

Matters emanating from the Agile Member States Task Group on Strengthening WHO's Budgetary, Programmatic and Financing Governance

Process of handling and investigating potential allegations against WHO Directors-General

Report by the Director-General

1. The Director-General has the honour to transmit to the Executive Board at its 154th session the report on the process of handling and investigating potential allegations against WHO Directors-General, submitted by the former co-facilitators of the Agile Member States Task Group on Strengthening WHO's Budgetary, Programmatic and Financing Governance (Annex), which has been prepared in line with decision EB153(1) (2023).

ACTION BY THE EXECUTIVE BOARD

2. The Executive Board is invited to note the report and to provide guidance on the proposed steps set out in paragraphs 6 and 7 of the Annex.

ANNEX

REPORT ON THE PROCESS OF HANDLING AND INVESTIGATING POTENTIAL ALLEGATIONS AGAINST WHO DIRECTORS-GENERAL, SUBMITTED BY THE FORMER CO-FACILITATORS OF THE AGILE MEMBER STATES TASK GROUP ON STRENGTHENING WHO'S BUDGETARY, PROGRAMMATIC AND FINANCING GOVERNANCE

1. In May 2023, at its 153rd session, the Executive Board adopted decision EB153(1), in which it requested the former co-facilitators of the Agile Member States Task Group on Strengthening WHO's Budgetary, Programmatic and Financing Governance to hold informal consultations with Member States on the process of handling and investigating potential allegations against WHO Directors-General, building on the revised proposal and flowchart contained in Annex A of document EBPBAC38/2, and to report on the outcome of those consultations to the Executive Board at its 154th session, through the thirty-ninth meeting of the Programme, Budget and Administration Committee.
2. The former co-facilitators duly held informal consultations with Member States on 25 August, 29 September, 21 November and 1 December 2023 alongside discussions on progress made to implement the recommendations contained in the report of the Task Group submitted to the Executive Board at its 152nd session.¹ The former co-facilitators supplemented those consultations with informal small-group discussions and invitations to provide written comments. The overall outcome of those consultations was positive and productive, with Member States voicing optimism and willingness to achieve consensus. However, the informal consultations did not ultimately resolve the areas of divergence among Member States described in the report of the Independent Expert Oversight and Advisory Committee to the Programme, Budget and Administration Committee at its thirty-eighth meeting² in May 2023.
3. One of the main ongoing areas of divergence remains the selection of independent external investigative entities. The former co-facilitators heard that flexibility was important in this respect. However, there remained no agreement as to whether it was preferable to maintain a shortlist of pre-vetted options for external investigative entities that could be drawn upon to fit the given circumstances or to maintain a sole, predetermined choice of entity for all potential allegations. Informal consultations included the possibility of establishing a set of criteria for deciding on a shortlist of potential investigative entities and using framework memoranda of understanding, agreed in advance with a shortlist of suitable investigative entities.
4. A second general area of divergence was the nature of Member State engagement in decision-making and oversight and at what stage of the process such involvement might be appropriate. Member States discussed how relevant information should be made available to them in the course of the process. Discussions also included consideration of how to fix principles by which Member State involvement in decision-making or oversight should be guided.
5. It is clear to the former co-facilitators that Member States consider that any agreed process for handling and investigating potential allegations against WHO Directors-General should be squarely in their hands. It is equally clear to the former co-facilitators that the pathway to consensus in agreeing a

¹ Document EB152/33.

² Document EBPBAC38/2, Annex, paragraph 53.

process will require a certain level of technical expertise (through additional guidance and advice to Member States) in investigations of this nature, both on the principles of investigation as well as the practical application of these principles in the WHO and broader United Nations contexts. Furthermore, the former co-facilitators are mindful of the need to avoid making requests of the Secretariat that could place its officers in a conflict of interest as subordinates of the Director-General. Any requests made of the Secretariat should therefore be precise and contained, like those described in the report of the Independent Expert Oversight and Advisory Committee to develop more granular standard operating procedures for handling and investigating potential allegations.¹

6. The former co-facilitators note that Member States must agree on the fundamentals of these areas of divergence before proceeding to finalize a suitable process. In order to better understand the implications of particular choices in the remaining areas of divergence, the former co-facilitators propose that the Secretariat should be requested to prepare a short paper presenting the advantages, disadvantages and implications of such fundamental choices in the remaining areas of divergence. This paper should also contain information about developments and best practices in the United Nations system (and in comparable multilateral agencies) relevant to investigations of this nature. If needed, interested Member States could decide to request informal meetings with the Secretariat to seek any additional technical clarifications on the proposed options.

7. Noting that the mandate of the former co-facilitators concludes at the 154th session of the Executive Board, the Board may decide to request the lead Member States referred to in the former co-facilitators' report on the Task Group's recommendations² and its associated draft decision to continue leading this work on behalf of the wider membership. In order to progress and capitalize on momentum to date, further consultations among Member States could be held with a view to reaching an agreement on the fundamentals of the areas of current divergence. Member States could then request the Secretariat to make the necessary amendments to the process for handling and investigating potential allegations against WHO Directors-General, as contained in the report of the Independent Expert Oversight and Advisory Committee,³ for Member States' subsequent consideration at the 156th session of the Executive Board.

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¹ Document EBPBAC38/2, Annex A, paragraph 23.

² Document EB154/34.

³ Document EBPBAC38/2, Annex A, pages 18 and 19.