

## **Governance reform: follow-up to decision WHA69(8) (2016)**

### **Report by the Director-General**

1. In May 2016, the Sixty-ninth World Health Assembly adopted decision WHA69(8) on the basis of the agreed recommendations of the Open-ended Intergovernmental Meeting on Governance Reform. In this decision, the Officers of the Executive Board, the Director-General and Regional Directors were requested, and regional committees were invited, to undertake numerous actions regarding the methods of work of WHO's governing bodies and improvement of the alignment of governance at the three levels of the Organization.

2. Specifically, the Health Assembly requested, inter alia, the Bureau of the Executive Board, taking into account inputs from Member States, to review the criteria currently applied in considering items for inclusion on the provisional agenda of the Board, and to develop proposals for new and/or revised criteria for the consideration of the Board at its 140th session.<sup>1</sup> Furthermore, the Health Assembly requested the Director-General, in consultation with Member States and taking into account previous Member State discussions, to develop by the end of October 2016 proposals to improve the level of correspondence between the number of items on the provisional agendas of the governing bodies and the number, length and timing of their sessions, including the financial implications of proposed options, for consideration by the Seventieth World Health Assembly through the Board at its 140th session.<sup>2</sup>

3. The Board at its 140th session noted a report providing information on the status of implementation of decision WHA69(8) (2016), including proposals to improve the level of correspondence between the number of items on the provisional agendas of governing bodies meetings and the number, length and timing of the sessions.<sup>3</sup> Further, the Board considered the proposals developed by the Officers of the Board for a revised set of criteria and relative weightings for the inclusion of items on the provisional agenda of the Board.<sup>4</sup>

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<sup>1</sup> Decision WHA69(8), paragraph (3).

<sup>2</sup> Decision WHA69(8), paragraph (4).

<sup>3</sup> See documents EB140/39 and EB140/INF./3 and summary records of the Executive Board at its 140th session, sixteenth meeting, section 2.

<sup>4</sup> See documents EB140/40 and EB140/40 Add.1.

4. During the Board's discussion on this matter, there appeared to be consensus around the following proposals:

(a) to develop a system for scoring items for proposed inclusion on the Board's provisional agenda, as proposed by the Officers of the Board in their reports;

(b) to promote an orderly consideration of items by requiring that items proposed for direct inclusion on the provisional agenda of the Health Assembly under Rule 5 of the Rules of Procedure of the World Health Assembly be accompanied by an explanatory memorandum;<sup>1</sup>

(c) to improve the efficiency of meetings of the governing bodies by: maximizing the benefits of discussion in the Programme, Budget and Administration Committee, in particular the recommendation to discuss the report of the Committee together with the agenda items that are covered by the report;<sup>2</sup> and encouraging an early exchange of views on agenda items, thus allowing any questions and concerns to be raised and addressed before the item is considered by the governing body.<sup>3</sup>

5. Specific language to implement proposal (b) is presented in the Annex to this document for the Health Assembly's consideration. The Secretariat will submit a separate report on proposal (a) to the Board at its 141st session, for the reason that it concerns the Board's provisional agenda and the Board's decisions relating thereto, which is a matter within the remit of the Board itself. Furthermore, the Secretariat will take forward its proposals to maximize the benefits of discussion in the Programme, Budget and Administration Committee as well as to encourage an early exchange of views, as outlined in the Annex to document EB140/39, with respect to future meetings of the governing bodies.

### **Explanatory memorandum for items proposed under Rule 5 of the Rules of Procedure of the World Health Assembly**

6. The provisional agenda of each regular session of the Health Assembly is prepared each January by the Board after consideration of the proposals submitted by the Director-General, which includes an item on its agenda on the provisional agenda of the Health Assembly as well as the date and place of the following session of the Board.<sup>4</sup> According to Rule 5 of the Rules of Procedure of the World Health Assembly, no restriction is placed on the inclusion on the provisional agenda of the Health Assembly of items proposed by Member States, Associate Members and any organization of the United Nations system with which the Organization has entered into effective relations. Inclusion of items proposed by the United Nations is subject to such preliminary consultations as may be necessary between the Director-General and the Secretary-General of the United Nations. As a result, any item proposed by those mentioned for inclusion on the provisional agenda of the Health Assembly is automatically included, regardless of its relevance to the work of WHO, timeliness or any other criteria that could, in principle, be applied.

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<sup>1</sup> See document EB140/39, Annex, paragraphs 12 and 13.

<sup>2</sup> See document EB140/39, Annex, paragraphs 14 to 16.

<sup>3</sup> See document EB140/39, Annex, paragraphs 22 and 23.

<sup>4</sup> See the Constitution of the World Health Organization, Article 28(f) and the Rules of Procedure of the World Health Assembly, Rule 4.

7. In order to promote more manageable agendas and in light of the benefit arising from the Board's prior consideration of items, the Health Assembly may wish to consider requiring that proposals for the direct inclusion of items on the provisional agenda of the Health Assembly under Rule 5 of its Rules of Procedure be accompanied by an explanatory memorandum, analogous to the procedure used to prepare the Board's provisional agenda. In addition to the title of the proposed item, the explanatory memorandum would provide information on the rationale behind the proposal, its scope and its relationship with similar items, if any, included on the draft provisional agenda of the Health Assembly. Explanatory memoranda would have to be submitted in one of WHO's official languages, and reach the Director-General not later than four weeks before the commencement of the session of the Board at which the provisional agenda of the Health Assembly is to be prepared. Furthermore, memoranda should be limited to 500 words in order to facilitate translation into all the other official languages and timely distribution.

8. The explanatory memoranda accompanying proposals for additional agenda items should contribute to strengthening the Board's role in fulfilling its responsibility to prepare the provisional agenda of the Health Assembly under Rule 4 of the Rules of Procedure of World Health Assembly. The Health Assembly may wish to consider two possible ways of strengthening the Board's role.

9. Under a first option, the explanatory memorandum would support the Board's assessment for purposes of deciding whether to include, defer or exclude from the provisional agenda of the Health Assembly, any item proposed by those mentioned in paragraph 6. This would be without prejudice to the inclusion of supplementary items on the Health Assembly's agenda under the terms of Rule 12 of the Rules of Procedure of the World Health Assembly.

10. Under a second option, the explanatory memorandum would support the Board's assessment for purposes of recommending the deferral, if it deems that action appropriate, of any item so proposed to a future Health Assembly. Under this second option, the Board would continue to include any item so proposed on the provisional agenda of the Health Assembly. However, the General Committee of the Health Assembly would consider the Board's recommendation for deferral in accordance with Rule 31(c) of the Rules of Procedure of the World Health Assembly.

11. The first option constitutes a more substantial departure from the status quo than the second option.

12. Should the proposal to introduce the requirement for an explanatory memorandum be acceptable, Rule 5 of the Rules of Procedure of the World Health Assembly would need to be amended accordingly. Proposed amendments reflecting the two options outlined in paragraphs 9 and 10 are contained in the Annex to this report.

## **ACTION BY THE HEALTH ASSEMBLY**

13. The Health Assembly is invited to note the report and to consider the following draft decision:

The Seventieth World Health Assembly, having considered the report on governance reform: follow-up to decision WHA69(8) (2016),<sup>1</sup> decides:

(1) to adopt the amendments to Rule 5 of the Rules of Procedure of the World Health Assembly as set out in table [1]/[2]<sup>2</sup> in the Annex to document A70/51, in accordance with Rule 119 of the Rules of Procedure of the World Health Assembly, with effect from the closure of its Seventieth session;

(2) to recommend that explanatory memoranda referred to in the third paragraph of Rule 5 of the Rules of Procedure of the World Health Assembly be limited to 500 words.

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<sup>1</sup> Document A70/51.

<sup>2</sup> Depending on the option chosen by the Health Assembly.

## ANNEX

**PROPOSED AMENDMENTS TO RULE 5 OF THE RULES OF PROCEDURE OF  
THE WORLD HEALTH ASSEMBLY<sup>1</sup>**

**Table 1. First option as outlined in paragraph 9 of the report**

Current version of Rule 5 of the Rules of Procedure of the World Health Assembly	Proposed amended version of Rule 5 of the Rules of Procedure of the World Health Assembly
<p align="center"><i>Rule 5</i></p> <p>The Board shall include in the provisional agenda of each regular session of the Health Assembly inter alia:</p> <p>(a) the annual report of the Director-General on the work of the Organization;</p> <p>(b) all items that the Health Assembly has, in a previous session, ordered to be included;</p> <p>(c) any items pertaining to the budget for the next financial period and to reports on the accounts for the preceding year or period;</p> <p>(d) any item proposed by a Member or by an Associate Member;</p> <p>(e) subject to such preliminary consultation as may be necessary between the Director-General and the Secretary-General of the United Nations, any item proposed by the United Nations;</p> <p>(f) any item proposed by any other organization of the United Nations system with which the Organization has entered into effective relations.</p>	<p align="center"><i>Rule 5</i></p> <p>The Board shall include <del>o</del>in the provisional agenda of each regular session of the Health Assembly inter alia:</p> <p>(a) the annual report of the Director-General on the work of the Organization;</p> <p>(b) all items that the Health Assembly has, in a previous session, ordered to be included;</p> <p>(c) any items pertaining to the budget for the next financial period and to reports on the accounts for the preceding year or period.‡</p> <p><b>The Board shall consider including on the provisional agenda of each regular session of the Health Assembly:</b></p> <p><del>(a)</del> any item proposed by a Member or by an Associate Member;</p> <p><b>(be)</b> subject to such preliminary consultation as may be necessary between the Director-General and the Secretary-General of the United Nations, any item proposed by the United Nations;</p> <p><del>(c)</del> any item proposed by any other organization of the United Nations system with which the Organization has entered into effective relations.</p> <p><b>Any proposal for inclusion on the provisional agenda of any item under the second paragraph of this Rule shall be accompanied by an explanatory memorandum that shall reach the Director-General not later than four weeks before the commencement of the session of the Board at which the provisional agenda of the Health Assembly is to be prepared.</b></p>

<sup>1</sup> Deletions are shown with strikethrough; insertions are shown in **bold** type face.

**Table 2. Second option as outlined in paragraph 10 of the report**

<b>Current version of Rule 5 of the Rules of Procedure of the World Health Assembly</b>	<b>Proposed amended version of Rule 5 of the Rules of Procedure of the World Health Assembly</b>
<p style="text-align: center;"><i>Rule 5</i></p> <p>The Board shall include in the provisional agenda of each regular session of the Health Assembly inter alia:</p> <p>(a) the annual report of the Director-General on the work of the Organization;</p> <p>(b) all items that the Health Assembly has, in a previous session, ordered to be included;</p> <p>(c) any items pertaining to the budget for the next financial period and to reports on the accounts for the preceding year or period;</p> <p>(d) any item proposed by a Member or by an Associate Member;</p> <p>(e) subject to such preliminary consultation as may be necessary between the Director-General and the Secretary-General of the United Nations, any item proposed by the United Nations;</p> <p>(f) any item proposed by any other organization of the United Nations system with which the Organization has entered into effective relations.</p>	<p style="text-align: center;"><i>Rule 5</i></p> <p>The Board shall include <del>on</del> in the provisional agenda of each regular session of the Health Assembly inter alia:</p> <p>(a) the annual report of the Director-General on the work of the Organization;</p> <p>(b) all items that the Health Assembly has, in a previous session, ordered to be included;</p> <p>(c) any items pertaining to the budget for the next financial period and to reports on the accounts for the preceding year or period;</p> <p>(d) any item proposed by a Member or by an Associate Member;</p> <p>(e) subject to such preliminary consultation as may be necessary between the Director-General and the Secretary-General of the United Nations, any item proposed by the United Nations;</p> <p>(f) any item proposed by any other organization of the United Nations system with which the Organization has entered into effective relations.</p> <p><b>The Board may recommend the deferral, if it deems that action appropriate, of any item under (d), (e) and (f) above to a future Health Assembly.</b></p> <p><b>Any proposal for inclusion on the provisional agenda of any item under (d), (e) and (f) above shall be accompanied by an explanatory memorandum that shall reach the Director-General not later than four weeks before the commencement of the session of the Board at which the provisional agenda of the Health Assembly is to be prepared.</b></p>

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