



# WORLD HEALTH ORGANIZATION

**EXECUTIVE BOARD**  
**109th Session**  
**Provisional agenda item 7.4**

**EB109/31**  
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## **Review of the working methods of the Executive Board**

### **Note by the Secretariat**

1. In resolution WHA54.22 of May 2001, the Health Assembly requested the Executive Board to conduct a review of its working methods and those of its subsidiary bodies in order to ensure that they are effective, efficient and transparent, and to ensure improved participation of Member States in its proceedings, including working groups and drafting committees.
2. This note provides relevant background information on the existing rules and practice of the Executive Board with respect to participation in its proceedings by Member States which are not members of the Board of a given session. It also provides information on the rules and practices of other similar agencies and organizations of the United Nations system.

### **EXISTING RULES AND PRACTICES OF THE EXECUTIVE BOARD**

3. Article 9 of the WHO Constitution establishes the Executive Board as an organ of the Organization, along with the Health Assembly and the Secretariat. Its various functions, which are set out in Article 28 of the Constitution, include giving effect to the decisions and policies of the Health Assembly, acting as the executive organ of the Health Assembly and providing advice to the Assembly.
4. The composition of the Board is provided in Article 24 of the WHO Constitution, which states that:

*The Board shall consist of thirty-two persons designated by as many Members. The Health Assembly, taking into account an equitable geographical distribution, shall elect the Members entitled to designate a person to serve on the Board, provided that, of such Members, not less than three shall be elected from the regional organizations established pursuant to Article 44. Each of these Members should appoint to the Board a person technically qualified in the field of health, who may be accompanied by alternates and advisers.*

5. Pursuant to Rule 9 of the Rules of Procedure of the Executive Board, any Member State of the Organization – whether or not a member of the Board – may request the inclusion of an agenda item in the provisional agenda of the Board.

6. With respect to participation in the Board session of Member States which are not members of the Board, Rule 3 of Procedure of the Board reads as follows:

*If any matter of particular concern to a State Member or to an Associate Member or to a non-Member State is to be discussed at any meeting of the Board, the Director-General shall give adequate notice thereof to the State or Associate Member concerned so as to enable that State or Associate Member, if it so desires, to designate a representative who shall have the right to participate without vote in the deliberations thereon: in such cases the cost of representation shall be borne by that State or Associate Member.*

7. As the agenda and all documents of each Board session are sent to all Member States, implementation of this rule in practice has evolved in such a way that any Member State which makes a request in writing to the Director-General may participate under Rule 3 with respect to a specific agenda item of particular concern to it. In meetings of the Board as a whole, the practice with respect to such participation, has been the same as for the Health Assembly, namely that those Member States intervened at the end of the discussion on the agenda item in question, but did not make formal proposals.

8. Until the 107th session of the Executive Board in January 2001, relatively few Member States had requested to speak under Rule 3. With regard to committees and drafting groups set up by the Board, the practice has been that Member States which were not members of the Board might attend such meetings, but without exercising the right to speak under Rule 3.

9. However, at the 107th session of the Executive Board, a relatively large number of Member States participated under Rule 3, both in meetings of the Board as a whole, and in various working groups established by it during the session. In the specific case of infant and young child nutrition, the Health Assembly had requested the Executive Board: by decision WHA53(10) “... to establish during its session a drafting group on infant and young child nutrition, open to participation by all Member States, which would prepare a resolution for consideration by the Executive Board ...”.

10. The method of work of the open-ended drafting group established by the Board permitted equal participation by all Member States irrespective of whether they were Board members, in accordance with the terms of decisions WHA53(10). The usual working methods continued to be followed for meetings of the Board as a whole. However, there was more flexibility in the three other working groups established internally by the Board at that session to assist in carrying out its work.<sup>1</sup> For example, Member States which were not members of the Board were generally invited to make interventions along with Board members. However, in line with the principle that observers participated without vote, proposals by those Member States were not automatically incorporated into the draft resolutions under discussion, unless taken up by a Board member as well. Near the end of the time available for each of the working groups, the chairmen generally focused the discussion among Board members in order to arrive at a resolution that reflected consensus among the Board members.

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<sup>1</sup> Working group to draft a resolution on health systems' performance assessment; drafting group on global health security: epidemic alert and response; drafting group on control of schistosomiasis and soil-transmitted helminth infections.

## **RULES AND PRACTICES OF OTHER AGENCIES AND ORGANIZATIONS OF THE UNITED NATIONS SYSTEM**

11. A number of other agencies and bodies of the United Nations system were consulted on the rules and practice of their executive boards with respect to the participation of Member States which are not members of the executive boards. This consultation revealed the existence of a variety of rules and practices, ranging from (i) broad participation and board rights enjoyed when participating, (ii) limited participation and rights, to (iii) no participation.

12. The situation in other organizations can best be understood when reviewed under three headings set out below.

### **Conditions for participation by Member States which are not members of executive organs**

13. It is common in many organizations for Member States which are not members of the executive organ to attend its meetings, either on a general basis as a matter of right, or on request. This is the case for the executive organs of FAO, IAEA, ITU, WIPO, WFP, UNEP and also the Economic and Social Council. In the case of ICAO, attendance is on the basis of a request limited to matters of concern to the non-member. On the other hand, the Standing Orders of the Governing Body of ILO limit participation by non-members of the Governing Body to the specific case of representations or complaints brought against those States in accordance with ILO's procedures.

### **Rights enjoyed by Member States which are not members of executive organs**

14. Rights vary considerably according to the organization concerned. For example, in the case of the Council of ITU, Member States not on the Council do not have the right to vote or speak. In addition, only States actually attending the sessions of the Council can receive its documentation. Similarly, Member States not on IAEA's Board of Governors can only intervene in the proceedings upon a specific invitation by the Board. In most other cases, Member States which are not members of the executive organ have the right to participate, without vote, in the deliberations of the organ concerned. In some cases, such as the Economic and Social Council and the Industrial Development Board (IDB) and Programme and Budget Committee (PBC) of UNIDO, members and non-members take the floor in the order in which they signify their intention to speak. In other cases, such as the FAO Council, Member States which are not on the Council may take the floor with the approval of the Chairperson and only after members.

15. In some organizations, Member States which are not members of the executive organ may submit proposals that may be put to the vote by the request of any member of the organ concerned (e.g. the Economic and Social Council, UNEP's Governing Council, and UNIDO's IDB and PBC). Although they do not refer to whether there is a right to make proposals as such, the Rules of Procedure of ICAO's Council specify that the participation of Member States which are not members of the Council is without the right to vote or to move or second motions or amendments.

16. In some cases other rights may be granted. For example, Member States not on the executive organ may submit memoranda on any item on the agenda of FAO's Council; they may be given an opportunity to reply to other statements in UNIDO's IDB and PBC. Frequently, there is also the right to request the inclusion of an item on the provisional agenda of executive organs of the organization concerned.

17. In no case, however, may representatives of Member States which are not members of the executive organ be elected as officers of the organs concerned. Similarly, no case is known to the Secretariat of such Member States formally exercising rights which typically pertain to decision-making by the organ concerned. In particular this refers to sponsoring or co-sponsoring draft resolutions, requesting a vote, raising procedural motions or points of order, or appealing against rulings by the presiding officer. Notwithstanding, membership of WIPO's Coordination Committee is derived from the membership of the Executive Committees of the Paris Union and the Berne Union. The proceedings of the Coordination Committee have therefore evolved in such a way that in practice Member States which are not members of the Committee participate equally with members of the Committee. Although Member States not on the Committee do not have the right to vote, decision-making is generally by consensus, irrespective of membership.

### **Participation in meetings of subsidiary bodies or in informal consultations**

18. In general, the rules pertaining to the rights of Member States which are not members of executive organs extend such rights to subsidiary bodies of those organs such as committees and working groups. Such right of participation is provided in general terms, for example, in the rules of procedure of the Economic and Social Council, of FAO's Council, and of UNEP's Governing Council. Limitations applicable to rights of participation in plenary meetings are also normally extended to participation in subsidiary organs.

19. On a related aspect, the Rules of Procedure of the ICAO Council specify that Member States which are not members of the Council may participate in closed meetings unless the Council decides otherwise. UNIDO has clarified that States may also participate, as authorized by its IDB, in informal consultations and may take the floor in the order in which they request it. Similarly, under the terms of a Statement of Principle adopted by FAO's Conference, attendance is permitted at a private meeting of the Council or a committee established by it under the terms determined by the organ concerned.

20. Lastly, the rules of a few responding organizations envisage the enlargement on an ad hoc basis of executive organs. For example, ILO's Governing Body may decide to meet as a committee of the whole in which governments not represented on the Governing Body may be given an opportunity to express their views with respect to their own situation under a specific ILO procedure. UNEP's Governing Council may establish subsidiary organs on a permanent or ad hoc basis and may decide to elect to them States which are not members of the Council.

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