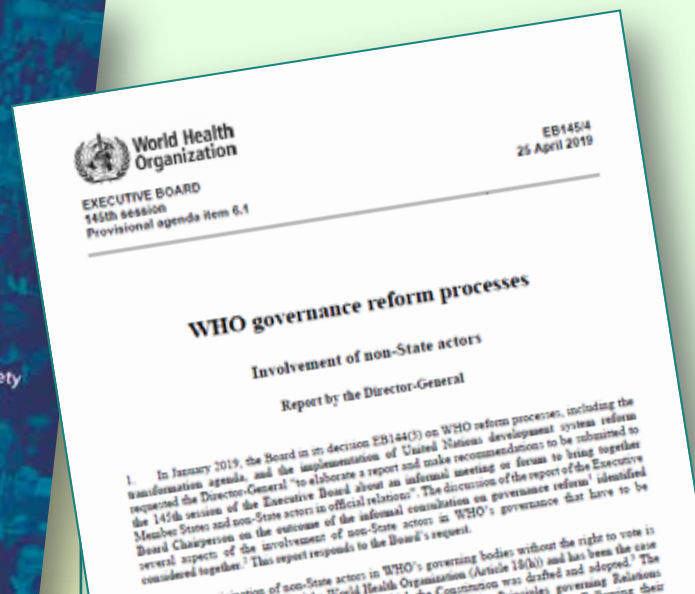


Two interrelated cases

...seen from my personal and institutional perspective
Thomas Schwarz, Medicus Mundi International Network

Case 1: “Civil society” engagement with WHO leadership, in hosted partnerships and WHO processes

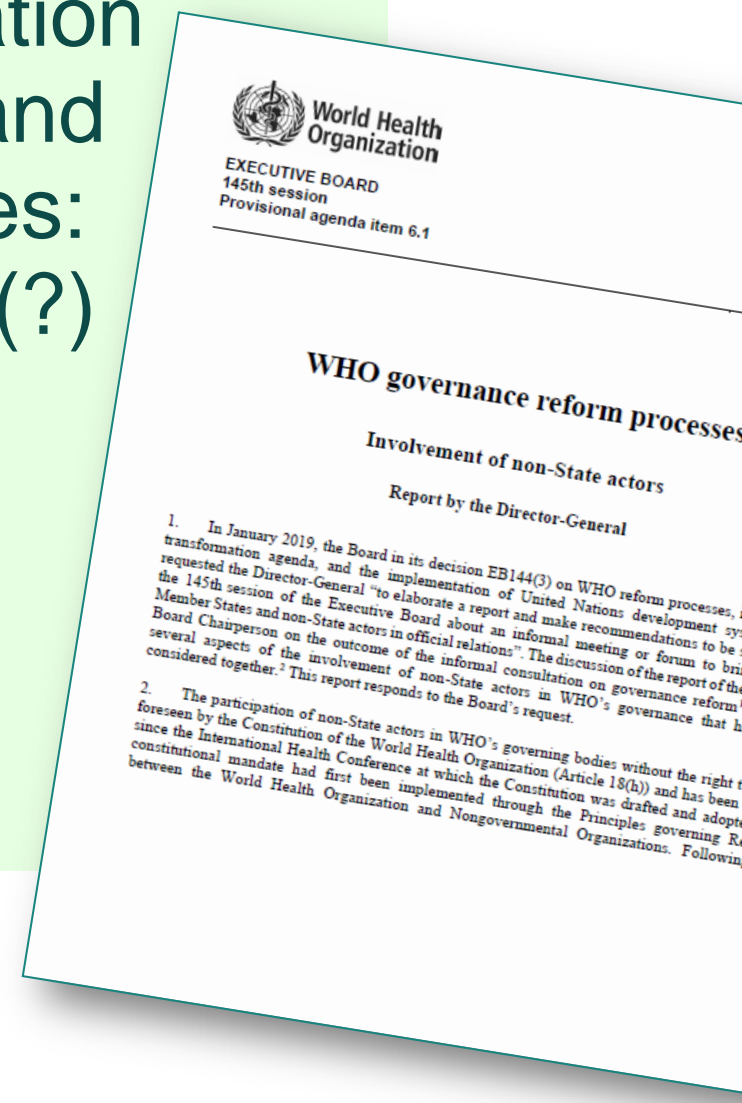
Case 2: Civil society participation at governing body meetings and interaction with Member States: Defending a shrinking space (?)





Case 2: Civil society participation at governing body meetings and interaction with Member States: Defending a shrinking space (?)

Reference: Document EB145/4
**WHO governance reform processes
Involvement of non-State actors
Report by the Director-General**



The story as told by WHO

- “The participation of non-State actors in WHO’s governing bodies without the right to vote is foreseen by the **Constitution of the World Health Organization (Article 18h)**
- ...and has been the case since the International Health Conference at which the Constitution was drafted and adopted.”

All quotes from EB 145/4

Some partially edited for better comprehension



The story as told by WHO

- “The constitutional mandate had first been implemented through the **Principles governing Relations between the World Health Organization and Nongovernmental Organizations**.
- Following their replacement in 2016 by the **Framework of Engagement with Non-State Actors**, the relevant normative framework is now provided by that instrument and the **rules of procedure of both the World Health Assembly and the Executive Board.**”



The story as told by WHO

- “In order to achieve its objectives and advance its work, **WHO needs to engage with non-State actors**. They need to be able to voice their contributions for consideration by Member States through their involvement without the right to vote in sessions of WHO’s governing bodies.
- As described in the Thirteenth General Programme of Work, 2019–2023 (paragraph 78), “WHO is and will remain a Member State organization; however, current conceptions of global governance also include a range of non-State actors.”

(THEY NEED US)



The story as told by WHO

- **“The practice of non-State actors in official relations addressing WHO’s governing bodies at the end of a debate has served the Organization well during several decades.**
- However, the **increased interest** reflected by the greater numbers of non-State actors participating and requests for interventions **has not led to a more meaningful involvement**
- When a large number of non-State actors intervene in sequence at the end of a debate after representatives of Member States have taken the floor, their **interventions no longer have any impact on the outcome of the debate.**”

WHO: References

- **United Nations (ECOSOC)**
5161 NGOs have consultative status and access to Council, subsidiary bodies, major conferences, mechanisms and other events.
- **World Trade Organization**
Annual Public Forum brings together 2000–3000 participants
- **Food and Agriculture Organization FAO**
115 INGOs with consultative status
Briefings, nomination of 3-5 representatives
- **Committee on World Food Security CFS**
Civil society has organized itself into 11 constituencies
Civil society mechanism raises its own resources.



Previous mechanisms and proposals

- “Between 2000 and 2003, the Secretariat organized **Meetings of Interested Parties** in the last quarter of each year for one week around WHO’s programme of work.
- In the context of the previous WHO reform programme the creation of a **world health forum** was proposed in 2011. Its intended purpose was ‘to explore, in an informal and multistakeholder setting, ways in which the major actors in global health can work more effectively together (...)’”



Principles

- a) respect the intergovernmental nature of WHO;
- b) become more meaningful;
- c) increase the efficiency and effectiveness of interactions;
- d) respect the diversity of non-State actors.



Proposals: Governing Body meetings

- “The imposition of **limits on the number of delegates** in the delegation of a non-State actor in official relations or on the **number of interventions** by non-State actors, or both...
- might be balanced by **measures that would make their participation more meaningful**”



Proposals: Governing Body meetings

- **“One possibility is for non-State actors provide consolidated input at the opening of discussion on agenda items or during the debate (FAO constituency model)**
- **International business associations and philanthropic foundations could be asked to form one constituency each.**
- **The diversity of nongovernmental organizations would justify up to three further constituencies on either a permanent or a case-by-case basis.”**



Proposals: Governing Body meetings

- “Individual non-State actors in official relations could still **post their statements on a dedicated website two weeks before** the EB session or WHA
- **They could then meet prior to the governing bodies**, for instance in parallel to the PBAC meetings, to decide on which agenda items they wanted to deliver **constituency statements** at the beginning or during the debate.”



Proposals: World Health Forum

- “As Member States shape their positions before governing body sessions, **a more structured interaction between Member States and non-State actors before those sessions** could add value to the discussions and improve the involvement of non-State actors in the work of the governing bodies and thus WHO’s governance.
- A **world health forum** could be organized along similar lines to the World Trade Organization’s Public Forum.”



Proposals: World Health Forum

- “Such a world health forum could be an annual stand-alone event in **November** each year, as with the Meetings of Interested Parties. It could be organized in **January** before the session of the Executive Board to allow for broader participation at lower cost.
- Alternatively, it could be held **every second year** with the recently-inaugurated WHO Partners’ Forum or in the alternate years, or it could become a larger event hosted by a Member State **every four to five years.**”



...and beyond the proposals

- “These proposed changes should not be introduced in isolation but combined with measures by Member States and the Secretariat to enhance the engagement of non-State actors.
- More **Member States** could follow the example of those that hold **consultations** with non-State actors before sessions of the Executive Board and the Health Assembly at national level and/or include civil society and youth representatives in their **delegations.**”



...and beyond the proposals

- “The Secretariat will also strengthen its engagement with non-State actors through an **engagement strategy** based on the Thirteenth General Programme of Work through a **unit** explicitly responsible for the coordination and promotion of that engagement.
- **Conferences** organized by WHO will continue to strongly involve non-State actors.
- The Secretariat could also **improve the flow of information towards non-State actors** in official relations by measures such as the webcasting of the information sessions it organizes for missions based in Geneva.”



EB145 to provide guidance:

- whether the Secretariat should **refine proposals**
- ...and **organize a web consultation** with non-State actors
- ...before discussion of the issue at the next session of each of the **regional committees**,
- ...with a view to **elaborating a proposal**
- ...for consideration by the Board at **146th session**.

What to do with report and proposals? Preliminary assessments

- **Proposal set up** as Secretariat reacting to and providing input into a Member States process; with unclear role, interest, position of Secretariat
- **Tension** between defending and extending the space of civil society at WHO (inclusiveness) and protecting WHO from undue influence (FENSA etc.)
- **After January EB Session**, the Secretariat asked us (MMI and others) to submit concrete proposals; we rejected and insisted on a proper consultation



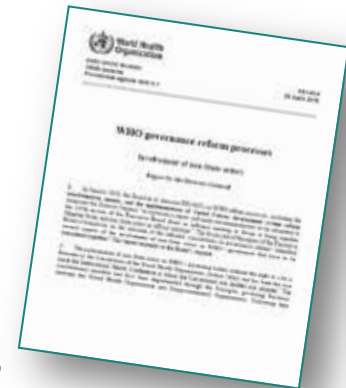
What to do with report and proposals? Preliminary assessments

- **Agree** with most of the analysis of shortcomings of current modality and practice of statements
- **Agree** with referring to UN system governance models. They are different from global health initiatives often referred to (GAVI, Global Fund)
- **Agree** with principles
- **Agree** with looking at broader picture, beyond EB/WHA:
 - Member States (global governance starts at home)
 - Secretariat, Regions, Country level (Task Team Report!)



What to do with the report and proposals? Preliminary assessments

- **Reject** the reference to the WHO Constitution for «non-state actors» (valid for NGOs/CSOs however)
- **Reject** the proposal for a World Health Forum in a multi-stakeholder setting
- **Reject** the proposed limitation of delegation size
- **Question** the proposal to organize civil society as WHO constituency or constituencies: This sounds interesting, but is it acceptable and feasible??
 - Diversity of organizations and topics
 - Governance and management issues



What to do with the report and proposals? Preliminary assessments

- **Propose to request Secretariat and Member States** to get into a proper conversation with civil society on exploring a broad range of options for a more meaningful engagement
- **Propose to focus own proposals** on joint development of standards and best practices for inclusive and transparent communication, consultations and hearings
- **Propose to engage in exploring options** for a structured interaction / interface between civil society and WHO Member States, under the condition that this is not done as multi-stakeholder forum (G2H2 work plan 2019-20)



ORATI