



Series of public briefings and debates
hosted by the Geneva Global Health Hub
ahead of WHO EB 148, 11-15 January 2021

Friday, 15 January 2021, 16.00-17.30 CET
Session organized by the MMI Network

What reform agenda for the WHO Executive Board?

The WHO Executive Board needs to reclaim its executive role in WHO governance and take the lead the process of a thorough reform of WHO governing bodies beyond some procedural aspects that will be discussed once more at EB148. We do not want to see the governing bodies of the WHO just being a waste of time, but a place where transformation is initiated and shaped, and where global health leadership takes place. Wrapping up a series of civil society briefings and debates ahead of EB148, we ask what should be on the agenda of an EB retreat (members only) announced for 2021.

Despite its constitutional mandate of being the directing and co-ordinating authority on international health work, the World Health Organization is not fit for providing binding international public health guidance. As a consequence, and on the background of the greatest global health emergency of our time, the recent Special Session of the WHO Executive Board on the Covid-19 response (October 2020) and the resumed session of the 73rd World Health Assembly (November) did not provide any guidance, but took place in a mostly ceremonial way, as an uninspired sequence of Secretariat reports followed by anaemic or self-promotional member state statements.

And now, with the upcoming 148th session of the EB, are we expecting ten more days of the same, and just another waste of time? Or will we experience a moment of change? Obviously, it's all with the WHO member states. They can use the disruption and clarity provided by Covid-19 to address some governance basics, or they continue to let things go.

With a public panel discussion ahead of WHO EB148, as part of a series of such debates organized by G2H2, Medicus Mundi International wants to contribute to advancing a timely debate on some essentials of WHO governance.

In our view, these essentials are, in ascending order of relevance and urgency:

- As experienced in the recent meetings of WHO governing bodies, their current rules of procedure do not allow addressing the **impracticable setup of "Zoom governance"**. So, instead of pretending that an online EB session can be properly managed, should WHO not **defer all relevant debates and decisions to other formats to be agreed by Member States**, to allow proper negotiations and deliberations?

- **Back to basics!** EB members have called for the Executive Board reclaiming its executive role in WHO governance. This would entail taking the lead in a **thorough reform of WHO governing bodies** beyond the minor procedural aspects currently discussed (see annotated agenda of the EB; specific documents related to agenda item 19.1, WHO reform, are still not available) and beyond addressing the inherent shortcomings of online governing body meetings.
- **Back to basics, part two:** To make sense of a reform of WHO governing bodies, the World Health Organization, through the EB, needs to restore the constitutional mandate of WHO (Art. 19) to **provide global leadership by adopting conventions or agreements** in key fields of public health and global public goods, with majority vote.
- **Liberate WHO!** EB148 will discuss financial matters and in particular the proposed programme budget of WHO and the scale of assessments for the years 2022–2023 (agenda item 17). **Substantially increasing assessed contributions** would be the highly needed step to liberate WHO from its **dependency from big donors** (including member states) and their political agenda. And EB members shall not seek the solution in the newly launched WHO Foundation or other “innovative financing models”. They rather distract from what is needed now.
- **Decolonize and democratize WHO!** There are great expectations regarding the return of the US to the global health arena, under its new President. And the European Union has already flagged its interest and availability to step in and play a greater leadership role in global health. But, **instead of looking for new (and old) powerful leaders**, would it not be time for all countries and in particular those of the global South to **claim their place and role** in a decolonized and democratized WHO and its governing bodies? The WHO Constitution would not oppose this...

Format

Introduction by Thomas Schwarz, Medicus Mundi international Network

Followed by panel conversation among global health experts, and inviting participants to join in. With:

- Nicoletta Dentico, Society for International Development, Co-President Geneva Global Health Hub (confirmed)
- Suerie Moon, Global Health Centre, The Graduate Institute (confirmed)
- Priti Patnaik, Geneva Health Files (confirmed)
- Germán Velásquez, South Centre (invited)
- WHO Member States / EB and Secretariat representatives (invited)
- Thomas Schwarz, Medicus Mundi International Network (moderating)

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References

Is the Executive Board an active governing body, or is it just a ceremonial one that only expresses gratitude towards the work we are doing. I personally want to see us here as an active executive board, one which is guiding us through the pandemic crises, through finding solutions and strategies in this most challenging public health crisis in terms of socioeconomic effects. We are the governing body, meaning we have to exercise leadership. (...)

Clemens Auer, Special Envoy for Health, Federal Republic of Austria; WHO Executive Board Member, at the EB Special session in October. See recording of first session, starting at 25.30 Min, <https://www.who.int/news-room/events/detail/2020/10/05/default-calendar/executive-board-special-session-on-the-covid19-response>

The EB has so far not performed its oversight role adequately in this greatest global health crisis of the past 100 years. (...) If there is a problem with WHO, we are part of the problem as member states, and we also need to be part of the solution. (...) Even before Covid the Board did not really fulfil its oversight role as foreseen in the constitution. This certainly needs to change, and therefore the EB Special Session decided, and there was a strong consensus, that we should do something about this. We should clarify with ourselves how we want to perform this oversight role. We want to hold a retreat as soon as that is possible to see how we can improve the situation for the future.

Björn Kümmel, Deputy Head, Division of Global Health, Federal Ministry of Health of Germany; Vice-Chair, WHO Executive Board, at post-EB event at the Graduate Institute, 8 October 2020 <https://www.youtube.com/watch?v=qq11-uV187k&t=380s>

I also think that the format of the EB should be changed. When I hear the EB, I hear a lot of speeches, prepared from their capitals, a lot of time wasted, one day and a half maybe, hearing ourselves, and there is not much interaction really pointing out the topics that we should be discussing. I think it's a problem in the multilateral area that we should be solving. (...) There is another important thing about this multilateral organization. When we got into this pandemic, not only we got into a different scenario with globalization, with digital and information era, but also the society has changed. There was a lot of questioning about how multilateral institutions were working, solving the problems and the needs of the citizens. We need to get these institutions closer to the people. We need to explain the things we do to the society.

Frank Tressler Zamorano, Permanent Representative of Chile to the United Nations in Geneva at post-EB event at the Graduate Institute, 8 October 2020 <https://www.youtube.com/watch?v=qq11-uV187k&t=620>

Today more than ever, it is necessary to form a strong coalition of countries willing to defend the public character, authority and independence of WHO, so as to allow it to set public health rules at a global level with the capacity and the instruments necessary to put those rules into practice. (...) Article 19 of the WHO constitution states: "The Health Assembly shall have authority to adopt conventions or agreements in respect of any matter within the competence of the Organization. A two-thirds vote of the Health Assembly shall be required for the adoption of such conventions or agreements, which shall come into force for each Member when accepted by it in accordance with its constitutional processes". A binding global treaty or convention, negotiated in WHO, could enable the sustainable financing of research and development of useful and safe drugs at prices affordable to the population and public social security systems. The adoption of such a convention within the framework of WHO, based on article 19 of its constitution, could also make it possible to review the way in which WHO operates in a broader sense. The negotiation of "global and binding instruments on health matters of global concern" is perhaps the most promising avenue for the role that WHO could take on in the future.

Germán Velásquez, World Health Organization Reforms in the Time of COVID-19. South Centre Research Paper, November 2020, <https://www.southcentre.int/wp-content/uploads/2020/11/RP-121.pdf>

The two policy making organs of the WHO i.e. the World Health Assembly and the Executive Board are currently playing a peripheral role. (This is more pronounced in case of the Executive Board). Being a technical Organisation, most of the work in WHO is done in Technical Committees composed of independent experts. Moreover, in light of the growing risks associated with emergence of disease outbreaks the role of the Independent Oversight and Advisory Committee (IOAC), responsible for the performance of the WHO Health Emergencies Programme (WHE), becomes extremely crucial. It is necessary for this oversight mechanism to be strengthened and the inputs of Member States to be integrated. These inputs need not only be taken during EB or WHA but there should be a mechanism for concurrent and regular coordination of IOAC with member states.

Recommendation – It is important that the member States have a greater say in the functioning of the WHO, given that it is the States which are responsible for implementation on ground of the technical advice and recommendations coming from the WHO. There is a need to devise specific mechanisms like a Standing Committee of the Executive Board to ensure effective supervision by member States. There is also a need to including look at the functioning and composition of various technical committees to make them more effective and responsive to the priorities and recommendations of the Member States.

(...) A proper review of the format & functioning of Executive Board & World Health Assembly should also to be taken up for them to be an effective engagement tools with the Member States instead of the present set up where in the format of Executive Board & World Health Assembly are repetitive. There must be an accountability mechanism to indicate what follow up action on the interventions of

member states in EB and WHA has been initiated by WHO Head Quarter, Regional Office and Country Office.

Improvement of the WHO's governance structure. Part of a set of proposals by the Government of India on the WHO reform.
<https://asianews.press/2020/12/23/government-of-india-recommends-9-ways-for-reforming-of-who/>

One of the interesting things that happened between countries but that other actors should relate to more is that this does not become an issue of the USA being here or not being there, and China coming in or whatever, but, with the hegemon actually not around for now, can we build a more equitable global health decision-making situation, also within the WHO, but in global health generally? Because we cannot continue along the lines that the ones who pay the most can call the tune. That needs a lot of discussion. It also means that the member states, and I mean all of them, need to be much more proactive within the WHO and its governing bodies. I personally feel that one of the worst governance decisions ever taken in WHO was to change the way the Executive Board functions. It is no longer a Board. It is no longer a body that really advises the Director-General and the other member states. And that is reflected in how it functions, and it is reflected in why it is not called on. Why call on this Board, if it does not give me input, quite honestly, if I am the Director-General? So I think the member states and the secretariat have to start doing some reflection here how can this governance be improved. And, you know, the representation of countries, and in particular countries of the global south, is strong in these bodies. So if these bodies functioned properly, then these voices could be heard better. And all this "WHO being more independent, being less subject to influence etc." really depends on that. And then my question is: Are the countries of the global south going to use the fact that they have a lot of votes to actually introduce and push for a stronger WHO? And let's have some fights over the next some five years about that. But let's set it as an agenda. (...)

Ilona Kickbusch at pre-WHA event at the Graduate Institute, 5 November 2020
<https://www.youtube.com/watch?v=3PW1k8RcJ18&t=4942s>