
WHO reform

Involvement of non-State actors in WHO's governing bodies

Report by the Director-General

1. In February 2020, the Executive Board, at its 146th session, noted the report by the Director-General on WHO reform: Involvement of non-State actors in WHO's governing bodies,¹ and requested the Secretariat to submit a revised version of the report to the Board at its 148th session, including details of the proposed informal meeting between non-State actors, WHO technical units and Member States. The Board also requested that non-State actor constituency statements should be introduced on a trial basis for a limited number of agenda items at the 148th session of the Board. The present report responds to that request.

2. Non-State actor participation, without the right to vote, in meetings of WHO governing bodies, is foreseen by the Constitution of the World Health Organization (Article 18(h)) and has been the practice since the International Health Conference, at which the Constitution was drafted and adopted.² Until 2016, this constitutional mandate was implemented through the Principles governing Relations between the World Health Organization and Nongovernmental Organizations. In 2016, the Principles were replaced by the Framework of Engagement with Non-State Actors,³ which, together with the Rules of Procedure of the World Health Assembly (Rule 48) and the Rules of Procedure of the Executive Board (Rule 4), now governs the participation of non-State actors in the work of the governing bodies.

3. For WHO to achieve its objectives and advance its work, the Organization needs to engage with non-State actors. Non-State actors must therefore be able to contribute their views, for the consideration of Member States, during governing body sessions, by participating in those sessions, without the right to vote. As described in the Thirteenth General Programme of Work, 2019–2023, “WHO is and will remain a Member State organization; however, current conceptions of global governance also include a

¹ See document EB146/33 and the summary records of the Executive Board at its 146th session (thirteenth meeting, section 3 and fourteenth meeting, section 5).

² Official records of the World Health Organization No. 2: Summary report on proceedings, minutes and final acts of the International Health Conference held in New York from 19 June to 22 July 1946. New York and Geneva: United Nations World Health Organization Interim Commission; 1948. Available at: https://apps.who.int/iris/bitstream/handle/10665/85573/Official_record2_eng.pdf;jsessionid=C333675A1E09AF734DE7A8854B1DC9AD?sequence=1 (accessed 3 November 2020).

³ See Framework of Engagement with Non-State Actors (paragraphs 15(a) and 55–57) in the 49th edition of Basic documents. Available at: <http://apps.who.int/gb/bd/> (accessed 3 November 2020).

range of non-State actors.”¹ The modalities of the involvement of non-State actors have indeed evolved since the Organization’s inception. Participation in governing bodies is regulated by official relations, described in the Framework of Engagement with Non-State Actors as “a privilege that the Executive Board may grant to nongovernmental organizations, international business associations and philanthropic foundations that have had and continue to have a sustained and systematic engagement in the interest of the Organization.”²

4. Although the practice of non-State actors in official relations addressing WHO’s governing bodies after Member State representatives have taken the floor on a given topic has served the Organization well for several decades, the increasing number of non-State actors participating and subsequent rise in requests to speak has not resulted in a more meaningful involvement. When a large number of non-State actors speak one-by-one at the end of a discussion, their interventions have little impact on the content or direction of the debate. Member States and non-State actors alike have, albeit for different reasons, expressed dissatisfaction with the current system.

5. A web-based consultation, conducted by the Secretariat in August–September 2019, seeking non-State actors’ views on their involvement in WHO governance,³ confirmed not only the importance that non-State actors place on their involvement in the work of WHO governing bodies, but also a high level of dissatisfaction with the current arrangements for their participation. The consultation also showed that non-State actors’ primary interests in attending governing body meetings are to participate in technical exchanges with the Secretariat and Member States, and to attend consultative hearings that feed into decision-making processes.

6. Based on the responses to the consultation and the Executive Board’s discussions at its 146th session, the effectiveness of engagement with non-State actors in WHO’s governance procedures should be improved by:

- providing incentives for non-State actors to deliver a limited number of constituency statements in governing body meetings; and
- facilitating enhanced technical exchanges through informal meetings between Member States, non-State actors and the Secretariat.

7. The Director-General’s report to the Executive Board at its 146th session⁴ proposed the organization of an informal meeting of Member States and non-State actors in official relations, to include multiple side events and a forum with WHO technical programmes and regions. These meetings would be held in parallel to sessions of the Programme Budget and Administration Committee of the Executive Board, continuing into the weekend preceding the World Health Assembly. This proposal gave careful consideration to travel costs and synergies with existing meetings, while ensuring that non-State actors would have sufficient opportunity to make their voices heard prior to Member States’ finalization of their own positions.

¹ See Thirteenth General Programme of Work, 2019–2023, page 33. Available at: <https://apps.who.int/iris/bitstream/handle/10665/324775/WHO-PRP-18.1-eng.pdf> (accessed 3 November 2020).

² See Framework of Engagement with Non-State Actors (paragraph 50) in the 49th edition of Basic documents. Available at: <http://apps.who.int/gb/bd/> (accessed 3 November 2020).

³ Web consultation with non-State actors on their involvement in WHO governance. Report. Available at: <https://www.who.int/about/collaborations/involvement-of-non-state-actors/en/> (accessed 3 November 2020).

⁴ Document EB146/33.

8. The onset of the pandemic of coronavirus (COVID-19) has, however, given rise to the need to reconsider the organization of meetings to ensure that necessary public health measures, including physical distancing can be observed. Virtual meetings and conferences have become commonplace, and in many cases have proven an effective way to share information, hold technical exchanges and allow multiple stakeholders to share their views on particular topics. Virtual meetings allow for broader participation, as no travel is required; at the same time, they offer a cost-saving advantage.

9. The constraints of the last-minute organization of the virtual *de minimis* session of the Seventy-third World Health Assembly in May 2020, followed by the resumed virtual session in November 2020, had an impact on the modalities of non-State actor participation in governing body meetings, which some considered less satisfactory than normal.

PROPOSED WAY FORWARD

10. Thus far, deliberations on WHO reform have suggested that the involvement of non-State actors in WHO's governance processes can only be truly improved through a package of measures, combined with an overall strengthening of WHO's engagement with non-State actors in line with the Thirteenth General Programme of Work, 2019–2023 and the Framework of Engagement with Non-State Actors. Any measures in that regard should aim to make engagement with non-State actors more meaningful, efficient and effective, while ensuring full respect for their diversity and the intergovernmental nature of the Organization.

11. In the context of the COVID-19 pandemic and based on the lessons learned from virtual meetings, an informal meeting for interested non-State actors in official relations, Member States, representatives of WHO regional and country offices and the Secretariat could be organized, in addition to non-State actors' regular participation in the WHO governing body meetings. This meeting could be trialled virtually during the two to four weeks prior to the Seventy-fourth World Health Assembly, in the format outlined below.

- Three three-hour meetings, held exclusively for WHO technical units and non-State actors, would be organized on topics of relevance to the Health Assembly agenda. This approach would encourage discussion between non-State actors and WHO technical units on the technical content of the related documents.
- A further three meetings, each also of three hours' duration, would be organized for Member States and non-State actors, on topics related to the Health Assembly agenda, to allow for more in-depth exchanges, enabling non-State actors to express their views and opinions on the topics under consideration.
- A limited number of side events could be organized around those meetings. These would take the form of webinars on topics related to the Health Assembly agenda. The organization of side events during the Health Assembly itself will need further consideration in light of the COVID-19 pandemic situation.
- Consideration will be given to ensuring that meeting times allow for equitable participation.

12. The budget for organizing a virtual, informal meeting would comprise the costs of using a particular platform for hosting the meeting and of providing interpretation. This implies a substantial saving on the cost of an in-person meeting. Since a virtual meeting would have no financial implications related to travel and accommodation, it would allow for greater participation by non-State actors, WHO

regional and country office representatives, and technical experts from Member States. The documentation for the Health Assembly would need to be finalized and published in line with governing bodies' deadlines to allow for meaningful discussion.

13. While there is no choice but to hold meetings virtually in the context of the COVID-19 situation, this could also serve as a trial for potential future virtual informal meetings between non-State actors, Member States and the Secretariat, as a means of enabling more in-depth technical exchanges, as well as discussions on Health Assembly agenda items. In time, consideration could be given to exploring the possibility of “hybrid” meetings, with part virtual, part in-person participation.

14. This informal meeting could also afford an opportunity for non-State actors to organize themselves into constituencies and consolidate their positions into joint statements.

15. A report assessing the experience of the Seventy-fourth World Health Assembly and the 148th and 149th sessions of the Executive Board, including the trial use of constituency statements, would be presented to the Executive Board at its 150th session.

ACTION BY THE EXECUTIVE BOARD

16. The Board is invited to note this report and, before permanent changes are considered, to provide guidance on whether the proposed new approach to non-State actor participation should be tested at the Seventy-fourth World Health Assembly.

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