

Towards a more meaningful engagement of WHO with civil society

An initial assessment of the report of the WHO secretariat to the 145th Session of the WHO Executive Board, 29-30 May 2019, on „WHO governance reform processes: Involvement of non-State actors“ (Document EB 145/4) from a civil society perspective (1)

Over many years, civil society organisations have been engaged with the WHO reform process as a core element of improving global health governance. (2) Also currently, under the new WHO leadership of Dr Tedros, civil society organizations follow closely the “WHO transformation processes” and governance reforms, with particular interest in the current conversation among WHO Member States and the resulting report and proposals of the Secretariat on how to achieve a more meaningful engagement of civil society in the WHO Governing Bodies. (3).

WHO needs a strong and vocal civil society, and civil society needs a strong WHO

Considering health a global public good and a matter of social justice, we support all efforts to reconfirm and strengthen WHO’s role as global health authority whose main task is to guarantee and promote this public good at an international level, despite a more and more confusing global governance. (4)

The involvement of the people and public interest civil society is most relevant at national, regional and global level. It’s about democracy. It’s about accountability and good governance. Also for WHO, and referring to Art. 18 and 71 of the WHO Constitution and to the spirit of former WHO “civil society initiatives” we believe that a space for meaningful civil society engagement is both fundamental and instrumental for WHO and its work. In this sense, we limit our assessment on how to achieve a more meaningful engagement of WHO with **civil society** (and not with “non-State actors”).

The Secretariat report and proposals

We share the Secretariat’s assessment of the shortcomings of the current modalities of civil society involvement in the WHO governing bodies. Regarding the concrete proposals on what could be done to refine modalities of the governing body meetings and to define steps for civil society participation beyond this, we welcome and endorse the Secretariat’s proposal to „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 its 146th session.”

So please respect the simple statement in the EB Chair’s report in January: “Nothing about us without us”. And do this consultation properly, considering it a test case and hopefully, a future benchmark in view of improving the quality of WHO hearings.

We support the principles outlined in the Secretariat’s report: 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.

Regarding the diversity of non-State actors, there is in fact a strong need to put more solid regulations in place that enable on one hand meaningful engagement with public interest civil society actors while at the same time prevent conflicts of interest and undue influence on WHO by commercial actors. In this context, it is of high importance to implement safeguards - some of which exist in the Framework of Engagement with non-State actors (FENSA) - while critically reviewing its shortcomings. The upcoming evaluation of FENSA will be a good opportunity. (5)

This particularly refers to appropriately distinguishing between business, philanthropies and public interest civil society to ensure that modalities for participation address the fundamental differences in status, recalling that WHO has a constitutional duty to consult with civil society as rights holders whereas corporations do not have these rights. Such things are currently not reflected in the overall terminology “non-State actors”.

We also agree with the proposal to look at other UN system governance models and suggest that these will be analysed to find best practices and possible pitfalls.

Without pre-empting the results of the consultation, here are some initial comments, focusing on those elements of the Secretariat’s reports that are particularly sensitive and worrying

Do not limit the size of the delegations: This is a matter of public scrutiny. The WHO governing body meetings must remain accessible for representatives of the people it serves. This is at risk, if delegations of public interest civil society in official relation with WHO are reduced, and steps are not taken to include a diverse civil society voice through easier procedures for registration / public badges for civil society actors not in official relations.

Be careful with changing the modalities for statements: The richness and variety of public interest civil society – and of its expertise, approaches and positions in global health – must be appreciated and reflected in the modalities for engagement to allow participation in a democratic way.

We question the feasibility and acceptability to organize civil society in constituencies: Contrary to institutional settings such as the one of many global health initiatives, the plurality of thematic fields covered and the diversity in the institutional setup of civil society demand a considerable investment in time and financial resources to achieve effective coordination and meaningful integration of positions and statements.

We do reject the term “World Health Forum”: We would like to recall the discussions around this suggestion in 2010/2011 and cannot see new arguments for such a forum for a meaningful contribution to WHO governance that would change the negative assessment done and shared by many Member States. We would not exclude the establishment of a WHO Public Forum, but this needs careful assessment: WHO has a public mandate, also to secure global public goods.

We recommend a more systematic use of thematic or process related consultations and public hearings, at the same time proposing to investigate and invest in improving the modalities of these instruments (quality standards, best practices from other UN institutions).

And yes, we do support further dialogue: “As Member States shape their positions before governing body sessions, a more structured interaction between Member States and *civil society* 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.” (Quoting the proposal, but replacing “non-State actors” with “civil society”). This is what we want to achieve, too, but lacking the resources needed. We stand ready!

We also support the Secretariat’s perspectives beyond the current proposals and herewith highlight them as a core element of the report, again replacing “non-State actors” with “civil society”: “These proposed changes should not be introduced in isolation but combined with measures by Member States and the Secretariat to enhance the engagement of *civil society*. More Member States could follow the example of those that hold consultations with *civil society* before sessions of the Executive Board and the World Health Assembly at national level and/or include civil society and youth representatives in their delegations. The Secretariat will also strengthen its engagement with *civil society* 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 *civil society*. 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.”

Concluding remark

As concerned public interest civil society representatives and friends of the WHO, we are looking forward to an open, transparent and timely public consultation on the reform of the governing body meetings. We see the strong need for a proper conversation with civil society on exploring a broad range of options for a more meaningful engagement.

About this paper

This assessment of the Secretariat Report, a list of co-authors and initial signatories and an online form for further endorsements are available at <http://g2h2.org/posts/civilsocietyengagement/>. The drafting, publication and dissemination of the paper have been facilitated by the [G2H2 working group](#) on WHO and global health governance and financing, in the follow-up of a civil society workshop on “WHO, civil society and ‘non-State actors’: How to deal with a difficult relationship” on Friday 17 May. See the [workshop documentation](#).

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References

- (1) This paper refers to the WHO Secretariat report “WHO governance reform processes. Involvement of non-State actors. Report by the Director-General”, [Document EB145/4](#), 25 April 2019, published as part of the documentation for the 145th Session of the WHO Executive Board.
- (2) See, as an example: [Delhi Statement](#), 2011: Time to untie the knots: the WHO reform and the need of democratizing global health
- (3) See also EB 144 and the Report of the Executive Board Chairperson on the outcome of the informal consultation on governance reform, [Document EB144/34](#)
- (4) See: <http://g2h2.org/posts/nextdg/>
- (5) See: [Civil society organisations’ call for delegates to World Health Assembly, 2015](#): Defend the World Health Organization from corporate takeover
- (6) See: [WHO BASIC DOCUMENTS Forty-seventh Edition: 2009](#): Criteria for the admission of NGOs into official relations with WHO