



WORLD HEALTH ORGANIZATION

EXECUTIVE BOARD
112th Session
Provisional agenda item 6.2

EB112/8
29 April 2003

Governing bodies

Ad hoc open-ended intergovernmental working group to review the working methods of the Executive Board

Report of the Chairman (Professor T. Zeltner, Switzerland)

1. The Ad hoc open-ended intergovernmental working group to review the working methods of the Executive Board held six meetings, the sixth and last of which was held on 6 and 7 March 2003.¹
2. As was explained to the Executive Board at its 111th session, the working group divided the issues to be considered by it into 11 categories, namely, (1) the committee system in WHO, (2) documents and communications, (3) harmonization of the Rules of Procedure of the Executive Board with those of the Health Assembly and the Constitution, (4) languages, (5) mandate of the Board and its accountability, (6) methods of decision-making, (7) participation of Member States (and Observers), (8) regional involvement, (9) relations between the Board and other organs of the Organization, (10) sessions of the Executive Board and other meetings and (11) transparency.²
3. Working on the basis of the results of open-ended informal consultations convened by me on 3 and 4 March,³ the group was able to complete its consideration of a series of amendments to the Rules of Procedure, which are contained in Annex 1. In addition, it also considered several proposals for mechanisms to improve the working methods of the Board, which have been included in the text of a draft resolution proposed by the group to the Board for adoption.

¹ The Ad hoc working group was established by the Board by decision EB109(2), pursuant to Health Assembly resolution WHA54.22, with the following terms of reference: (1) to conduct a review of the working methods of the Executive Board and those of its subsidiary bodies in order to ensure that they were effective, efficient and transparent, and that participation of Member States in the proceedings of the Board, including working groups and drafting committees, was improved. The review would include the Rules of Procedure of the Executive Board in the light of the functions of the Board, and the interaction between the Board and other organs of WHO; (2) to make recommendations to the Executive Board on the working methods that may need improvement, and to include relevant cost implications; (3) to report on its work at every session of the Executive Board; (4) to prepare draft provisions and other measures for implementing its recommendations and to submit them to the Board for consideration.

² See documents EB111/25 and EB111/25 Corr.1.

³ The Board at its 111th session had endorsed the holding of these informal consultations as a preparatory phase to the last meeting of the group. See document EB111/2003/REC/2, summary record of the tenth meeting, section 2.

4. During discussions on the proposed amendments to the Rules of Procedure and on other ways to improve the working methods of the Board, the group requested that several items should be specifically mentioned in its report. These are set out in the following paragraphs.

5. Some Member States agreed not to maintain their proposal to amend Rule 52, which provided that multiple names of candidates would be submitted to the Health Assembly in the event of a tie vote after three rounds of balloting between two remaining candidates. However, they did so on the understanding that the Health Assembly would agree to amend its Rules of Procedure as proposed in the draft resolution so that acceptance of the nomination by the Board of a person to be Director-General would require a two-thirds majority vote.

6. Also concerning Rule 52, some Member States felt that the guidelines for the length of curricula vitae, and the process of short-listing candidates, contained in decision EB100(7), should be reviewed by the Board to ensure that the rules and procedures applicable were the most appropriate.

7. Some Member States agreed to the proposed amendment to Rule 53 on the understanding, as had been advised by the Legal Counsel, that the words “having regard” in the phrase “Subject to the provisions of the Constitution and having regard to any relevant decisions of the Health Assembly” did not create an obligation on the Board to follow such decisions of the Health Assembly.

8. There was extensive discussion on the holding of retreats of Board members. Many Member States were concerned that the retreats, if held, should be informal, but as transparent as possible; others expressed doubts about their utility and appropriateness. Some States felt there should be a general distribution to all Member States of any documentation issued for retreats, and the possibility given for Member States to provide their comments thereon. Others expressed the view that Member States should be able to attend retreats. On the other hand, other Member States felt such measures were counterproductive, depriving the retreats of their informality. There was, however, no general agreement on the inclusion of a text in the proposed resolution.

9. During the discussion on paragraph 1(3) of the draft resolution dealing with the conduct of a review of the mandate, operation, role and structure of the Administration, Budget and Finance Committee, Programme Development Committee and Audit Committee, it was pointed out that this topic was also the subject of recommendations made by the Joint Inspection Unit.¹

10. It was understood that adoption of a resolution by the Health Assembly calling attention to the need to interpret terms in a gender-neutral manner, such as in paragraph 2 of the draft resolution recommended to the Health Assembly, would justify inserting such a note in the next edition of the *Basic documents*.

11. There was discussion on the need for ratification of the amendments to Articles 24 and 25 of the Constitution, as adopted by the Health Assembly in resolution WHA51.23, thereby increasing the membership of the Executive Board from 32 to 34. It was decided not to include a reference in the resolution, as there were some differing views on the extent to which this issue fell within the group’s mandate.

12. There was a proposal to the effect that the session of the Board following the Health Assembly should include on its agenda an item dealing with strategic planning as a follow-up to the outcome of

¹ Enhancing governance oversight role: structure, working methods and practices on handling oversight reports, Recommendation 2(d). Document JIU/REP/2001/4.

the preceding Health Assembly. Notwithstanding the views of Member States on the substantive merit of the proposal, there was a divergence as to whether the matter should be dealt with by the group. The proposal was therefore not pursued.

13. Some Member States would have welcomed more time to discuss in greater depth various proposals made deriving from resolution WHA33.17, Study of the Organization's structures in the light of its functions, particularly on the functioning of the Board in its relationship with the Health Assembly and regional committees. It was agreed to attach the relevant text of that resolution to the group's report (see Annex 2).

14. The group was informed that the changes proposed to the Rules of Procedure would not have significant cost implications, aside from some additional mailings to Member States in regard, for example to Rule 8 on setting the agenda of the Executive Board, and Rule 52 on the nomination process for the Director-General. Cost implications of the other proposals contained in the draft resolution are as follows:

- additional two-day meeting of a seven-member standing committee, convened in conjunction with the Executive Board: US\$ 30 000
- additional two-day meeting of a seven-member standing committee, convened at a time other than an Executive Board session: US\$ 56 000
- one-day extension of an Executive Board session: US\$ 25 000

ACTION BY THE EXECUTIVE BOARD

15. The Executive Board is invited to consider the proposed amendments to its Rules of Procedure contained in Annex 1.

16. The Executive Board is further invited to consider the draft resolution proposed by the Ad hoc open-ended working group to review the working methods of the Executive Board, set out below:

The Executive Board,

Recalling resolution WHA54.22 on the reform of the Executive Board;

Having considered the report of the Ad hoc open-ended intergovernmental working group to review the working methods of the Executive Board, whose terms of reference were established by decision EB109(2),¹

¹ Document EB112/8.

1. DECIDES:

- (1) to amend its Rules of Procedure as proposed in the report of the Ad hoc working group, with effect from the closure of its 112th session;
- (2) that its session following the Health Assembly shall in principle be extended by two days to permit a more even and effective distribution of substantive work between its two annual sessions;
- (3) to review at its 113th session in accordance with Rule 16 of its Rules of Procedure the mandate, operation, role and structure of the Administration, Budget and Finance Committee, the Programme Development Committee and the Audit Committee with a view to improving their efficiency and their relationship with Board sessions, including the possibility, among others, of merging two or more of these standing committees or increasing the frequency of joint meetings;
- (4) that, as from its 113th session, members will sit with name plates designating only the name of the Member State concerned;

2. REQUESTS the Director-General to study options available for changing the timing and duration of the sessions of the Board and its standing committees, with a view to finding alternative dates which would facilitate timely receipt and review of sessional documentation by Member States, to bring the timing of sessions in line with the programme-budget cycle, and to provide optimal balance between sessions of the Board and those of other governing bodies of the Organization, and to report to the Board thereon at its 113th session;

3. RECOMMENDS to the Fifty-seventh World Health Assembly the following resolution:

The Fifty-seventh World Health Assembly,

Recalling resolution WHA33.17 on the study of WHO's structure in the light of its functions and resolution WHA54.22 on the reform of the Executive Board;

Having considered resolution EB112.R...;

1. DECIDES to replace the existing text of Rule 72 of its Rules of Procedure with the following text:

Rule 72

Decisions by the Health Assembly on important questions shall be made by a two-thirds majority of the Members present and voting. These questions shall include: the adoption of conventions or agreements; the approval of agreements bringing the Organization into relation with the United Nations and with intergovernmental organizations and agencies in accordance with Articles 69, 70 and 72 of the Constitution; amendments to the Constitution; appointment of the Director-General, decisions on the amount of the effective working budget; and decisions to suspend the voting privileges and services of a Member under Article 7 of the Constitution.

2. RESOLVES that in the *Basic documents*, in accordance with the generally accepted rules of interpretation, the use of one gender shall be considered as including a reference to the other unless the context otherwise requires.

ANNEX 1

**RULES OF PROCEDURE OF THE EXECUTIVE BOARD
(DRAFT TEXTS PROPOSED BY THE AD HOC OPEN-ENDED WORKING GROUP
TO REVIEW THE WORKING METHODS OF THE EXECUTIVE BOARD)**

1. COMMITTEE SYSTEM IN WHO

Rule 16

The Board may establish such committees as it may deem necessary for the study of, and report on, any item on its agenda. Standing Committees established by the Board shall be composed of members of the Board or their alternates (referred to in these Rules as “committees of limited membership”). All Member States and Associate Members shall have the right to attend such committees in accordance with Rule 3. All committees other than standing committees shall be open-ended, composed of all interested Member States of the Organization (referred to in these Rules as “open-ended committees”), unless the Board decides otherwise, for a specific purpose and under exceptional circumstances.

The composition of committees of limited membership shall be determined by the Board, after hearing any proposals made by the Chairman, respecting the principles of equitable geographical representation, gender balance and balanced representation of developing and developed countries and countries in transition, having regard to the membership of the Board.

In committees of limited membership, the Chairmen and all other officers deemed necessary shall be determined by the Board or, in the absence thereof, by the committees themselves, respecting the principles of equitable geographical representation, gender balance and balanced representation of developing and developed countries and countries in transition. The chairman and officers shall rotate regularly between regions and, wherever applicable, between developed and developing countries and countries in transition within the regions.

In open-ended committees, the Chairmen and any other officers deemed necessary shall be determined by the Board or, in the absence thereof, by the committees themselves, respecting the principles of equitable geographical representation, gender balance and balanced representation of developing and developed countries and countries in transition.

The Board shall review from time to time the need to maintain any committee established under its authority.

Rule 16 bis

Subject to any decision of the Board, and as provided in these Rules, the procedure governing the conduct of business and voting in committees established by it shall conform as far as practicable to the Rules relating to the conduct of business and voting in plenary meetings of the Board. Open-ended committees shall conduct their business on the basis of consensus. In the event of an inability to reach consensus, the difference of views shall be reported to the Board.

In the case of committees of limited membership, a majority of the members shall constitute a quorum.

No distinction in terms of rights of participation in open-ended committees shall be made between members of the Board and Member States not represented on the Board.

2. DOCUMENTS AND COMMUNICATIONS

Rule 5

The Board shall hold at least two sessions a year. It shall determine at each session the time and place of its next session.

Notices convening the Board shall be sent by the Director-General, eight weeks before the commencement of a regular session, to the members of the Board, to Member States and Associate Members and to the organizations referred to in Rule 4 invited to be represented at the session.

Documents for the session shall be dispatched by the Director-General not less than six weeks before the commencement of a regular session of the Board. They shall, at the same time, be made available in electronic form in the working languages of the Board on the Internet site of the Organization.

Documents for the session should conform to the functions of the Board and contain the information required by Rule 18 and clear recommendations for Board action.

3. HARMONIZATION OF THE RULES OF PROCEDURE OF THE EXECUTIVE BOARD WITH THOSE OF THE HEALTH ASSEMBLY AND THE CONSTITUTION

Rule 7

Attendance at meetings of the Board shall, in addition to members of the Board, their alternates and advisers, be as follows:

- (a) public meetings: Member States not represented on the Board, Associate Members, representatives of the United Nations and other organizations identified in Rule 4 and members of the public, or
- (b) open meetings: Member States not represented on the Board and Associate Members and the Secretariat; or
- (c) restricted meetings, held for a specific purpose and under exceptional circumstances: essential Secretariat staff, and such others as may be decided by the Board.

Meetings of the Board related to the nomination of the Director-General as provided for in Rule 52, and for the appointment of the Regional Directors, shall be as provided in subparagraph (b) above, except that only one representative of each Member State not represented on the Board and of each

Associate Member may attend without the right to participate, and that no official record shall be made.

Rule 43

Decisions by the Executive Board on important questions shall be made by a two-thirds majority of the members present and voting. These questions shall include:

- (a) recommendations on: (i) the adoption of conventions and agreements, (ii) the approval of agreements bringing the Organization into relation with the United Nations and intergovernmental organizations and agencies in accordance with Articles 69, 70 and 72 of the Constitution, (iii) amendments to the Constitution, (iv) the effective working budget, and (v) suspension of the voting privileges and services of a Member State under Article 7 of the Constitution; and
- (b) decisions to suspend or amend these Rules of Procedure.

Except as otherwise provided by the Constitution of the Organization, or decided by the Health Assembly, or laid down in these Rules, the decisions of the Board on other questions, including the determination of additional questions to be decided by a two-thirds majority, shall be made by a majority of the members present and voting.

4. LANGUAGES

Rule 23

Speeches made in an official language shall be interpreted into the other official languages in all meetings of the Board and of committees established by it.

5. MANDATE OF THE BOARD AND ITS ACCOUNTABILITY

Roles of the Chairman and Vice-Chairmen

Rule 12

The Board shall elect its officers, viz. a Chairman, four Vice-Chairmen and one rapporteur, from among its members each year at its first session after the Health Assembly, following a principle of rotation among geographical regions. These officers shall hold office until their successors are elected. The Chairman shall not become eligible for re-election until two years have elapsed since he ceased to hold office.

Working methods

Rule 21

Reports of each session of the Board, containing all resolutions, recommendations and other formal decisions, as well as the summary records of the Board and of its committees, shall be

communicated by the Director-General to all Member States and Associate Members of the Organization. Such reports shall also be submitted to the subsequent Health Assembly so that it may take such action as appropriate, for information, endorsement or approval, having regard to the respective functions of the Health Assembly and of the Executive Board as set forth in the Constitution.

Rule 53

Subject to the provisions of the Constitution and having regard to any relevant decisions of the Health Assembly, any of these Rules may be suspended by the Board in accordance with Rule 43, provided that at least forty-eight hours' notice of the proposal for such suspension has been given to the Chairman and communicated by him to the members twenty-four hours before the meeting at which the proposal is to be submitted. If, however, on the advice of the Chairman the Board is unanimously in favour of such a proposal, it may adopt it immediately and without notice. Any such suspension shall be limited to a specific purpose and to a period required to achieve that purpose.

Rule 54

Subject to the provisions of the Constitution, the Board may amend or supplement these Rules.

Agenda of the Executive Board

Rule 8

The Director-General shall draw up a draft provisional agenda for each session of the Board, which shall be circulated to Member States and Associate Members within four weeks after the closure of its previous session.

Any proposal for the inclusion on the agenda of any item under (c), (d), and (e) of Rule 9 shall reach the Director-General not later than 10 weeks before the commencement of the session.

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 under paragraph 2 of this Rule.

Where the Director-General and the Officers find it necessary to recommend the deferral or exclusion of proposals received under paragraph 2 of this Rule, the provisional agenda shall contain an explanation for such recommendation.

An annotated provisional agenda, together with any recommendations referred to in paragraph 4 of this Rule shall be dispatched with the notice of convocation to be sent in accordance with Rule 5 or Rule 6, as the case may be.

Rule 9

Except in the case of sessions convened under Rule 6, and subject to Rule 8, the provisional agenda of each session shall include, *inter alia*:

- (a) all items the inclusion of which has been ordered by the Health Assembly;

- (b) all items the inclusion of which has been ordered by the Board at a previous session;
- (c) any item proposed by a Member State or Associate Member of the Organization;
- (d) subject to such preliminary consultation as may be necessary between the Director-General and the Secretary-General of the United Nations, any item proposed by the United Nations;
- (e) any item proposed by any specialized agency with which the Organization has entered into effective relations; and
- (f) any item proposed by the Director-General.

Rule 10

Except in the case of special sessions convened under Rule 6, any authority referred to in Rule 9 may propose one or more additional items of an urgent nature for inclusion in a supplementary provisional agenda after the deadline referred to in the second paragraph of Rule 8 and before the opening day of the session. Any such proposal shall be accompanied by a supporting statement from the authority initiating it. The Director-General shall include any such item in a supplementary provisional agenda which the Board shall examine together with the provisional agenda.

Rule 10 bis

The Board, subject to its constitutional mandate and having regard to the resolutions and decisions of the Health Assembly, shall adopt its agenda at the opening meeting of each session on the basis of the provisional agenda, together with any supplement thereto. In adopting its agenda, the Board may decide to add to, delete from, or amend, the provisional agenda and any supplement thereto.

6. METHODS OF DECISION-MAKING

7. PARTICIPATION OF MEMBER STATES (AND OBSERVERS)

Member States not represented on the Executive Board

Rule 3

All Member States not represented on the Board and Associate Members may designate a representative who shall have the right to participate without vote in the deliberations of meetings of the Board, and of committees of limited membership (as defined in Rule 16) established by it.

The cost of representation under this Rule shall be borne by the Member State or Associate Member concerned.

Representatives of Member States and Associate Members participating in meetings under this Rule shall have the following rights: (a) the right to speak after members of the Board; (b) the right to

make proposals, and amendments to proposals, which shall be considered by the Board only if seconded by a Board member; and (c) the right of reply.

Nomination of the Director-General

Rule 52

At least six months before the date fixed for the opening of a session of the Board at which a Director-General is to be nominated, the Director-General shall inform Member States that they may propose persons for nomination by the Board for the post of Director-General.

Any Member State may propose for the post of Director-General one or more persons, submitting with the proposal the curriculum vitae or other supporting information for each person. Such proposals shall be sent under confidential sealed cover to the Chairman of the Executive Board, care of the World Health Organization in Geneva (Switzerland), so as to reach the headquarters of the Organization not less than two months before the date fixed for the opening of the session.

The Chairman of the Board shall open the proposals received sufficiently in advance of the session so as to ensure that all proposals, curricula vitae and supporting information are translated into all official languages, duplicated and dispatched to all Member States one month before the date fixed for the opening of the session.

If no proposals have been received by the deadline referred to in the second paragraph of this Rule, the Director-General shall immediately inform all Member States of this fact and that they may propose persons for nomination in accordance with this Rule, provided such proposals reach the Chairman of the Board at least two weeks prior to the date fixed for the opening of the session of the Board. The Chairman shall inform Member States of all such proposals as soon as possible.

All members of the Board shall have the opportunity to participate in an initial screening of all candidatures in order to eliminate those candidates not meeting the criteria proposed by the Board and approved by the Health Assembly.

The Board shall decide, by a mechanism to be determined by it, on a short list of candidates. This short list shall be drawn up at the commencement of its session, and the selected candidates shall be interviewed by the Board meeting as a whole as soon as possible thereafter.

The interviews should consist of a presentation by each selected candidate in addition to answers to questions from members of the Board. If necessary, the Board may extend the session in order to hold the interviews and make its selection. The Board shall fix a date for the meeting at which it shall elect a person by secret ballot from among the candidates on the short list.

For this purpose each member of the Board shall write on his ballot paper the name of a single candidate chosen from the short list. If no candidate obtains the majority required, the candidate who obtains the least number of votes shall be eliminated at each ballot. If the number of candidates is reduced to two and if there is a tie between these two candidates after three further ballots, the procedure shall be resumed on the basis of the short list originally established at the commencement of the balloting.¹

The name of the person so nominated shall be announced at a public meeting of the Board and submitted to the Health Assembly.

¹ The wording of this paragraph was agreed on the understanding that Rule 72 of the Rules of Procedure of the Health Assembly would be proposed to be amended as follows:

Rule 72

Decisions by the Health Assembly on important questions shall be made by a two-thirds majority of the Members present and voting. These questions shall include: the adoption of conventions or agreements; the approval of agreements bringing the Organization into relation with the United Nations and with intergovernmental organizations and agencies in accordance with Articles 69, 70 and 72 of the Constitution; amendments to the Constitution; appointment of the Director-General, decisions on the amount of the effective working budget; and decisions to suspend the voting privileges and services of a Member under Article 7 of the Constitution.

ANNEX 2

**EXTRACT OF RESOLUTION WHA33.17, STUDY OF WHO'S STRUCTURES
IN THE LIGHT OF ITS FUNCTIONS**

The Thirty-third World Health Assembly,

...

4. REQUESTS the Executive Board:

(1) to strengthen its role in giving effect to the decisions and policies of the Health Assembly and in providing advice to it, particularly with respect to ways of attaining health for all by the year 2000, among other things by ensuring that the Organization's general programmes of work, medium-term programmes, and programme budgets are optimally oriented towards supporting the strategies for health for all of Member States;

(2) to become increasingly active in presenting major issues to the Health Assembly and in responding to the comments of delegates;

(3) to foster the correlation of its work with that of the regional committees and the Health Assembly, among other things by reviewing carefully and drawing conclusions from the policy proposals of the regional committees in matters of worldwide interest, particularly in preparation for the ensuing Health Assembly;

(4) to monitor on behalf of the Health Assembly the way the regional committees reflect the Assembly's policies in their work, and the manner in which the Secretariat provides support to Member States individually, as well as collectively in the regional committees, Executive Board and Health Assembly;

(5) to review regularly measures taken by the relevant bodies of the United Nations system in the areas of health and development, and to ensure the coordination of WHO's activities with the activities of those bodies in order to promote an intersectoral approach to health development, thus facilitating the attainment of the goal of health for all by the year 2000;

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