
WHO reform

Involvement of non-State actors in WHO's governing bodies

Report by the Director-General

1. In February 2020, the Executive Board, at its 146th session, noted the report by the Director-General on WHO reform: Involvement of non-State actors in WHO's governing bodies,¹ and requested the Secretariat to submit a revised version of the report to the Board at its 148th session, including more details of the proposed informal meeting between non-State actors, Member States and the Secretariat. The Board also requested that non-State actor constituency statements should be introduced on a trial basis for a limited number of agenda items.
2. In January 2021, the Executive Board, at its 148th session, noted the report by the Director-General on WHO governance reform: Involvement of non-State actors in WHO's governing bodies,² which included a detailed proposal for the informal meeting. The Board requested the Secretariat to test virtual informal meetings between non-State actors, Member States and the Secretariat ahead of the Seventy-fourth World Health Assembly, as a means of enabling more in-depth technical exchanges, as well as discussions on Health Assembly agenda items. The meetings would be in addition to non-State actors' regular participation in the WHO governing bodies meetings. The Board also requested that non-State actor constituency statements on a limited number of agenda items be tested at the Seventy-fourth World Health Assembly.
3. The Executive Board requested the Secretariat to report back to the Board's 150th session, assessing the experiences from the trials. The present report responds to that request.
4. The participation of non-State actors in WHO's governing bodies without the right to vote, as foreseen by the Constitution of the World Health Organization (Articles 18(h) and 71), has been the practice since the first meeting of the Organization and is now governed by the Framework of Engagement with Non-State Actors,³ together with the Rules of Procedure of the World Health Assembly (Rule 48) and the Rules of Procedure of the Executive Board (Rule 4).
5. As described in the Thirteenth General Programme of Work, 2019–2023, “WHO is and will remain a Member State organization; however, current conceptions of global governance also include

¹ Document EB146/33; see also document EB146/2020/REC/2, summary records of thirteenth meeting, section 3, and fourteenth meeting, section 5.

² Document EB148/35; see also document EB148/2021/REC/2, summary records of eleventh meeting, section 5.

³ See Framework of Engagement with Non-State Actors (paragraphs 15(a) and 55–57) in the 49th edition of Basic documents (<http://apps.who.int/gb/bd/>, accessed 22 September 2021).

a range of non-State actors”. Participation of non-State actors in WHO governing bodies is regulated through official relations, which “is a privilege that the Executive Board may grant to nongovernmental organizations, international business associations and philanthropic foundations that have had and continue to have a sustained and systematic engagement in the interest of the Organization”.¹

6. At the invitation of the Chair, Non-State actors in official relations voice their contributions for consideration by Member States through their involvement, without the right to vote, in sessions of WHO’s governing bodies. Non-State actors in official relations usually address WHO’s governing bodies at the end of a debate, but it is not clear that this approach has a meaningful impact on the course of the debate. Dissatisfaction with the current system has been expressed by Member States and non-State actors alike.

7. Based on the consultations with non-State actors on their views on their involvement in WHO governance, and on the outcomes of Member States’ discussions during the 146th and 148th sessions of the Executive Board, engagement with non-State actors in WHO’s governance should be improved to ensure greater impact by:

- (a) providing incentives for non-State actors to deliver a limited number of grouped statements in governing bodies; and
- (b) facilitating enhanced technical exchanges through informal meetings between Member States, non-State actors and the Secretariat.

As requested by the Executive Board at its 148th session, a virtual informal meeting between non-State actors, Member States and the Secretariat ahead of the Seventy-fourth World Health Assembly was organized on 20–22 April 2021. In addition, constituency statements by non-State actors in official relations were tested during the Seventy-fourth Health Assembly on selected agenda items and will be tested again at the 150th session of the Executive Board.

8. A web-based consultation in August–September 2021 was organized for Member States and non-State actors to obtain their feedback on the informal meeting and the constituency statements with a view to reporting back to the Executive Board at its 150th session, assessing the experiences from the trials.

9. The results from the consultations show that most of the responding Member States attended selected sessions of the informal meeting, while several non-State actors attended all of the sessions. The opinions expressed by all responding Member States and a clear majority of responding non-State actors about the meeting ranged from being neutral to being satisfied.

10. Non-State actors suggested that these meetings should continue to be organized but giving earlier notice to participants, requiring more participation by Member States and providing better structured sessions with clearer roles for panels and participants. The agenda should be designed in consultation with non-State actors and Member States to facilitate more exchanges between the participants. Member States considered it important to have more participation by Member States in the planning, agenda-setting and running of the meeting and to make sessions more structured, with

¹ See Thirteenth General Programme of Work, 2019–2023, page 33.
(<https://apps.who.int/iris/bitstream/handle/10665/324775/WHO-PRP-18.1-eng.pdf>, accessed 22 September 2021).

clearer roles for the panels and participants. The meeting was also found by both Member States and non-State actors to be at least to some extent useful in the preparations for the Health Assembly.

11. While the response rate¹ to the consultations was lower than expected, overall there was broad support both from Member States and non-State actors to maintain the informal pre-meeting and to hold it prior to the World Health Assembly, while taking into consideration the above recommendations.

12. As for the constituency statements, the results from the web-based consultation were inconclusive, ranging from positive to negative with no clear majority views. This may have been partially due to late clarification on modalities and the fact that the process was new. The Secretariat first consulted Member States on the agenda and modalities of the meeting, as mandated by the Executive Board at its 148th session, but this took longer than anticipated and the subsequent grouping of the agenda items for the Health Assembly was only agreed at a late stage. This led to information on the modalities of the constituency statements being provided to non-State actors and Member States very late. It should be noted that a majority of the responding non-State actors indicated that if more time was allocated to preparations, or if there were no individual statements, they would attempt to join a constituency statement. Non-State actors prefer the timing of the constituency statements to be early on in the debates, while Member States questioned that timing.

PROPOSED WAY FORWARD

13. The involvement of non-State actors in WHO's governance processes can only be improved through a package of measures, combined with an overall strengthening of WHO's engagement with non-State actors in line with the Thirteenth General Programme of Work, 2019–2023 and in accordance with the Framework of Engagement with Non-State Actors. Improving the engagement of non-State actors in WHO's governance would mean adhering to the following objectives:

- (a) Respect the intergovernmental nature of WHO;
- (b) Become more meaningful;
- (c) Increase the efficiency and effectiveness of interactions; and
- (d) Respect the diversity of non-State actors.

14. The proposed measures should be organized in addition to, and as part of, non-State actors' regular participation in WHO's governing bodies.

15. To increase meaningful engagements and interactions between non-State actors, Member States and the Secretariat, it is proposed to continue organizing an informal meeting for interested non-State actors in official relations, Member States, and the Secretariat. The respondents to the consultation showed a preference for having the meeting spread over two to three weeks during a period ahead of the World Health Assembly. Most respondents preferred the meeting to take place in a hybrid format, combining in-person and online attendance.

¹ Eleven Member States and 26 non-State actors submitted fully completed survey questionnaires.

16. It is proposed that the informal meeting should be organized annually, with the following modalities for 2022:

(a) The meeting would take place over a period of two to three weeks during the four to six weeks before the World Health Assembly;

(b) The agenda and selection of the sessions would be made in consultation with Member States and non-State actors in official relations through electronic means;

(c) There would be three to four sessions, each of a three-hour duration, with three selected Health Assembly agenda items for one hour each, with the participation of non-State actors in official relations, Member States and the Secretariat to allow exchanges and for non-State actors to express their views and opinions on the topic;

(d) One two-hour meeting would be organized at the beginning of the meeting between the Secretariat and non-State actors in official relations to brief them on the Health Assembly, its agenda and the modalities for participation;

(e) At the end, another two- to three-hour meeting between non-State actors and the Secretariat would be organized to conclude the meeting, receive first-hand feedback from non-State actors and to discuss the organization of the constituency statements;

(f) The different time zones would be considered in planning the agenda and the plan of work to allow for participation from multiple time zones.

17. These modalities may be subject to change once more experience is gained from running the informal meeting.

18. It is proposed that the meeting should take place in a virtual format, as it would be difficult to arrange participation in-person for a hybrid meeting, given that the meeting takes place over two to three weeks. Furthermore, there would be cost savings for all parties in organizing a virtual informal meeting, with costs mostly related to providing a platform and interpretation for the meeting. A virtual meeting would also be more inclusive and encourage broader participation by non-State actors, WHO regional and country offices and relevant Member States' technical staff, as there would be no budget implications for travel and accommodation. A hybrid meeting might be considered at a later stage when there is more information on participation rates and interest in different sessions.

19. As the results from the web-based consultation on constituency statements were inconclusive, it is proposed that a new trial should be held on three agenda items at the Seventy-fifth World Health Assembly, with more time given for non-State actors in official relations to prepare the constituencies, and for the Secretariat to consult with and brief Member States on the modalities in advance.

20. The Secretariat would select the agenda items for constituency statements based on a list of items likely to attract the most interest for statements by non-State actors. Non-State actors could make a maximum of five constituency statements on those items earlier in the debates at the invitation of the Chair of the meeting. Individual statements by non-State actors would not be made on the items where constituency statements are made. Only non-State actors in official relations may join the constituencies for a statement.

21. A report assessing the experience of the constituency statements during the Seventy-fifth World Health Assembly, as well as the 150th session of the Executive Board, would be presented to the Executive Board at its 152nd session.

ACTION BY THE EXECUTIVE BOARD

22. The Board is invited to consider the following draft decision:

The Executive Board, having examined and noted the report on WHO governance reform: Involvement of non-State actors in WHO's governing bodies,

Decided:

- (a) that the proposed informal pre-meeting for interested non-State actors in official relations, Member States and the Secretariat will be organized annually during the four to six weeks before the World Health Assembly, in accordance with the modalities outlined in paragraphs 16 to 18 of document EB150/37;
- (b) that the constituency statements will be tested again for three agenda items during the Seventy-fifth World Health Assembly before making a final decision on their implementation during all WHO governing bodies meetings;
- (c) to request the Director-General to report on the experience of the constituency statements during the Seventy-fifth World Health Assembly, as well the 150th session of the Executive Board, at the 152nd session of the Executive Board.

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