

Methods of work of the Executive Board

Report by the Secretariat

INTRODUCTION

1. The Rules of Procedure of the Executive Board were revised by the Board at its 112th session (May 2003) after a thorough examination of the methods of work of the Board in response to resolution WHA54.22. The new Rules of Procedure were implemented as from the 113th session of the Board in January 2004. Experience since then has shown the need for certain refinements, notably in connection with the time line for drawing up of the provisional agenda, and availability of Executive Board documents on the Internet. In addition, the Programme, Budget and Administration Committee of the Executive Board, at its fifth meeting (January 2007), requested the Secretariat to prepare for submission to the Board proposals for reducing the quantity and improving the quality of resolutions.¹ Lastly it is proposed to align the status of the Chairman of the Board to that of the President of the Health Assembly and of the presiding officers of most governing bodies of organizations of the United Nations system.

ADDITIONAL ITEMS FOR THE PROVISIONAL AGENDA: CRITERIA FOR PROPOSALS

2. In accordance with Rule 8 of the Rules of Procedure of the Executive Board, the provisional agenda of each session is drawn up by the Director-General in consultation with the Officers of the Board, on the basis of the draft provisional agenda prepared by the Director-General and any proposals for additional agenda items received from Member States and Associate Members. At the consultation held on 7 November 2006 to review the agenda for the 120th session, the Officers agreed on criteria for inclusion of proposals, namely, those proposals that address a global public-health issue, involve a new subject, or represent a significant public-health burden and have not already been considered by the Board at its most recent sessions.

3. The Board may wish to endorse the above criteria and request the Director-General to communicate them to Member States when inviting proposals for additional items to be included on the provisional agenda of future sessions of the Executive Board.

¹ See document EB120/3.

Inclusion of additional items on the provisional agenda: time line for proposals

4. Rule 8 of the Rules of Procedure of the Executive Board sets out the time line for drawing up the provisional agenda, namely

- the Director-General shall draw up and circulate to Member States and Associate Members a draft provisional agenda **within four weeks after the closure** of the previous session of the Board
- any proposal under (c), (d) and (e) of Rule 9 for inclusion on the provisional agenda shall reach the Director-General **not later than 10 weeks before commencement** of the session
- the Director-General and the Officers of the Board shall consider the proposals received, decide whether to recommend deferral or exclusion of any proposals, and dispatch an annotated provisional agenda (including such recommendations for deferral or exclusion of proposals) with the notice of convocation, **eight weeks before commencement** of the session.

5. Rule 5 of the Rules of Procedure states that documents for the session shall be dispatched **not less than six weeks** before the commencement of the session and shall, at the same time, be made available on the Internet site of the Organization. Consequently, the Secretariat has only four weeks from the deadline for receipt of proposals to the statutory dispatch date, to research, draft, obtain clearances, translate, lay out, print and dispatch documents for any new proposals included on the provisional agenda. Although the short period between the January and the May sessions makes this tight time line unavoidable, the longer period between the May and the January sessions would make it possible to finalize the agenda earlier, thus allowing the Secretariat more time to produce documentation.

6. The Board may therefore wish to amend the second paragraph of Rule 8 of the Rules of Procedure in order to give sufficient time to Member States and Associate Members to study the draft provisional agenda and consider proposals for inclusion, and to the Secretariat to prepare documentation. Examples of the time lines that would result from this change for the 122nd and 123rd sessions of the Executive Board are provided at Annex 1. It should be noted that, in accordance with the provisions of Rule 10 of the Rules of Procedure, additional items of an urgent nature may be proposed 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.

7. Resolution WHA51.30 (1998) on method of work of the Health Assembly mentioned for the first time the availability of documents on the Internet site of the Organization. During discussions the question arose of the lack of connectivity in many countries at that time and,¹ as a result, the Health Assembly decided to specify that documents should be dispatched and be made available on the Internet **at the same time** as the paper version of the documents were dispatched. This approach was reinforced by revision of Rule 5 of the Rules of Procedure of the Executive Board through resolution EB112.R1, and adoption of resolution WHA59.18 which brought the deadline for dispatch of Health Assembly documents in line with the deadline for dispatch of Board documents (six weeks before the session) by amending Rule 14 of the Health Assembly's Rules of Procedure.

¹ See document WHA51/1998/REC/3, summary record of the fourth meeting of Committee B.

8. Connectivity now exists in almost all Member States and the Internet is accessible to government officials. It is therefore proposed to amend the third paragraph of Rule 5 of the Rules of Procedure to allow the Secretariat to place documents on the Internet site of the Organization in all the official and working languages of the Board without reference to the dispatch date. In this way, Member States will have access to documents as soon as they are ready in all languages, without having to wait for the paper version of the documents to arrive through the postal system.

9. The text of the proposed changes in Rules 5 and 8 are at Annex 2.

QUANTITY AND QUALITY OF GOVERNING BODY RESOLUTIONS

10. The question of quantity and quality of resolutions has long been a preoccupation of WHO's governing bodies. Resolution WHA47.14 (1994) *inter alia* reiterated the general principle that resolutions should be considered by the Executive Board before submission to the Health Assembly. The resolution requested the Chairman of the Board to help to ensure that draft resolutions that were first introduced in the Board clearly set out a realistic time-limit for validity of the resolution and an appropriate mechanism and interval for following up and reporting on implementation. In current practice almost all resolutions on technical and health matters are considered first by the Board, and the Board has tended to adopt a resolution on almost every technical and health matter on its agenda. The Board has not applied the provisions of resolution WHA47.14 with respect to the role of the Chairman.

11. The former Programme Development Committee of the Executive Board kept the matter of resolutions under review. At its sixth meeting in January 2000, the Committee called for discipline to be exercised by the Executive Board and the Health Assembly in formulating resolutions and expressed concern about the number of resolutions with continuing reporting requirements. In response, the Secretariat has made an effort to reduce the number of draft resolutions it proposes. This effort continues today, yet experience shows that, even though the Secretariat may refrain from proposing a draft resolution in connection with a particular technical subject, Member States may still propose resolutions for various reasons.

12. WHO's governing bodies are not unique in their concern about implementation of resolutions. ILO's International Labour Conference strictly limits the number of resolutions that can be considered by any one session of the Conference. The Conference establishes a Resolutions Committee which considers whether certain resolutions satisfy the conditions of receivability set forth in the Standing Orders (rules of procedure) of the Conference. A procedure also exists whereby the Director-General may decide to withhold circulation of the text of a particular resolution pending consultation of the Officers of the Governing Body. The matter of resolutions has also been addressed in the context of reform of the United Nations system. Resolution 60/286 concerning *inter alia* the working methods of the General Assembly, while reaffirming the sovereign right of Member States to submit proposals, encourages Member States to submit draft resolutions in a more concise, focused and action-oriented form.

13. Lastly, under strategic objective 12 of the Medium-term strategic plan 2008–2013 and Proposed programme budget 2008–2009, an indicator relates to the "proportion of resolutions adopted that focus on policy and can be implemented at global, regional and national levels". The baseline for this indicator is 20% and the target to be achieved by 2009 is 40%.

14. The Board may wish to consider establishing a mechanism whereby the Chairman and Officers of the Board would review resolutions introduced during sessions of the Board, with a view to ensuring, in consultation with concerned members of the Board, that they contain a realistic time-limit for validity, an appropriate mechanism and interval for follow up and reporting on implementation, and that they are concise, focused and action oriented. The Board may also wish to request the Director-General to ensure that these parameters should be applied to resolutions proposed by the Secretariat.

Status of Chairman of the Executive Board

15. Rule 12 of the Rules of Procedure of the Board states that the Board shall elect a Chairman and other officers from among its members. This Rule has to be read in the context of Article 24 of the Constitution, which provides that “the Board shall consist of thirty-four persons designated by as many Members” and that “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”.

16. Article 24 of the Constitution in its English version, envisaged an Executive Board composed of individuals serving in their personal capacity rather than as representatives of their respective Member States. Consequently, the Chairman was elected from among the individuals composing the Board; alternates and advisers were seated behind him or her to provide assistance. In view of the ambiguity among the authentic languages of the Constitution as to the status of the members of the Executive Board, resolution WHA51.26 clarified that “Member States entitled to designate a representative to the Executive Board should designate them as government representatives, technically qualified in the field of health.”.

17. However, rather than following the practice of the Health Assembly and most governing bodies of organizations of the United Nations system, in which the presiding officer does not at the same time serve as representative of his or her country, the Board continued to apply its previous practice to its changed status. The Chairman, therefore, serves at the same time as presiding officer under the Rules of Procedure and as representative of his or her country. The delegation from which he or she was elected does not maintain a separate seat around the Board’s table; rather, the Chairman sits behind two nameplates: one identifying him or her as “Chairman” and the other as representative of his or her country. He or she may take the floor in either capacity (while identifying in advance if speaking as country representative). The Chairman may also exercise the other rights of membership of his or her State on the Board, including notably the right to vote. This practice is not without precedent within the United Nations system, the best example being the Security Council.

18. Although this practice has arguably not raised particular problems thus far, the Board may wish to reflect on whether it wishes to maintain it or to align it to that of most governing bodies of organizations of the United Nations system, notably the Health Assembly. In those cases, the Chairman is elected from among the representatives of Member States participating in the session, but serves exclusively as presiding officer and not also as national representative. His or her delegation maintains a separate seat and another representative exercises the rights of participation of the Member State during the session.

19. A change of practice would have the advantage of clearly differentiating between the specific functions of an elected officer and the rights of a representative of a Member State. It would thus clarify the exclusively presiding role of the Chairman and avoid any ambiguity or blurring of his or her functions and rights. From a practical point of view, it could be carried out simply by maintaining a separate seat for the Chairman’s delegation; an alternate would exercise the rights of membership of

the Member States concerned, in particular the right to take the floor on behalf of that State and to vote.

20. A possible disadvantage is that the Member State from whose delegation the Chairman is elected would have to be represented by an alternate. Indeed, under Article 24 of the Constitution and Rule 2 of the Rules of Procedure, each delegation is composed of only one “member”, together with alternates and advisers. This is in contrast to the Health Assembly, where each Member State may be represented by up to three delegates, pursuant to Article 11 of the Constitution. This situation does not actually limit the rights of participation of Member States, since Rule 27 allows an alternate to speak and vote on any question. However, Member States may wish to consider whether it is politically desirable to have a country represented for two Board sessions by an alternate.

21. Should the Board wish it could change its practice through an understanding reflected in the official records. It would not require any major change to the Rules of Procedure, which are neutral on this aspect. The only amendment that might be required would be the introduction of a new Rule providing that the Chairman, or a Vice-Chairman acting as Chairman, may not vote. The text of Rule 29 of the Rules of Procedure of the World Health Assembly could be used as a model for this purpose. The new Rule could therefore read as follows: “The Chairman, or a Vice-Chairman acting as Chairman, shall not vote, but he or she may, if necessary, appoint an alternate from his or her delegation in accordance with Rule 27”. The text of this new rule (Rule 14bis) is at Annex 2.

ACTION BY THE EXECUTIVE BOARD

22. The Board may wish to consider the following draft resolution:

The Executive Board,

Having considered the report on methods of work of the Executive Board;¹

1. DECIDES:

(1) to endorse criteria for inclusion of proposed additional items in the provisional agenda of Executive Board sessions, namely, proposals that address a global public-health issue, involve a new subject, or represent a significant public-health burden and have not already been considered by the Board at its most recent sessions;

(2) to request the Chairman and Officers of the Executive Board to review resolutions introduced during sessions of the Board with a view to ensuring that they contain a realistic time-limit for validity, an appropriate mechanism and interval for follow up and reporting on implementation, and that they are concise, focused and action oriented;

(3) to amend its Rules of Procedure as proposed in Annex 2 to the report on methods of work of the Executive Board, with effect from the closure of its 121st session;

¹ Document EB121/5.

2. REQUESTS the Director-General:

(1) to communicate the criteria mentioned in paragraph 1(1) above to Member States when inviting for proposals for additional items to be included on the provisional agenda of future sessions of the Executive Board;

(2) to ensure that the parameters mentioned in paragraph 1(2) above are applied to draft resolutions proposed by the Secretariat.

ANNEX 1

**REVISED TIME LINES FOR EXECUTIVE BOARD
DOCUMENTATION: EXAMPLE**

	122nd session of the Executive Board (assume 21-26 January 2008)	123rd session of the Executive Board (assume 26-29 May 2008)
Circulation of draft provisional agenda (four weeks after closure of previous session)	25 June 2007	25 February 2008
Proposals for additional agenda items (not later than 12 weeks after circulation of draft provisional agenda or 10 weeks before commencement of the session, whichever is earlier)	17 September 2007	17 March 2008
Dispatch of notice of convocation and annotated provisional agenda (eight weeks before commencement of session)	26 November 2007	31 March 2008
Dispatch of documents (six weeks before commencement of session)	10 December 2007	14 April 2008

ANNEX 2

RULES OF PROCEDURE OF THE EXECUTIVE BOARD

EXISTING TEXT

PROPOSED REVISED TEXT

Rule 5, third paragraph

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

Rule 8, second paragraph

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.

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 12 weeks after circulation of the draft provisional agenda or 10 weeks before commencement of the session, whichever is earlier.

Rule 14 bis

The Chairman, or a Vice-Chairman acting as Chairman, shall not vote, but he or she may, if necessary, appoint an alternate from his or her delegation in accordance with Rule 27.

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