

PROVISIONAL SUMMARY RECORDS OF THE SECOND MEETING

**WHO headquarters, Geneva
Thursday, 1 June 2017, scheduled at 14:30**

Chairman: Dr A. HAFFEZ (Pakistan)

CONTENTS

	Page
1. Technical and health matters (continued)	
Rheumatic heart disease (continued)	2
2. Management and governance matters	
Governance reform: follow-up to decision WHA69(8) (2016)	2
Evaluation of the election of the Director-General of the World Health Organization.....	8
Evaluation: annual report.....	11
Evaluation of the election of the Director-General of the World Health Organization (resumed)	13
Membership of the Independent Expert Oversight Advisory Committee	13
Hosted partnerships	
• Report on hosted partnerships	14
• Review of hosted partnerships	14
Committees of the Executive Board: filling of vacancies	14
3. Staffing matters	
Statement by the representative of the WHO staff associations.....	15
Amendments to the Staff Regulations and Staff Rules.....	15
Statement by the representative of the WHO staff associations (resumed)	19
Amendments to the Staff Regulations and Staff Rules (resumed)	21
4. Matters for information: Report on meetings of Expert Committees and Study Groups.....	26
5. Future sessions of the Executive Board and the Health Assembly	27
6. Management and governance matters (resumed)	
Governance reform: follow-up to decision WHA69(8) (2016) (resumed).....	28
7. Closure of the session.....	29

SECOND MEETING

Thursday, 1 June 2017, at 14:30

Chairman: Dr A. HAFFEZ (Pakistan)

1. TECHNICAL AND HEALTH MATTERS: Item 6 of the agenda (continued)

Rheumatic heart disease: Item 6.2 of the agenda (document EB141/4) (continued from the first meeting, section 7)

The representative of NEW ZEALAND, recalling that several amendments to the draft resolution on rheumatic heart disease had been proposed during the first meeting, said that informal discussions had taken place and asked the Secretariat to read out the amendments that had been agreed.

At the request of the CHAIRMAN, the SECRETARY read out the proposed amendments to the draft resolution on rheumatic heart disease. The new title should read: "Rheumatic fever and rheumatic heart disease". The words "WHA68.7 on global action plan on antimicrobial resistance" should be added to preambular paragraph 1 on the third line after the semicolon and before "WHA69.2". In paragraph 1(4), the word "affordable" should be added after "to ensure timely," and the word "cost-effective" should be added after "and reliable access to". In paragraph 2(3), the words ", affordable and reliable" should be added after "to facilitate timely," and the word "cost-effective" after "to existing and".

The representative of THAILAND said that his Government wished to join the list of sponsors of the draft resolution.

The resolution, as amended, was adopted.¹

The Board noted the report.

2. MANAGEMENT AND GOVERNANCE MATTERS: Item 7 of the agenda

Governance reform: follow-up to decision WHA69(8) (2016): Item 7.1 of the agenda (document EB141/5)

The CHAIRMAN drew the Board's attention to the draft decision contained in document EB141/5.

The representative of the UNITED REPUBLIC OF TANZANIA, speaking on behalf of the Member States of the African Region, said that the increasing number of items on the agendas of the

¹ Resolution EB141.R1.

Executive Board and the Health Assembly had put the Region at a disadvantage in discussions. He therefore welcomed the proposed set of criteria and factors for the inclusion of additional items on the provisional agenda of the Board as well as the tool for prioritization of proposals for additional items on the provisional agenda of the Board. However, he asked why the relative weighting scores, which spanned from 2 to 20, were so diverse. Criteria should be scored out of 10 since higher numbers made scoring more subjective and therefore more complicated. The Secretariat should also develop definitions for each of the factors to ensure that scoring was objective. He agreed that the Director-General should report on the implementation of the proposed criteria and prioritization tool at the 146th session of the Board.

The representative of THAILAND said that his Government welcomed the proposed criteria, factors and relative weighting system. He noted that the factors under criterion C had been given a lower weighting and noted the higher relative weighting for criteria F and G. Under factor D.4, he asked whether an item would be given lower priority if it had a greater potential impact on human and financial resources. Under factor E.3, he asked whether an item would be given lower priority if it had a greater impact on the workload, effective management and running of the Board's session. Under factor E.4, he asked whether it would be more likely that an item would be postponed if it had been given a high feasibility score. If that was the case, factors D.4, E.3 and E.4 would be negative indicators. It was important to ensure transparency and mutual accountability among the Member States proposing additional items, the Officers of the Board and the Director-General. All Member States should be informed about the criteria, factors and relative weighting, in order to prevent disputes.

The representative of the NETHERLANDS said that his Government supported the draft decision. Pursuant to decision WHA69(8) (2016), the Secretariat was preparing a report for the Seventy-first World Health Assembly identifying gaps or ambiguities in the rules of procedure relating to the inclusion of urgent items of the agenda of the Board or the Health Assembly. He proposed that the Secretariat should bring to the Board's attention in that report other procedural matters that may also require clarification, such as the possibility of electronic voting, delivery and processing of credentials at the Health Assembly and the permissibility of submitting written statements rather than making oral interventions, as well as any other matters the Secretariat deemed appropriate.

The representative of MEXICO welcomed the proposed criteria and weighting system, the reference to regional issues and the general programme of work, and the linkages with the Sustainable Development Goals. Although the proposals would have a positive impact, they would only be effective if Member States limited themselves to requesting issues of priority. Country-specific issues should be addressed using technological tools or with the support of regional or country offices.

The representative of BRAZIL said that the proposed criteria must be applied through broad member-driven decision-making, rather than by a decision of the Secretariat or the Officers of the Board. It would not be adequate to apply the proposed criteria as an automated tool kit since agenda items often had crucial technical and political importance. The proposed criteria should be aligned with WHO's constitutional mandate and any relevant overarching frameworks, including the 2030 Agenda for Sustainable Development. Establishing priorities through a bottom-up process and with the involvement of the regional committees should also be considered, and should appear in the proposed list of criteria. Moreover, care should be taken to limit the number of agenda items, as Member States with smaller delegations were at a disadvantage. Members must be consulted and informed of the positions taken by Officers of Board on whether to include an item. In factor A.4, the word "emergency", instead of "threat", would better reflect WHO's mandate under the International Health Regulations (2005). His Government would prefer to discuss the proposed criteria and prioritization tool further before endorsing the draft decision.

The representative of CANADA said that factor A.3 should distinguish between public health issues that were urgent, and those that were emerging or neglected. The relative weighting score should also be adjusted accordingly. Similarly, it was important that weighting scores distinguished between public health burdens at the global, regional and country levels. For criterion B, she questioned whether items that had never been discussed, or had not been discussed in the previous four years, should be included. Urgency and importance, not novelty, should be most important when considering new agenda items. She asked when the proposed new criteria would be introduced, given that a draft provisional agenda had already been prepared for the 142nd session of the Board. She agreed with the comments on governance reform made by the representative of the Netherlands and encouraged the Secretariat to broaden its analysis of agenda management issues, in particular the official status of written statements submitted by Member States and their inclusion in the official records of the meeting.

The representative of COLOMBIA said that the proposed criteria and prioritization tool would help to determine the relevance, urgency and importance of items proposed for discussion by the Board. His Government therefore supported the draft decision.

The representative of JAPAN said that he supported the proposed criteria in Annex 1. However, he concurred with the questions raised by the representative of Thailand on negative indicators and requested further clarification in that regard. Noting the proposal made by the representative of the Netherlands, he said that he shared the concerns expressed but noted that the proposal had been very broad and would require a lot of work. More urgently, he sought clarity on procedural issues relating to exactly how the prioritization tool would be used, and particularly whether proposed agenda items would have to be submitted in a specific format.

The representative of VIET NAM, welcoming the proposed criteria, said that it would be difficult to implement some criteria simultaneously. That was the case for criteria D and E since not every urgent proposal coincided with evidence-based, cost-effective interventions. Additionally, factors B.1 and B.2 could also be applied under criterion C to ensure that all agenda items were related to the Organization's mandate. Finally, while the criteria took account of global issues, they did not consider the specific needs of individual Member States, for which there should be a separate provision.

The representative of SWEDEN, while welcoming the proposed criteria, said that insufficient progress had been made on governance reform, hindering Member States' ability to prepare for and participate in governing bodies meetings. WHO could only make an impact on global health if its resources were not spread over too many issues. His Government supported the draft decision and the proposal made by the representative of the Netherlands.

The representative of BAHRAIN welcomed the proposed criteria and prioritization tool, which would make the process of selecting issues with a major health impact more effective. She took note of the process of assigning weighting scores to proposed agenda items.

The representative of the PHILIPPINES said that her Government appreciated the proposed criteria and prioritization tool. She noted that the tool recognized the need to give attention to urgent, emerging and neglected health issues under criterion A and the need to discuss urgent issues that had not appeared in the agenda under criterion B. Expressing concern that there were some gaps between the criteria, she encouraged the Officers of the Board to prioritize, but not exclude, items that were important to Member States even if they fell below the global level of concern. She agreed that the tool should be used without prejudice and at the Officers' discretion when accepting proposals and recommending the deferral or inclusion of proposals received. Her Government supported the draft

decision and the proposal made by the representative of the Netherlands regarding the inclusion of other measures in the Secretariat's next report.

The representative of KAZAKHSTAN said that there was a risk that regional public health issues would be excluded under global public health issues in criterion A and thus proposed amending it to read: "The proposal addresses a global/regional public health issue". With regard to criteria B and D, he said that any new item would necessarily have to be evidence-based and cost-effective, and as such those two criteria could be merged. He also noted that a significant amount of information would be required to determine whether an intervention was evidence-based and cost-effective under criterion D. His Government supported the proposal made by the representative of the Netherlands.

The representative of NEW ZEALAND questioned whether some of the proposed criteria were subjective and whether they should be used as positive or negative weighting factors. His Government had tested several projects using the proposed prioritization tool to assess how large, non-specific but high-impact programmes would fare, and had ascertained that they would not fare well. Appreciating the need to prioritize and select agenda items and to align the priorities of the Board with the Sustainable Development Goals, his Government would be prepared to consider the application of the proposed criteria and prioritization tool at the 142nd session of the Board. If the prioritization tool was to be tested, its output would need to be assessed as early as possible. Given that the Board would be asked to review and consider the report on reform implementation contained in document A70/50 Add. 1 at its 142nd session, the Board might also wish to consider the prioritization tool and its impact during that session.

The representative of MALTA said that he welcomed efforts to streamline the work of the Board and supported the proposal made by the representative of the Netherlands.

The representative of ITALY appreciated efforts to classify and objectively analyse proposals, particularly with regard to coherence, namely under Criterion G. Noting that it would be useful to include a reference to the One United Nations initiative, he proposed amending the wording of Factor B.2, to read, "The comparative advantage of WHO in addressing the proposal and advocating for it within the United Nations system".

WHO should anticipate future priority issues by reinforcing an approach based on foresight and its organizational strengths. He suggested amending factor A.1, by replacing the words "current health situation" with "current health situations and trends", while factor A.3 should be amended to read, "The extent to which the proposal addresses an urgent or neglected health issue and/or anticipates an emerging issue likely to become a priority given the available evidence".

A trial of the prioritization tool could be conducted before endorsing Annex 2, in order to assess or amend the weighting scale.

The representative of FIJI expressed support for the draft decision in principle. However, he suggested that a more conventional approach to weighting factors should be used, namely that all criteria should be scored on a uniform scale with weighting factors subsequently applied as multipliers, in order to avoid confusion. He supported the idea of performing a simulation of the new method. As a government with limited representational capacity, the Government of Fiji was interested in the proposal to introduce a broader review of agenda management and meeting processes, put forward by the representative of the Netherlands.

The representative of IRAQ noted that the proposed criteria had been amended to take into account the opinions of Member States. He agreed with the factors relating to urgency because countries in the Eastern Mediterranean Region faced many urgent issues linked to displaced populations and refugees. With regard to public health issues with potential global impact, regional

contexts and capacities, and WHO's coordinating role, should be taken into account. With regard to factor B.1, mention should be made of the action WHO could take in partnership with other bodies. Criterion D, and factor D.1 in particular, needed to be more specific to ensure that they were applied effectively. Factors D.2 and D.4 were similar, and could be combined. Criterion E might also require clarification. He also agreed that a single weighting scale from 1 to 10 would be preferable if the system was to be used accurately.

The representative of ALGERIA said that his Government requested clarification with regard to the proposed ranges for the relative weighting under the various proposed factors. Objectivity could also be an issue in the application of certain factors. For example, while factor D.2 assessed the cost-effectiveness of a proposal, it was not clear whether that assessment covered economic or social and health-related costs. Similar problems also arose under other criteria, making an objective assessment difficult. No matter how relevant or appropriate the criteria might be, care must still be taken in their application. There was a need for greater transparency, given that the new prioritization system would constitute a major aspect of the WHO reform process.

The representative of SRI LANKA welcomed the proposed criteria. However, his Government recommended that a new factor should be included in Criteria A and B, namely "A proposal that has been adopted by more than two regional committees for regional agendas". While supporting the proposal to simplify the relative weighting ranges made by the representative of Thailand, he said if the ranges were to be applied without change, he suggested that his recommended additional factor should receive a rating of up to 15 points.

The representative of ZIMBABWE¹ supported measures for time-bound reform and renewal, which must be considered separately from the Organization's ability to implement the minor changes required for effective and efficient operational performance. Additional factors could include: integration with existing major thematic areas, such as tuberculosis and malaria; and the impact of responsible referral of items to the regional committees.

The representative of SPAIN¹ said that his Government supported the draft decision. However, noting that the proposed criteria and factors would inevitably need to be refined, he said that any revision should take place as soon as possible.

The representative of GERMANY¹ said that her Government supported the criteria proposed in Annex 2 and the timely adoption of the decision. She encouraged the Board to try the new system before discussing it again, although she agreed that a review would be required. The new tool would enable the Secretariat to work more efficiently and ensure greater accountability and transparency. Her Government also supported the proposal made by the representative of the Netherlands. An analysis of the current rules of procedure was both timely and necessary.

The representative of the RUSSIAN FEDERATION¹ said that the proposed approach to prioritization would enhance the effectiveness of WHO's work and expressed his support for the draft decision. He agreed with the proposal made by the representative of the Netherlands regarding electronic voting.

¹ Participating by virtue of Rule 3 of the Rules of Procedure of the Executive Board.

The representative of NORWAY¹ expressed his support for the proposal made by the representative of the Netherlands.

The representative of the OFFICE OF THE LEGAL COUNSEL recalled that the Officers of the Board had assessed the existing criteria for the prioritization of agenda items and had decided that by reducing the number of criteria and providing definitions for each criterion, they could make the prioritization tool more objective and transparent. Following discussions during the 140th session of the Board, two further criteria had been added. He stressed that both the tool and the scoring system would be widely disseminated.

The Board could choose either to keep the existing system or to develop further the prioritization tool on a trial basis. The trial period originally proposed by the Officers of the Board would culminate in a report submitted to the Board at its 146th session in 2020. However, if the Board wished, feedback could be provided sooner.

The aim was to implement the system in time for the 142nd session of the Board in January 2018, so that an initial assessment of the tool could be made during that session.

With regard to the relative weighting, the criteria had been graded according to their importance and awarded a corresponding number of points, adding up to a possible total of 200 points. The weighting system aimed to provide an objective method of comparing proposals, thereby making the prioritization and selection process more transparent.

Several speakers had proposed expanding the scope of the Secretariat's work to cover matters such as electronic voting, written submissions and the accreditation process. The Secretariat was prepared to comply with that request by the 142nd session of the Board in January 2018.

The representative of BRAZIL said that his Government had reservations about endorsing the proposed criteria in their current form, and suggested that the words "to endorse" at the start of paragraph (1) of the draft decision be amended to read, "to apply on a trial basis for the next Executive Board session with a view to further developing the criteria". Furthermore, he asked the Secretariat to explain exactly which decisions the Board had before it under the current item.

The representative of the OFFICE OF THE LEGAL COUNSEL said that there were two separate proposals before the Board. The first was the draft decision, contained in document EB141/5, relating to the proposed new criteria and factors and the prioritization tool. Several speakers had suggested that the tool could initially be used on a trial basis, and that a performance evaluation report could be submitted to the Board at its session in January 2018. Should the Board wish to adopt that approach, the draft decision would need to be amended. The Secretariat could prepare a revised draft decision later in the meeting.

The second proposal concerned expanding the scope of the Secretariat's analysis of the rules of procedure of the Board and the Health Assembly relating to agenda management, in order to cover additional issues such as electronic voting, written statements and accreditation. As there seemed to be support for that proposal, the Chairman suggested putting it forward for adoption.

The representative of MEXICO recalled that the current report had been the result of an open and honest dialogue on governance reform between Member States in 2015. Regrettably, not all the points raised during that dialogue had been fully considered. Several comments had been made during the current meeting, which implied that benefit could be obtained from concluding that dialogue. He therefore proposed reopening that dialogue on governance reform measures, particularly in light of the positive outcomes seen thus far.

¹ Participating by virtue of Rule 3 of the Rules of Procedure of the Executive Board.

The representative of ALGERIA agreed with the proposal made by the representative of Mexico and reiterated his earlier request for clarification regarding the relative weighting ranges.

The DIRECTOR-GENERAL recalled that the report had been primarily prepared by the Officers of the Executive Board to consider issues relating to agenda management, and noted that it enjoyed wide support. From the comments made, she understood that the Board was prepared to test the criteria and prioritization tool in order to have a basis for further considerations. The Board was not being asked to endorse the Annexes at the current time. Furthermore, the Board seemed prepared to accept the proposal made by the representative of the Netherlands to expand the scope of the Secretariat's report and its subsequent deliberation by the Board.

However, the proposal made by the representative of Mexico was much broader and would require significant preparation by the Secretariat and Member States if the discussion was to be reopened. Therefore, a decision would not be taken on that proposal at the current meeting.

The representative of BRAZIL thanked the Director-General and the Secretariat for addressing the concerns of Member States and formulating a way forward. He asked who would apply the proposed criteria.

The DIRECTOR-GENERAL recalled that on a regular basis, the Secretariat organized a meeting of the members of the Officers of the Executive Board. It was the Officers who would apply the criteria in Annexes 1 and 2; however the Secretariat would provide administrative support once the relative weighting for each proposal had been decided.

The CHAIRMAN said that discussion of the current agenda item would be suspended in order for the Secretariat to revise the draft decision.

The representative of MEXICO thanked the Director-General for her clarifications and said that he would provide a more concrete proposal regarding reopening the wider discussion on governance reform at the 142nd session of the Executive Board.

Evaluation of the election of the Director-General of the World Health Organization: Item 7.2 of the agenda (document EB141/6)

The CHAIRMAN drew the Board's attention to the draft decision contained in document EB141/6.

The representative of the PHILIPPINES applauded the inclusivity of the recent election of the Director-General. He also appreciated that the presentation of candidates had been open to representatives of Member States not represented on the Board. Although generally, the election process had been efficient, the laborious process of manually casting and counting votes should be improved by using electronic voting. He noted that some international organizations conducted their elections using electronic voting without concerns about security or the validity of the results. The Secretariat should conduct further studies on electronic voting including discussions with other international organizations that had relevant experience.

The representative of the NETHERLANDS noted that the evaluation of the election process would be discussed in an open meeting, in accordance with resolution WHA65.15 (2012). Given that the evaluation was not an issue relating to the candidates, but one of governance, he said that the matter should be discussed in a public meeting. He asked the Legal Counsel to explain the rationale

for addressing it in an open meeting. He supported the proposal to establish an evaluation management group and looked forward to discussing the results of the evaluation at the 142nd session of the Board.

The representative of SWEDEN said that the election process could be improved in terms of the appropriate length of campaigns, the rules regarding transparency, and the funding level of campaigns, to allow all Member States to nominate candidates on equal terms. He welcomed the proposal to present the results of an online survey to the 142nd session of the Board, together with additional feedback from the Chairman of the 140th session of the Board, the Secretariat and the six candidates.

The representative of CANADA was pleased with the recent transparent election process, but said that fine-tuning was needed. She supported the establishment of the evaluation management group and looked forward to participating in the evaluation process.

The representative of VIET NAM appreciated that the election had been well organized and transparent. She agreed with establishing an evaluation management group, and steps to enhance fairness and transparency among Member States and seek their informed opinions.

The representative of ZAMBIA, speaking on behalf of the Member States of the African Region, said that independent feedback on the election process should be sought from the non-State actors that had attended the Seventieth World Health Assembly. He asked who would receive the specific questionnaires and be chosen for the key informant interviews referred to in paragraph 7 of document EB141/6. He also agreed with the proposed timeline for the evaluation and the establishment of an evaluation management group.

The representative of FRANCE said that the election process had been democratic and transparent, and that it should serve as a model for future elections at WHO and other international organizations. However, there was still room for improvement, and she welcomed the Secretariat's proposals, particularly the creation of an evaluation management group.

The representative of MEXICO said that the election had been a step forward in terms of transparency, and the positive process should be replicated by other entities of the United Nations system. He supported the draft decision and agreed that, in addition to establishing an evaluation management group, the opinions of Member States should be gathered through online surveys. However, following the initial evaluation of the election, a more in-depth review of the election process as a whole should be undertaken to determine its efficacy.

The representative of THAILAND thanked the Secretariat for facilitating the inclusive and transparent election process. As improvements could always be made, she supported the draft decision.

The representative of BRAZIL appreciated the transparency of the recent election, particularly the many opportunities for dialogue with the candidates and time allotted for their campaigns. The length of campaigning should be further assessed to ensure that it was cost-effective and fair to all candidates. The election process had met Member States' expectations and had added to the legitimacy and efficiency of health multilateralism. He agreed with the proposal to undertake a more in-depth assessment, as proposed by the representative of Mexico, which should provide an opportunity for broad consultation with Member States.

The representative of NEW ZEALAND expressed concern regarding the duration of the election process, which was too long; the potential disruptive impact on elections at the end of the

five-year term if that term remained unchanged; and the cost for candidates and their countries. Voting should take place through an open process, and consideration should be given to changing the term of office of the Director-General and the length of the transition process, which was too short. A cap in election expenses should also be considered. The review process must take into account the opinions of a balance of large and small Member States with a wide geographical distribution.

The representative of SRI LANKA appreciated that all Member States had been able to vote in the election. He agreed with the need to evaluate the election process. He asked whether the Director-General elect would have to step down and appoint an interim Director-General for the duration of the election process if he wished to be re-elected at the end of his current mandate.

The representative of JAPAN requested that terms of reference should be prepared for the evaluation management group, so that its work could be focused and effective. He also asked how the independence of the evaluation management group would be ensured. He noted that most of the Officers of the Board who had been elected were not fully aware of the heavy workload of their positions, and should be able to give informed consent when asked to serve.

The representative of MONACO¹ said that some points regarding the organization of the election still needed to be fine-tuned. The date on which a new Director-General took up office should be reviewed, to allow for a longer transition period with the outgoing team. Transparency and efficiency during the election process could also be improved, in particular during the vote itself, including the use of electronic voting. Her delegation fully supported the establishment of an evaluation management group, and was prepared to participate in any consultations.

The representative of the UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND¹ welcomed the open and transparent election process, which had increased the focus on WHO and the priorities of its Member States, and had given a clear mandate to the Director-General elect.

The representative of ZIMBABWE¹ agreed that there was an urgent need to evaluate the election process as a whole, and the conduct of the Secretariat during that process. The integrity and neutrality of the Secretariat were critical to ensure the trust of Member States and that WHO remained effective. Therefore, those principles should be added to the factors already proposed for the evaluation. External independent evaluations should be conducted alongside the internal evaluation process.

The representative of the REPUBLIC OF KOREA¹ said that she supported the decision to seek feedback from Member States, with a view to increasing fairness and transparency in future elections. However, the Secretariat should introduce an efficient and user-friendly electronic voting system for the next election. She looked forward to participating in the online survey.

The representative of NORWAY¹ agreed that the evaluation of the election process was a governance issue, and asked the Secretariat to explain why it had proposed restricting discussions on the evaluation to an open meeting of the Board.

The representative of the UNITED STATES OF AMERICA¹ welcomed the proposal to establish an evaluation management group, and said that she looked forward to its results. The fact that

¹ Participating by virtue of Rule 3 of the Rules of Procedure of the Executive Board.

the election campaign was long and the transition period was short presented challenges. She supported the proposal to consider a single non-renewable term of office for the Director-General that would be longer than five years.

The CHAIRMAN said that he wished to relinquish his position as chairman of the proposed evaluation management group, in order to ensure transparency and manage conflict of interest, given that Pakistan (his country) presented a candidate for the recent election. Therefore, he requested that the first Vice-Chairman should lead the proposed evaluation management group, and that a Board member from the Eastern Mediterranean Region should be selected to represent that Region. If the members of the Board agreed, the wording of the draft decision would need to be amended accordingly.

The REPRESENTATIVE OF THE DIRECTOR-GENERAL (Evaluation and Organizational Learning) confirmed that the online survey would be sent to all Member States and that additional feedback on the election process would be sought through key informant interviews with the Chairman of the 140th session of the Board, the six candidates and members of the Secretariat who had been involved in the election process. The Evaluation Office would develop the survey and interviews in consultation with the evaluation management group. Once completed, the Evaluation Office would share the findings of the process with the evaluation management group. Member States and the evaluation management group could make a decision on whether to include non-State actors in official relations with WHO in the evaluation process, which could be done through a specific online survey. A proposal for the process and timeline for the online survey and interviews would be prepared shortly with the evaluation management group, taking into account the new composition of that group. Member States would be presented with the findings of the evaluation for discussion at the 142nd session of the Board.

The LEGAL COUNSEL said that the Secretariat had not proposed carrying out the evaluation in an open meeting; the Health Assembly had made that decision in resolution WHA65.15 (2012). However, although the discussion would take place in an open meeting, the aforementioned resolution required that no Member State should be excluded.

The CHAIRMAN took it that the Board wished to suspend the discussion pending further consultations on the draft decision.

It was so agreed.

Evaluation: annual report: Item 7.3 of the agenda (document EB141/7)

The CHAIRMAN drew the Board's attention to paragraph 14 of the report of the twenty-sixth meeting of the Programme, Budget and Administration Committee of the Executive Board, contained in document EB141/2, which outlined the opinion of that Committee regarding the annual report on evaluation.

The representative of ZAMBIA, speaking on behalf of the Member States of the African Region, noted with satisfaction the evaluation of the Secretariat's contribution to the health-related Millennium Development Goals. Such evaluations would enable WHO to improve continuously its performance and its service to Member States, provided that they were carried out regularly, and that the resulting recommendations were implemented. Evaluations should also be carried out in regional and country offices, and not only at headquarters. All results should be disseminated to stakeholders, including staff, to facilitate the improvement of performance.

The representative of the NETHERLANDS encouraged the Secretariat to continue implementing the framework for strengthening evaluation and organizational learning. The Director-General elect should keep evaluation high on his agenda. The Organization's three-level and technical structure posed challenges to the establishment of systematic and strongly independent evaluations. Information should be provided on the role of the headquarters evaluation function in relation to other oversight functions and the decentralized evaluation activities of the regions and technical departments. The decision to protect the evaluation function from budget cuts under category 6, which had been made in the Programme budget 2018–2019, was welcome, and should be maintained throughout the biennium.

The representative of BURUNDI, emphasizing the importance of the evaluation function, agreed that evaluations should also be conducted at the regional level. He encouraged the Secretariat to disseminate the results of such evaluations.

The representative of MEXICO said that it was vital to strengthen the evaluation function, alongside governance and predictability in administrative matters. He looked forward to the results of the evaluation of the Secretariat's contribution to the health-related Millennium Development Goals, which would inform work towards attaining the Sustainable Development Goals. Enhanced communication and feedback, and support for Member States, would improve strategic programmes and projects at country level. He welcomed the recommendation to encourage the active participation of WHO representatives in country offices, as a means of contributing to the achievement of outcomes under the general programme of work. However, such participation must respect local management processes and be in line with national priorities. Evaluations, audits and general performance reports should serve to implement preventive and remedial action to improve the functioning of WHO.

The representative of IRAQ agreed that evaluations should also be carried out at the regional and country levels, and in the area of human resources, using quality management approaches. Standards should be reviewed periodically, in accordance with epidemiological variables. Finally, evaluations should remain closely linked to WHO reform.

The representative of the UNITED STATES OF AMERICA¹ said that evaluations were invaluable tools for organizational learning when fully integrated into planning processes and when used to inform strategic decision-making. The Secretariat should continue to place an emphasis on organizational learning in its evaluation framework, and maximize the dissemination of results and the implementation of recommendations.

The REPRESENTATIVE OF THE DIRECTOR-GENERAL (Evaluation and Organizational Learning) said that evaluations were carried out across the three levels of WHO through collective evaluation workplans. The 2016–2017 biennial workplan addressed the evaluations to be conducted at all levels in that period, and the evaluation annual report contained updates in that regard. The Evaluation Office was working to produce a document that would contain a more comprehensive consolidation of all the evaluations that were under way.

The Evaluation Office at headquarters worked closely with the decentralized evaluation functions through a global network on evaluation, with focal points in the clusters at headquarters and in the regional offices. The focal points ensured that evaluation at all levels was being conducted in line with evaluation policy, and the role of the central function was to provide technical backstopping and quality assurance. The reports of any corporate evaluations were transmitted to the

¹ Participating by virtue of Rule 3 of the Rules of Procedure of the Executive Board.

Director-General and Member States, and were published on the WHO website, together with the response from the Management. Reports were also sent to the regional directors and assistant directors-general, to be forwarded to all staff. A newsletter was published on a quarterly basis with information on ongoing evaluations. Organizational learning was always a challenge, and the Evaluation Office was looking at how to manage better the recommendations issued as a result of the many different evaluations and facilitate their implementation. The Management's responses to and annual updates on evaluations were also provided to Member States during governing bodies meetings.

The Board noted the report.

Evaluation of the election of the Director-General of the World Health Organization: Item 7.2 of the agenda (document EB141/6) (resumed)

At the invitation of the CHAIRMAN, the SECRETARY read out the amended draft decision:

The Executive Board, having considered the report on the evaluation of the election of the Director-General of the World Health Organization, decided to establish an evaluation management group, to be composed of the Vice-Chairmen and Rapporteur of the 141st session of the Executive Board, in addition to a member of the Executive Board from the Eastern Mediterranean Region, to take forward the work; and to be chaired by the first Vice-Chairman, with support from the WHO Evaluation Office.

The decision, as amended, was adopted.¹

Membership of the Independent Expert Oversight Advisory Committee: Item 7.4 of the agenda (document EB141/14)

The CHAIRMAN introduced the report containing the proposed members for the Independent Expert Oversight Advisory Committee. It was proposed that Mr Christoph Gabriel Maetze and Mr Jayant Karia should replace Mr Steve Tinton and Mr Mukesh Arya in January 2018, and that Mr Christopher Mihm should replace Mr Robert Samels in January 2019. The full curriculums vitae of the candidates were available for consultation.

The representative of the UNITED REPUBLIC OF TANZANIA, speaking on behalf of the Member States of the African Region, commended the work done by the Independent Expert Oversight Advisory Committee and its outgoing experts. The large number of applications received from diverse regions and from people with diverse backgrounds reflected the growing interest in serving on the Committee. He supported the appointment of the three new members and the proposal that the term of the current Chairman of the Committee be extended by one year, to January 2019. He emphasized the continued need to ensure gender balance within the Committee.

¹ Decision EB141(1).

The CHAIRMAN asked whether the Board was prepared to note the report and appoint the three new members to the Independent Expert Oversight Advisory Committee.

It was so decided.¹

Hosted partnerships: Item 7.5 of the agenda

- **Report on hosted partnerships** (document EB141/8)
- **Review of hosted partnerships** (document EB141/9)

The CHAIRMAN drew the attention of the Board to paragraph 15 of the report of the Programme, Budget and Administration Committee of the Executive Board, contained in document EB141/2, which outlined the discussion on hosted partnerships by that Committee.

The representative of ZIMBABWE² expressed serious concern regarding health partnerships hosted by WHO and other United Nations agencies. Such partnerships, supported by Member States and their development agencies, ran parallel to the support of WHO and undermined its role as a global public health leader. They also undermined WHO's ability to prioritize, respond rapidly, coordinate, and act as the global health platform in priority areas. He requested the Secretariat to take into account the importance of a single unified health platform at the global level, to support a single regional health platform in each region, and then a single national health platform in each country. The involvement of all stakeholders in a single platform would reduce health transaction and inflation costs and would have an impact on efforts towards universal health coverage.

The DIRECTOR-GENERAL recognized the concern expressed by the representative of Zimbabwe, but said that no new partnerships had been introduced during her term of office. Member States had provided the Secretariat with sound guidance on the partnership policy, which was being implemented. Overall, partnerships were good for the Organization. Some partnerships were excellent while others were problematic and required sound management for the Organization.

The Board noted the reports.

Committees of the Executive Board: filling of vacancies: Item 7.6 of the agenda (documents EB141/10 and EB141/10 Add.1)

The CHAIRMAN said that there were six vacancies to be filled on the Programme, Budget and Administration Committee, which was composed of 14 members: two members from each region, selected from among the members of the Board; plus the Chairman and a Vice-Chairman of the Board, as ex officio members. He asked whether the Board approved the proposals contained in paragraph 2 of document EB141/10 Add.1.

It was so decided.³

¹ Decision EB141(2).

² Participating by virtue of Rule 3 of the Rules of Procedure of the Executive Board.

³ Decision EB141(3).

The CHAIRMAN said that there was one vacancy to be filled on the Foundation Committees, and asked whether the Board approved the proposal contained in paragraph 2 of document EB141/10 Add.1.

It was so decided.¹

The CHAIRMAN proposed that the Board should be represented at the Seventy-first World Health Assembly by the Chairman and the first three Vice-Chairmen. If any of them were not able to attend the Seventy-first World Health Assembly, the other Vice-Chairman and the Rapporteur could be asked to represent the Board. In the absence of any objections, he took it that the Board wished to approve that proposal.

It was so decided.²

3. STAFFING MATTERS: Item 8 of the agenda

Statement by the representative of the WHO staff associations: Item 8.1 of the agenda (document EB141/INF./1)

The CHAIRMAN drew the Board's attention to the report of the WHO staff associations contained in document EB141/INF./1, but said that the item would be postponed until the representative of the staff associations could be present.

Amendments to the Staff Regulations and Staff Rules: Item 8.2 of the agenda (documents EB141/11 and EB141/11 Add.1)

The CHAIRMAN said that paragraph 21 of document EB141/11 contained two possible draft resolutions and the Board was invited to adopt one of those. Additionally, he drew the Board's attention to paragraph 16 of the report of the Programme, Budget and Administration Committee of the Executive Board, contained in document EB141/2. The Committee had recommended that the Board should adopt draft resolution 1, which would confirm that the amendments to the Staff Rules would come into effect from 1 January 2018, and not from 1 January 2020. The financial and administrative implications of the resolutions, should one be adopted, were set out in document EB141/11 Add.1.

The representative of CANADA said that it was essential to harmonize practices and maintain consistency and coherency across the United Nations system. She noted the concerns raised by the Secretariat related to the costs and liabilities of extending the mandatory age of separation if the amendments to the Staff Rules entered into force on 1 January 2018. Nevertheless, there should be no delay in implementing that change, and the complete, international civil service package should be implemented universally, as endorsed by the United Nations General Assembly. She encouraged WHO to work with other agencies to learn from best practices. She understood that the WHO staff associations supported the 1 January 2018 date and expressed the concern that unnecessary legal

¹ Decision EB141(4).

² Decision EB141(5).

challenges could result from deviation from the United Nations common system. Moreover, PAHO had already voted to implement the change from that date. WHO should not use deferred implementation to solve gender and diversity issues. She supported draft resolution 1.

The representative of COLOMBIA said that his Government supported draft resolution 2: the implementation of the amendments to the Staff Rules with effect from 1 January 2020. That option could allow WHO to save US\$ 10 million and avoid unbudgeted costs related to reassignments and relocations. The Director-General elect would also require time for administrative analysis and decision-making, in particular for staff decisions.

The representative of the NETHERLANDS said that matters related to raising the mandatory age of separation had already been discussed on multiple occasions, and welcomed the ample information provided on the consequences of the two draft resolutions. He continued to support draft resolution 1.

The representative of SWAZILAND, speaking on behalf of the Member States of the African Region, said that draft resolution 1 was unfavourable as it would increase the cost of the projected poliomyelitis liabilities to US\$ 3–4 million and delay progress in achieving gender and diversity targets. The detailed work of the Secretariat and the advice of the Independent Expert Oversight Advisory Committee to the Programme, Budget and Administration Committee indicated that WHO would not benefit from draft resolution 1. That was particularly true for the African Region, where the gender imbalance was most pronounced and a greater percentage of international professionals were expected to retire in comparison to the global average. While he recognized that the staff associations had expressed support for draft resolution 1, he supported draft resolution 2, as it addressed financial concerns and posed no legal challenges.

The representative of SWEDEN, noting the concerns outlined by the Secretariat, said that decision of when to implement the amendments should not be reduced to the issue of gender parity. Measures to achieve gender balance should be both short- and long-term, and extend to policies beyond recruitment, including fostering a work environment conducive to both men and women. Her Government supported the uniform implementation of the new mandatory age of separation for staff across all agencies, and expressed regret that some international organizations had chosen to delay the implementation of that change. Further discrepancies in the terms of employment within the United Nations common system should be avoided to prevent competition in recruitment of personnel and to facilitate inter-agency mobility. She supported draft resolution 1.

The representative of JAPAN said his country preferred draft resolution 2. Deferment of the implementation date would accelerate improvement in the Organization's gender balance and geographical representation. There was also a financial consideration; it would also allow WHO to avoid approximately US\$ 10 million in liabilities. Several United Nations agencies had decided to defer in the light of their specific contexts. WHO had its own specific needs, as an organization that was undergoing a reform process and had now elected a new Director-General. Deferment of implementation would be prudent as WHO was undertaking significant reforms that required ample financial resources and was transitioning to new leadership.

The representative of BRAZIL supported the adoption of draft resolution 1. He recalled that United Nations General Assembly resolution 70/244 had been adopted by consensus and the date for entry into force of the new mandatory age of separation contained therein must be respected. The Subcommittee on Program, Budget and Administration of PAHO's Executive Committee, at its eleventh session, had approved implementation of the new policy by 1 January 2018 at the regional

level. Consistency in staff working conditions within WHO and across the United Nations system was important.

The representative of FRANCE agreed that as the United Nations General Assembly resolution had been adopted by consensus, her Government supported the adoption of draft resolution 1.

The representative of THAILAND noted the desire for a common policy across the United Nations system, but said that different United Nations agencies had different fiscal contexts. The cost of implementing the new mandatory age of separation from 1 January 2018 amounted to a considerable portion of the 3% increase in assessed contributions agreed for the biennium 2018–2019. While recognizing that the decision to defer implementation of the new mandatory age of separation would have an impact on some staff members due to retire in 2018 or 2019, he said that adopting draft resolution 2 would ensure efficiency in WHO's work.

The representative of BURUNDI said that more time was needed to prepare for the changes. Given the financial implications of early implementation, his delegation was in favour of draft resolution 2.

The representative of MEXICO supported the adoption of draft resolution 1. Harmonization across the United Nations systems and respect for decisions adopted by the United Nations General Assembly were important. He agreed with others that there was no guarantee that early entry into force of the amendment alone would improve gender balance or geographical representation. Those should be promoted through appropriate short- and long-term policies and practices.

The representative of NEW ZEALAND said that deferring the implementation of the United Nations General Assembly resolution was not a good example of good-faith bargaining for staff. In the report, the Secretariat seemed to focus on health care liabilities, which were increasing, rather than pension costs. Additionally, there was no guarantee whether the costs incurred by the implementation of the new mandatory age of separation would not be even greater in two years' time. Similarly, postponing the policy change would enhance gender balance and geographical representation only if all positions that became vacant were filled to that effect. In order to take an informed decision, Member States needed information on the financial implications of deferral, which had not been provided. Given those uncertainties, his delegation supported draft resolution 1.

The representative of ALGERIA supported draft resolution 2, echoing the concerns expressed by the representatives of Swaziland, Japan and Thailand.

The representative of NORWAY,¹ supporting draft resolution 1, said that the United Nations General Assembly resolution was just that, a resolution, and not a recommendation. He shared the concerns expressed by the representative of New Zealand regarding the unknown financial implications of postponing implementation. He also agreed that a positive impact on gender balance in the Organization could not be guaranteed.

While thanking the Office of the Legal Counsel for its contribution to the report, he said that the possibility of staff members challenging a decision to defer implementation before the ILO Administrative Tribunal could not be ruled out. If so, the Tribunal may adopt a different view from that reflected in paragraph 20 of document EB141/11. Any such ruling could incur financial liabilities for the Organization.

¹ Participating by virtue of Rule 3 of the Rules of Procedure of the Executive Board.

The representative of the UNITED STATES OF AMERICA¹ recognized the specific implications of the new mandatory age of separation for WHO. She shared the concerns expressed by the representative of Norway regarding the potential risk to the Organization if the decision was deferred. There was a responsibility inherent in participation in the United Nations system to abide by decisions of the International Civil Service Commission and the United Nations General Assembly, which ensured consistency in staff benefits and compensation across the United Nations.

The representative of FINLAND,¹ supporting adoption of draft resolution 1, said that he did not believe that draft resolution 2 would be risk free, from a legal point of view.

The representative of SWITZERLAND¹ expressed support for coherence across the United Nations system with regard to human resources policy. The increase in the mandatory age of separation was based on a long-term perspective, taking into account the demographics of the organizations. She therefore supported adoption of draft resolution 1.

The representative of SPAIN,¹ expressing his Government's full commitment to the optimal use of human and financial resources across the United Nations system, reiterated that the amendment to implement the new mandatory age of separation of 65 would have to enter into force either in 2018 or 2020, as WHO had not expressed any intention to withdraw from the United Nations system. The question was whether WHO would adjust the timeline to its specific needs, and potentially save US\$ 10–15 million. The United Nations General Assembly resolution carried no direct legal implications for WHO, otherwise the discussion on amending the Staff Rules and Staff Regulations would not be taking place.

During the Seventieth World Health Assembly, many Member States' representatives had underlined the importance of ensuring that WHO had the resources it needed to implement its mandate. Many representatives had also expressed their willingness to make an exception to the zero real growth policy maintained for budgets of other United Nations agencies, accepting an increase in the budget in the light of WHO's financial situation and the importance of its work. However, there was little coherence between that position and the current prevailing focus on the seemingly mechanical implementation of United Nations General Assembly resolution 70/244.

His delegation favoured adoption of draft resolution 2, but given the diversity of views among members, he proposed that the Board could consider a compromise solution, in which the amendments related to the new mandatory age of separation would enter into force on 1 January 2019.

The representative of AUSTRALIA¹ aligned himself with those who supported draft resolution 1, recalling the consensus agreement on the timeline across the United Nations system. Any other issues raised in the report, such as the impact on poliomyelitis transition planning, gender balance and geographical representation, should be considered separately to the decision on the mandatory age of separation, in a comprehensive, Organization-wide response to human resources. He also echoed the concerns expressed by the representative of New Zealand that a cost deferred was still a cost.

The representative of the REPUBLIC OF KOREA¹ said that some United Nations agencies had already shown flexibility in implementing the United Nations General Assembly resolution. She urged WHO to take account of the need to improve gender balance and geographical distribution and manage funding and budgets efficiently. Her delegation therefore supported the adoption of draft resolution 2.

¹ Participating by virtue of Rule 3 of the Rules of Procedure of the Executive Board.

The representative of MONACO¹ fully supported the statements made by the representatives of Norway and Switzerland. She supported the adoption of draft resolution 1, given the importance of coherence in the mandatory age of separation across the United Nations system.

The representative of ANGOLA¹ joined other representatives in supporting the adoption of draft resolution 2.

The representative of the CONGO,¹ while noting the importance of coherence with other United Nations organizations, said that Congo supported draft resolution 2.

The ASSISTANT DIRECTOR-GENERAL (General Management) recognized the diversity of views within the Board. With regard to the future unknown costs of deferring the entry into force of the amendments relating to the mandatory age of separation, he recalled that the estimated short-term cost would amount to US\$ 10–15 million, and that there would be an additional increase in costs for poliomyelitis transition planning of US\$ 4 million. Having consulted representatives of the United Nations Joint Staff Pension Fund, he informed the Board that the implementation of the new mandatory age of separation on 1 January 2018 would incur a cost for WHO. WHO's contribution to that Pension Fund represented a fixed percentage of a given salary, which was considerably higher for staff aged 62 and due to retire than it would be for newly recruited staff. Thus, WHO's contributions to the Pension Fund would be higher than the pension payments it would be required to make. There would be no financial implications for the Organization in terms of health insurance contributions.

The DIRECTOR-GENERAL said that some United Nations agencies had decided to delay implementation of the resolution, others were refraining from its implementation altogether. WHO would not leave the United Nations system and would continue to do its utmost to honour the decisions and recommendations of the International Civil Service Commission. However, taking evidence-based policy decisions required looking at the different draft resolutions before the Board and their financial implications for the Organization. Implications for gender balance and geographical representation were also important to consider. Given that Member States were deeply divided on the issue, she asked whether they might be willing to entertain the compromise solution of deferring implementation to 1 January 2019, as proposed by the representative of Spain. That solution would give the Director-General elect some flexibility to prepare for the implementation of United Nations General Assembly resolution 70/244.

The representative of JAPAN supported the compromise proposal.

The representative of BRAZIL, noting that consideration of agenda item 8.1, statement by the representative of the WHO staff associations, had been suspended, asked whether the Board could hear the views of WHO's staff members prior to making a decision.

Statement by the representative of the WHO staff associations: Item 8.1 of the agenda (document EB141/INF./1) (resumed)

The representative of the WHO STAFF ASSOCIATIONS, speaking on behalf of the staff associations of WHO, PAHO, IARC and UNAIDS, paid tribute to the outgoing Director-General, Dr Margaret Chan, for maintaining good relations between management and staff. He also congratulated the incoming Director-General, Dr Tedros Adhanom Ghebreyesus, on his election. The

¹ Participating by virtue of Rule 3 of the Rules of Procedure of the Executive Board.

staff associations looked forward to engaging constructively with the new administration on staff-related issues, which had a direct impact on the overall performance of the Organization.

He expressed his full support for the implementation of the extension of the mandatory age of separation to 65 by 1 January 2018, as requested in United Nations General Assembly resolution 70/244. The measure was fully aligned with WHO's public health policy on ageing and he urged the Organization to adhere to the recommended timeline.

Harassment continued to remain a challenge at all levels of the Organization, often with undesirable consequences for the health of staff members. It was a specialized area, which should be managed by experts in that domain. The staff associations therefore supported the establishment of an independent office to handle all cases of harassment in the workplace.

Unfortunately, staff working conditions at WHO had deteriorated. In order for the Organization to enjoy the full benefit of motivated and functional staff, it must invest in them. A global vision was needed to integrate changes such as geographical mobility, career development and modern working methods into the culture of the Organization. The newly established WHO Health Emergencies Programme comprised many new functions and posts around the world and provided a good opportunity to pilot new working methods and update skills and tools. In that regard, Member States must ensure dedicated and predictable funding.

The representative of ZAMBIA, speaking on behalf of the Member States of the African Region, said that the staff associations, in their report, had expressed concern that important contributions made by the staff associations in the mutual interests of the Organization and its staff were often not incorporated by the Administration. He made particular reference to the request to reinstate the practice of sharing vacancy notices with the headquarters Staff Association prior to publication. He asked which platforms existed to engage with the staff associations, and recommended that they should be used properly for the benefit of the Organization.

The staff associations had also raised concern over the proposal to postpone implementation of United Nations General Assembly resolution 70/244, highlighting that its implementation would allow staff to contribute to health insurance and pension schemes for a longer period. However, the Member States of the Region supported deferring the application of the extended mandatory age of separation, since the implementation of the new rules would have significant financial implications for the Region.

Given the persistent gender disparity within WHO, long-standing recruitment and career development practices needed to be improved. The Board should receive regular updates on progress made in that regard. The newly established WHO Health Emergencies Programme needed to be fully resourced; technical assistance and capacity-building should be provided and Member State investment increased.

The representative of FRANCE supported the staff associations' request to adhere to the 1 January 2018 timeline for the implementation of the amendments to the Staff Rules. Her delegation also supported the staff associations' suggestions concerning the promotion of teleworking, the handling of harassment cases by an independent office, incentives to encourage geographical mobility, and the strengthening of gender equity within the Organization.

The representative of ZIMBABWE¹ expressed concern about the reports of harassment at all levels of the Organization. The reported failure to handle cases expeditiously and impartially, and their subsequent referral to the ILO Administrative Tribunal, undermined the integrity of WHO and needed to be addressed quickly.

¹ Participating by virtue of Rule 3 of the Rules of Procedure of the Executive Board.

The DIRECTOR-GENERAL thanked the staff associations for their support in the implementation of WHO reforms over the past decade. Although it had not always been easy to reach agreement, dialogue between management and staff had been constructive and had produced good results in areas such as the promotion of a respectful workplace and the introduction of flexible workplace policies and geographical mobility. She requested the representative of the staff associations to convey her appreciation to all staff members of the Organization.

The ASSISTANT DIRECTOR-GENERAL (General Management) said that all vacancy notices were shared with the staff associations prior to publication. WHO's staff members were its greatest asset and dialogue with the staff associations would continue. WHO was implementing the Respectful Workplace initiative and currently revising its harassment policy in order to address and prevent harassment. In addition, a teleworking policy had been put in place. Closing the gender gap had been made a priority and management reported regularly on the progress made.

The Board noted the report.

Amendments to the Staff Regulations and Staff Rules: Item 8.2 of the agenda (documents EB141/11 and EB141/11 Add.1) (resumed)

The representative of THAILAND asked whether the US\$ 10 million referred to in the report included the pension fund implications outlined by the Assistant Director-General. He also requested clarification from the Legal Counsel on whether staff members were likely to take legal action if implementation of the resolution was deferred, and the potential financial implications of any such action. Since WHO had its own Constitution and managed its own finances, he was unconvinced by the argument that United Nations-wide coherence was at stake. The main concern should be to ensure that the actions agreed by the Health Assembly and the Board were adequately funded. In his opinion, the positive impact of deferring the implementation of the amendments to the Staff Rules was overwhelming.

The representative of the UNITED REPUBLIC OF TANZANIA, taking into account the comments made by the Director-General, was prepared to support the compromise proposal made by the representative of Spain.

The representative of CANADA supported the adoption of draft resolution 1 and explained that her Government had consulted the International Civil Service Commission to understand the financial implications of the two draft resolutions. Expedient implementation of United Nations General Assembly resolution 70/244 was in keeping with current labour market and life expectancy trends. She enquired whether the US\$ 10 million estimate was based on the assumption that all 359 staff would retire.

The representative of BURUNDI thanked the Director-General for her clarifications and said he would be prepared to support the compromise proposal if a consensus was reached in that regard. Otherwise, he would support draft resolution 2.

The representative of ALGERIA said that there was general agreement that WHO needed to be coherent with the wider United Nations systems, and with its own policies. There was also a shared interest in improving gender balance and geographical representation, as well as making financial savings. While his Government preferred draft resolution 2, if consensus was to be reached on the compromise proposal of entry into force on 1 January 2019, Member States needed to know more about the financial implications of that option.

The observer of the RUSSIAN FEDERATION¹ said that his delegation supported draft resolution 1, which was in line with United Nations principles. However, he would not object to the compromise proposal put forward by the representative of Spain.

The ASSISTANT DIRECTOR-GENERAL (General Management) said that the Secretariat's calculations had been based on the assumption that all staff affected by the change in the mandatory age of separation would choose to retire at 65 and the financial implications mentioned did include those who were expected to retire. However, staff could leave whenever they chose, which made it difficult to plan from a human resources perspective. By implementing a system whereby each post would be reviewed on retirement and downgraded if justified, some savings could be made that had not been taken into account in the cost estimate. The financial implications of postponement until 1 January 2019 would need to be calculated, but could be expected to amount roughly to half the cost of implementation in 2018.

In response to the comments made by the representative of Canada, he said that the International Civil Service Commission was not responsible for the United Nations Joint Staff Pension Fund, and had only considered the long-term implications of the decision. Actuaries working for the Pension Fund had clearly stated that the impact of the decision on the Pension Fund would be marginal. He reiterated that WHO would be implementing the new mandatory age of separation, it was just a question of when.

Finally, he said it was difficult to learn from the experiences of other United Nations agencies as the staffing profiles varied, and the savings and cost implications would therefore not be the same.

The LEGAL COUNSEL, responding to the concerns raised regarding the legal risks of adopting draft resolution 2 or the compromise proposal, said that Article 36 of the WHO Constitution provided that the conditions of service of the staff of the Organization should conform as far as possible with those of other United Nations organizations. That did not mean, however, that WHO had no discretion as to how to implement decisions of the United Nations General Assembly; and that it was reasonable to regard that discretion as extending to the date of implementation. There could be no certainty that staff would not seek to challenge such a decision, or that the view of the ILO Administrative Tribunal might differ from that of WHO. However, there were reasonable legal arguments to defend a decision to defer, should the Board decide to take that course of action.

The representative of THAILAND noted that the two draft resolutions had similar levels of support, but said that many members of the Board had not yet expressed their opinions. The Board was responsible for making an objective decision that would benefit the Organization as a whole, and he recognized the importance of WHO's staff as its greatest asset. In his opinion, deferring implementation to 2020 would lead to benefits in terms of gender equity, geographical representation and cost savings.

The CHAIRMAN encouraged members of the Board who had not yet expressed their opinions to do so.

The representative of the DOMINICAN REPUBLIC said that he supported the compromise proposal put forward by the representative of Spain.

¹ Participating by virtue of Rule 3 of the Rules of Procedure of the Executive Board.

The representative of ITALY said that if labour market trends were to be followed, the changes should be implemented immediately. However, draft resolution 1 had a serious financial implication and in a time of financial crisis he supported draft resolution 2.

The representative of FIJI said that he was unwilling to express a preference for either draft resolution. The solution proposed by the representative of Spain was a compromise, but might ultimately provide a sensible middle ground. It was worth noting that the current gender and geographical imbalance reflected previous recruitment practices, and that it would be naive to assume that the whole recruitment system could be transformed by the introduction of a new staff policy. He expressed the hope that steps would be taken to ensure that recruitment practices were based on the principles of gender balance and geographical representation.

The representative of JAMAICA said that he supported the adoption of draft resolution 2.

The representative of TURKEY said that his Government would abstain from a decision on the issue.

The representative of the PHILIPPINES said that, given the importance of budgetary matters, she would support deferring implementation of the amendments to the Staff Rules until 2020.

The representative of LIBYA said that, although his Government had initially favoured draft resolution 1, it supported the compromise proposal. Deferring the discussion until January 2018 was out of the question.

The representative of BHUTAN said that while she favoured the middle ground, she would support the majority decision.

The representative of KAZAKHSTAN said that his Government supported the compromise proposal.

The representative of VIET NAM said that she supported draft resolution 2.

The representative of ALGERIA said that, given the fact that the Board sought to achieve consensus, it was important to give consideration to the compromise proposal put forward by the representative of Spain. He stressed that the matter should not be deferred until the 142nd session of the Board.

The representative of SRI LANKA said that cost was a major issue, and expressed support for draft resolution 2. However, he would also be willing to accept a compromise.

The representative of SWEDEN expressed concerns regarding the compromise proposal put forward by the representative of Spain, which still deviated from the United Nations General Assembly resolution, without any of the financial benefits of draft resolution 2.

In order to provide a more acceptable compromise solution, he proposed amending draft resolution 2, to read: "CONFIRMS, in accordance with Staff Regulation 12.2, the amendments to Staff Rules 410 and 1020 that have been made by the Director-General with effect, as soon as possible but no later than from January 2020".

The representative of IRAQ said that certain issues, especially those relating to funding, remained unclear. He supported the compromise proposal. In meantime, efforts could be made to cut

expenditure and reduce the budgetary implications of introducing the new mandatory age of separation.

The representative of the NETHERLANDS said that the proposal made by Spain did not represent a successful compromise. He therefore supported the proposal made by the representative of Sweden.

The representative of FRANCE said that she favoured draft decision 1. Unfortunately, the solution proposed by the representative of Spain did not provide a satisfactory solution, either in terms of funding or in providing a response to the concerns of Member States that supported the uniform application of staff policy throughout the United Nations system. However, she was prepared to support the amendment to draft resolution 2 proposed by the representative of Sweden.

The representative of the UNITED REPUBLIC OF TANZANIA expressed the concern that the discussion had begun to focus on semantic detail. He encouraged the members of the Executive Board to select one of the two original proposals for a draft resolution without delay. If that was not possible, the matter could either be deferred to the 142nd session of the Board for a full discussion, thereby losing the opportunity to take advantage of the first draft decision, or the Board could follow the suggestion made by the Director-General, namely to consider the proposal made by the representative of Spain.

The representative of BRAZIL said that WHO should not postpone a decision on the matter since clarity was needed. Although there was no specific reason for the Board to choose to implement the changes to the Staff Rules on 1 January 2019, it made sense politically. However, the decision was a difficult one since there was still much uncertainty concerning the figure of US\$ 10 million contained in the report, the number of people who would retire and whether there would be any legal challenges. It was also important for the Board to consider aligning WHO with the rest of the United Nations common system and to take into account the positions of the staff of the Organization who wished to implement the amendments sooner rather than later. He encouraged the Board to be flexible, and said that he respected the view of the Director-General that entry into force in 2019 could be a compromise. However, he was not in favour of adding imprecise language as proposed by the representative of Sweden.

The representative of THAILAND asked the Legal Counsel to clarify whether implementing the amendments on 2 January 2020 would be in violation of draft resolution 2 if it were amended as proposed by the representative of Sweden. Summarizing the views expressed so far, he concluded that the choice was between the amendment proposed by the representative of Sweden and the compromise proposed by the representative of Spain.

The representative of MEXICO would not agree to postpone a decision on the amendments to the Staff Rules. He expressed the belief that the solution proposed by the representative of Sweden added ambiguity to the text and asked the Legal Counsel for his advice in that regard. In the spirit of compromise, he supported the compromise proposal put forward by the representative of Spain.

The DIRECTOR-GENERAL said that it was vital that the Staff Regulations and the Staff Rules remained specific and not open to interpretation. Any ambiguity would leave the Director-General open to challenges from staff. In her opinion, the amendment proposed by the representative of Sweden would do just that. She therefore advised the Board to adopt resolution 1, resolution 2 or the compromise solution proposed by the representative of Spain.

The representative of NORWAY¹ reiterated that the solution proposed by the representative of Spain was not a compromise. It did not improve the basic problems associated with draft resolution 2: it was still inconsistent with United Nations General Assembly resolution 70/244 and it still left WHO at risk of legal challenge. Moreover, it would have fewer short-term benefits than draft resolution 2.

He considered the amendment proposed by the representative of Sweden to be of considerable merit since it reflected the original motive behind providing a second draft resolution: the need for flexibility. However, he understood the concerns expressed by the Director-General regarding the ambiguity and risks that the amendment could introduce and asked the Legal Counsel to propose some alternative wording, for example adding “when deemed to be in the best interests of the Organization” to the end of draft resolution 2. That draft resolution should also be amended to explain the reasoning behind the decision. Postponing a decision on the matter was not a solution.

The representative of FIJI said that he agreed with the Director-General on the need for a clear date for the implementation of the new mandatory age of separation. When a decision had to be made, often a solution that pleased no one was the right one, and he therefore suggested that the Board consider the compromise proposed by the representative of Spain.

The LEGAL COUNSEL said that by adopting the proposed amendment to draft resolution 2, the Board would empower the Director-General to decide when to make the amendments to the Staff Rules effective, within a final deadline. If that amendment was adopted, it would not be possible for the amendments to the Staff Rules to enter into force on 2 January 2020. However, until 1 January 2020, the Director-General would have flexibility on when to implement them.

It was true that the proposal made by the representative of Sweden added more uncertainty and therefore more legal risk. In order to mitigate that risk, the words “as soon as possible” could be removed so that the phrase would read: “with effect no later than 1 January 2020”. It would also be possible to add a preambular paragraph such as the following: “bearing in mind the specific circumstances of WHO”.

The representative of MONACO¹ recalled that during the 140th session of the Board, broad agreement had already been reached on implementing the United Nations General Assembly resolution without delay. Therefore, a decision needed to be taken immediately. The proposal made by the representative of Sweden, although it introduced some ambiguity, might allow the two sides to be reconciled.

The representative of the UNITED STATES OF AMERICA¹ agreed with the Director-General and said that there must be no ambiguity in the Staff Regulations and Staff Rules. The proposal made by the representative of Sweden would increase ambiguity and legal risk, which was unnecessary and should be avoided at all costs.

The representative of NEW ZEALAND recalled that the Programme, Budget and Administration Committee had recommended that the Board should adopt draft resolution 1. It was not appropriate to argue that WHO was being incoherent in terms of its financial policies. Additionally, the compromise proposal implied that the Organization could spend an additional US\$ 5 million rather than US\$ 10 million, when in reality it could afford neither. It was important to take into account the level of dissatisfaction among the Organization’s staff. The Board was responsible for the performance of the Organization, including its staff, and the staff associations had expressed a preference for draft resolution 1.

¹ Participating by virtue of Rule 3 of the Rules of Procedure of the Executive Board.

The CHAIRMAN said that it was clear that a consensus could not be reached on either of the two original draft resolutions contained in document EB141/11. Agreement would only be possible through the compromise proposal: implementation of the amendments to the Staff Rules with effect from 1 January 2019, which many members had said they would accept. It would be preferable to reach a consensus rather than proceed by vote.

The representative of ZIMBABWE¹ asked the Legal Counsel how much flexibility was available to WHO as an independent, specialized health agency within the United Nations system.

The representative of JAPAN, while expressing a preference for draft resolution 2, said that a decision by consensus would be preferable and that the compromise proposal put forward by the representative of Spain could be a solution.

The LEGAL COUNSEL, in response to the question asked by the representative of Zimbabwe, reiterated his earlier comments that the conditions of service of the staff should conform as far as possible with those of other United Nations organizations. The proposals under discussion did not call into question whether the decision of the United Nations General Assembly would be implemented, but rather posed the question of how the amendments would be implemented. As a specialized agency, WHO had a certain discretion as to how such decisions were implemented, and it was reasonable to regard this discretion as including the precise date of implementation of the new mandatory age of separation. However, there was a legal risk involved in choosing any option other than to implement the amendments to the Staff Rules with effect from 1 January 2018.

The CHAIRMAN asked whether the Board was ready to adopt the compromise proposal put forward by the representative of Spain, which endorsed the implementation of the amendments to the Staff Rules relating to extending the mandatory age of separation with effect from 1 January 2019.

The resolution, as amended, was adopted.¹

The meeting was suspended at 18:55 and resumed at 19:05.

4. MATTERS FOR INFORMATION: REPORT ON MEETINGS OF EXPERT COMMITTEES AND STUDY GROUPS: Item 10 of the agenda (document EB141/12)

The CHAIRMAN invited the Board to comment on the sixty-seventh report of the Expert Committee on Biological Standardization.

The representative of NEW ZEALAND said that the report clearly showed that the work undertaken by expert committees was important to WHO, regulators and ultimately the general public, as it facilitated access to safe, high-quality medicines.

The DIRECTOR (Essential Medicines and Health Products) thanked the representative of New Zealand and the members of the Expert Committee for their support for the work of the Secretariat and the expert committees.

¹ Resolution EB141.R2.

The CHAIRMAN invited the Board to comment on the thirty-eighth report of the Expert Committee on Drug Dependence.

The representative of JAMAICA welcomed the work carried out by the Expert Committee on Drug Dependence towards conducting a pre-review of cannabis, which was important for those considering the use of cannabis for medical purposes. His Government intended to contribute scientific and other pertinent information to the Expert Committee to facilitate that review. Continued efforts should be made to broaden participation in the Expert Committee to include experts from countries such as those in his subregion. His Government was actively involved in developing regulations for a new medicinal cannabis industry.

The representative of MEXICO said that the Expert Committee on Drug Dependence played a key role in the WHO's mandate on drug policy. The recommendation to hold a specific meeting of the Expert Committee, dedicated to cannabis and its component substances, was a sign of recognition of the paradigm shift demonstrated in the final document of the Special session of the General Assembly on the world drug problem. In Mexico, that shift had resulted in a fruitful debate and the adoption of legislation by a federal legislative body on cannabis for medicinal use. She reiterated the call for open and candid discussions based on evidence, in order to develop and implement drug policies that had a strong focus on public health.

The DIRECTOR (Essential Medicines and Health Products) said that the Expert Committee on Drug Dependence would report on the progress made on the pre-reviews of cannabis and other substances, over the course of 2018.

The CHAIRMAN requested the Secretariat to convey the gratitude of the Board to the experts for their contributions and to follow up on their recommendations as appropriate.

The Board noted the report.

5. FUTURE SESSIONS OF THE EXECUTIVE BOARD AND THE HEALTH ASSEMBLY:
Item 11 of the agenda (document EB141/13)

The CHAIRMAN took it that the Board wished to adopt the two draft decisions contained in document EB141/13.

It was so decided.¹

¹ Decisions EB141(6) and EB141(7).

6. MANAGEMENT AND GOVERNANCE MATTERS: Item 7 of the agenda (resumed)

Governance reform: follow-up to decision WHA69(8) (2016): Item 7.1 of the agenda (document EB141/5) (resumed)

The CHAIRMAN requested the SECRETARY to read out the amended draft decision, with a view to its adoption by the Board.

The SECRETARY read out the amended draft decision:

“The Executive Board, having considered the report on governance reform: follow-up to decision WHA69(8), decided:

- (1) to request the Officers of the Board to apply, on a trial basis, the set of criteria and factors, and the tool for the prioritization of proposals set out in Annexes 1 and 2 to document EB141/5 for the preparation of the provisional agenda of the 142nd session of the Executive Board (January 2018), and to report thereon at that session;
- (2) with a view to ensuring transparency, to request that the report under paragraph 1 include the scores resulting from the application of the tool for prioritization; and
- (3) to request that the Secretariat’s analysis of the rules of procedure for additional, supplementary and urgent items to be prepared in accordance with decision WHA69(8) also address other ambiguities and gaps in the rules of procedure of the governing bodies”.

The representative of THAILAND requested that the draft decision should contain a reference to providing the set of criteria and factors to Member States who wished to submit an additional agenda item.

The SECRETARY said that the Secretariat would provide Member States with that information.

The DIRECTOR-GENERAL agreed that it was important for Member States to have the criteria prior to their decision to propose an additional agenda item. She proposed that the criteria and factors for future additional agenda items could be circulated to all Member States when the provisional draft agenda was sent out for their consideration.

The representative of FIJI suggested replacing the words “ambiguities and gaps” in the third paragraph of the amended draft decision with the words “ambiguities, gaps and other shortcomings,” to avoid any undue constraints.

The CHAIRMAN took it that the Board was ready to adopt the decision as amended.

The decision, as amended, was adopted.¹

¹ Decision EB141(8).

7. CLOSURE OF THE SESSION: Item 12 of the agenda

The representative of AUSTRALIA, speaking on behalf of all the Member States, expressed profound respect for the Director-General's leadership over the previous decade. She recalled all that had been said about the Director-General's achievements in global health, which had been carried out with wisdom, courage, good humour, patience and tireless dedication.

The Board paid tribute to the Director-General, Dr Margaret Chan, through the medium of song.

The DIRECTOR-GENERAL thanked Member States – institutions, experts and non-State actors – for supporting WHO in its work, including through its diverse networks and expert groups. The contribution of Member States to the Organization was not just financial; it was the talent of their people, which was the beauty of multilateralism. Also commendable was WHO reform, which would improve transparency and accountability. Thanks to their guidance and support, Member States had elected the next Director-General in a very democratic process for the first time in WHO history.

She thanked the Chairman for his efficient and diligent leadership of the Board. His discussions had always been in a spirit of friendship, collaboration and compromise. The Board was a place for true deliberation and placed great importance on the experiences of Member States, and the representatives of those Member States were able to learn from each other.

Her term of office as Director-General had been a learning experience, which was a privilege and honour. She looked forward to continuing her work in global public health as Director-General Emeritus. All her colleagues at WHO were committed and dedicated and she appreciated having had the opportunity to serve with them. She thanked those countries that had provided her with an education, which had made her a better person and able to serve the Organization. Her education had also taught her about the importance of efficiency, effectiveness and judicious financial management.

She had been grateful for her opportunity to join WHO and expressed her fondness for the Organization. She looked forward to seeing her colleagues in the future to discuss how WHO could go forward as a stronger Organization of which Member States could be proud.

The Board gave the Director-General a standing ovation.

After the customary exchange of courtesies, the CHAIRMAN declared the 141st session of the Board closed.

The meeting rose at 19:40.

= = =