

**PROVISIONAL SUMMARY RECORD OF THE SECOND MEETING**

**WHO headquarters, Geneva  
Tuesday, 29 May 2019, scheduled at 14:30**

**Chairperson: Dr H. NAKATANI (Japan)**

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## SECOND MEETING

Tuesday, 29 May 2019, at 14:30

Chairperson: Dr H. NAKATANI (Japan)

1. **MANAGERIAL, ADMINISTRATIVE AND FINANCIAL MATTERS:** Item 6 of the agenda (continued)

**WHO governance reform processes:** Item 6.1 of the agenda (continued)

- **Involvement of non-State actors** (document EB145/4) (continued)

The EXECUTIVE DIRECTOR (External Relations and Governance) welcomed the rich discussion on the involvement of non-State actors in governing body meetings and noted the apparent consensus that the status quo was unsatisfactory and that improvements were needed, and that Member States expected meaningful, relevant and efficient interaction with non-State actors. She welcomed the information provided about preparations for the participation of non-State actors in regional and subregional governing body meetings and acknowledged the possible need for a more sophisticated position on non-State actor participation, given the diversity of actors and the different ways in which they interacted with WHO.

She reassured the Board that the management and procedures of governing body meetings were regularly reviewed. The review of the Seventy-second World Health Assembly would have a governance strand, and would take into account the concerns expressed during the current session of the Board under item 3 of the agenda. Member States would be invited to make further comments at a later stage during the review process. The Secretariat would heed the request that governance initiatives should remain within the governance reform process. The challenges faced by smaller delegations in attending multiple parallel events would be borne in mind. The comments and proposals made, including those put forward by non-State actors themselves, would be used to update the report, which would then be submitted to the Executive Board at its 146th session.

The DIRECTOR-GENERAL said that WHO's relationship with non-State actors was growing and evolving over time. The Organization benefited from such partnerships when working to fulfil its mandate. In addition to collaborating collectively with non-State actors in determined areas of interest, WHO had also started partnering with individual nongovernmental organizations through working groups that focused on specific diseases, areas of interest or expertise. Partnerships with non-State actors and private sector entities would be key for the delivery of the Sustainable Development Goals, but the checks and balances required to regulate such partnerships remained vital. The Secretariat would consider all the recommendations made, including concerning the establishment of a world health forum.

The representative of BRAZIL said that clarity was needed on what would be covered during the proposed web consultations with non-State actors in official relations with WHO. Regarding the discussion of the involvement of non-State actors at the next session of each of the regional committees, he asked the Secretariat to organize an additional round of consultations in Geneva for Member States, before the 146th session of the Executive Board. He encouraged all Board members to participate.

The CHAIRPERSON took it that the Board wished to note the report and approve the proposal for the Secretariat to refine the recommendations by conducting a web consultation with non-State actors.

**It was so agreed.**

- **Written statements for the Executive Board and Health Assembly: guidelines for Member States** (document EB145/5)

The CHAIRPERSON drew the Board's attention to the draft guidelines for written statements relating to meetings of WHO governing bodies to be posted on the dedicated WHO webpage and contained in the annex to document EB145/5.

The representative of SUDAN, speaking on behalf of the SYRIAN ARAB REPUBLIC<sup>1</sup> and the ISLAMIC REPUBLIC OF IRAN,<sup>1</sup> welcomed the draft guidelines. Referring to paragraph 2 thereof, she proposed extending the deadline for the submission of written statements to two weeks after the end of the Health Assembly so that smaller delegations would not be at a disadvantage. In relation to paragraph 3, she said that there should be no limit on the number of words in each written statement, particularly as delegations were already constrained by the limit of two minutes imposed on their oral interventions. The reference in paragraph 8 to avoiding unrelated politically controversial subject matter should be deleted to allow representatives to address any health-related issue, including those that might be politically sensitive or controversial.

The representative of FINLAND said that there was still room for improvement in practices relating to the functioning of the governing bodies. Noting that there were no terms of reference for the Officers of the Board, she said that their role in the planning and management of Board meetings could be strengthened. She requested the Secretariat to develop the template, agreed at the Board's 144th session, to facilitate analysis of proposed agenda items. Concerning the draft guidelines, she asked how they compared to United Nations General Assembly practice and whether any common practices were in place throughout the United Nations system. Finally, she said that the publication of written statements solely in the original language would present practical challenges, as would enforcing the proposed deadline for exercising a right of reply.

The representative of the UNITED STATES OF AMERICA said that the draft guidelines would be strengthened by moving the reason for submitting written statements, contained in paragraph 7, to the beginning of the document. Unofficial translations provided by a Member State should be clearly marked as such. While the right of reply would be unnecessary if the guidelines were adhered to, he expressed concern that two working days after the closure of the session might not be sufficient time should a reply be justified. As the guidelines failed to mention how early written statements would be published, he proposed that they should be published either at the start of consideration of the agenda item or at the opening of the governing body session. He requested the Secretariat to consider implementing a review period of one year in order to assess whether the guidelines and the practice of posting written statements were enhancing WHO governance without placing an undue burden on the Secretariat.

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<sup>1</sup> Participating by virtue of Rule 3 of the Rules of Procedure of the Executive Board.

The representative of ARGENTINA said that the word limits for national and regional statements should be extended. She fully supported the practice of publishing written statements, since it allowed everyone, including smaller delegations, to have a voice in the WHO governing bodies.

The representative of BURKINA FASO, speaking on behalf of the Member States of the African Region, endorsed the draft guidelines, which would enable Member States to expand on their oral interventions. He reiterated that the written statements must not be used for any other purpose.

The representative of KENYA endorsed the draft guidelines, provided that the submission of written statements was without prejudice to the right to make oral interventions and that published written statements were not a part of official governing body records. The draft guidelines should include measures to ensure that written statements were only submitted by authorized members of delegations. Lastly, she asked what mechanism the Secretariat planned to use to ensure that statements conformed to the guidelines.

The representative of the UNITED REPUBLIC OF TANZANIA welcomed the draft guidelines, but proposed that regional statements contain 750 to 1100 words. The draft guidelines should stipulate the period during which written statements would remain posted on the website and the procedure for submitting statements following the closure of a session, including when exercising the right of reply. Assuming that all written statements had also been delivered orally during the governing body session, he proposed that the guidelines should also include a procedure for an oral right of reply to a written statement.

The representative of BRAZIL said that he supported the practice of publishing written statements on a dedicated website. However, written statements should not replace oral interventions or constitute part of the official records. Moreover, they should be strictly related to the content of oral interventions delivered during the corresponding governing body session. While having the right to reply in writing would ideally increase Member States' confidence, it might instead reduce predictability and trust in the system, and prove burdensome. The draft guidelines did not clarify whether the right of reply could also be exercised in relation to statements delivered by non-State actors. The comments put forward merited further discussion. He asked for an update on progress made by the Secretariat to align the length of time written statements by Member States remained posted with that of non-State actors.

The representative of BANGLADESH, referring to paragraph 3 of the draft guidelines, said that the maximum length of written statements submitted on behalf of groups of Member States or WHO regions should be increased from 550 to 700 words. Allowing Member States to formulate more group statements would ultimately help decrease the number and volume of statements, and he requested the Secretariat to provide computing facilities to enable that practice. He urged the Secretariat to find other ways of encouraging Member States to combine their country statements wherever possible.

The representative of GERMANY recognized the complex nature of the discussion. He agreed with the proposal to move the rationale for publishing written statements contained in paragraph 7 of the draft guidelines to the start of the document. He said that the mention of specific countries should be avoided, as the right of reply would thus be unavoidable. Concerning paragraph 8, he asked what oversight mechanism would be established to ensure that written statements did not include unrelated or controversial subjects or offensive language. As the statements were the responsibility of Member States, it seemed unfeasible to place that burden on the Secretariat. He encouraged the Secretariat to consider the practices of other organizations of the United Nations system.

The representative of TUNISIA said that small delegations would require more time to submit a written statement or to exercise their right of reply. While he agreed that written statements should not be too long, the proposed length should be extended to allow Member States to share opinions and experiences that might enrich the debate.

The representative of the SYRIAN ARAB REPUBLIC<sup>1</sup> said that the Secretariat should not have any influence on the content of written statements posted on the website. She regretted that Member States were unable to submit written statements for publication on the website during the current session of the Board, and requested that the practice be reintroduced. In finalizing the draft guidelines, the Secretariat should refer to practices followed in other organizations of the United Nations system so as to reflect fair and equitable working practices. The online publication of written statements would allow Member States to provide additional information and might ease the burden on the Health Assembly.

The representative of MOROCCO<sup>1</sup> welcomed the draft guidelines and asked how long statements would remain on the website and how written statements would be archived for future use.

The CHAIRPERSON took it that the Board wished to request the Secretariat to update the draft guidelines in line with the concerns and comments expressed by Member States, before the 146th session of the Executive Board, in order to allow time for consideration and discussion. Moreover, he suggested that the Secretariat should consider introducing a trial period for implementation of the guidelines, once they had been adopted.

**It was so agreed.**

**Evaluation: annual report:** Item 6.2 of the agenda (document EB145/6)

The representative of BANGLADESH said that he looked forward to seeing the results of the Organization-wide evaluations, particularly the evaluation of the utilization of National Professional Officers and the review of 40 years of primary health care implementation at country level. He welcomed the exhaustive list of decentralized evaluations. Organizational learning should remain central to WHO's reform process.

The representative of AUSTRALIA asked when the delayed mid-point evaluation of the global action plan for the prevention and control of noncommunicable diseases 2013–2020 would be undertaken. That evaluation was of particular importance as the global action plan had been extended. She supported the proposed approach for the initial evaluation of the implementation of the Framework of Engagement with Non-State Actors, particularly regarding the inclusion of all stakeholders in consultations. Promoting multistakeholder collaboration was key to fulfilling WHO's mandate, and she looked forward to deliberating the evaluation outcomes at future sessions of the governing bodies.

The representative of GABON, speaking on behalf of the Member States of the African Region, welcomed the evaluations of the Programme Management Officer mechanism and the structures supporting the Expanded Special Project for Elimination of Neglected Tropical Diseases in his Region. Identifying the lessons learned from corporate and decentralized evaluations might encourage participation in joint evaluations. He encouraged the Secretariat to conduct the mid-term evaluation of the global action plan for the prevention and control of noncommunicable diseases 2013–2020, and to ensure that evaluations were conducted in such a way that they led to the development of appropriate

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<sup>1</sup> Participating by virtue of Rule 3 of the Rules of Procedure of the Executive Board.

policies. He agreed with the proposed terms of reference and approach for the evaluation of the Framework of Engagement with Non-State Actors, but stressed WHO's intergovernmental nature.

The representative of IRAQ said that the evaluation function should be strengthened and expanded. It should include a more structured and comprehensive review of country offices. WHO should provide more focused technical support to address existing and emerging challenges in line with the lessons learned from the evaluation of the Eastern Mediterranean Regional Centre for Environmental Health Action. She looked forward to the findings of the evaluation of the utilization of National Professional Officers at country level, as they would have a direct impact on work at that level. The evaluation of the implementation of the global action plan for the prevention and control of noncommunicable diseases 2013–2020 should be a priority and the results should be available for discussion at the 146th session of the Executive Board. She requested additional information from the Secretariat on the criteria that would be used to select the representative group of stakeholders that would conduct that evaluation.

The representative of the UNITED REPUBLIC OF TANZANIA said that he looked forward to the report on the review of 40 years of primary health care implementation at country level and that the evaluation of the global action plan for the prevention and control of noncommunicable diseases 2013–2020 should be conducted before the 146th session of the Executive Board. He welcomed the proposed terms of reference and approach for the evaluation of the Framework of Engagement with Non-State Actors, and said that key interviews should be conducted during regional committee meetings to ensure the participation of appropriate sources. The evaluation should include discussions on the modalities of engagement with non-State actors in the Health Assembly and the Executive Board.

The representative of CHINA welcomed evaluations of country offices and hoped that the resulting findings would inform WHO strategies to build capacity at the country level. Noting that some approved evaluations had been delayed owing to financial constraints, he said that the Secretariat should adopt clear criteria to prioritize the use of funds for the evaluation function to enable those evaluations to take place. The initial evaluation of the Framework of Engagement with Non-State Actors was very important, and he asked how the external independent evaluation team would ensure that there was no conflict of interest. His Government was committed to participating in that evaluation through interviews or online surveys.

The representative of AUSTRIA said that his Government could share its experience in implementing novel and innovative measures and actions as part of the review of primary health care implementation.

The representative of the UNITED STATES OF AMERICA expressed support for the terms of reference and approach for the initial evaluation of the Framework of Engagement with Non-State Actors, which should include input from WHO staff members and representatives of non-State actors. That evaluation should improve the Framework's execution and standardize its implementation across the Organization's technical areas, rather than lead to any amendment to the Framework itself. The Secretariat should continue to emphasize organizational learning, disseminating the complete findings of evaluations and tracking the implementation of evaluation recommendations. He noted that the Secretariat continued to strengthen its evaluation function, despite an increasing workload. He commended WHO for applying the findings from the Multilateral Organization Performance Assessment Network assessment.

The representative of FINLAND said that the quality and independence of corporate evaluation functions would be increasingly important in the light of the Thirteenth General Programme of Work, 2019–2023, the transformation agenda and the Programme budget 2020–2021. She welcomed the

positive outcome of the evaluation conducted by the Multilateral Organization Performance Assessment Network, but said that WHO must manage the potential risks arising from the transformation agenda. She expressed concern that the time allocated to conduct the initial review of the implementation of the Framework of Engagement with Non-State Actors was too short, and asked the Secretariat whether that time frame would be feasible. The Secretariat should continue to implement the Framework during the evaluation.

The representative of SPAIN<sup>1</sup> said that, just as the budget allocation for country offices had increased under the Programme budget 2020–2021, so the allocation for evaluation activities should also reflect that priority. Moreover, evaluations should be results-based and focus on whether activities were cost-effective from the point of view of public health.

The REPRESENTATIVE OF THE DIRECTOR-GENERAL (Evaluation and Organizational Learning) agreed that organizational learning was a key part of the evaluation function. He noted Members' requests to ensure that a broad range of stakeholders contributed to the evaluation of the Framework of Engagement with Non-State Actors, and said that the Secretariat would work to avoid any conflict of interest when selecting the members of the external independent evaluation team. The proposed time frame for that evaluation was realistic and achievable. The number of country office evaluations had already increased, and he agreed that more such evaluations would be conducted in the light of the priorities of the Thirteenth General Programme of Work. That would allow the Secretariat to have a better understanding of the impact of WHO's work at the country level.

He said that the delayed mid-point evaluation of the global action plan for the prevention and control of noncommunicable diseases 2013–2020, which was one of the planned decentralized evaluations, would be conducted in the third quarter of 2019 and that a representative group of stakeholders would be convened in June 2019. As the global action plan had been extended to 2030, the fact that the mid-term evaluation had been delayed would not have a negative impact on implementation. The lessons learned from that evaluation would provide guidance for future work. The evaluation of the Eastern Mediterranean Regional Centre for Environmental Health Action had been completed, and the Regional Director for the Eastern Mediterranean would share the findings with Member States during the next session of the Regional Committee. The evaluation of the utilization of National Professional Officers at the country level would be completed within the following month and the results shared with Member States. Finally, the Secretariat had received contributions from 94 Member States to the review of 40 years of primary health care implementation, it had begun the desk review of relevant documentation, and it would be sending out online surveys to Member State focal points the following week.

**The Board noted the report.**

**Membership of the Independent Expert Oversight Advisory Committee:** Item 6.3 of the agenda (document EB145/12)

The CHAIRPERSON invited the Board to note the report and consider the proposal contained in document EB145/12 to extend the terms of office of two members of the Independent Expert Oversight Advisory Committee.

The representative of GERMANY, supported by the representatives of FINLAND, the UNITED STATES OF AMERICA and ARGENTINA, said that the report had been submitted to the Board

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<sup>1</sup> Participating by virtue of Rule 3 of the Rules of Procedure of the Executive Board.

exceptionally late; he was therefore not in a position to agree to the proposal to extend the term of office of two of the Committee's current members, Mr Pereira and Dr Wilson.

The representative of BRAZIL asked the Secretariat what the implications would be for the Committee's work if the Board did not make a decision during its current session and whether the Committee would legally be able to continue performing its duties. To facilitate the Board's decision-making on the matter, he also asked the Secretariat to explain why the report had been issued so late.

The DIRECTOR-GENERAL said that the extension of the term of office of the two members of the Committee would ensure continuity in the ongoing investigation into the anonymous email that he had received expressing concerns about discrimination, lack of diversity and allegations of misconduct by WHO personnel.

The representative of FINLAND asked how long the investigation was expected to last, given that the term of office of the two members in question would not expire until April 2020.

The CHAIRPERSON, noting the Board's reluctance to approve the extension, asked the Legal Counsel whether the Executive Board could delay its decision until its 146th session in January 2020.

The LEGAL COUNSEL said that the Secretariat had not been able to publish the report earlier owing to the Committee's internal procedures and the timing of its meetings. The Committee had issued its report containing the proposal to extend the terms of office of two of its members on 13 May 2019, and the Secretariat had published its report one week later.

Should the Board decide not to approve the extension at its current session, it had two options: it could either delay the decision until its next session or commence the process of selecting two new members immediately. If the Board chose to delay its decision, but the extension was not then approved at the 146th session of the Board in January 2020, there would not be sufficient time to complete the candidate selection process and obtain the Board's approval of the candidates before the term of office of the current members expired on 30 April 2020. That would result in the Committee's membership being reduced from five to three until the appointment of two new members could be approved by the Board at its 147th session in May 2020. If all three of those members were present, the Committee would still have a quorum and would legally be able to perform its duties.

It would be possible to conduct the selection process before the 146th session of the Board in January 2020 and then decide at that time whether to appoint the new members or extend the term of office of the current members. However, that would not be fair to the potential candidates and would not constitute good governance practice.

The representative of the UNITED STATES OF AMERICA expressed appreciation for the work of the Committee, in particular Mr Pereira and Dr Wilson, and emphasized the need for the Committee to retain a balance of expertise going forward. Although exceptions had been granted in the past, it was not normal practice to extend the term of office of members of oversight committees, and the justification for granting an exception remained unclear in the current case.

The representative of GERMANY said that the Board had established terms of reference for the Committee, which clearly stated that the term of office for each member of the Committee would be two years. Terms of office should only be extended in exceptional circumstances. If extensions were to become a regular occurrence, the Committee's terms of reference would have to be amended. Moreover, none of the members of the Programme, Budget and Administration Committee of the Executive Board, to which the Committee reported directly, had expressed support for the proposed extension at its most recent meeting.



The representative of BRAZIL said that the Executive Board had the authority to decide whether to extend the term of office of the Independent Expert Oversight Advisory Committee members, regardless of the recommendation of the Programme, Budget and Administration Committee.

The representative of ESWATINI asked what action the Secretariat would have to take if the Executive Board decided not to extend the terms of office of the two Committee members under discussion.

The CHAIRPERSON explained that if the Executive Board did not make a decision during the current session, then a decision would have to be made at the Board session in January 2020. At that point, if the terms of office of those Committee members were not extended, the selection process to find two new members would begin; those members would be appointed by the Board at its 146th or 147th sessions. In the interim period, the Committee could continue to run with only three members, as that was the quorum for meetings.

The representative of the UNITED STATES OF AMERICA said that the decision should be made at the current meeting. In her view, there was no justification for extending the terms of office. The Secretariat should seek to recruit two new Committee members with the appropriate skills, as it was best for the Committee to have the full number of members at all times.

The CHAIRPERSON, observing that a consensus was emerging that the term of office of the two Committee members under discussion should not be extended, suggested that the Secretariat should start the selection process to find two new members.

The representative of FINLAND expressed support for the Chairperson's suggestion, as it was in line with the Committee's terms of reference.

The representative of BRAZIL asked the Secretariat to provide details regarding the recruitment process and to clarify whether the Board needed to adopt a decision in order to initiate that process.

The LEGAL COUNSEL explained that no formal decision was needed to launch the recruitment process, as it would be initiated automatically if the Executive Board did not approve the proposed extension. Concerning the process, he said that the Secretariat would advertise the posts in appropriate periodicals, send a request for proposals to the Permanent Missions in Geneva, and identify potential applicants from a roster of highly qualified candidates previously considered for the role or recommended by the existing Committee members. The candidates would be evaluated by an external consultant and an initial round of interviews would be conducted by the consultant and the Committee Secretary, who would then draw up a short list. Following a second round of interviews, the Director-General would then propose a list of three candidates, and the Executive Board would be asked to appoint two of those three candidates.

The CHAIRPERSON took it that the Board wished to note the report but did not wish to extend the term of office of two of the current members of the Committee, Mr Pereira and Dr Wilson, to 31 December 2020.

**It was so agreed.**

**Hosted partnerships:** Item 6.4 of the agenda

- **Report on hosted partnerships** (document EB145/7)
- **Review of hosted partnerships** (document EB145/8)

The representative of AUSTRIA said that evidence-based analysis was vital to sound policy-making. Although the European Observatory on Health Systems and Policies was an excellent example of best practice in that respect, improvements could be made to the support it received from WHO. First, WHO needed to provide more rapid and innovative support, in keeping with the digital era. Secondly, the capacity of the European Observatory to work with top academic institutions was hindered by certain WHO regulations, which should be reviewed to allow greater flexibility. Thirdly, it was important to find a way for the World Bank to resume its partnership with the Observatory. He encouraged wider membership of the European Observatory.

The representative of INDONESIA welcomed the information that the partnerships were running successfully; that momentum should be maintained. However, in line with resolution WHA63.10 (2010), it was vital to ensure that the overall terms of reference of hosted partnerships were consistent with WHO's constitutional mandate and principles, and did not place additional burdens on the Organization. They should minimize transaction costs for WHO, add value to WHO's work and adhere to WHO's accountability framework.

The representative of KENYA, speaking on behalf of the Member States of the African Region, welcomed the progress made through the WHO-hosted partnerships. Noting that the Alliance for Health Policy and Systems Research was coordinating the WHO-wide country-led implementation research initiative for universal health coverage, she encouraged it to consider supporting more Member States with capacity-building in research and development. She commended the work of the European Observatory to support Member States in the European Region. In view of the contribution of the Partnership for Maternal, Newborn and Child Health to progress towards the Sustainable Development Goals, implementation of the Global Strategy for Women's, Children's and Adolescents' Health (2016–2023) and coordination of the Unified Accountability Framework, she urged the Partnership to continue to work with all stakeholders, particularly at the national level. The efforts of Unitaid to increase investment and broaden its health portfolio should be commended. She requested the Secretariat to continue providing regular reports on the partnerships.

The representative of the UNITED REPUBLIC OF TANZANIA emphasized the importance of ensuring that partners were aligned with the WHO vision as the Organization embarked on implementation of the Thirteenth General Programme of Work, 2019–2023. The work achieved by the partners covered in the report was impressive and touched on many priority areas for the African Region, notably in relation to the Sustainable Development Goals. Noting that the review of the European Observatory had found that collaboration with WHO had boosted activities on health systems strengthening, he encouraged the performance of similar reviews of the other partners.

The representative of ZAMBIA said that it was encouraging to note that the partnership with the European Observatory had delivered on its objectives. It was clear that the work of the Observatory not only benefited the European Region, but also the wider membership; the current project to support evidence transfer and promote evidence-informed policy-making in the African Region was of special interest. The Observatory should be further commended for mobilizing its own resources, particularly by securing core funding from partnership contributions. He urged the Secretariat to ensure that all hosted partnerships were the subject of periodic internal and external reviews, with the results

disseminated to stakeholders. In addition, the Secretariat should share examples of best practice, as demonstrated by the Observatory, with all regions and stakeholders.

The representative of FINLAND said that her Government attached great value to the partnership with the European Observatory, which had provided support for the development of several national policies. The European Observatory had a unique approach to benchmarking and its work was based on carefully tailored, well-founded expert statements. Other regions could benefit from similar support, and she therefore welcomed the initial discussions with the WHO Regional Office for Africa in that regard.

The representative of BRAZIL noted that the Secretariat had reported good cooperation between Unitaid and WHO. An example was Unitaid's collaboration with 11 other agencies on the proposed global action plan for healthy lives and well-being for all.

The representative of SWITZERLAND<sup>1</sup> said that the European Observatory produced quality research and publications that were indispensable for reviewing health systems' progress towards achieving universal health coverage. In an interconnected world, the Observatory required a website that met up-to-date standards and provided free, convenient access to all publications. She therefore echoed the request for the Secretariat to provide better technical support to the Observatory.

The REGIONAL DIRECTOR FOR EUROPE said that the Regional Office for Europe worked closely with the European Observatory. The Regional Office was currently developing the Observatory's five-year workplan to ensure that it was fully aligned with the Thirteenth General Programme of Work and supported WHO's activities in the Region. In response to members' questions, she said that work was underway to strengthen the Observatory's digital platform and website. The Observatory's collaboration with other institutions was fully in accordance with WHO rules and regulations.

**The Board noted the reports.**

**Committees of the Executive Board: filling of vacancies:** Item 6.5 of the agenda (documents EB145/9 and EB145/9 Add.1)

The CHAIRPERSON said that there were seven vacancies to be filled on the Programme, Budget and Administration Committee of the Executive Board, which was composed of 14 members: two members from each region, selected from among the members of the Board; plus the Chairperson and a Vice-Chairperson of the Board, as ex officio members. He asked whether the Board approved the proposals contained in paragraph 2 of document EB145/9 Add.1.

**It was so decided.<sup>2</sup>**

The CHAIRPERSON said that there were three vacancies to be filled on the Foundation Committees. Regarding the fourth vacancy related to the Nelson Mandela Prize for Health Promotion, he reminded the Board that the award had been established during the previous session with the intention of awarding the first prize at the Seventy-second World Health Assembly. However, as it had not been possible to complete the necessary steps in time, and as some Member States and other relevant parties had suggested that the mechanism for awarding the prize would benefit from further consideration, it had been decided to wait until 2020. The Secretariat would report back to the Board with a view to

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<sup>1</sup> Participating by virtue of Rule 3 of the Rules of Procedure of the Executive Board.

<sup>2</sup> Decision EB145(2).

revising the award's statutes, as appropriate. He asked whether the Board agreed with that proposal, and approved the proposals contained in paragraph 2 of document EB145/9 Add.1.

**It was so decided.<sup>1</sup>**

The CHAIRPERSON proposed that the Board should be represented at the Seventy-third World Health Assembly by the Chairperson and the first three Vice-Chairpersons. If any of them were not able to attend the Health Assembly, the other Vice-Chairperson 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.<sup>2</sup>**

## **2. STAFFING MATTERS:** Item 7 of the agenda

**Amendments to the Staff Regulations and Staff Rules:** Item 7.2 of the agenda (documents EB145/13 and EB145/13 Add.1 Rev.1)

The CHAIRPERSON drew attention to document EB145/13, which contained a draft resolution on amendments to the WHO Staff Rules. The financial and administrative implications of adopting that resolution could be found in document EB145/13 Add.1 Rev.1. The draft resolution had been reviewed by the Programme, Budget and Administration Committee of the Executive Board, which recommended that the Executive Board should adopt it.

**The resolution was adopted.<sup>3</sup>**

**Statement by the representative of the WHO staff associations:** Item 7.1 of the agenda (document EB145/INF./1)

The representative of the WHO STAFF ASSOCIATIONS, speaking on behalf of the staff associations of WHO, PAHO, UNAIDS and the IARC, said that the staff associations supported the Director-General's calls for unearmarked funding, as an overreliance on earmarked voluntary contributions was distorting WHO's functions, policies and staffing, and undermining its independence. Restrictions on using voluntary contributions for staffing had led to recruitment freezes and changed the profile of WHO's workforce: the relative number of general services staff had decreased, while the number of consultants and temporary staff had increased, leading to larger workloads and reduced stability. The four-fold increase in consultants since 2013 was directly due to earmarked voluntary contributions. Although consultants performed staff functions, their contracts did not meet the conditions of decent work. The current situation was unacceptable, and she called on the Board to fund more staff positions and end the misuse of consultant and temporary staff contracts.

Regarding the transformation agenda, she welcomed changes that would contribute to achieving the "triple billion" goals. Any changes should lead to greater support and investment in the WHO workforce. However, she cautioned against unilateral, widespread change. Noting that the Organization had well-established, effective governance mechanisms, she said that all proposals should be reviewed

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<sup>1</sup> Decisions EB145(3), EB145(4) and EB145(5).

<sup>2</sup> Decision EB145(1).

<sup>3</sup> Resolution EB145.R1.

by the Global Staff–Management Council. As for staff mobility, its costs and benefits remained vague. If implemented without care, mandatory mobility policies could undermine the quality and effectiveness of WHO’s work and unnecessarily disrupt the lives of staff and their families. She therefore urged management to revisit the internal evaluations from the initial phase and the recommendations issued by the Global Staff–Management Council in October 2018. Policies on the implementation of mobility should be subject to internal governance mechanisms.

Noting that the proposed amendments to the Staff Rules had not been announced at the time of drafting of the statement contained in document EB145/INF./1, she expressed concern about two of those amendments. The changed definition of “single parent” in Staff Rule 310.7 was probably unnecessary and would be less transparent. Regarding the introduction of new restrictions on the use of sick leave during annual leave in Staff Rule 630.7, the existing procedures were effective, and there was no evidence to suggest significant problems. The growing number of disadvantageous changes in working conditions over the past five years was a well-documented trend that risked eroding staff morale and trust.

The representative of AUSTRIA expressed admiration for the achievements of WHO’s staff. While acknowledging that transformation could lead to uncertainty and anxiety, he noted that work to that end was well underway and that the Organization could soon return to focusing fully on important global health issues. It was not the Board’s role to micromanage staff matters, but Board members should nonetheless pay closer attention to work–life balance, teleworking and career development to ensure that WHO was a modern workplace. He was deeply concerned by the increase in consultant contracts. While the culture at headquarters seemed to be improving overall, thanks to the Director-General’s policies and overall approach, he urged the Secretariat to address the important issues raised by the representative of the WHO staff associations.

The representative of AUSTRALIA, focusing on the statement contained in document EB145/INF./1, urged the Secretariat to consider the staff associations’ recommendations and requests on strengthening harassment and discrimination policies. Investigations were taking too long, and the Secretariat should therefore adopt targets for the timely conclusion of harassment cases. WHO should also be more proactive within the United Nations system to ensure that policies and standards on the burden of proof in harassment cases were fit for purpose. It was worrisome that flexible working arrangements had not yet been implemented; WHO must embrace such arrangements in line with modern organizational practice. She expressed support for the Organization’s mobility programme, but said that it must be fair and ethical and develop workers’ skills, which would require transparent decision-making. The mobility programme road map and implementation plan should therefore be circulated as soon as possible, along with clear guidance on mandatory mobility.

The representative of the UNITED STATES OF AMERICA thanked staff for their hard work over the past year. He noted the range of issues that had been raised by the staff associations, including flexible working arrangements to maximize staff and organizational effectiveness. Staff members at all three levels of the Organization played critical roles in protecting and promoting health. He commended the tireless dedication of those responding to the outbreak of Ebola virus disease in the Democratic Republic of the Congo.

The representative of GERMANY said that the standing item on the concerns of the staff associations was an example of best practice for the Board, and welcomed the commitment of senior management to regular communication with the staff associations. While he shared the concerns that had been raised about staff mobility, he understood that senior management would take those concerns into account and make mobility a real win-win situation. With regard to the transformation agenda, he recalled that the Director-General had been asked to shake up the Organization with bold new ideas, but recognized that staff needed clarity on the implications, and a level of stability. To make WHO a modern,

respectful and family-friendly workplace, measures introduced by senior management should include teleworking.

The representative of FINLAND, welcoming the ambitious transformation agenda, said that it would require new working methods at all levels of the Organization. A results-based approach meant that staff needed to be made fully aware of expected outputs. She expressed concern about the impact of the transformation process on staff; clear processes to involve staff representatives were needed, along with a transparent timetable with a clear endpoint and goal. The Organization must take care of its staff, its most important asset. Member States expected WHO to set a high standard in the development and implementation of policies guaranteeing a peaceful working environment. Any kind of abuse or harassment was unacceptable and avenues for redress must be available and known to all staff. WHO should also become a leader in facilitating a better work-life balance through the use of technology and by offering flexible working arrangements and teleworking.

The representative of the NETHERLANDS<sup>1</sup> noted that it was not surprising that staff found the transformation process turbulent and urged the Secretariat to continue improving communication on the topic. He appreciated the collaborative approach to revising policies on sexual harassment and supported the call for a similar process with regard to workplace harassment. While new policies should be developed by a limited group, it was important to foster dialogue with all staff on the subject. With regard to human resources management reform, frequent and constructive performance feedback – including for senior management – prevented surprises and managed expectations. A sound culture of feedback also paved the way for teleworking, which could increase productivity and encourage a better work-life balance. He requested more information from the Secretariat with regard to staff mobility and asked that the points raised by the staff associations be taken into account when developing the mobility policy.

The representative of the UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND<sup>1</sup> expressed concern that the recommendations for policies on sexual and workplace harassment, sexual exploitation and abuse of power and related issues were being lost amid a focus on whether to develop policies in-house or to wait for the United Nations model policy. The development of those policies should involve meaningful consultation with staff representatives. She hoped that the forthcoming transformation plan would address staff concerns about the transformation process and the need for more clarity on the staff mobility policy and its links to corporate strategy. She supported the comments made about the development of a flexible working policy, which was crucial to demonstrating that WHO was a modern organization able to help its staff be as effective as possible and foster gender equality.

The representative of FRANCE<sup>1</sup> expressed regret that the movement of agenda items meant that the comments made by the representative of the staff associations about the amendments to the Staff Regulations would not be taken into account as they should. The questions raised with regard to the criteria for defining a single parent were of particular concern, since her delegation had raised a similar issue before.

The CHEF DE CABINET confirmed that the Organization had zero tolerance for any kind of harassment and recognized that, despite increased capacity, the investigatory system was under stress due to the volume of new cases. A thorough review of the system was needed to create a modern, best-in-class investigatory function. A bidding process for support had already been undertaken and the bids

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<sup>1</sup> Participating by virtue of Rule 3 of the Rules of Procedure of the Executive Board.

were under review. A decision would hopefully be taken soon, which would enable significant progress to be made before the end of the year.

The DIRECTOR-GENERAL agreed that its staff members were WHO's best asset. New initiatives for staff engagement included a monthly meeting with the staff associations, which he chaired as Director-General; 10 issues had been raised at the first monthly meeting and agreement had been reached on nine of them. The outstanding issue was teleworking. He had also introduced the practice of all members of senior management holding an open hour during which they were available to talk to staff members about their concerns and ideas. The staff association representatives were also able to contribute as members of all five of the Organization's taskforces, including the taskforce on mobility.

He agreed that staff needed increased opportunities for teleworking. However, teleworking required the setting of clear expectations and could not be introduced on a large scale until properly functioning teams had been established, following the transformation process. One of the taskforces dealt with the issue of career progression, which was key to staff motivation and morale, and an area where significant changes would be made. With regard to consultant and short-term contracts, he echoed the comments made by the representative of the staff associations, that a root cause of the problem was the financing of the Organization largely through voluntary contributions. Voluntary contributions were not predictable or long-term, but they were made regularly, which led to situations in which an individual could be employed as a consultant over many years. He would tackle the internal problems as far as possible, but urged Member States to do their part and commit to addressing the issue of predictable financing.

When members of staff were deployed under the mobility policy, there had to be a link between the vacancy and their skill set and competencies. While staff members had different views on mobility, they were increasingly open to the idea and were requesting clear guidelines and openness and fairness in its implementation. There was growing acceptance that members of staff needed to move to wherever they could best serve the Organization. A candid discussion about the issue would help maintain the balance between properly serving the Organization's constituents and addressing staffing issues. WHO could learn from other organizations that had already addressed the issue of staff mobility.

The Organization was moving towards a 360-degree feedback approach to performance review that would involve monthly appraisals. While accountability was important, appraisals should be viewed primarily as an opportunity to build people up. Changing the system was not easy, but it was feasible.

The CHAIRPERSON took it that the Board wished to conclude its discussion of the agenda item.

**It was so agreed.**

### **3. MATTERS FOR INFORMATION: Item 8 of the agenda**

**Report on meetings of expert committees and study groups:** Item 8.1 of the agenda (document EB145/10)

The representative of ZAMBIA, referring to the sixty-ninth report of the Expert Committee on Biological Standardization, commended efforts to standardize guidelines and appealed for increased technical support at the country level to enhance the capacities of local scientists and ensure adherence to the new recommendations. Since her country remained at risk of polio outbreaks, she particularly welcomed the revised guidelines on containment and vaccine production, and urged all stakeholders to work with the Secretariat to ensure adherence thereto. Turning to the forty-first report of the Expert

Committee on Drug Dependence, she welcomed the recommendations on cannabis and cannabis-related substances and expressed the hope that new guidelines on the topic would help countries make progress towards a consensus on that issue.

The representative of the UNITED STATES OF AMERICA said that the recommendations by the Expert Committee on Drug Dependence related to cannabis and cannabis-related substances were technical and complex. Member States would need further information before developing informed voting positions for the Commission on Narcotic Drugs. He appreciated the efforts made by WHO, UNODC and the International Narcotics Control Board to hold consultations with a view to helping Member States better understand the intent and impact of the recommendations. He expressed the hope that there would be an opportunity to engage in further consultations, if required.

The representative of SINGAPORE expressed support for the recommendations on placing new psychoactive substances under international control and continuing surveillance for tramadol and pregabalin. He expressed concern, however, that the recommendations on cannabis and cannabis-related substances would have the effect of loosening international controls and increasing access to those substances. Easy access to cannabis would have serious public health and social implications. While his Government supported measures to ensure the availability of and access to controlled substances for medical and scientific use, a clear distinction must be drawn between cannabis-related pharmaceutical products that had demonstrated therapeutic efficacy, and raw cannabis and non-pharmaceutical cannabinoids with no therapeutic uses. His Government looked forward to working with the Secretariat and the Expert Committee on Drug Dependence to correct misconceptions in that regard. He did not support the recommendations related to cannabis. Retaining the current scheduling of cannabis and cannabis-related substances would not prevent their use in medical and scientific research, or access to pharmaceutical cannabinoids that had been rigorously evaluated for safety and clinical efficacy.

The representative of JAPAN said that he shared the concerns raised by the representative of Singapore.

The ASSISTANT DIRECTOR-GENERAL (Prequalification and Technology Assessment) said that several information sessions on the recommendations of the Expert Committee on Drug Dependence had been held in Geneva, Vienna and Brussels, and the Commission on Narcotic Drugs would hold a vote on the recommendations in either December 2019 or March 2020. Under the recommendations, which were based on scientific evidence, cannabis and cannabis-related substances would still be strictly controlled. The aim was not to loosen regulation or legalize cannabis, but rather to allow its medical use, where needed, and facilitate medical research and development. It was for the Commission on Narcotic Drugs to decide whether it accepted the recommendations of the Expert Committee on Drug Dependence.

The CHAIRPERSON took it that the Board wished to conclude its discussion of the item.

**It was so agreed.**



**4. FUTURE SESSIONS OF THE EXECUTIVE BOARD AND THE HEALTH ASSEMBLY:**  
Item 9 of the agenda (document EB145/11)

**146th session of the Executive Board**

The CHAIRPERSON drew attention to the first draft decision contained in document EB145/11.

The DIRECTOR (Governing Bodies) said that Member States would receive a draft agenda for the 146th session of the Executive Board within one month of the closure of the current session.

The representative of CHINA, supported by the representative of SINGAPORE, said that respect for cultural diversity was a key principle of WHO. He therefore proposed that the 146th session of the Executive Board should be convened on Thursday, 16 January 2020, in order to avoid meeting on 24 and 25 January 2020, which would be major public holidays in his and other Asian countries. The related meeting of the Programme, Budget and Administration Committee of the Executive Board could be held from 13 to 15 January 2020.

The representative of the UNITED STATES OF AMERICA said that, while she appreciated that the public holiday in question was important, she would like to know what effect holding a meeting of the Programme, Budget and Administration Committee so early in the year might have on the availability of documentation for that meeting.

The representative of BRAZIL asked whether it might be possible to convene the Executive Board after 25 January 2020. In some parts of the world, government agencies would be closed at the end of the calendar year, which would make it difficult to prepare for an earlier session of the Executive Board.

The DIRECTOR (Governing Bodies), noting that the timing of the annual World Economic Forum should also be taken into consideration, suggested that the next meeting of the Programme, Budget and Administration Committee should take place from 29 to 31 January 2020, and the 146th session of the Executive Board should be convened from 3 to 8 February 2020.

The representatives of CHINA, SINGAPORE, the UNITED STATES OF AMERICA and BRAZIL agreed to those dates.

The representative of JAPAN expressed concern that holding the Executive Board session two weeks later than originally planned would limit preparation time for the Seventy-third World Health Assembly.

The DIRECTOR (Governing Bodies) acknowledged that deferral of the session by two weeks would limit the time available to all, including Member States, to prepare for the Seventy-third World Health Assembly. That fact would have to be taken into account in any proposals for intersessional work following the 146th Executive Board. On the other hand, holding the January meetings of the Programme, Budget and Administration Committee and the Executive Board earlier than usual would reduce the time available for preparation for those meetings.

The LEGAL COUNSEL said that the 146th Executive Board was scheduled to hold elections for two regional directors, whose terms of office would expire on 31 January 2020. Were the 146th Executive Board to be deferred, those positions would be filled by acting regional directors, appointed by the Director-General, until the Board finalized the election of the new directors.

The CHAIRPERSON took it that the Board wished to adopt the first draft decision, as amended by the Director.

**The decision, as amended, was adopted.<sup>1</sup>**

### **Seventy-third World Health Assembly**

The CHAIRPERSON invited the Board to discuss the second draft decision contained in document EB145/11.

The representative of CHINA asked which meetings of the Seventy-third World Health Assembly would be held at the Palais des Nations and which at the Centre International de Conférences Genève. The relevant meeting guidelines should be implemented to ensure the smooth running of the Health Assembly.

The representative of the UNITED ARAB EMIRATES, speaking on behalf of the Organization of Islamic Cooperation and supported by the representatives of SUDAN, TAJIKISTAN, DJIBOUTI, TUNISIA, BANGLADESH, INDONESIA, IRAQ and SINGAPORE, proposed that the Seventy-third World Health Assembly should be postponed by ten days in order to prevent it from coinciding with Eid al-Fitr, which marked the end of Ramadan and was an official United Nations holiday.

The DIRECTOR (Governing Bodies) said that there was almost no flexibility regarding dates and room bookings for the Health Assembly. The Secretariat would look into the possibility of bringing the dates forward by one day or shortening the Health Assembly in order to finish on 22 May 2020, in time for the Eid al-Fitr holiday. Other options included videoconferencing and holding the Executive Board at a later date, rather than immediately following the Health Assembly.

The representative of SUDAN, supported by the representatives of the UNITED ARAB EMIRATES and BANGLADESH, said that, if the Seventy-third World Health Assembly could not be postponed as suggested, it should finish no later than Thursday, 21 May 2020, to avoid the session coinciding with the public holiday for Eid al-Fitr.

The CHAIRPERSON took it that the Board wished to suspend discussion of the second draft decision, pending further consultation.

**It was so agreed.**

### **Attendance as an observer at the Programme, Budget and Administration Committee of the Executive Board**

The CHAIRPERSON invited the Board to consider a request for Palestine to attend future meetings of the Programme, Budget and Administration Committee of the Executive Board as an observer.

The LEGAL COUNSEL recalled that the Health Assembly had previously decided to make arrangements to allow Palestine to attend WHO meetings as an observer and had conferred additional rights and privileges on Palestine that were not enjoyed by other observers. Palestine was therefore routinely invited to attend the Health Assembly and the Executive Board as an observer. However, the

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<sup>1</sup> Decision EB145(6).

Rules of Procedure of the Executive Board did not provide for observers other than intergovernmental organizations to attend meetings of its Programme, Budget and Administration Committee, and only in limited circumstances. The practice had been not to invite Palestine to observe meetings of the Programme, Budget and Administration Committee, and any change in that practice should be decided by the Board. There were two possible ways forward: first, make the decision at the current session to invite Palestine to attend the Programme, Budget and Administration Committee as an observer as requested; or secondly, review the attendance of observers at the Committee in general. The latter option would raise a number of practical and procedural issues that could be set out in a Secretariat report for consideration at the 146th session of the Board in January 2020.

The representatives of BANGLADESH, SUDAN, IRAQ, the UNITED ARAB EMIRATES, ARGENTINA, DJIBOUTI, SRI LANKA, the ISLAMIC REPUBLIC OF IRAN<sup>1</sup> and TURKEY<sup>1</sup> supported the first option of inviting Palestine to attend meetings of the Programme, Budget and Administration Committee as an observer.

The representative of TUNISIA noted that, in view of resolution WHA53.13 (2000), Palestine should be invited to observe the meetings of the Programme, Budget and Administration Committee.

The representative of AUSTRALIA said that the Board did not have sufficient information to make a decision. The Secretariat should provide the Board with a proper analysis of the implications of the request, how the request might affect various observers across the governing bodies of WHO, and what steps would need to be taken to facilitate the request.

The representative of ESWATINI agreed with the representative of Australia and asked whether the issue was considered a technical or a political matter.

The representative of BRAZIL said that greater clarity was needed on the implications of allowing Palestine to participate as an observer, and the intersection between the decision-making powers of the Executive Board and the Health Assembly, particularly in view of resolution WHA53.13 (2000). The Secretariat should prepare a comprehensive analysis of the matter, which should be discussed in January 2020.

The representative of the UNITED STATES OF AMERICA agreed with the comments made by the representatives of Australia, Brazil and Eswatini. Given the complexity of the issue, she favoured the second option, which would allow the discussion to take place once the relevant information had been provided.

The representative of ISRAEL said that Board members should have time to study a report by the Secretariat on the matter before making a decision, particularly in view of the late stage at which the request had been received. He supported the second option.

The representative of ITALY said that he had no objection, in principle, to approving the request by Palestine, but favoured the second option in order to consider the issue in general and reach a decision by consensus.

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<sup>1</sup> Participating by virtue of Rule 3 of the Rules of Procedure of the Executive Board.

The representative of SUDAN said that Palestine should be welcomed as an observer in all WHO meetings in the same way as the European Union.

The representative of the SYRIAN ARAB REPUBLIC<sup>1</sup> supported the request by Palestine. The Board should uphold resolution WHA53.13 (2000).

The representative of ALGERIA,<sup>1</sup> agreeing with the comment by the representative of Sudan, supported the participation of Palestine in Programme, Budget and Administration Committee meetings as an observer.

The observer of PALESTINE invited Board members to review the past comments by Palestine during WHO meetings, which were constructive and technical contributions to health-related discussions.

The CHAIRPERSON said that, since the issue was considered both a technical and a political matter, deliberations would need to address both of those elements. In the light of the importance of achieving a consensus on the decision, he suggested that the Board should request the Secretariat to prepare a report on the matter so that an informed decision could be made at its 146th session.

The representatives of TUNISIA and FINLAND expressed support for that suggestion.

**It was so agreed.**

### **Seventy-third World Health Assembly (resumed)**

The CHAIRPERSON invited the Board to resume its consideration of the second draft decision contained in document EB145/11.

The DIRECTOR-GENERAL proposed that the Seventy-third World Health Assembly should start with the high-level segment on the afternoon of Sunday, 17 May 2020, with the Committee meetings taking place from the morning of Monday, 18 May 2020 to the evening of Thursday, 21 May 2020. That would allow four and a half days, which should be sufficient time for deliberations on agenda items. The Secretariat would be prepared to accommodate afternoon meetings that continued until 18:30.

The representative of the UNITED ARAB EMIRATES thanked the Director-General for taking into consideration the needs of Islamic countries.

The CHAIRPERSON took it that the Board wished to adopt the second draft decision, as amended in line with the proposal by the Director-General.

**The decision, as amended, was adopted.<sup>2</sup>**

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<sup>1</sup> Participating by virtue of Rule 3 of the Rules of Procedure of the Executive Board.

<sup>2</sup> Decision EB145(7).

**5. CLOSURE OF THE SESSION:** Item 10 of the agenda

The DIRECTOR-GENERAL thanked all Member States for their input and guidance during the 145th session of the Executive Board.

After the customary exchange of courtesies, the CHAIRPERSON declared the 145th session of the Executive Board closed.

**The meeting rose at 19:05.**

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