champion is to identify a financial threshold for costs that would be incurred beyond the programme budget, above which the initiative or programme would need to be costed under the Department of Planning, Resource Coordination and Performance Monitoring's more stringent 'second pass' costing methodology, and for which the details of the identified costing would be then reported to the subsequent session of the Programme, Budget and Administration Committee.</p> <p>The Chair of the Programme, Budget and Administration Committee of the Executive Board, in consultation with the Secretariat and Member States as necessary, is to propose a process for implementing the new requirement, for consideration at the thirty-ninth meeting of the Programme, Budget and Administration Committee of the Executive Board in January 2024.</p>	<p>The Chair of the Programme, Budget and Administration Committee of the Executive Board to propose an ongoing tracking mechanism for consideration by the thirty-ninth meeting of the Programme, Budget and Administration Committee of the Executive Board and the 154th session of the Executive Board in January/February 2024.</p> <p>Request the Secretariat to make available current costing methodologies (both initial and "second pass" to be used for this purpose), for publication in the reports to the thirty-ninth meeting of the Programme, Budget and Administration Committee of the Executive Board – allowing for ongoing refinement of methodology as necessary.</p>

	Recommendation	First actions for Member States	Link to WHO Secretariat and ongoing tracking mechanism needed
T2	Improve the process of costing resolutions and decisions, including by holding discussions with Member States during consultations, addressing the potential financing implications and adding clear sunseting clauses.	<p>The Chair of the Executive Board or Member State champion is to prepare a draft decision to accompany this report to the 152nd session of the Executive Board in January/February 2023 requesting the Director-General to make the Secretariat available during informal consultations for the purpose of providing costing advice on resolutions and decisions.</p> <p>The Chair of the Executive Board, in consultation with Member States (and the Secretariat as necessary) is to prepare a draft decision for the 153rd session of the Executive Board in May 2023 setting out a standard template and recommended timeline for the process of proposing resolutions and decisions that reflects, inter alia, costing thresholds and the inclusion of sunseting clauses.</p>	<p>Request the Secretariat to provide guidance on resourcing requirements/capacity for having staff available to provide costing advice during informal consultations on resolutions and decisions.</p> <p>Request the Secretariat to provide guidance on the historical experience of proposing sunseting clauses and the barriers to implementing such provisions.</p>
T3	Strengthen the role of the Executive Board and its Programme, Budget and Administration Committee in their budgetary oversight to better engage and provide oversight of future programme budgets; and improve the way of working in the governing bodies, including better support to Member States in reaching decisions.	The Chair of the Executive Board or Member State champion, in consultation with Member States (and the Secretariat as necessary), is to prepare proposals for the reform of the Executive Board and its Programme, Budget and Administration Committee that consider, inter alia, meeting structure, cadence, agenda management and preparation of reports (timing and structure), for consideration by the Executive Board at its 153rd session in May 2023.	Request the Secretariat to provide support (including legal and procedural advice) in the preparation of reform proposals.
T4	Based on the principles of results-based management, improve the WHO results framework and the monitoring of its performance, including joint monitoring with Member States, strengthen international agility and capacity for performance monitoring and delivery of results across the three levels of the Organization.	The Chair of the Executive Board or Member State champion, in consultation with Member States (and the Secretariat as necessary), is to prepare a report specifying areas for further improvement, for consideration by the Executive Board at its 153rd session in May 2023.	Request the Secretariat to provide support, including providing details of Member States' feedback on evaluations.

	Recommendation	First actions for Member States	Link to WHO Secretariat and ongoing tracking mechanism needed
T5	Improve transparency in the creation and filling of senior-level positions at WHO, with periodic reporting to Member States.	<p>The Chair of the Executive Board or Member State champion, in consultation with Member States, is to identify seniority thresholds for advance reporting to the Executive Board bureau on the creation of new senior-level positions not offset by restructuring, and prepare modalities for proposed reporting requirements for consideration by the Executive Board at its 153rd session in May 2023.</p> <p>The Chair of the Executive Board or Member State champion, in consultation with Member States (and the Secretariat as necessary), is to propose appropriate minimum post-hoc transparency measures for substantiating merit-based selection when filling senior-level positions, for consideration by the Executive Board at its 153rd session in May 2023.</p>	Request the Secretariat to provide support, including on the capacities of current human resources management systems to facilitate these actions.

Accountability

	Recommendation	First actions for Member States	Link to WHO Secretariat and ongoing tracking mechanism needed
A1	Improve the information available to Member States on the WHO organigram, including the contact details of technical units.	The Chair of the Executive Board or Member State champion, in consultation with Member States, is to propose a minimum interval for updating the organigram (version for Member States' access), and appropriate granularity of detail for working-level contact details, for consideration by the Executive Board at its 152nd session in January/February 2023 alongside this report.	Request the Secretariat to provide guidance on current capacity and/or limitations for updating information, and mechanisms available for hosting the Member States' version of the organigram securely.
A2	Reform the WHO ethics function.	The Chair of the Executive Board or Member State champion is to prepare a draft decision to accompany this report to the 152nd session of the Executive Board in January/February 2023 requesting the Director-General to reform the WHO ethics function, including the implementation of term limits for the Head of the Compliance, Risk Management and Ethics Office, in line with JIU/REP/2010/3, and the establishment of the terms of reference for the function, in line with JIU/REP/2021/5.	Request the Secretariat to provide updates on the ongoing implementation of the related Joint Inspection Unit recommendations, including barriers to implementation, noting these are not proposed for inclusion in the Secretariat's draft implementation plan.
A3	Reform the WHO Office of Internal Oversight Services.	The Chair of the Executive Board or Member State champion is to prepare a draft decision to accompany this report to the 152nd session of the Executive Board in January/February 2023 requesting the Director-General to reform the Office of Internal Oversight Services, including implementation of term limits for the head of the Office of Internal Oversight Services, in line with JIU/REP/2020/1, and ensuring appropriate investigative capacity to conduct competent investigations of claims of sexual exploitation, abuse and harassment, including hiring of essential permanent personnel, in line with the recommendations of the Independent Expert Oversight Advisory Committee, as set out in EBPBAC33/2.	Request the Secretariat to provide updates on the ongoing implementation of the related Joint Inspection Unit recommendations, including barriers to implementation, noting these are not proposed for inclusion in the Secretariat's draft implementation plan.

Compliance

	Recommendation	First actions for Member States	Link to WHO Secretariat and ongoing tracking mechanism needed
C1	<p>Improve the timeliness of delivery of governing bodies documents and information to Member States.</p>	<p>The Chair of the Executive Board or Member State champion is to prepare a draft decision to accompany this report to the 152nd session of the Executive Board in January/February 2023 requesting the Director-General to conduct an analysis of the value chain in the production of reports for WHO governing body meetings, with a view to uncovering internal and external barriers to publication, and the estimated costs of remedying these.</p> <p>The Chair of the Executive Board or Member State champion is to prepare a draft decision for the 153rd session of the Executive Board in May 2023, in consultation with Member States, to decide on a contemporary acceptable lead time for publication of reports in all official languages ahead of Health Assembly, Executive Board and Programme, Budget and Administration Committee meetings, including, where applicable, acceptable lag times for publication following completion of informal consultation processes.</p> <p>The Chair of the Executive Board or Member State champion is to prepare a draft decision to accompany this report to the 152nd session of the Executive Board in January/February 2023 to request the Director-General to develop a project plan for the implementation of the proposed digital portal for Governing Body Services' interactions with Member States, including associated costs.</p>	<p>Request the Secretariat to provide guidance to inform the preparation of the proposed draft decisions, including on flexibility/rigidity within financial regulations, rules of procedure and the WHO Constitution regarding the form and structure of reports for WHO governing bodies meetings, with a view to exploring changes to these.</p>

Efficiency

	Recommendation	First actions for Member States	Link to WHO Secretariat and ongoing tracking mechanism needed
E1	Revise the cost recovery scheme for voluntary contributions.	The Chair of the Programme, Budget and Administration Committee of the Executive Board or Member State champion is to prepare a draft decision to accompany this report to the 152nd session of the Executive Board in January/February 2023 to request the Director-General to review the 2012 PricewaterhouseCoopers analysis on cost recovery for voluntary contributions to assess whether the recommendations from that analysis still hold.	Request the Secretariat to provide guidance on potential costs/mechanisms for conducting further analysis.
E2	Develop guidelines, principles and thresholds on earmarking of voluntary contributions, with a view to increasing their flexibility and establishing deadlines for achieving the thresholds.	Member States to request, in the context of the Secretariat's proposal for the Seventy-sixth World Health Assembly on exploring the feasibility of a WHO replenishment mechanism, the Director-General to conduct an analysis of voluntary contribution earmarking flexibility/limitations in similar United Nations or global health agencies, as well as successful practice of incentives for donors to provide more flexibility funding, to inform potential future reforms to governance of voluntary contributions.	Track alongside Secretariat reporting and decision-making on exploring the feasibility of a WHO replenishment mechanism.

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