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Governance in the WHO European Region

During the 66th session of the WHO Regional Committee for Europe in September 2016, several Member States requested the WHO Regional Director for Europe to develop, in collaboration with the Standing Committee of the Regional Committee for Europe and in consultation with Member States, a report on governance for submission to the 67th session of the Regional Committee. This document reviews several issues concerning the work of the Regional Committee, its relationship with the global governing bodies, regional governance in general, and the implications for the WHO European Region of decision WHA69(8) on governance reform, adopted by the Sixty-ninth World Health Assembly in May 2016.

This document focuses specifically on those elements of decision WHA69(8) that have not been fully implemented in the Regional Committee or that need improvement.

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Introduction

1. Governance reform has been a key concern of the WHO Regional Committee for Europe and of the Standing Committee of the WHO Regional Committee for Europe (SCRC) since 2010, following the Regional Committee's adoption of resolution EUR/RC60/R3 on governance of the WHO Regional Office for Europe at its 60th session. The SCRC was requested "to initiate a cycle of comprehensive reviews of governance in the WHO European Region and to report back to the Regional Committee on lessons learned in this regard at such intervals as the Standing Committee itself deems appropriate". Since then, the SCRC has established successive subgroups to review selected governance issues.

2. During the 66th session of the Regional Committee, several Member States requested the WHO Regional Director for Europe to develop a strategic approach, in collaboration with the SCRC and in consultation with Member States, towards drawing up a report on governance for submission to the 67th session of the Regional Committee. This document should review several issues concerning the work of the Regional Committee, its relationship with the global governing bodies, regional governance more broadly, and the implications for the European Region of decision WHA69(8) on governance reform, adopted by the Sixteenth World Health Assembly in May 2016.

3. The current document takes into account decision WHA69(8), specifically those elements that have not yet been fully implemented in the Regional Committee or that need improvement following the Health Assembly decision. It includes comments provided by the SCRC and its subgroup on governance and feedback received through the consultation with Member States.

Enhancing alignment between global and regional governance

Regional implications of global policies

4. Paragraph 4 of decision WHA65(9) on WHO reform, adopted by the Sixty-fifth Health Assembly in 2012, endorsed a set of proposals for enhancing alignment between regional committees and the Executive Board, namely:

- (a) that regional committees be asked to comment and provide input to all global strategies, policies and legal instruments such as conventions, regulations and codes;
- (b) that the Health Assembly refer specific items to the regional committees in order to benefit from diverse regional perspectives;
- (c) that regional committees adapt and implement global strategies as appropriate;
- (d) that chairpersons of the regional committees routinely submit a summary report of the committees' deliberations to the Board;

5. This decision has been progressively implemented throughout the levels of governance of WHO. The Regional Committee for Europe has been playing an active role in providing input to the Executive Board on a range of items referred to it by the Health Assembly or by the Executive Board. As an example of that role, the 63rd session of the Regional Committee had on its agenda, under the general item "Matters arising out of resolutions and decisions of

the World Health Assembly and the Executive Board”, requests to comment and advise on the follow-up to the High-level Meeting of the General Assembly on the Prevention and Control of Non-communicable Diseases and on the criteria for extension of the deadline for building national core capacities under the International Health Regulations (2005).

6. The Health Assembly sought to align and integrate the governance cycle of the Organization as a whole and to ensure synergy between the regional committees, the Executive Board and the Health Assembly. In particular, it was cognizant of the fact that regional committees had in the past adopted new regional policies following up on its adoption of global policies. Some regional policies go beyond or diverge from the main directions adopted by the Health Assembly, which could lead to fragmentation in the work of the WHO Secretariat, additional financial implications, and inconsistent commitments undertaken by Member States. For this reason, decision WHA65(9) underlines the importance of regional committees being fully integrated into the policy preparation phase so that the final Health Assembly decision takes their concerns into account.

7. At the same time, global policies are often adopted in general terms or consist of a menu of policy options. Depending on their language, topic and approach, they may or may not be immediately implementable in the particular context of the European Region. The possible need to explain the content of the policy in more detail, however, should be kept distinct from the fact that regional adaptation, as requested in decision WHA65(9), should not lead to the adoption of new and perhaps divergent regional policies. The financial and administrative implications of the adaptation of a global policy in the Region, including the reporting requirements for Member States, should also be taken into account.

8. The Regional Director, in agreement with the SCRC, proposes a case-by-case approach, taking into consideration the context of any particular policy adopted by the Health Assembly. Depending on the topic and the content of the Health Assembly decision, it may be possible for the Regional Office to simply implement it as part of its programme of work and for Member States to take action immediately without the need for further refinement. In other cases, however, the nature and topic of the global policy may require an implementation plan that adapts the policy to the particular circumstances of the European Region or it may require additional work by the Regional Office.

9. In order to implement this approach, the Regional Committee may consider the implications of new global policies for the European Region under the agenda item “Matters arising from resolutions and decisions of the World Health Assembly and the Executive Board”. The Regional Director, in consultation with the SCRC, will bring relevant global policies to the attention of the Regional Committee as part of the report on matters arising and will provide considerations regarding their follow-up, covering in particular the following points:

- (a) the programmatic implications of the global policy for the European Region;
- (b) previous Regional Committee resolutions that address the same or similar issues and how the new global policy may affect them;
- (c) recommendations as to whether and how the global policy requires adaptation to the regional context through a formal implementation plan to be adopted by the Regional Committee, setting out options where possible;

- (d) the implications of a regional implementation plan for Member States in terms of additional actions, commitments and reporting requirements;
- (e) the financial and administrative implications for the Regional Office in the light of available resources; and
- (f) oversight by the Regional Committee regarding the implementation of the global strategy within the Region, with or without a separate implementation plan.

10. In addition to the adaptation of global policies, the Regional Committee may need to develop policies and strategies at the regional level in areas where no global policy exists or is under development. In that case, the Regional Office will provide the necessary background to the SCRC for its consideration and include the proposed item in the multi-year rolling agenda.

Alignment of the agendas of the governing bodies

11. The alignment and synergy between the agendas of the Executive Board and the Health Assembly and between those agendas and that of the Regional Committee, respectively, will be facilitated by the Health Assembly's request, in paragraphs 1 and 2 of decision WHA69(8), that the Director-General develop and submit to the Executive Board at its 140th session a six-year, forward-looking planning schedule of expected agenda items for the Executive Board, the Programme, Budget and Administration Committee and the Health Assembly, based on standing items, requirements established by decisions and resolutions of the governing bodies, and those items required by the Constitution, regulations and rules of the Organization. The first such planning schedule was submitted to the Executive Board as document EB140/INF./3. The purpose of these paragraphs of decision WHA69(8) is to enable Member States to rationalize and to focus, as far as possible, the agendas and the deliberations of the governing bodies in view of the priorities of the Organization and the time available at these sessions.

12. The SCRC has used a multi-year rolling agenda since 2011 to give its members a better strategic overview of the programme of work of the Regional Committee for the medium-term and to facilitate the preparation of the provisional agenda for each Regional Committee session. Since May 2016, the multi-year rolling agenda has been discussed as a regular item on the agenda of the open, or fourth, session of the SCRC, and thus made available to all Member States of the Region. The SCRC has also decided to review the rolling agenda of the Regional Committee in the light of the forward-looking planning schedule for the Executive Board and the Health Assembly in order to consider reflecting the priority issues discussed at the global level, their implications for the European Region and whether they require the Regional Committee's early consideration. Clearly, the forward-looking planning schedule does not provide a complete picture of the actual agenda of either the Executive Board or the Health Assembly since Member States and the Director-General may propose additional agenda items, most frequently for the provisional agenda of the Board.

13. As an overall guiding principle, the SCRC will seek to limit the maximum number of policy documents in order to allow in-depth discussions during Regional Committee sessions. Given the understanding that any substantial discussion should take at least 90 minutes, there should usually not be more than eight policy documents per session.

14. To align the regional agenda with the global agenda, the Secretariat will:
- (a) revise the regional multi-year agenda in line with the forward-looking planning schedule of expected agenda items for the Executive Board, the Programme, Budget and Administration Committee and the Health Assembly (document EB140/INF./3), synchronizing the timing of regional agenda items with the global agenda;
 - (b) add a standard item to the multi-year regional agenda referring to global or Health Assembly items, as needed; and
 - (c) revise the document on matters arising as described above.

15. The two issues discussed in this section were therefore linked in a holistic way and considered jointly by Member States on the advice of the Regional Director. At its open meeting each May, the SCRC could consider in particular the draft provisional agenda of the upcoming session of the Regional Committee as well as the tentative schedule of items for the subsequent sessions in relation to:

- (a) any item referred to the regional committees by the Health Assembly or the Executive Board, particularly draft policies, strategies and other global instruments, in accordance with decision WHA65(9);
- (b) any such global instrument adopted by the Health Assembly that requires follow-up consideration by the Regional Committee, as proposed above; and
- (c) the multi-year rolling agenda of the Regional Committee, taking into account the forward-looking planning schedule and the actual agendas adopted by the Executive Board and the Health Assembly.

16. These instruments would enable Member States not only to make more strategic recommendations for the provisional agenda of the upcoming session of the Regional Committee, but also to present these recommendations in the context of a proposed multi-year schedule of work that takes into account both the global priorities resulting from the agendas of the Executive Board and the Health Assembly and the specific priorities and needs of the European Region.

17. To further support Member States' consideration of policy documents, the SCRC looked at a classification based on recent examples, main elements and implementation indicators, and proposed four main groups:

- (a) legally binding documents, such as conventions and regulations;
- (b) political documents, such as codes, charters and declarations;
- (c) strategic documents, such as strategies and action plans; and
- (d) technical documents, such as roadmaps and implementation plans.

18. Even though the various kinds of documents and instruments carry a different weight and political or legal status and different implications for Member States and for the Regional Office, the SCRC considered that there were many overlaps among them as adopted in the practice of the governing bodies, such that a clear and rigid categorization seemed not only difficult but also not particularly meaningful if it was not applied in the global context. It should be added that the governing bodies are not consistent in giving the same sort of title to documents of a similar nature and that such a decision is based on political expediency or

other factors rather than clarity or a strategic focus on the particular nature or elements of a policy document.

19. Given the confusion that inconsistent terminology can generate and the benefits of conceptual and strategic clarity to the meaning and implications of policy documents adopted by the governing bodies at both the global and the regional levels, there was agreement that a discussion on this issue should be referred to the Executive Board and the Health Assembly since it concerned WHO as a whole rather than only the European Region.

Reporting of the regional committees to the global governing bodies

20. As indicated above, paragraph 4(d) of decision WHA65(9) requests “that chairpersons of the regional committees routinely submit a summary report of the committees’ deliberations to the Board.” Summary reports of regional committee deliberations have been routinely submitted to the Executive Board since its 132nd session in January 2013. The summary report consists of two sections. The first part covers feedback from the Regional Committee session to the Executive Board on issues referred to the Regional Committee by the Health Assembly; in past years, this has included elements on reform and programme budget development, as well as input on global strategies and action plans under development. The second part of the report contains information on other topics discussed by the Regional Committee that the Chairperson of the Regional Committee deems important to bring to the attention of the global governing bodies. While the report is a significant element of alignment between the regional committees and the global governing bodies, as agreed within WHO reform, the report does not receive adequate attention from the Executive Board, resulting in limited or no discussion of its content.

21. In order to raise the profile of this important report at both the regional and the global governing body levels, the Regional Director proposes consideration of the following actions.

- (a) After the adoption of the report of the Regional Committee, the Secretariat develops the report to be submitted to the Executive Board in consultation and agreement with the Chairperson of the Regional Committee.
- (b) The report is discussed with the SCRC at its second session and key messages are developed, agreed and shared with Member States, particularly members of the Executive Board for their eventual interventions during its upcoming session.
- (c) A short statement that includes the key elements of the report will be drawn up for the approval of the SCRC. One of the Regional Committee officers, if they are a member of the Executive Board, or the Executive Board member nominated as the liaison between the Regional Committee and the Board will deliver the statement during the Executive Board session.

Declarations adopted by regional conferences

22. Since 2015, the SCRC has been considering the issue as to whether and under what conditions conference declarations should be referred to the Regional Committee. In view of the significance of declarations adopted by ministerial or high-level conferences for the health policy directions of the European Region, their linkages with items under discussion by the Regional Committee, and the frequent involvement of the Regional Office in their

preparation, the SCRC agreed that it should actively participate both in the preparatory stages of such conferences and in deciding whether the outcome documents should be submitted to the Regional Committee or, instead, remain as self-standing policy statements.

23. The SCRC also decided that only the declarations emerging from conferences organized and conducted in accordance with certain criteria of good governance and inclusiveness could be considered for submission to the Regional Committee. The following criteria were agreed.

- (a) The drafting process for the declaration or outcome document shall be transparent and inclusive, namely, at least two thirds of Member States of the Region shall be involved in drafting the final text and all comments or objections addressed shall be made available to Member States.
- (b) Sufficient time shall be allowed for consultation on and negotiation of the draft declaration or outcome document with Member States prior to the conference.
- (c) The conference shall be attended by officially appointed high-level government representatives.
- (d) The SCRC shall be involved in the drafting process of the declaration or outcome document, which shall be discussed at the SCRC session prior to the conference. The conference shall therefore appear as an item on the agenda of the SCRC; the Regional Director may propose its inclusion, in accordance with rule 7.1 (e) of the Rules of Procedure of the SCRC.

24. If the SCRC was satisfied that such criteria had been met, it would request the Regional Director to include an appropriate item on the provisional agenda of the Regional Committee. Conference declarations could, in principle, be proposed as action items for the Regional Committee in the form of draft resolutions or, alternatively, could be brought to its attention for information purposes. The SCRC would recommend and explain which course of action to take depending on the particular circumstances of each conference declaration under consideration, including how it related to previous decisions of the Regional Committee and to the programme of work of the Regional Office and what kind of policy and financial implications its adoption or endorsement by the Regional Committee would raise. The final decision will be taken by the Regional Committee.

25. In view of the above-mentioned points, the Regional Committee may wish to endorse the process highlighted in this document as the mechanism to follow from now on with regard to future conference declarations.

Procedure for web-based consultations on Regional Committee documents and resolutions

26. The SCRC approved the recommendations of the Regional Director with regard to harmonizing the process of consultation on both working documents and draft resolutions for submission to the Regional Committee and requested the Regional Director to implement them with immediate effect.

27. Working documents, including key questions for countries to address, will be sent to Member States for electronic consultation in mid-February, with the deadline of a month to submit comments and observations. The Regional Governance Unit will transmit the draft

documents through the ShareFile website; it will provide a reference to the technical unit concerned, which will be responsible for addressing requests for clarification and information. The revised draft working documents, reflecting comments received from Member States and from members of the SCRC, will be presented to the open session of the SCRC in May prior to the Health Assembly.

28. With regard to draft resolutions, the subgroup on governance supported the recommendation of the Regional Director to continue the current process. Draft resolutions, together with their estimated financial and administrative implications, will first be submitted to the open meeting of the SCRC and will then remain open for comments from Member States for one month.

Strengthening WHO cooperation with countries

29. Regarding WHO's country presence, decision WHA69(8) of the Sixty-ninth Health Assembly provided as follows:

- (14) to invite the Regional Committees to improve oversight of the work of regional and country offices, including through identifying best practices and establishing a set of requirements on the reporting of regional and country office management, financial information and programme results to Regional Committees;
- (15) to request the Director-General and the Regional Directors to provide the biennial WHO country presence report for review by the Regional Committees, and as an information document for the Health Assembly, through the Executive Board and its Programme, Budget and Administration Committee.

30. As noted by the Regional Director in her report to the 66th session of the Regional Committee on WHO reform (document EUR/RC66/21), the Regional Office already provides information on management, financial and programmatic issues in relation to regional and country work. In order to increase the oversight of the work of country offices at the regional level, a dedicated element of the oversight report regularly prepared for the SCRC will focus on the work of country offices, including financial information and programme results.

31. The Secretariat will also continue to work closely with countries without country offices, mainly through the national counterparts, who are the main point of contact for strategic and political collaboration. Together with the national technical focal points they have appointed, they oversee the technical implementation at the country level delivered by the technical divisions.

32. Furthermore, in the report to the Regional Committee, the Regional Director will include reporting on performance of Regional Office work in countries and on country offices and their management and programme results. In addition, the Regional Committee will review the biennial report on WHO country presence.

33. Finally, the Regional Director will invite heads of country offices to attend Regional Committee sessions and will involve them in a Regional Committee technical briefing that focuses on the work of the Regional Office in countries.