



# WORLD HEALTH ORGANIZATION

**Ad hoc open-ended intergovernmental working  
group to review the working methods of the  
Executive Board  
Fourth meeting  
Provisional agenda item 2**

**IGWG/Working Methods/4/2  
12 June 2002**

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## Submissions from Member States

1. The present document is a compilation of submissions made before the third meeting of the ad hoc open-ended intergovernmental working group, and produced in document IGWG/Working Methods/3/3. The submissions have been re-ordered according to the agreed common topics from submissions of Member States (annexed to document EB110/9). The name of the country or group of countries making the submission is shown after the last paragraph of that submission on each topic.
2. This compilation has been prepared to facilitate consideration of all suggestions on each topic.

### 1. COMMITTEE SYSTEM OF THE WHO

3. Russian representatives took part in the work of the Ad-Hoc Open-Ended Intergovernmental Working Group on this question, and as a whole supported the strengthening of cooperation between the Executive Board, the Assembly and the Secretariat of WHO, the need to examine the situation in respect of Executive Board committees and for more resolute compliance, in their composition, with the principles of equitable geographic distribution and gender equality, and to ensure transparency in respect of the “retreats” for Members of the Executive Board etc. *(also listed in 9. Relations of the EB with other organs of the Organization; 10. Retreat; and 11. Transparency)*
  4. In order to ensure broader participation by States Members in the work of the Board, we propose the insertion of the following amendment and insertion into Rule 16: The heading of the rule is “Committees, working groups and drafting committees of the Board”. Below this, leaving unchanged the two existing paragraphs of Rule 16, we propose completing it with the following third paragraph: “If necessary, for the preparation of draft resolutions on matters under consideration, the Board may, in the course of the session, set up open-ended working groups and drafting committees in whose work representatives of States Members who are not on the Board may participate.” *(also listed in 3. Harmonization of the Rules of Procedure of the EB...)*
- (Russian Federation)**
5. A committee must be formed in EB to monitor the implementation of EB decision. It must further look at the impact of its decisions and its implementation by the member states.

**(Bhutan)**

6. The mandate and purpose of the Board's Committees should be expanded to better encompass responsibility for oversight of specific program evaluation and monitoring activities of WHO over all resources at its disposal. In addition, experience shows that the Administration, Budget, and Finance Committee has more value-added for the Board than the Program Development Committee. In addition, it is not clear that the Audit Committee, envisioned to strengthen the Board's oversight role in financial matters, has all the necessary tools to do so, and thus is relevant to the task.

7. The 2002 World Health Assembly resolution WHA 54.22, Reform of the Executive Board, requested that the Executive Board conduct a review of its working methods and those of its subsidiary bodies. The United States believes that the EB has functioned reasonably well for the last 50 plus years. Nevertheless, this review provides an important opportunity to contribute to achieving a more effective Board and better working methods. The review should consider how the Board can best fulfil its responsibilities as the executive organ of the Assembly, empowered to act on the Assembly's behalf in accordance with the WHO Constitution. The U.S. will support reforms that focus on making practical improvements for a more effective and transparent Board. Recommendations agreed upon at the working group need to be consistent with the fundamental and distinctive purpose and character of the Executive Board. *(also listed in 5. Working Methods)*

**(United States of America)**

8. We have reservations on the suggestion of making all subsidiary bodies of the Executive Board open to all members. We are concerned that opening subsidiary bodies such as the budget committee may adversely affect their effectiveness. Whilst open-ended meetings may have advantages in terms of promoting participation, experience indicates that this is at the cost of lengthening the decision-making process. There is also the question of whether 'open-ended' means, in effect, only members with Geneva-based missions. *(also listed in 7. Non-EB members)*

9. We do, however, support the establishment of open-ended meetings on particular issues, but only at the request of the Health Assembly, so that cost implications are taken into account. Such arrangements are, of course, already within the scope of the current rules of procedure and have been utilized in the past. Clarity concerning the rules governing participation, speaking rights and voting rights of these open-ended groups is important whenever such groups are established. *(also listed in 7. Non-EB members)*

10. There is also room to improve the clarity and consistency of the rules governing drafting committees established by the Executive Board. In particular, it needs to be clear how and when Member States who are not, at the time, members of the Board are allowed to participate in such groups. We would be comfortable with either open-ended drafting groups, or with non members having speaking rights, but not voting rights (reflecting Rule 4 of the Board's rules of procedure). *(also listed in 7. Non-EB members)*

11. The rules governing participation in open-ended groups established by the Health Assembly, and drafting groups established by the Executive Board, need to be explicit. *(also listed in 7. Non-EB members)*

**(Australia and New Zealand)**

12. The rules governing the participation of countries that are not at the time members of the Board in meetings of the Executive Board, its committees or working groups, need to be reviewed and defined more precisely. *(also listed in 7. Non-EB members)*

13. The role, usefulness, programmes and meeting dates of the four committees of the Executive Board should be reviewed on a regular basis (Rule 16).

**(Belgium, Luxembourg, the Netherlands, Portugal, Spain and Switzerland)**

14. Review of the terms of reference and composition of the committees and other subsidiary organs of the Executive Board, with the aim of achieving a proper balance in terms of geographical representation and gender. *(also listed in 7. EB members)*

15. Review of the criteria for the appointment of technical experts, members and chairs of the various committees and other subsidiary organs.

**(Cuba)**

16. Committees and working Groups of the Board and the Health Assembly form an essential part of the WHO system. The following recommendations are made to improve their efficiency, effectiveness and transparency:

- The Board and the Assembly should ensure that the membership of the Intergovernmental Committees and working groups are reflective of the broader membership of the World Health Organization. Preference should be given to the establishment of open-ended committees, so that the decisions taken are representative.
- In cases where a broader open-ended membership is not possible, the principle of equitable geographical distribution should be ensured. In addition, there should be a balance between developed and developing countries. In order to ensure transparency of the work of these Committees, any Member State not represented thereon, shall be able to observe its meetings.
- Establishment of all committees and their chairpersons should take place in a very transparent manner. All interested delegations (in case of intergovernmental committees) should announce their interest in membership or chairmanship in advance, followed by the widest possible consultations to achieve consensus.
- All Working Groups and committees should obtain their mandate from the Executive Board or the World Health Assembly. The Director-General can suggest establishment of such committees and working groups. These committees should then work in accordance with the guidelines established by the WHA, EB, and the Regulations for Expert Advisory Panels and Committees.
- When expert advisory panels or expert committees are established, the following principles should be respected:
  - Equitable geographical distribution;
  - gender balance;
  - a balance of experts from developed and developing countries.

17. The same principles should also be respected while appointing/electing chairpersons of these committees. In other words, there should be an overall geographical and gender balance among the

Chairpersons of various committees. Similarly there should be a balanced representation of developing and developed countries among the chairpersons of these committees and working groups.

- The chairmanship of all standing committees of the Board should rotate on a regular basis, among various regions and between developed and developing countries within the regions.
- In order to keep a check on their performance and to avoid unnecessary expenditure, there is a need to keep the mandates and duration of all Committees and Working Groups under regular review.
- Appointment of experts on advisory panels should take place in a transparent manner. While appointing these experts, the following principles should be respected:
  - Equitable geographical distribution;
  - gender balance;
  - technical balance;
  - a balance of experts from developed and developing countries;
  - permission of the concerned Member State for appointment.
- The Director-General should circulate all appointments made on the advisory panels. This information should be a public document, available on the Internet. Member States may also be encouraged to nominate experts on this panel. Once appointed, however, these experts should function in their individual capacity.

18. It is suggested that the Working Group on EB Reform considers the regulations for advisory panels and committees and proposes measures. In order to achieve the above we suggest that the following be redrafted:

- Executive Board Rules of Procedure: Rule-16 and 26;
- Regulations for Expert Advisory Panels and Committees: Regulation-2, 3 and 4;
- Rules of Procedure for Expert Committees: Rule-1, 2, 3 and 6.

**(China, Cuba, Egypt, Pakistan, South Africa, Zimbabwe and Iran)**

## **2. DOCUMENTS/COMMUNICATIONS**

### **• DISTRIBUTION**

19. In view of the WHO Secretariat's chronic backlog in the distribution of one or another set of documents for the session (to which the representatives of the Russian Federation and a number of other members of the Executive Board constantly drew attention at the 109<sup>th</sup> session) and the absence of any regulations thereon in the Rules, we consider it expedient to propose extending, in Rule 5, the deadline for sending notice of the next session from six to eight weeks, and completing the Rule with

the following paragraph: “All documents for the session shall be sent to the above addressees six weeks before the beginning of the Executive Board session.”

20. We consider it necessary to draw the attention of the Chairperson of the Group to the systematic infringement by the Secretariat of Rule 11, which stipulates that the Board “shall not proceed.... , to the discussion of any item on the agenda unless at least forty-eight hours have elapsed after the relevant documents have been made available to the members”. First and foremost, this concerns item 2 of the Board’s agenda, and more precisely, the Reports by the Director-General, whose texts, as a rule are only distributed after they have been presented by the Director-General. Occasions on which this Rule is infringed in respect of various other items on the agenda are not infrequent.

**(Russian Federation)**

21. WHO documentation for Board meetings is more concise and focused in recent years. Nevertheless, a clear obstacle to the work of the Board is the late transmission of many of the documents. The Board cannot be expected to give optimum guidance when only a few weeks or even less is provided to review documentation. We recognize that there are issues from time to time that require late input, perhaps due to the timing of expert group meetings, and the Board should be flexible to such constraints. However, the secretariat should examine what institutional issues prevent the timely provision of the majority of the documentation and establish internal procedures to ensure that the Board receives documents sufficiently prior to the opening of Board meetings, ideally six weeks prior.

**(United States of America)**

22. We share the concerns of many members that late production of documents is a serious impediment to the efficient operation of the Executive Board and limits the capacity of members to have meaningful engagement on the important matters before the Board for discussion. Observance of the existing rules, requiring documents to be made available four weeks in advance of a meeting, must be improved. There is a role for the Executive Board in monitoring the observance of these important rules.

**(Australia and New Zealand)**

23. Observance of existing rules for preparation of meetings (e.g. the obligation to make documents available four weeks in advance of a meeting) should be monitored by the Executive Board.

**(Belgium, Luxembourg, the Netherlands, Portugal, Spain and Switzerland)**

24. Possible improvements to the Board’s documentation system.

**(Mexico)**

25. As an instrument of WHO governance, the Executive Board must be seen to act on behalf of all Member States, not only in the interest of those Member States elected to designate members of the Board. This requires a method of work that is transparent, credible and competent. Since the effectiveness of the work of the Executive Board depends heavily on the interaction between the Board and the WHO Secretariat, this interface has to be open to scrutiny by all Member States. It is therefore essential to ensure the distribution of working documents for the Board to all Member States, to keep private sessions of the Board to a minimum and to ensure an open and transparent relationship between the Board and the Secretariat. On that basis, it becomes difficult to justify holding “retreats”

of the Executive Board, even on an informal basis, which involve the limited distribution of working documents, the exclusion of non-members and restricted participation of alternates and advisers. Furthermore, as a matter of principle and to ensure full ownership by all Member States, meetings of WHO governing bodies should be subject to collective planning and funded by the regular budget of the Organization. For those reasons, Canada recommends that Board retreats no longer be held. (*also listed in 5. Working methods; and 10. Retreat*)

26. Working documents for sessions of the Executive Board should be sent at least 30 days before opening day [to Board members and posted at the same time on the WHO web site to facilitate input from non-members];

27. All working documents should offer clear information on their origin, their significance and what is expected of the Board;

28. Working documents should be prepared by the Secretariat in a way that highlights technical and policy issues for consideration by the members of the Board;

29. Resolutions and/or decisions are instruments that capture collective positions of Board members; the Secretariat should anticipate such decisions by drafting appropriate texts before the sessions of the Board;

**(Canada)**

30. To enable effective discussion to take place at all levels it is essential that working papers for the meetings are available in good time. Rules of procedure already exist which specify timescales. It would greatly enhance the opportunity for consultation within Member States as well as within Regions if the current Rules of Procedure were followed. This is not a trivial matter of process, it is vital in enabling Member States to form opinions and to arrange for those opinions to be represented.

**(Denmark, Norway, Sweden and the United Kingdom)**

• **ELECTRONIC AVAILABILITY**

31. The availability of most documents on the WHO web site has partly made up for the delay in sending official documents by post to the members of the Board.

32. We suggest that this electronic medium should be used to ensure that all official documents reach all the members of the Executive Board in good time.

**(Colombia)**

**3. HARMONIZATION OF THE RULES OF PROCEDURES OF THE EXECUTIVE BOARD WITH THOSE OF THE HEALTH ASSEMBLY AND THE CONSTITUTION**

33. We nevertheless consider that the focus of attention in this process should be on amending the Rules of procedure of the Executive Board (the Rules).

34. In accordance with established practice, the election of the Director-General of WHO and the appointment of Regional Directors are examined during private meetings. However, in the Rules, this procedure is laid down only for the election of the Director-General (Rule 52). In this connection, it would appear more judicious to incorporate this procedure into Rule 7, which, when completed would read as follows: "Meetings of the Board shall be held in public, with the exception of meetings for the election of the Director-General, and for the nomination of Directors of the Regional Offices, or unless the Board decides otherwise.

35. In order to ensure broader participation by States Members in the work of the Board, we propose the insertion of the following amendment and insertion into Rule 16: The heading of the rule is "Committees, working groups and drafting committees of the Board". Below this, leaving unchanged the two existing paragraphs of Rule 16, we propose completing it with the following third paragraph: "If necessary, for the preparation of draft resolutions on matters under consideration, the Board may, in the course of the session, set up open-ended working groups and drafting committees in whose work representatives of States Members who are not on the Board may participate." *(also listed in 1. Committee System of the WHO)*

36. We believe that it would also be important to strengthen the section of the Rules of Procedure concerning multilingualism. Specifically, we propose the inclusion in Rule 23 of a specific requirement that interpretation from and into the official languages is to be provided both at sessions of the Board and during the work of its subsidiary organs. Consequently, this Rule could take the following form: "Speeches made in one of the official languages at the Board, its committees and groups shall be interpreted into the other official languages". *(also listed in 4. Languages)*

37. To take into account a long established change in the duration of the Board's sessions, which in May last from one to two days and in January, as a rule do not exceed one week, we propose that the in last sentence of the sixth paragraph of Rule 52 the words "the Board meeting as a whole at the end of the session" should replace the present wording "the Board meeting as a whole at the end of the second week of the session".

**(Russian Federation)**

38. Inconsistencies with regard to participation in the Executive Board Rules of Procedure should be amended. For instance, Rules 3 and 4 have different rules concerning participation in the work of Board Committees for countries that are not members of the Board as opposed to UN agencies/intergovernmental bodies. We think it essential that member states have at least the same level of rights of access and participation as do the UN or its specialized agencies.

**(United States of America)**

39. Our overall assessment is that the WHO is performing well in delivering a very broad program of work on issues of major importance to the health agenda world-wide. We also recognize the leadership Dr Brundtland has shown in implementing a program of reforms aimed at improving the accountability and good governance of the Organization.

40. For these reasons we do not see the need for any major overhaul of the rules of procedure at this time, nor for any constitutional changes. We have instead suggested more modest changes which we think could bring increased opportunities for participation by Member States, and enhance the transparency and efficiency of the Boards operation, while at the same time balancing the need for cost-effectiveness.

41. We believe that the immediate reform priority should be acceptance of amendments to Articles 24 and 25 of the Constitution as a practical means of promoting participation.

**(Australia and New Zealand)**

42. Review of the Rules of Procedure of the Executive Board, in order to harmonize them and improve efficiency, and to achieve more effective participation by all States Members of WHO in its mechanisms.

43. Evaluation of interaction between the Executive Board, the World Health Assembly and the Secretariat, with the aim of strengthening their respective roles, in accordance with the Organization's Constitution. *(also listed in 9. Relations of the Executive Board with other organs of the Organization)*

**(Cuba)**

44. The rules of Procedure should be reviewed so that the rights to participate for non-board member States are at least the same as for representatives of the UN and of other intergovernmental organizations. *(also listed in 7. Non-EB members)*

**(Denmark, Norway, Sweden and the United Kingdom)**

45. In order to rectify the obvious contradictions in the Rules of Procedure and to improve participation of Member States, the rules of procedure need to be amended. It is proposed that the following Rules of the EB Rules of Procedure be reconsidered with this objective in mind:

Rule-3, Rule-4, Rule-7, Rule-11, Rule-30, Rule-52 *(also listed in 7. Non-EB members)*

46. It is proposed that the Rules be redrafted to reflect the established UN practice by bringing them in line with the Rules of Procedures of the ECOSOC and those of its Functional Commissions. *(also listed in 7. Non-EB members)*

47. The mandate of the EB as defined in the Constitution is to act as the executive organ of the World Health Assembly and to give effect to the policies and decisions of the Assembly. However in recent years the Board is increasingly taking decisions on its own, sometimes without even sending them for information or endorsement to the Assembly. We would like to strengthen the executive role of the Board as defined in the Constitution so that it does not become a parallel decision-making body to the Assembly. This can be done by looking at the Rules of Procedure as well as the agenda of the Board. The Board should not take decisions on issues, which the Assembly is already seized of. It should make recommendations on issues on which it has been asked by the Assembly; and consider issues which clearly come within its mandate. To this end we also propose Rule 21 of the EB Rules of Procedure should therefore be redrafted. *(also listed in 5. Working methods)*

48. Some of the rules governing the functioning of the Board are contradictory and raise problems of interpretation. For example

- Rule 5 of the Rules of Procedure of the World Health Assembly, which deals with agenda setting of the WHA by the Executive Board states that “ *the Board shall include in the provisional agenda of each regular session of the Health Assembly, inter alia: ...*

*(d) any item proposed by a Member or by an associate Member; ...”*

This raises the question, if each and every item proposed by a member state could be included in the provisional agenda of the Assembly, even if the item is against the mandate of the Organization or of the Assembly.

- The Rules of the EB do not allow participation of member states not represented on the Board, in its subsidiary bodies. However, paragraph 2 of the Resolution of the First World Health Assembly concerning the Rights and Obligations of Associate Members of WHO, as reflected on page 20 of the WHO Basic Documents, refers to an already existing right of Member States to participation in the committees and working groups.

49. There is a need therefore to harmonize various rules and working methods. We propose that the various provisions of the Rules and working methods be considered in order to harmonize them in accordance with the Constitution of the WHO.

50. Methods of decision-making in the Board need a review as well. It is imperative that the amendments and proposals made by developing countries are reflected on an equal footing with those of developed countries in the Chairperson's summary while summing up the debate on a particular item. Important decisions should be taken with two-thirds majority with respect to the principles of transparency and participation. We propose therefore consideration of the following rules of procedure of the EB:

Rule-7, 10, 12, 15, 28, 38, 41, 43, 53 and 54 *(also listed in 6. Methods of decision-making)*

**(China, Cuba, Egypt, Pakistan, South Africa, Zimbabwe and Iran)**

## **4. LANGUAGES**

51. We believe that it would also be important to strengthen the section of the Rules of Procedure concerning multilingualism. Specifically, we propose the inclusion in Rule 23 of a specific requirement that interpretation from and into the official languages is to be provided both at sessions of the Board and during the work of its subsidiary organs. Consequently, this Rule could take the following form: "Speeches made in one of the official languages at the Board, its committees and groups shall be interpreted into the other official languages". *(also listed in 3. Harmonization of the Rules of Procedure of the EB...)*

**(Russian Federation)**

## **5. MANDATE OF THE BOARD AND ITS ACCOUNTABILITY**

### **• ROLES OF CHAIRMAN AND VICE-CHAIRMEN**

52. The election of the chairpersons and of the Executive Board and its committees is based on the proposal of a member state, in consultation with the Secretariat and bearing in mind the principle of rotation between the six WHO regions. Executive Board chairpersons receive the full assistance of the Secretariat through the special support unit. Although this is a necessity, it does not rule out the possibility of undue influence being exerted by the Secretariat with regard to the business at hand. Deputy chairpersons take over in the absence of the chairpersons, but otherwise have no specific functions. Closer involvement of these deputy chairpersons ( and perhaps also the chairpersons of the

four committees) in the work of the Executive Board before, during and after its meetings, would lead to greater transparency and would ultimately help to improve confidence in the work of the Board.

53. The role of deputy chairpersons should be upgraded since, under the leadership of the Executive Board chairpersons (and possibly in collaboration with the chairpersons of the four committees), they would form the Bureau of the Executive Board, which would provide support to the chairpersons before, during and after meetings.

**(Belgium, Luxembourg, the Netherlands, Portugal, Spain and Switzerland)**

54. Criteria and method used to select the Chairman of the Board

**(Mexico)**

• **WORKING METHODS**

55. The 2002 World Health Assembly resolution WHA 54.22, Reform of the Executive Board, requested that the Executive Board conduct a review of its working methods and those of its subsidiary bodies. The United States believes that the EB has functioned reasonably well for the last 50 plus years. Nevertheless, this review provides an important opportunity to contribute to achieving a more effective Board and better working methods. The review should consider how the Board can best fulfil its responsibilities as the executive organ of the Assembly, empowered to act on the Assembly's behalf in accordance with the WHO Constitution. The U.S. will support reforms that focus on making practical improvements for a more effective and transparent Board. Recommendations agreed upon at the working group need to be consistent with the fundamental and distinctive purpose and character of the Executive Board. *(also listed in 1. Committee System of the WHO)*

**(United States of America)**

56. The present working arrangements for the Board and its working groups generally strike an effective balance between participation and accountability, and economy and effectiveness. There are, however, areas where its operations could be improved.

**(Australia and New Zealand)**

57. WHO's mission is to provide the human race with enjoyment of the highest attainable standard of health. Promoting health care for the entire human race is the most important mandate of the Organization. The Board, which serves as the executive body of WHO, should place the emphasis of its work on how to strengthen the implementation of the resolutions and policies of the Health Assembly, rather than introducing debates with no relevance to health affairs, and, in particular, should not discuss political issues in contradiction with the WHO Constitution and Health Assembly resolutions and decisions.

**(China)**

58. As an instrument of WHO governance, the Executive Board must be seen to act on behalf of all Member States, not only in the interest of those Member States elected to designate members of the Board. This requires a method of work that is transparent, credible and competent. Since the effectiveness of the work of the Executive Board depends heavily on the interaction between the Board and the WHO Secretariat, this interface has to be open to scrutiny by all Member States. It is therefore essential to ensure the distribution of working documents for the Board to all Member States,

to keep private sessions of the Board to a minimum and to ensure an open and transparent relationship between the Board and the Secretariat. On that basis, it becomes difficult to justify holding “retreats” of the Executive Board, even on an informal basis, which involve the limited distribution of working documents, the exclusion of non-members and restricted participation of alternates and advisers. Furthermore, as a matter of principle and to ensure full ownership by all Member States, meetings of WHO governing bodies should be subject to collective planning and funded by the regular budget of the Organization. For those reasons, Canada recommends that Board retreats no longer be held. *(also listed in 2. Distribution; 10. Retreat; and 11. Transparency)*

**(Canada)**

59. The reform of the Executive Board should be seen from a broad and comprehensive perspective. It should include the review of technical and process issues and the strengthening of the role of the Executive Board as well as making progress on issues on its agenda. In other words the substance and WHO policies should be emphasized, especially, if the strategic character of the Executive Board is to be strengthened. Working methods should be adapted to the strategic goals.

**(Finland)**

60. The GPW adopted by the WHA should give the strategic framework for the work of the WHO. The EB should ensure that the GPW and other policies decided by the WHA are implemented in the two biennial budgets.

61. The biennial budget should, together with the GPW, be used for all steering of the organization, i.e. also in relation to extra budgetary contributions. It is important that all such funds are coordinated with the regular budget process, so that the EB can also exert its influence on this funding.

62. The role of the EB in monitoring and evaluation needs to be improved.

**(Denmark, Norway, Sweden and the United Kingdom)**

63. The mandate of the EB as defined in the Constitution is to act as the executive organ of the World Health Assembly and to give effect to the policies and decisions of the Assembly. However in recent years the Board is increasingly taking decisions on its own, sometimes without even sending them for information or endorsement to the Assembly. We would like to strengthen the executive role of the Board as defined in the Constitution so that it does not become a parallel decision-making body to the Assembly. This can be done by looking at the Rules of Procedure as well as the agenda of the Board. The Board should not take decisions on issues, which the Assembly is already seized of. It should make recommendations on issues on which it has been asked by the Assembly; and consider issues which clearly come within its mandate. To this end we also propose Rule 21 of the EB Rules of Procedure should therefore be redrafted. *(also listed in 3. Harmonization of the Rules of Procedure of the EB...)*

**(China, Cuba, Egypt, Pakistan, South Africa, Zimbabwe and Iran)**

• **AGENDA OF THE EXECUTIVE BOARD**

64. In EB it is more important to discuss policy and strategic issues than micro level issues. By focusing at the micro levels issues in depth at the neglect of broader policy and strategic issues, EB is not able to function effectively, and therefore guide WHO.

**(Bhutan)**

65. There may also be benefit in looking at opportunities to streamline the agenda for Board meetings. In particular, there is a tendency to clutter the meeting Agenda with a large number of items that are intended for information only. This tends to reduce the available time for the Board to discuss and resolve the substantive issues within its mandate, such as questions concerning the development and strategic management of the two-year budget.

**(Australia and New Zealand)**

66. The rules governing the preparation by the Executive Board of the provisional agenda, as well as its final version, need to be clarified and made more precise (Rules 8 – 10).

**(Belgium, Luxembourg, the Netherlands, Portugal, Spain and Switzerland)**

67. According to the Constitution of the World Health Organization, the mandate of the WHO Executive Board is to implement the resolutions and policies of the Health Assembly. Therefore, the provisions as set out in the Rules of Procedure of the Health Assembly (Rule 5(d)) and the Rules of Procedure of the Executive Board (Rule 9(c)) for any item proposed by a Member or by an Associate Member to be included in the agenda of a session of the Board or the Assembly should be based on the precondition that such items are not in contradiction with the WHO Constitution and resolutions of the World Health Assembly. An item proposed by a Member or by an Associate Member should not be included in the agenda of a session of the Board or the Assembly in a completely automatic manner.

68. It is suggested that the Board may make an explicit decision not to include in the agenda any item which the Health Assembly has repeatedly refused to include in its agenda.

**(China)**

69. The Executive Board has made its greatest contributions to the effective work of the Health Assembly when it transmitted conclusions and recommendations that reflected consensus and which were accompanied with clear and well articulated arguments. In recent years, the Board was called upon to deal with agenda items which were largely outside its area of competence resulting in conclusions which fuelled conflict at the Assembly rather than contribute to harmonious debate. It is therefore critical for the Secretariat to prepare the agenda of the Board and the relevant working documents in a manner that allows the Board to perform optimally within its area of competence. Political issues of major importance for the health sector will arise from time to time, and those should only be addressed by the Health Assembly where all Member States can fully participate as equals.

**(Canada)**

70. The content of agenda of the Executive Board and the implementation, follow-up and processing of issues on the agenda should be strengthened. The members of the Executive Board should know in advance the nature of policy and decision-making required. For this purpose the Regional Committees could in the budget procedure prepare in advance their views and comments on

global questions. This procedure would increase transparency and possibilities of influencing the course and implementation of different issues. *(also listed in 8. Regional involvement)*

**(Finland)**

71. The EB should take a more active role in the preparation of the agenda for the WHA and for its own meetings. This is already stipulated in the rules of procedure, but has to be implemented. *(also listed in 9. Relations of the Executive Board with other organs of the Organization)*

72. The right of EB Members to propose “any item” for the agenda must be retained (cf. Rules 9 c+d) and respected.

**(Denmark, Norway, Sweden and the United Kingdom)**

73. The issues which this Ministry would like to have considered by the Executive Board’s Working Group include:

- Health sector reform

Reform of the health sector focuses on achieving efficacy in expenditure. This entails investment in the different health sectors, in ongoing training for human resources, administrative reform, management mechanisms, participation and decentralization of health services at the local level, care coverage and financial sustainability of health systems.

- Impact of structural adjustment policies

The reduction in the State health budgets has had repercussions in terms of decreased accessibility of health services: there has been a decline in the quality of care, hospitals have faced equipment crises and the sector’s wages have become uncompetitive, resulting in a high rate of departure among staff leaving for countries offering better job opportunities.

- Maternal health

The mother/child element is a fundamental component of the Government’s current policy, which guarantees a high level of coverage for mothers during pregnancy and the post-partum and for children up to the age of five, with the aim of reducing maternal and infant mortality rates in Ecuador.

The phenomenon of globalization has meant that dealing with health problems is a challenge to countries in which the occurrence of epidemics may cause emergencies whereby the response capacity of their health services may be reduced through lack of financial resources to ensure that in particular drugs, raw materials and medical supplies are immediately available.

- Development of science, research and technology

One of the most complex problems facing the developing countries is the development of science, research and technology, and ways of adapting them to the intellectual property rules laid down by the World Trade Organization, which affect the historic inheritance of

those countries peoples. In spite of the efforts made by the developing countries, this inheritance may be plundered for the benefit of transnational corporations.

- Hospital development

The health system should be built around consultation of national health service providers to encourage effective and efficient local health care responses, using the management tool as a resource administration instrument to develop timely decision-making capability.

- Disasters

The health services' capacity to respond to emergencies caused by natural, political or social phenomena affecting our peoples.

- Environmental problems

The environmental factor runs through all actions undertaken in the field of health as a result of the policies of the relevant ministries designed to ensure the human development of society as a whole.

- Dengue and malaria

Dengue and malaria are epidemics that give the Ministry of Health grave cause for concern on account of the harm they cause to the general well-being of the population and on account of the absenteeism and loss of productivity to which they give rise in the country's productive apparatus and the financial and environmental cost of their control.

- Indigenous peoples' health

In conformity with the relevant United Nations norms, the Government of Ecuador has been concerned to enhance the autonomy of the Directorate for Indigenous Peoples' Health so as to create conditions for providing health care that combine those peoples' ancestral knowledge of health with western systems of care, through the adoption of alternative care models.

**(Ecuador)**

## **6. METHODS OF DECISION-MAKING**

74. Prioritization should be stressed in the implementation of processes and decision-making. Too often all matters are discussed by the Executive Board as "of equal importance". Although the WHA is the highest decision-making body of the Organization, the Executive Board could, as a strategic body, facilitate decision-making also in the WHA.

75. Working methods should be reviewed in relation to the decision-making processes of the WHO and the implementation of WHO policies. This requires a comprehensive approach. There is a need to better synchronise technical and policy recommendations that are often at different levels with the development of expert knowledge as well as policy-making and implementation especially now that we are speaking of one WHO.

76. With the rapidly progressing globalization prioritization, planning and decision-making will become increasingly important for the WHO. In the reform process of working methods this should be taken into consideration. The special knowledge of the WHO as an expert organization of the UN should be better utilized throughout the whole UN system.

77. In the WHO the government representatives and ministers responsible for health have the opportunity to meet and discuss. This procedure strengthens also the role of Ministers of Health as well as the responsibility and commitment of governments to the promotion of health at a country level e.g. in the implementation of the Millennium Declaration.

**(Finland)**

78. Methods of decision-making in the Board need a review as well. It is imperative that the amendments and proposals made by developing countries are reflected on an equal footing with those of developed countries in the Chairperson's summary while summing up the debate on a particular item. Important decisions should be taken with two-thirds majority with respect to the principles of transparency and participation. We propose therefore consideration of the following rules of procedure of the EB:

Rule-7, 10, 12, 15, 28, 38, 41, 43, 53 and 54

*(also listed in 3. Harmonization of the Rules of Procedure of the EB...)*

**(China, Cuba, Egypt, Pakistan, South Africa, Zimbabwe and Iran)**

## **7. PARTICIPATION OF WHO MEMBER STATES**

### **• EXECUTIVE BOARD MEMBERS**

79. Each WHO region should continue to determine how best to organize within the region for election of members to the Board. There should be no global formula for Board election, but each region should be encouraged to ensure a fair and equitable representation system. This issue is not appropriate to the Board reform effort. *(also listed in 8. Regional involvement)*

**(United States of America)**

80. We believe there are opportunities to enhance the transparency of the procedures governing the election of Board Members. Under current arrangements, members are elected during annual Regional Committee meetings, with each of the six regions following its own election procedure. There is no consistency of approach and the process and outcome of these Regional elections is not widely regarded as balanced. With regard to improving representation, we note the suggested replacement of the current informal arrangement which gives the some permanent members of the UN Security Council "semi permanent" membership of the Board, and feel that it warrants consideration. *(also listed in 11. Transparency)*

**(Australia and New Zealand)**

81. The election of Executive Board members should be based on equality of opportunity, ensuring equitable geographical representation.

82. The discussion on a new system to replace the current arrangement, which gives the permanent members of the UN Security Council “semi-permanent” membership in the Executive Board, should be led at the regional level.

83. It should be reconsidered whether members of the Executive Board should function as representatives of an individual member state, a region or a like-minded group of countries.

**(Belgium, Luxembourg, the Netherlands, Portugal, Spain and Switzerland)**

84. Review of the terms of reference and composition of the committees and other subsidiary organs of the Executive Board, with the aim of achieving a proper balance in terms of geographical representation and gender. *(also listed in 1. Committee system of WHO)*

**(Cuba)**

85. The intensification of the work of the Executive Board must be seen in a comprehensive manner. The question of semi-permanent members in the Executive Board is also related to the wider discussion on the selection criteria for the Executive Board. It also has an effect on the discussion on the WHO/EURO and the working methods of its standing committee. All WHO member states have the right and obligation to take part in the work of the Organization also at Executive Board level. *(also listed in 8. Regional involvement)*

**(Finland)**

86. There is indeed a need for a thorough review of the working methods of the Executive Board and its subsidiary bodies. WHO which was established in 1948 has grown from 28 members in 1948 to 191 today. The mandate and responsibilities of the Organization have consequently evolved rapidly. This increases the demand for a more participatory manner of involving Member States in the conduct of its affairs.

87. When the WHO was established, it was envisaged that the Board members would act in their individual capacity. However, it is now considered that members of the Board are representatives of their governments.

88. The non-participatory character of the Executive Board is a source of concern for many Member States. In certain cases, the Board takes decisions, which affect the entire membership of the Organization, without taking into account the views or concerns of the broader membership. Moreover, such decisions are often taken by the Board and not sent to Assembly for review or approval. There is a need to improve the Board’s accountability to the larger membership of the Organization through a review of its working methods and a revision of its Rules of Procedure.

**(China, Cuba, Egypt, Pakistan, South Africa, Zimbabwe and Iran)**

• **NON-EXECUTIVE BOARD MEMBERS**

89. Non-members of the EB are currently allowed to send delegations as observers to the meetings of the Board. Although, according to rules they may only make statements with the agreement of the chair based on written requests, in practice observers especially from some of bigger countries have in effect participated in the debates of the Board.

90. This practice has often resulted in unduly prolonging deliberations and delaying decisions. It has also meant that individual country interests unduly dominate the discussions at the sacrifice of the collective interest of the Organization. It is also unfair to countries that cannot afford either to send an extra delegation to Geneva or maintain a large enough presence in their permanent missions in the city to participate as observers to the Board.

91. Recommendation: The practice of admitting observers to the Board especially from member states who are not represented on the Board should be reviewed from the point of view of principle. All member states participate in the selection of members of the board at regional committee levels and are therefore already represented by the regional board members. Consideration should be given to the following measures:

- Observers should be limited to making single statements on specific issues but should not participate in debates.
- Statements from countries should be submitted in writing before the meeting and be made electronically available to all member states to give an opportunity for them to make their own comments.
- Oral presentations of observers should be brief with a prescribed time limit and format.
- Observers fully participate in all non-formal activities of the Executive Board such as side technical meetings and socials.

**(Philippines)**

92. The acceptance of observers from WHO Member States and of advisers in the delegations has enriched the Board's work, by bringing to its attention other opinions that are sometimes valuable in taking decisions.

**(Colombia)**

93. The Board can make improvements to better allow non-EB members appropriate and efficient access to the Board's proceedings, and those of its subsidiary bodies. A flexible and transparent approach should be the norm, with appropriate limits on full participation and speaking rights of observers to the Board or its Committees. Transparency and openness of procedures need not lead to more cumbersome processes. *(also listed in 11. Transparency)*

94. Non-Board members should have the right to participate as observers in Committee meetings.

**(United States of America)**

95. Proposals for reform need to balance the Organization's accountability and participation objectives with effectiveness, efficiency and cost considerations. For example, we would question the benefit of reforms to promote "open-ended" processes if the practical result is to facilitate participation primarily by the 50 or so Member States with permanent Geneva-based missions and those that can afford to travel. We are mindful that extending the travel subsidy arrangements (applying to Assembly and Board meetings) to facilitate participation by the poorest Member States would have cost implications.

96. Reform proposals also need to keep in mind the Executive Board's functions defined in Article 28 of the Constitution. The Board is the executive organ of the Health Assembly, implementing decisions of the Assembly, arranging its business and advising on particular matters. We need to ensure that reform measures do not reduce the authority of the Assembly by making the board a 'mini-Assembly' for countries with the resources to participate in its meetings.

97. We consider that the current rules generally provide non-members with adequate opportunity to attend and speak at Executive Board meetings.

98. We have reservations on the suggestion of making all subsidiary bodies of the Executive Board open to all members. We are concerned that opening subsidiary bodies such as the budget committee may adversely affect their effectiveness. Whilst open-ended meetings may have advantages in terms of promoting participation, experience indicates that this is at the cost of lengthening the decision-making process. There is also the question of whether 'open-ended' means, in effect, only members with Geneva-based missions. *(also listed in I. Committee System of the WHO)*

99. We do, however, support the establishment of open-ended meetings on particular issues, but only at the request of the Health Assembly, so that cost implications are taken into account. Such arrangements are, of course, already within the scope of the current rules of procedure and have been utilized in the past. Clarity concerning the rules governing participation, speaking rights and voting rights of these open-ended groups is important whenever such groups are established. *(also listed in I. Committee System of the WHO)*

100. There is also room to improve the clarity and consistency of the rules governing drafting committees established by the Executive Board. In particular, it needs to be clear how and when Member States who are not, at the time, members of the Board are allowed to participate in such groups. We would be comfortable with either open-ended drafting groups, or with non members having speaking rights, but not voting rights (reflecting Rule 4 of the Board's rules of procedure). *(also listed in I. Committee System of the WHO)*

101. The rules governing participation in open-ended groups established by the Health Assembly, and drafting groups established by the Executive Board, need to be explicit. *(also listed in I. Committee System of the WHO)*

**(Australia and New Zealand)**

102. The main problem of the Executive Board in its present form is that member states do not consider its composition as truly representative and also question the Board's legitimacy and the quality of its work. One of the functions of the Executive Board is to give guidance and directions to the secretariat; however, the Executive Board is at present not involved enough in the policy matters. The discussions of specific topics that take place in the Executive Board are often not taken into consideration by the WHA. They are rediscussed in committees A and B. This state of affairs casts doubt on the Board's real role and its ability to function as the executive organ of the WHA. Improving the Board's transparency, efficiency and effectiveness would require making it subject to rules that are clear and consistent at all times: in particular it would have to be clear how and when non-members are allowed to participate in the work of the Executive Board and its sub-groups. A good starting point might be the rule on the discussion of matters that are of special concern to a particular state (Rule 3), whereby the ability to make a special factual contribution should also be taken into consideration as a criterion. In this context the inconsistencies between Rule 3 that gives member states not represented on the Executive Board the right to participate (without vote) in the work of the Board ("*State Member ... Associate Member or .. non-Member State*" can participate in

“any meeting of the Board”) whereas Rule 4 allows “representatives of the United Nations and of other intergovernmental organizations” to participate (also without vote) “in the deliberations of meetings of the Board and its committees”. The latter does not seem to apply to member states not represented on the Executive Board referred to above. *(also listed in 10. Sessions of the Executive Board and other meetings)*

103. The rules governing the participation of countries that are not at the time members of the Board in meetings of the Executive Board, its committees or working groups, need to be reviewed and defined more precisely. *(also listed in 1. Committee System of the WHO)*

**(Belgium, Luxembourg, the Netherlands, Portugal, Spain and Switzerland)**

104. The following comments refer only to the first point: the participation of observer States.

1. *The growing interest in WHO*

105. In recent years, WHO has increased its presence and influence in international activities that affect global health standards, particularly in the area of poverty eradication. The work of the Organization has always been important and it is now more visible. This explains the growing interest among Members to participate in the work of the bodies of the Organization.

2. *Interaction between the bodies of the Organization (Ways and means of including more contributions, while preserving the Board’s efficiency)*

*Is it necessary for representatives of States that are not members of the Board to participate in its work? Is it not sufficient for them to participate at regional meetings?*

106. At the Working Group discussions, some delegates argued that the interests of all Members of the Organization are taken into account, as the issues are discussed by the Regional Committees and because each region approves the nominations for members of the Board.

107. The work done in the regions may well be one way of including contributions by all Members in the work of the Organization, but it is not enough, for the following reasons:

108. Some items on the Board’s agenda are discussed at regional meetings, but members of the Board represent their country, not their regional group. Their participation in the work of the Board corresponds to the instructions received from their government, and depends on their technical knowledge in the field of health and their outlook. Each member of the Board may take into account the opinions of other members from the region, but is under no obligation to do so.

109. Furthermore, not all the issues that are submitted for consideration by the Board are examined by the Regional Committees, and of course they do not have access to the same documents. *(also listed in 8. Regional involvement)*

*Is the participation of representatives of States that are not members of the Board necessary? Is it not enough for them to participate in the World Health Assembly (WHA)?*

110. The Executive Board submits for consideration by the Assembly the general programme of work of the Organization, including budgetary matters; it submits draft resolutions specifically relating to global health policy, and gives effect to the decisions of the Assembly.

111. The Assembly meetings are considered to be a meeting place for health ministers as well as a political forum for sending out messages on the most relevant international aspects of global health. Its interventions are of a political and general nature.

112. For this reason, when a Member State has a special interest in participating in the in-depth consideration of an issue, it can do so only at Board meetings. One such example was the debate on health systems performance, in which a delegation from Mexico with observer status participated at the 107<sup>th</sup> session of the Board, in January 2001.

113. If a Member State submits an initiative to the Assembly, the proposal is referred to the Board for consideration. In current circumstances, if the Member is not represented on the Board, it is unable to participate in the consideration of its initiative.

114. Therefore, it should be possible for Members not represented on the Board to participate in its work, including in committees and drafting groups.

3. How would it be possible to accommodate the growing interest of States that are not represented, allowing them to participate as observers in the work of the Board, while maintaining its regional balance and efficiency?

115. The Executive Board of WHO is small in comparison with the executive bodies of other organizations and the United Nations bodies of limited membership. The Executive Board of WHO comprises only 32 members, in comparison with the Economic and Social Council (ECOSOC) which has 54 members, and the executive bodies of UNESCO which has 58, FAO which has 49, UNIDO which has 53, ILO which has 56 governmental members (as well as 28 workers' and 28 employers' representatives), ITU which has 46 and the WIPO Coordinating Committee which has 76. At IMO and IAEA, the entry into force of amendments that would increase the size of their Board membership, from 32 to 40 and from 35 to 43 respectively is pending. *(also listed in 7. Size of EB/Number of members)*

116. WHO has 191 members and the Board is composed of 32 individuals. In other words, the members of the Board of WHO represent 16 per cent of its membership. It is possible that many useful contributions to the work of the Organization are being ignored. *(also listed in 7. Size of EB/Number of members)*

117. There would be two ways to accommodate the growing interest:

- a) Increasing the number of members, or
- b) Authorizing the participation of representatives of States that are not members of the Board. *(also listed in 7. Size of EB/Number of members)*

What would be the advantages of allowing observers to participate?

118. If States that are not represented are able to draw the Board's attention to issues that are of particular interest to them, the recommendations the Board makes to the Assembly would have taken into account issues of importance to a greater number of States concerned by the relevant issue, so that the consideration of the matter in the Assembly will be more straightforward.

119. Even if countries with greater representation in Geneva would be at an advantage when participating as observers, it is worth bearing in mind that the city is home to 155 diplomatic missions,

through which the health authorities of 155 countries could express their views on issues that are most significant to them.

Would the Board become a “mini Assembly”?

120. Some members expressed concern that the discussions of the Board should not become unduly lengthy and should not be an obstacle to decision-making.

121. In light of the experience of the other open-ended forums of the United Nations system (such as the UNAIDS Coordinating Board, ECOSOC and its functional commissions) it is hoped that observers would neither play as active a role as in the Assembly, nor assume the role of Board members. Their participation could instead enhance the work.

What should be the level of observer participation?

122. The representatives of the Member States of the Organization that are not represented on the Board should enjoy the same rights and privileges as the members, except for participation in actual decision-making. These rights and privileges include, *inter alia*:

a) In official procedures:

- Requesting the floor even after the discussion of an issue has begun. This will permit feedback when consideration of an agenda item raises unexpected questions that might be of special importance to a particular observer State.
- Requesting the floor spontaneously during the meeting, instead of in writing as is still the current practice<sup>1</sup>.
- Having the right of reply, if necessary.

123. Observers must be able to participate in committees, except in those created by Foundations to award prizes.

b) In drafting groups:

124. It is the common practice of the United Nations system to make no distinction between the participation of Members of the body of limited membership and Members of the Organization when preparing draft resolutions in drafting groups. In the work of the WHO Executive Board, the observers should have the opportunity to make proposals and to participate in debates.

(Mexico)

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<sup>1</sup> This is the practice in ECOSOC, its functional committees, the UNAIDS Programme Coordinating Board and the Boards of UNESCO and UNIDO. In some of these forums the observer States intervene in the order in which they showed their intention to do so and not necessarily after the members.

125. Non-members should be able to participate in the work of the Board and they can make significant contributions to the collective examination of technical and policy aspects of items under discussion; such participation of non-members should not be used as opportunities to raise issues best addressed by the Health Assembly as a whole. It would therefore be appropriate to modify the Rules of Procedure of the Board to facilitate the participation of non-members in sessions of the Board and its subsidiary bodies.

**(Canada)**

126. The rules of Procedure should be reviewed so that the rights to participate for non-board member States are at least the same as for representatives of the UN and of other intergovernmental organizations. *(also listed in 3. Harmonization of the Rules of Procedure of the EB...)*

**(Denmark, Norway, Sweden and the United Kingdom)**

127. Rule-3 of the Rules of Procedure, as currently worded and implemented, severely restricts the scope of participation of observer Member States. Before making general statements before the Board under any agenda item, written permission has to be obtained. Even though it has never been denied so far, by implication, their participation is dependent on the approval of the Director-General. Further to the above, there is no possibility for them to make interactive interventions. Similarly, there is no provision in the Rules of Procedure that could allow their participation in the Working Groups or the Drafting Committees.

128. However, on the other hand, Rules allow representatives of the UN and other intergovernmental organizations (Rule 4 of the EB Rules of Procedure) to participate without vote in the deliberations of the Board and its committees. Similarly, paragraph 2 of the Resolution of the First World Health Assembly as reflected on page 20 of the WHO Basic Documents, governing the participation of Associate members of the Organization enables associate members of the Organization to participate in the proceedings of the working groups and drafting committees. This provision gives the associate members the right to submit proposals to the EB, a right which the Member States who are not serving on the Board do not currently enjoy.

129. This existing framework is biased against Member States, when these are not serving on the Board. The existing rules may also lead to a situation when during the period a particular Member State is not serving on the Board (which could be at times be as long as 12 years), its voice would go unheard in the EB.

130. In order to rectify the obvious contradictions in the Rules of Procedure and to improve participation of Member States, the rules of procedure need to be amended. It is proposed that the following Rules of the EB Rules of Procedure be reconsidered with this objective in mind:

Rule-3, Rule-4, Rule-7, Rule-11, Rule-30, Rule-52

*(also listed in 3. Harmonization of the Rules of Procedure of the EB...)*

131. It is proposed that the Rules be redrafted to reflect the established UN practice by bringing them in line with the Rules of Procedures of the ECOSOC and those of its Functional Commissions. *(also listed in 3. Harmonization of the Rules of Procedure of the EB...)*

**(China, Cuba, Egypt, Pakistan, South Africa, Zimbabwe and Iran)**

• **SIZE OF EXECUTIVE BOARD/NUMBER OF MEMBERS**

132. Australia and New Zealand believe the priority in the review process should be to focus attention of Member States on expediting acceptance of amendments to articles 24 and 25 of the Constitution as a practical means of promoting participation. These amendments, passed by the Health Assembly in 1998, increase Board representation by one country each for the Western Pacific and European regions. Acceptance of these amendments is indicative of the commitment of countries to reform, and hence it is disappointing that only 77 of the required acceptances have been lodged.

(Australia and New Zealand)

3. How would it be possible to accommodate the growing interest of States that are not represented, allowing them to participate as observers in the work of the Board, while maintaining its regional balance and efficiency?

133. The Executive Board of WHO is small in comparison with the executive bodies of other organizations and the United Nations bodies of limited membership. The Executive Board of WHO comprises only 32 members, in comparison with the Economic and Social Council (ECOSOC) which has 54 members, and the executive bodies of UNESCO which has 58, FAO which has 49, UNIDO which has 53, ILO which has 56 governmental members (as well as 28 workers' and 28 employers' representatives), ITU which has 46 and the WIPO Coordinating Committee which has 76. At IMO and IAEA, the entry into force of amendments that would increase the size of their Board membership, from 32 to 40 and from 35 to 43 respectively is pending. *(also listed in 7. Non-EB members)*

134. WHO has 191 members and the Board is composed of 32 individuals. In other words, the members of the Board of WHO represent 16 per cent of its membership. It is possible that many useful contributions to the work of the Organization are being ignored. *(also listed in 7. Non-EB members)*

135. There would be two ways to accommodate the growing interest:

- a) Increasing the number of members, or
- b) Authorizing the participation of representatives of States that are not members of the Board.

*(also listed in 7. Non-EB members)*

What would be the advantages of increasing the number of Board members?

136. A larger Board would be more representative, and would not necessarily be less effective. The recommendations transmitted to the Assembly would have been considered by more national administrations and would have taken into account a wider range of issues, which could mean that its task of advising the Assembly would be more efficient.

137. Option a) would allow the geographical balance to be maintained. In order to implement the change, it would be necessary to consider an amendment to article 24 of the Constitution, increasing the number of members for all regions, while preserving the geographical balance.

138. In order to ensure equitable geographical representation, a formula<sup>1</sup> was used in 1998, which led to a decision to increase Board membership from 32 to 34. That formula could be used as a basis for maintaining the balance when increasing the size of the Board.

139. This amendment would replace the one adopted in resolution WHA51.23 of 16 May 1998 increasing the number of members from 32 to 34. It is hoped that ratification of the new amendment would be more appealing because it would increase the membership for each of the regions.

140. Although options a) and b) are not mutually exclusive, if a decision was taken not to increase the membership of the Board, there would be a greater need to open up participation in the Board to observers.

**(Mexico)**

141. We are concerned that one important means for improving EB participation has still not come into effect. All member States should ratify urgently the amendments to Articles 24 and 25 of the Constitution agreed at the 51<sup>st</sup> WHA. This would increase Board membership from 32 to 34.

**(Denmark, Norway, Sweden and the United Kingdom)**

- **ELECTRONIC PARTICIPATION BY MEMBER STATES**

142. We would suggest that the review of the Board's methods of work also look (in consultation with the Secretariat) at increasing the use of communications technology as an efficient and cost-effective means to promote participation in the Board's work (and its committees) as well as increasing transparency.

**(Australia and New Zealand)**

## **8. REGIONAL INVOLVEMENT**

143. The EB members must submit a collective regional view rather than individual views of the member state or states. This could be done through a wide consultation process among the member countries of the region. The EB members must be therefore given the opportunity to visit the region's member countries to discuss the issues at governmental and organizational levels. They must also consult WHO Regional Offices (RO) frequently, so that RO can express views to the EB about various issues of WHO at broad policy and strategic levels. Further there must be visits and consultation of EB members across the regions. Such a system is not in place at the moment.

**(Bhutan)**

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<sup>1</sup> The number of seats on the Board is divided between the number of Members of the Organization, to determine how many correspond to each region. In accordance with article 24 of the Constitution, no region may have less than three seats, so that the results are adjusted to ensure that the region with the least States has at least three seats.

144. We suggest that regional working meetings, attended by the relevant members of the Executive Board, should be encouraged in order to analyse and propose regional recommendations to the Executive Board. The agenda, venue and date would be agreed upon in advance by the members of the Board.

**(Colombia)**

145. Each WHO region should continue to determine how best to organize within the region for election of members to the Board. There should be no global formula for Board election, but each region should be encouraged to ensure a fair and equitable representation system. This issue is not appropriate to the Board reform effort. *(also listed in 7. EB members)*

146. The relation of the Executive Board with the six WHO Regional Committees should be strengthened to improve a regional perspective in the representation of views on the Board. This will require a greater harmonizing of agendas addressed by the WHO Regional Committees, which meet in the early-Fall and by the subsequent January Executive Board meetings.

**(United States of America)**

147. Members of the Executive Board should be more closely involved in the planning and evaluation process at the regional level.

**(Belgium, Luxembourg, the Netherlands, Portugal, Spain and Switzerland)**

148. Reactivation of regional coordination units in Geneva

149. Not all the issues that are submitted for consideration by the Board are examined by the Regional Committees, and of course they do not have access to the same documents. *(also listed in 7. Non-EB members)*

**(Mexico)**

150. The composition of the Board and the recent changes to its size have generally been based on arguments that reflected the regional structures of WHO and the need to ensure balanced regional representation. Canada believes, as already presented by Switzerland and others, that improvements can be made to the work of the Board through better linkages between regional governance and the Board, and enhanced efforts by Board members to represent non-Board members of their region.

**(Canada)**

151. The content of agenda of the Executive Board and the implementation, follow-up and processing of issues on the agenda should be strengthened. The members of the Executive Board should know in advance the nature of policy and decision-making required. For this purpose the Regional Committees could in the budget procedure prepare in advance their views and comments on global questions. This procedure would increase transparency and possibilities of influencing the course and implementation of different issues. *(also listed in 5. Agenda of the Executive Board)*

152. If the regions are to be clearly included, especially in the preparation of the central questions on global health policy (the implementation should be self-evident), the regional directors could briefly reflect on the views of the regions during Executive Board sessions. This procedure would also increase interaction between the members of the Executive Board and the regions/Regional

Committees. Executive Board members would have a task/role in the regions not only as an interpreter of issues but also in moving them forward.

153. Sharpening the role of the Regional Committees in the work of the Executive Board may in the future also reduce the need to increase the membership of the Executive Board and improve the functionality and efficiency of the Executive Board. Already now the Executive Board is perhaps too large from the point of view of efficient operation.

154. The intensification of the work of the Executive Board must be seen in a comprehensive manner. The question of semi-permanent members in the Executive Board is also related to the wider discussion on the selection criteria for the Executive Board. It also has an effect on the discussion on the WHO/EURO and the working methods of its standing committee. All WHO member states have the right and obligation to take part in the work of the Organization also at Executive Board level. *(also listed in 7. EB members)*

**(Finland)**

## **9. RELATIONS OF THE BOARD WITH OTHER ORGANS OF THE ORGANIZATION**

155. Russian representatives took part in the work of the Ad-Hoc Open-Ended Intergovernmental Working Group on this question, and as a whole supported the strengthening of cooperation between the Executive Board, the Assembly and the Secretariat of WHO, the need to examine the situation in respect of Executive Board committees and for more resolute compliance, in their composition, with the principles of equitable geographic distribution and gender equality, and to ensure transparency in respect of the “retreats” for Members of the Executive Board etc. *(also listed in 1. Committee System of the WHO; 10. Retreat; and 11. Transparency)*

**(Russian Federation)**

156. Director General (DG) must be more accessible to EB members so as to facilitate an easy and frequent interaction.

**(Bhutan)**

157. Board actions should not detract from the prerogatives of individual member states, or the responsibilities of the WHA. For example, both the WHA Rules of Procedure and the EB Rules of Procedure include the provision that any member state or associate member may propose agenda items for the respective provisional agendas, recognizing that the WHA General Committee is responsible to make final recommendations to the WHA on its agenda. The Chairman of the Board, in consultation with the Legal Counsel of WHO, must be vigilant to ensure that the Board’s actions do not contravene the WHA Rules of Procedure, as has been the case in the recent past.

**(United States of America)**

158. Measures need to be taken to ensure a more coherent approach to problems, as well as better co-ordination and exchange of information between the Regional Committees (and their standing committees), the Executive Board and the WHA.

159. The WHO Support Unit should offer support not just to the chairpersons but also to the entire Bureau of the Executive Board.

**(Belgium, Luxembourg, the Netherlands, Portugal, Spain and Switzerland)**

160. Evaluation of interaction between the Executive Board, the World Health Assembly and the Secretariat, with the aim of strengthening their respective roles, in accordance with the Organization's Constitution. *(also listed in 3. Harmonization of the Rules of Procedure of the EB...)*

**(Cuba)**

161. Good preparations for the EB, orderliness and perseverance in the work of the EB should be increased. At least in different phases of the budget preparations, the member states should have a list of forthcoming matters, in order to know, how and when the Executive Board will proceed. Currently the practice is too haphazard and undetermined. In addition, administrative matters could continue to be on the agenda as well as information and other papers.

**(Finland)**

162. The considerations of the EB should result in clear proposals ("*recommendations*") to the WHA, in which the EB takes positions as regards the strategic goals and priorities. The EB should submit to the World Health Assembly its comments along with recommendations on the programme budget proposal of the Director-General. Clearer links should be established between the priorities and total resources available to the Organization.

163. In considering the working methods of the EB it is paramount that this should be done in the context of other WHO meetings, so that the function of each is complementary to the others and there is no duplication. In this regard the link between the EB and the WHA as set out in the Constitution and Rules of Procedure needs to be more clearly understood.

164. We would not wish to see the EB, in an attempt to increase representation, evolve into a second WHA.

165. The EB has to function effectively within the WHO annual cycle. Given the number of developments and demands in the health field we need to consider whether the EB can fulfil its function by means of one major and one short meeting per year, or whether there need to be more frequent interactions between EB members and the Secretariat and, if so, by what means.

166. For the EB to exercise its statutory rights and obligations as regards the strategic governance of the WHO it is important that the meeting schedule for the board also takes into account the budget cycle.

167. The Review presents a good opportunity to reinforce the philosophy of "one WHO". In our view although the concept of unity of the Organization at all levels is a central theme for WHO strategy, there is still considerable progress to be made before this concept becomes reality. This is particularly relevant in respect of the degree to which Member States perceive themselves to be represented and "included" at the EB. Effective preparation and co-ordination at regional level before and during EB meetings, possibly with the regions being responsible for induction training for prospective EB Members, would do much to allay any sense of exclusion. It would also enhance the scope for regional views to be represented.

168. The EB should take a more active role in the preparation of the agenda for the WHA and for its own meetings. This is already stipulated in the rules of procedure, but has to be implemented. (*also listed in 5. Agenda of the Executive Board*)

(Denmark, Norway, Sweden and the United Kingdom)

169. The functions of all the three organs of the WHO are defined in its Constitution. However, some inconsistencies and discrepancies have crept in over the years, both in their mandates and their inter-relationship. There is a need to clarify these in order to strengthen their respective roles, as defined in the Constitution. The relations of the Board with the Assembly should be guided by the principles laid down in section “*Mandate of the Board and its accountability*” of WHO Constitution. Here are a few suggestions to improve the relationship of the Secretariat with the governing bodies of the Organization:

- Improvement of the representative character of the Secretariat, by adhering to the principle of equitable geographical representation and gender balance at all levels in the Secretariat.
- Transparency in appointments;
- The Director-General shall ensure that all members of the Staff conduct themselves ‘in a manner compatible with their status as international civil servants. They shall avoid any action and in particular any kind of public pronouncement which may adversely reflect on their status. They shall at all times bear in mind the reserve and tact incumbent upon them by reason of their international status’.

It is suggested that the Staff Regulations should be amended to reflect the above.

(China, Cuba, Egypt, Pakistan, South Africa, Zimbabwe and Iran)

## 10. SESSIONS OF THE EXECUTIVE BOARD AND OTHER MEETINGS

170. The main problem of the Executive Board in its present form is that member states do not consider its composition as truly representative and also question the Board’s legitimacy and the quality of its work. One of the functions of the Executive Board is to give guidance and directions to the secretariat; however, the Executive Board is at present not involved enough in the policy matters. The discussions of specific topics that take place in the Executive Board are often not taken into consideration by the WHA. They are rediscussed in committees A and B. This state of affairs casts doubt on the Board’s real role and its ability to function as the executive organ of the WHA. Improving the Board’s transparency, efficiency and effectiveness would require making it subject to rules that are clear and consistent at all times: in particular it would have to be clear how and when non-members are allowed to participate in the work of the Executive Board and its sub-groups. A good starting point might be the rule on the discussion of matters that are of special concern to a particular state (Rule 3), whereby the ability to make a special factual contribution should also be taken into consideration as a criterion. In this context the inconsistencies between Rule 3 that gives member states not represented on the Executive Board the right to participate (without vote) in the work of the Board (“*State Member ... Associate Member or .. non-Member State*” can participate in “*any meeting of the Board*”) whereas Rule 4 allows “*representatives of the United Nations and of other intergovernmental organizations*” to participate (also without vote) “*in the deliberations of*

*meetings of the Board and its committees*". The latter does not seem to apply to member states not represented on the Executive Board referred to above. *(also listed in 7. Non-EB members)*

**(Belgium, Luxembourg, the Netherlands, Portugal, Spain and Switzerland)**

- **JANUARY**

171. The question of the number of official sessions of the Executive Board should be examined and considered only after agreement has been reached and experience gained on increasing the transparency of activities in general. In this connection one should consider organizing unofficial meetings between the official sessions of Executive Board in order to prepare the official sessions. In these occasions the secretariat could give briefings to member states on the state of preparations and documentation.

**(Finland)**

- **MAY**

172. We believe that the review needs to focus on practical measures to improve the efficiency and effectiveness of Board meetings, rather than concentrating on the question of the number of Board meetings to be held each year. We do not accept the need for an additional meeting of the Board in the Northern Autumn, as has been suggested by some members. Regional meetings already take place at this time of the year. An additional meeting of the Board would simply put further pressure on the Organization (and in particular the Secretariat) in terms of the timeliness and quality of documents and may impact adversely on the effectiveness of the January Board meeting as a result. We do, however, believe that it may be fruitful to look at the function of the May Board meeting in terms of overall Organizational governance to ensure that maximum benefit is gained from this meeting.

**(Australia and New Zealand)**

- **RETREAT**

173. Russian representatives took part in the work of the Ad-Hoc Open-Ended Intergovernmental Working Group on this question, and as a whole supported the strengthening of cooperation between the Executive Board, the Assembly and the Secretariat of WHO, the need to examine the situation in respect of Executive Board committees and for more resolute compliance, in their composition, with the principles of equitable geographic distribution and gender equality, and to ensure transparency in respect of the "retreats" for Members of the Executive Board etc. *(also listed in 1. Committee System of the WHO; 9. Relations of the EB with other organs of the Organization; and 11. Transparency)*

**(Russian Federation)**

174. The Board is mandated by the Constitution to meet at least twice yearly. In recent years an additional Board "retreat" has taken place. The United States has serious reservations about the purpose and informal nature of the retreats and believes that current Board meetings should be utilized instead. Retreats offer no real accountability to member states, and they produce no discussion papers or summary records of deliberations. The retreats appear out of step with other WHO governance processes and the need for more transparency in WHO operations. Alternatively, a strengthened intersessional role for the Chair and Bureau would provide a clearer interrelationship between the

Board and the Secretariat, by providing increased oversight of WHO business by the Board, oversight that Retreats do not provide.

175. A third meeting of the EB would not be warranted at this time, not only due to additional costs and staff time required, but because it is not clear that current meetings are utilized sufficiently. The May Board meeting could be expanded. Typically now it lasts only one to two days and is primarily organizational. The agendas of January meetings have often been heavy, and yet the work has been completed early in the last several years. Until current meetings are clearly utilized to the maximum, and work better allocated between them, there is no justification for additional meetings and the costs that additional Board meetings would entail.

**(United States of America)**

176. We consider there are arguments for retaining the annual Executive Board retreat. The retreat is a constructive mechanism for a group such as the Board, which meets only twice a year, to focus collectively on important strategic issues. However, we believe that measures could be introduced to enhance its transparency and its role in the governance of the Organization. For example, Member States could be advised at least 4 weeks in advance of the key theme which the Director-General wishes to focus on at each retreat. This would allow States with a particular interest in a topic to make their views known either to the Director-General or individual Board members. *(also listed in 11. Transparency)*

**(Australia and New Zealand)**

177. Ways and means of improving the transparency of the Organization and running of the “Retraite” should be considered in the light of the above-mentioned review of the functions of the Executive Board. *(also listed in 11. Transparency)*

**(Belgium, Luxembourg, the Netherlands, Portugal, Spain and Switzerland)**

178. An evaluation of measures to ensure transparency in respect of the annual “retreat” made by the members of the Board. *(also listed in 11. Transparency)*

**(Cuba)**

179. As an instrument of WHO governance, the Executive Board must be seen to act on behalf of all Member States, not only in the interest of those Member States elected to designate members of the Board. This requires a method of work that is transparent, credible and competent. Since the effectiveness of the work of the Executive Board depends heavily on the interaction between the Board and the WHO Secretariat, this interface has to be open to scrutiny by all Member States. It is therefore essential to ensure the distribution of working documents for the Board to all Member States, to keep private sessions of the Board to a minimum and to ensure an open and transparent relationship between the Board and the Secretariat. On that basis, it becomes difficult to justify holding “retreats” of the Executive Board, even on an informal basis, which involve the limited distribution of working documents, the exclusion of non-members and restricted participation of alternates and advisers. Furthermore, as a matter of principle and to ensure full ownership by all Member States, meetings of WHO governing bodies should be subject to collective planning and funded by the regular budget of the Organization. For those reasons, Canada recommends that Board retreats no longer be held. *(also listed in 2. Distribution; 5. Working methods; and 11. Transparency)*

**(Canada)**

180. The concept of the 'Retreat' of the Board has developed in recent years. As the Retreat is not envisaged in the Rules of Procedure, it is an informal meeting. There is, nevertheless, a growing concern on the nature of this meeting and the 'decisions' taken there. The Retreat should, therefore, remain an informal set-up. There is a need to make the 'Retreat' more transparent so that it does not become a 'virtual' Board, where actual decisions are taken. This can be achieved through, inter alia,

- The Retreat should be used only for a free wheeling informal exchange of views meant to make the EB more effective as well as where members of the Board can inform their fellow members about the initiatives/proposals they would present in the formal meeting of the Board. In order to facilitate a meaningful exchange of views, it is important that documents prepared by the Office for the Retreats are circulated well in advance and also posted on the WHO's web site. It has been frequently observed that papers on important issues are circulated for discussion and decision during 'Retreats' without any prior notice or opportunity for anyone to study them and pressure is applied for a quick decision. EB Retreats should be used only for the informal exchange of ideas and all formal decisions must only be taken in the regular EB sessions.
- It should be ensured that all members of the Board are able to attend the Retreat. The participation of developing country-members of the Board should be financed by the organizers of the Retreat.
- Allowing other interested Member States to attend/observe proceedings at the Retreat. Representatives of these interested Member States can attend these proceedings at their own cost. Documents of Retreats should be made available to other interested members, on request.
- In order to assist all interested Member States to attend the retreat, the dates, times and venue of the Retreat should be determined and communicated well in advance.
- The Retreat should be financed by the host State and no expenses be debited from the WHO funds.
- In case of private-sector sponsorship of this event, it should be ensured that there is no conflict of interests.

**(China, Cuba, Egypt, Pakistan, South Africa, Zimbabwe and Iran)**

• **OTHERS (INCLUDING MEETING OF INTERESTED PARTIES)**

181. The EB and its functions have to be seen in the context of other meetings. MIPs are important for exchange of information and dialogue on the work of WHO between interested member states, for both developed and developing countries, and the secretariat. MIPs are not part of the governing mechanisms of WHO, however their objective, function and format, and their place in the annual cycle need to be clarified.

182. Add an EB meeting in the autumn, e.g. after the regional meetings. Given the budgetary implications, we should consider whether this might replace any other meetings. The timing of the sessions of the Board should where possible be in line with the budget cycle.

**(Denmark, Norway, Sweden and the United Kingdom)**

## 11. TRANSPARENCY

183. Russian representatives took part in the work of the Ad-Hoc Open-Ended Intergovernmental Working Group on this question, and as a whole supported the strengthening of cooperation between the Executive Board, the Assembly and the Secretariat of WHO, the need to examine the situation in respect of Executive Board committees and for more resolute compliance, in their composition, with the principles of equitable geographic distribution and gender equality, and to ensure transparency in respect of the “retreats” for Members of the Executive Board etc. *(also listed in 1. Committee System of the WHO; 9. Relations of the EB with other organs of the Organization; and 10. Retreat)*

**(Russian Federation)**

184. The Board can make improvements to better allow non-EB members appropriate and efficient access to the Board’s proceedings, and those of its subsidiary bodies. A flexible and transparent approach should be the norm, with appropriate limits on full participation and speaking rights of observers to the Board or its Committees. Transparency and openness of procedures need not lead to more cumbersome processes. *(also listed in 7. Non-EB members)*

**(United States of America)**

185. We support a review of the criteria for the appointment of experts, members and chairpersons of expert committees to increase the openness and transparency of the process of appointment. We also believe that any review of the criteria for appointment to such committees should emphasize merit, as well as taking into account the need to promote geographical representation and gender balance. However, we believe the Director-General should retain the right to make appointments having regard to revised principles agreed by the Assembly following a review.

186. We consider there are arguments for retaining the annual Executive Board retreat. The retreat is a constructive mechanism for a group such as the Board, which meets only twice a year, to focus collectively on important strategic issues. However, we believe that measures could be introduced to enhance its transparency and its role in the governance of the Organization. For example, Member States could be advised at least 4 weeks in advance of the key theme which the Director-General wishes to focus on at each retreat. This would allow States with a particular interest in a topic to make their views known either to the Director-General or individual Board members. *(also listed in 10. Retreat)*

187. We believe there are opportunities to enhance the transparency of the procedures governing the election of Board Members. Under current arrangements, members are elected during annual Regional Committee meetings, with each of the six regions following its own election procedure. There is no consistency of approach and the process and outcome of these Regional elections is not widely regarded as balanced. With regard to improving representation, we note the suggested replacement of the current informal arrangement which gives the some permanent members of the UN Security Council “semi permanent” membership of the Board, and feel that it warrants consideration. *(also listed in 7. EB members)*

188. We suggest that the personal name of Executive Board members be removed from their name plate to clarify that members are acting in a national, not a personal capacity.

**(Australia and New Zealand)**

189. Ways and means of improving the transparency of the Organization and running of the “Retraite” should be considered in the light of the above-mentioned review of the functions of the Executive Board. *(also listed in 10. Retreat)*

190. Monthly briefings should be upgraded and should serve specifically the “follow-up” or the step-by-step preparation of Executive Board meetings (development of resolutions and other documents).

191. The Secretariat should co-operate in a transparent manner with the WEOG chair as well as with regional groups, with groups of like-minded countries and with individual countries (such interactions and the issues discussed should be made known).

192. The chairpersons of the Executive Board and its committees must be elected in a transparent and democratic manner.

**(Belgium, Luxembourg, the Netherlands, Portugal, Spain and Switzerland)**

193. Examination of measures to guarantee the requisite democracy and transparency in the Executive Board’s decision-making process.

194. An evaluation of measures to ensure transparency in respect of the annual “retreat” made by the members of the Board. *(also listed in 10. Retreat)*

**(Cuba)**

195. The Board, with the support of the Secretariat, should make every effort to address issues openly while remaining within its area of competence.

196. As an instrument of WHO governance, the Executive Board must be seen to act on behalf of all Member States, not only in the interest of those Member States elected to designate members of the Board. This requires a method of work that is transparent, credible and competent. Since the effectiveness of the work of the Executive Board depends heavily on the interaction between the Board and the WHO Secretariat, this interface has to be open to scrutiny by all Member States. It is therefore essential to ensure the distribution of working documents for the Board to all Member States, to keep private sessions of the Board to a minimum and to ensure an open and transparent relationship between the Board and the Secretariat. On that basis, it becomes difficult to justify holding “retreats” of the Executive Board, even on an informal basis, which involve the limited distribution of working documents, the exclusion of non-members and restricted participation of alternates and advisers. Furthermore, as a matter of principle and to ensure full ownership by all Member States, meetings of WHO governing bodies should be subject to collective planning and funded by the regular budget of the Organization. For those reasons, Canada recommends that Board retreats no longer be held. *(also listed in 2. Distribution; 5. Working methods; and 10. Retreat)*

**(Canada)**

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