

Highlights from the eighth day of the 132nd Executive Board (Geneva, Tuesday, 29.01.13)

WHO Reform

Outcome of informal meeting of Member States on WHO reform: draft decision points (Document EB132/CONF./7)

During the morning session - which lasted almost 20 minutes - the following draft decision points, that represent the outcomes of the previous days, were presented and quickly approved by the EB.

"The Executive Board (EB),

1. Having considered document EB 132/5 Add.1 on hosted health partnerships,

(1) requested the Programme, Budget and Administration Committee of the EB to ensure that the arrangements for hosted health partnerships are regularly reviewed on a case-by-case and timely basis in respect of their contributions to improved health outcomes, WHO's interaction with individual hosted partnerships, and the harmonization of their work with the work of WHO; and to make recommendations for the consideration of the Board, as appropriate, through a standing item on the subject on the Board's agenda;

(2) decided that, when the hosted partnership has an exclusively regional jurisdiction, the review will be conducted by the appropriate regional governing body, in adherence with the global partnership policy and subject to oversight and review by the PBAC as needed;

(3) requested the Director-General (DG) to prepare an operational framework for the PBAC on hosted health partnerships;

(4) further requested the DG to ensure that WHO fully recovers all costs associated with hosted partnerships;

(5) further requested the DG to pursue and apply as appropriate the approach proposed in paragraphs 16(b)-16(d) and 16(f)-16(i) of doc EB132/5 Add.1 on consulting hosted partnerships, in particular with regard to matters that depend on a partnership's board's decision for managing WHO's relationships with hosted partnerships;

(6) encouraged Member States (MS) to promote coherence in their positions across the governing bodies of WHO and those of hosted partnerships;

2. Having considered document EB132/5 Add.2 on engagement with Non Governmental Organizations (NGOs), requested the DG:

- (1) to propose to the EB at its 133rd session in May 2013, overarching principles for WHO's engagement with non-State actors, defining separate operational procedures for both NGOs and private commercial entities;
- (2) to harmonize the development of the draft policy for engagement with NGOs with the draft policy on WHO's relations with private commercial entities, such development being guided by the principles stated by the 65WHA in decision WHA65(9), subparagraphs (9)(i)-(v);
- (3) to work further on the draft policy of engagement with NGOs, proceeding with the revision of accreditation procedures for NGOs for WHO's governing bodies (i.e. authorization to participate therein) and incorporating those procedures in the draft; including updated ToR and operational procedures of the standing committee on NGOs; and incorporating the inputs provided during the deliberations of the Board at its 132nd session;
- (4) to conduct public web-based consultations on the draft principles and policies for engagement with non-State actors and convene two separate consultations, one with MS and NGOs and one with MS and the private commercial sector, to support the development of the respective draft policies;
- (5) to report on the development of the two draft policies to the Board at its 134th session in January 2014;

3. Having considered in addition document EB132/5 Add.4 on streamlining national reporting and communication with MS;

- (1) welcomed the proposals on streamlining the reporting of and communication with MS;
- (2) requested the DG to advance the work proposed in document EB132/5 Add.4, taking into account the division of responsibilities of national and subnational levels of government, and to report back on progress in implementation to the EB at its 134 session in January 2014 including relevant financial information;
- (3) further requested the DG to propose the definition of a minimal set of health data and indicators as well as recommended additional set in the context of the results of a detailed analysis on the current practice of reporting;

4. Recognizing the importance of WHO's role in global health governance, noted the report on the subject contained in document EB132/5 Add.5 and decided to continue its examination of WHO's role in global health governance at its 133rd session;

5. Welcoming the report of the Joint Inspection Unit provided in document EB132/5 Add.6,

requested the DG to incorporate and cross-reference the recommendations of the JIU within the WHO reform implementation plan, and to report back on progress in line with regular reporting of WHO reform implementation;

6. Having considered document EB132/5 Add.7 on the modalities of the second stage evaluation on WHO reform, endorsed the proposed modalities and requested the DG to report to the EB at its 133rd session in May 2013 on progress made;

7. Welcoming the report contained in document EB132/5 Add.8 on the implementation of WHO reform, on progress of implementation and the high-level implementation plan contained in document EB132/INF./3, including with respect to submission of regular reports to the Independent Expert Oversight Advisory Committee, requested the DG to report back to the Board in May 2013 on progress on reform implementation, based on an updated version of the high-level implementation plan, including information on costs and indicators.”

The EB resumed following further informal discussions. As Chair of the informal discussions, Australia recommenced the EB discussion on WHO reform, noting the work of Qatar who was a bridge in the discussions to Iran. The EB included two new rules to the EB Rules of Procedure, namely Rule 28 and Rule 29. Concerning the first it would state “proposals for resolutions or decisions to be considered by the Board relating to items of the agenda may be introduced until the close of the first day of the first session. However if a session is scheduled for 2 days or less the proposals are due no later than 48 hours prior to the opening of the session. The Board may permit late ones if appropriate”.

Concerning Rule 29, it would state “proposals and amendments related to items on the agenda shall normally be introduced in writing and handed to the DG who should circulate copies to the delegations except as decided otherwise by the Board; no proposals shall be submitted unless copies have been sent to all delegations at least one day previously. The chairperson may permit discussion and consideration of amendments even if they have not been circulated”.

The next set of decision points concerned criteria for inclusion, exclusion or deferral on items on the EB agenda. The EB agreed on the above decision points. (We will update the text when it becomes available).

The discussion then moved to consequences of late EB documentation. Australia proposed

that paragraph 3 of rule 5 be amended. Documents for the session shall be dispatched not less than 6 weeks before the commencement of the regular session of the board, online, in official languages. If documents are not dispatched at least 3 weeks before, the agenda item shall be deferred to the next session, subject to the discretion of the officers of the EB which shall include exceptional circumstances. The EU and US supported this amendment. Morocco emphasised discipline. Switzerland stated that more thought needs to be given, referring to the conflicting requirements of 6 weeks and then 3 weeks.

Iran argued that this would punish MS and is not fair. Nigeria recalled that many important items in the past would not have been discussed had this rule been in place and urged EB to look at this proposal carefully. Mexico proposed that if documents were not available 4 weeks prior to the Board session, the DG shall provide a status report on all unpolished documents, which shall include the reasons for its delay, and an anticipated publication date. The US supported this, but requested it be changed to 6 weeks. This was supported by Lithuania.

The legal counsel was that this amendment would be a problem for the WHA. Iran then suggested 6 days. The US suggested 3 weeks, which was supported by Nigeria, Panama and Morocco.

The DG reflected that the 134th session of the EB in January 2014 will have fifty-eight agenda items. The DG proposed that the Secretariat perform legal and operational considerations of the changes to the rules of procedure. Iran proposed the DG to perform an in-depth study to ensure that, from a legal point of view, the proposed amendments to the rules of procedure of the governing bodies are in conformity with the existing rules of procedure. This should be reported to the EB in 2014. MS then worked on the wording of the proposal. The decision was adopted as amended. (We will add this text as soon as possible).

Draft decision on the financial dialogue (Document EB 132/27 Add.1)

The draft decision states that "the Executive Board, having considered the report of the Programme, Budget and Administration Committee of the Executive Board at its second extraordinary meeting, and the decision of the Committee on the following points, proposed to the Sixty-sixth World Health Assembly that it:

- (1) approve the entire proposed programme budget 2014–2015;
- (2) establish a financing dialogue, convened by the Director-General and facilitated by the Chairman of the Programme, Budget and Administration Committee for the financing of the programme budget, with the first financing dialogue for the 2014–2015 programme budget to take place in 2013, in accordance with the modalities described in the Annex;
- (3) endorse the Director-General’s proposal to explore avenues to broaden WHO’s donor base, with particular regard to Member States, international organizations and philanthropic foundations.”

In the annex there is the description of the modalities for the financing dialogue. (for the details see the document at the following link:

http://apps.who.int/gb/ebwha/pdf_files/EB132/B132_27Add1-en.pdf)

Norway suggested to replace the word 'virtual' with 'informal' in Annex regarding the first proposed session of the financial dialogue. This was supported by the USA, Panama and Mexico.

Morocco sought clarification as to whether the financial dialogue was assessing all resource requirements or just financial resources. The DG responded that this is about financing and committed that the Programme Budget 2014-2015 will be the document submitted to the WHA and be used for the financing dialogue. Lithuania on behalf of the EU sought further refinement of the Annex, in particular of the *Role of Governing Bodies following Financial Dialogue (for funding of Programme Budget 2014-2015)*. Lithuania asked the DG for further discussions on this table before the WHA, and sought that the provisional status of the table be reflected in the document. The DG expressed concern and asked for clarity. Belgium explained that, in the past, the governing bodies had a role in approving the allocation of funds. Now, the PBAC agreed that the entirety of the budget should be approved by WHA. What is not here is the remaining role of the governing bodies in terms of authority to allocate funds in regards to the GPW, so Belgium would like more consultation to know how it will go on. Switzerland expressed concerns similar to that of the DG and stated that 2013 is not the time for determining resource allocation. The USA expressed concern about adding further text to the Annex and supported the DG, but at the same time they did support the EU concerns. At this point the DG broke into tears stating – you can’t turn like this, how can we reform if we continue to work like this? I can't move an inch without clearance by you. Why do you keep sending the message you don't trust us? I can't operate without it being clear.

Australia stressed flexibility, arguing that because it is informal dialogue, it can be changed in the future if MS don't like it. The Chair suspended proceedings to allow 20 minutes for further discussions.

Upon resuming the discussions, Qatar on behalf of EMRO expressed its support for the DG and Secretariat in undertaking reform. Lithuania also expressed commitment to WHO reform and welcomed further discussions to clarify the role of governing bodies between the EB and WHA. The US stated that if the EU sought a small change to the wording of operative paragraph 1, they would be amenable to that. Lithuania suggested an amendment to operative paragraph 1 which the Chair requested slight editing to be done by the Secretariat. Lithuania approved of this editing.

China expressed concern on the two stages of the dialogue and sought clarification if they were both informal. Australia responded that, in their understanding, the first session is about information giving and the second session is the more active dialogue. The US supported the informality of the dialogue.

Yemen sought to change the word 'virtual' to 'Launch'. This was supported by USA and Mexico.

The Board adopted the draft resolution with the amendments by Yemen (to change 'virtual' to 'Launch') and Lithuania (These will be updated as soon as they become available).

Follow-up of the report of the Working Group on the Election of the Director-General of the World Health Organization

(Document EB132/29 Add.1) Norway sought to add to page 3 sub paragraph 6 of the text "the Board shall decide, by a Mechanism determined by it" to insert "underscoring the paramount importance of professional qualifications and integrity". The text now reads "The Board shall decide, by a mechanism to be determined by it, paying due regard to equitable geographical representation and gender balance, underscoring the paramount importance of professional qualifications and integrity, on a short list of candidates". This was supported by the US, Cameroon and Panama. The Board adopted the resolution as amended.

(Document EB132/29 Add.2) The US sought to delete text from Annex 4 sections 1(d) and 2(c) (options for consideration if above majority are not reached). The resolution was approved as amended. Following this, Canada a non EB member stated for the record that a majority must mean more than a simple majority, reflecting on their arguments in the past for a clear two thirds majority.

Provisional agenda of 66 WHA and date of 133rd session of EB

The US sought to include Malaria as a technical item on the agenda, stressing drug resistance as a key issue. The US also sought to link anti-microbial resistance to work on the SSFFC. Senegal supported the proposal by the US emphasising drug resistance and malaria as technical items. Nigeria also supported the proposal, emphasising the problem of drug resistance and of funding. The Board adopted the document with these amendments.

Final Comments at the EB

MS thanked the DG, Chair, Secretariat, outgoing MS of the EB and interpreters. The UK urged MS to commit to the progress on reform. The DG reflected that the 132nd EB was unprecedented, with more than 1,000 pages and 885 registered participants. The 132nd EB was formally declared closed.