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# Governance reform in the WHO European Region





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## **Governance reform in the WHO European Region**

In November 2009, the SCRC established an ad hoc Working Group on Health Governance in the WHO European Region, the work of which led to a number of recommendations to the sixtieth session of the WHO Regional Committee for Europe in September 2010. Those recommendations were encapsulated in a draft resolution endorsed by the SCRC and later adopted by the Regional Committee (resolution EUR/RC60/R3).

In view of ongoing WHO reform initiatives, the Twentieth SCRC, meeting in Sofia in November 2012, decided that a number of important lessons had already been learned regarding the implementation of resolution EUR/RC60/R3. It consequently established a new working group, comprising representatives of Finland, Israel, Malta, Poland, the Russian Federation, Turkey and the United Kingdom, to formulate recommendations to the sixty-third session of the Regional Committee for further improvements and adjustments to governance reform in the European Region.

This document summarizes the working group's reflections as well as the SCRC's recommendations to RC63 regarding an update of several governance reform issues in the WHO European Region.

The revisions to the working document and draft resolution rectify some previous discrepancies between them.

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## **Introduction**

### ***Background***

1. In September 2010 the sixtieth session of the WHO Regional Committee for Europe (RC60) considered a number of governance issues pertaining to the Regional Committee and the Standing Committee of the Regional Committee (SCRC). These included oversight functions of the Regional Committee and the SCRC; subregional groupings of countries and criteria for membership of the Executive Board and the SCRC (including the issue of semi-permanence); transparency of SCRC proceedings; procedures for nominating the Regional Director; and harmonization and adjustment of the Rules of Procedure of the Regional Committee for Europe and the Standing Committee of the Regional Committee for Europe with those of the Executive Board and the World Health Assembly.

2. As a consequence of its review the Regional Committee, in operative paragraph 7 of resolution EUR/RC60/R3, requested the SCRC “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”.

3. Recalling experience with the subsequent implementation of resolution EUR/RC60/R3, and as part of WHO’s ongoing reform agenda, the RC62 asked the Regional Director to revisit this governance package and bring it back to its sixty-third session in September 2013. Consequently, the Twentieth SCRC, meeting in Sofia on 26–27 November 2012, considered a document on health governance in the WHO European Region and, as a result, decided to establish a working group to revisit a number of governance issues that continued to be of concern to European Member States and to draft appropriate recommendations to be submitted to RC63.

4. The working group comprised representatives of Finland, Israel, Malta (Chair), Poland, the Russian Federation, Turkey and the United Kingdom. A timetable was established to allow for the work to be completed in time for RC63. WHO’s Legal Office in Geneva was also approached for its support and participation.

### ***Issues and approach***

5. The following governance reform issues were identified for review by the working group and for feedback to the fourth meeting of the Twentieth SCRC in May 2013, immediately prior to the opening of the Sixty-sixth World Health Assembly, and consequently to RC63:

- process for nominating members of the SCRC and the Executive Board;
- transparency of SCRC proceedings;
- procedure for the submission and amendment of Regional Committee resolutions;
- credentials screening mechanism for Regional Committee meetings;
- communication by members of the SCRC with WHO Member States; and
- changes to the Rules of Procedure.

6. The full terms of reference of the working group are provided in Annex 1. In addition to the terms of reference set out in Annex 1, the SCRC, at its third session in March 2013, requested the working group to also consider developing a Code of Conduct for the nomination

of the Regional Director of the European Region. A Code of Conduct for the election process of the Director-General had been on the agenda of the January 2013 session of the Executive Board, and the SCRC felt a review of that new *modus operandi* would be required in order to ensure compatibility between global and regional nomination processes.

7. The working group conducted its business through a mix of teleconferences and meetings. In addition, on the difficult issue of finding an appropriate and equitable process for future Member State representation on the Executive Board, the Chair, in consultation with the Secretariat, developed a number of alternative scenarios. These were presented to the working group at a meeting held on 17 March 2013, immediately prior to the opening of the third session of the Twentieth SCRC in Copenhagen.

8. The following report reflects the working group's deliberations as well as the SCRC's recommendations to RC63, following its review, at its fourth session in May 2013 immediately prior to the opening of the 66th World Health Assembly, of all of the above issues.

## **Process for nominating members to the SCRC and the Executive Board**

9. Resolution EUR/RC60/R3 laid out a number of principles regarding the future nomination process that should be applied to members of the SCRC and the Executive Board. Specifically, it listed a number of criteria regarding experience and areas of competence to be used in selecting candidates. It further recommended that three subregional groups be established to ensure an equitable geographical balance of membership of the SCRC and the Executive Board, and also confirmed the semi-permanent nature of membership in the Executive Board of the three European Member States that are also permanent members of the United Nations Security Council.

### ***Lessons learned in the European Region***

10. The experience of the Regional Committee in applying the principles set out in resolution EUR/RC60/R3 are discussed below.

#### **The issue of semi-permanence**

11. The question of balancing, on the one hand, the need to give each country in the Region a fair chance of being represented on the Executive Board with, on the other, the representation of the three European Member States that are permanent members of the United Nations Security Council is not a new one.

12. In 1997, RC47 requested a study by the SCRC of the practices applied by the governing bodies of other United Nations organizations. This led to a recommendation by the SCRC that, as far as the European Region was concerned, the three European Member States in question (France, the Russian Federation and the United Kingdom) should in future each serve for three years out of nine. As such, only one of the three would have a seat on the Executive Board at any given time. The Regional Committee did not, however, come to any conclusion on the matter at the time.

13. Later, the Tenth SCRC (2002/2003) established a subgroup to evaluate various arrangements for membership of the Executive Board and to make recommendations to RC53. The work of that subgroup led to resolution EUR/RC53/R1, which recommended that the

periodicity of Executive Board membership for France, the Russian Federation and the United Kingdom be three out of six years as from 2006.

14. Although the resolution was in no way binding, it is much to the credit of the three European Member States concerned that the formula proposed has since been fully respected (all the more so since the two other permanent members of the United Nations Security Council have not made any such concession and continue to hold Executive Board membership for three out of four years, as in the past).

15. The issue of semi-permanence was again reviewed in 2010 by the SCRC Working Group on Health Governance, whose work culminated in resolution EUR/RC60/R3 by which the Regional Committee, in operative paragraph 3, “confirmed” that the periodicity of the three Member States “should remain three out of six years”.

16. In view of the above, the Regional Director is of the opinion that the issue of semi-permanent representation on the Executive Board should not be reopened.

### Subregional grouping of countries

17. The subregional grouping of countries was also a matter on which the 2010 SCRC Working Group spent considerable time, and several options were considered with a view to achieving a more harmonious and transparent process for nominating members to serve on both the SCRC and the Executive Board. In the end, its recommendations to the SCRC and the Regional Committee settled on the three subregional groupings reflected in resolution EUR/RC60/R3.<sup>1</sup>

18. As far as membership of the SCRC is concerned there have been few difficulties so far, each of the groups having four members on the SCRC at all times.

19. The same cannot be said, however, in the case of nominations to the Executive Board, as the European Region’s eight seats are not divisible by three. There has been a lack of clarity among Member States with regard to the eighth seat alternating between Group A and Group B. Since European vacancies for Executive Board membership in most years are limited to two (except each third year, when there are four vacancies), and the fact that there is an agreement on semi-permanency, the present arrangement has resulted in a confused situation that needs to be resolved.

20. In view of the lessons learned, the present working group considered additional options that might provide more clarity on Executive Board representation, as noted in paragraph 7 above. In order to provide background information to RC63, and as a point of departure, a review of current practice of Executive Board membership in the other five WHO regions is summarized below.

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<sup>1</sup> **Group A:** Belgium, Czech Republic, Denmark, Estonia, Finland, Germany, Iceland, Ireland, Latvia, Lithuania, Luxembourg, Netherlands, Norway, Poland, Slovakia, Sweden, United Kingdom. This group would at all times have four members of the SCRC and two seats on the Executive Board, plus a third seat alternating with Group B.

**Group B:** Andorra, Austria, Bulgaria, Croatia, Cyprus, France, Greece, Hungary, Italy, Malta, Monaco, Portugal, Romania, San Marino, Slovenia, Spain, Switzerland. This group would at all times have four members of the SCRC and two seats on the Executive Board, plus a third seat alternating with Group A.

**Group C:** Albania, Armenia, Azerbaijan, Belarus, Bosnia and Herzegovina, Georgia, Israel, Kazakhstan, Kyrgyzstan, Montenegro, Republic of Moldova, Russian Federation, Serbia, Tajikistan, The former Yugoslav Republic of Macedonia, Turkey, Turkmenistan, Ukraine, Uzbekistan. This group would at all times have four members of the SCRC and three seats on the Executive Board.



## **Practice in other WHO regions**

21. In the course of the 132nd session of the Executive Board, the opportunity was taken to discuss the nomination practices of other WHO regions. Interviews were held with the Regional Directors of the African, American and Eastern Mediterranean Regions as well as with the Directors of Administration and Finance at the Regional Offices for South-East Asia and the Western Pacific.

### **African Region**

22. The seven seats on the Executive Board nominated from the African Region were formerly determined alphabetically for the entire Region. Over time, however, this system led to complaints from Member States as representation on the Board was sometimes felt to be geographically uneven.

23. The system was therefore changed in 2004 through resolution AFR/RC54/R11 by creating three subregions (I, II and III) corresponding loosely to the African Region's geographical grouping. Some adjustments to the geographical grouping had to be made, however, in order to ensure a broadly similar number of countries in each subregion.<sup>2</sup>

24. In accordance with resolution AFR/RC54/R11, each of the three groups now nominates two seats. Based on a proposal from the Regional Director, the seventh seat rotates among the subregions in order to ensure a good geographical balance.

25. Within each of the three groups, nominations continue to follow alphabetical order; when the system was introduced they started with the letter A rather than by a process of drawing lots.

### **Region of the Americas**

26. The six seats from the Americas have so far mainly been allocated on an ad hoc basis since, according to the Regional Director, there have generally been fewer demands for representation on the Executive Board than vacant seats.<sup>3</sup>

27. The only firm principle so far has been the one seat allocated to the United States as a permanent member of the United Nations Security Council and a rotational seat among the Caribbean Member States. For the latter, the countries concerned have always agreed among themselves and few, if any, interventions by the Regional Director have so far been required in this regard.

28. Recently, however, increasing demands for Executive Board seats have been made by Canada and Mexico as well as from some of the South American countries. According to the outgoing Regional Director, therefore, the time may have come to introduce a more formal subregional grouping/rotational system in the Region. She also discussed the idea with some of the delegates attending the 132nd session of the Executive Board in January 2013, who agreed that it should now be taken forward.

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<sup>2</sup> Subregion I (western Africa) comprises 17 countries, Subregion II (eastern and central Africa) 14 countries and Subregion III (southern Africa) 15 countries.

<sup>3</sup> In general, Member States in the Region of the Americas have traditionally been more concerned with representation on the nine-member Executive Committee of the Pan American Health Organization (PAHO).



### **Eastern Mediterranean Region**

29. One of the Eastern Mediterranean Region's five seats on the Executive Board is normally allocated to each of the following subregional groupings:

- the Gulf States (Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates);
- North Africa (Egypt, Libya, Morocco, Sudan and Tunisia);
- the "Fertile Crescent" (including Iraq, Jordan, Lebanon and the Syrian Arab Republic);
- Afghanistan, the Islamic Republic of Iran and Pakistan; and
- the eastern part of the Region (including Djibouti, Somalia and Yemen).

30. The Regional Director makes recommendations on the basis of these broad criteria together with a table showing the past representation of each country in the Region. He was not aware that there had been any problems with this informal arrangement to date.

### **South-East Asia Region**

31. Since the South-East Asia Region has only 11 Member States, the allocation of its three seats on the Executive Board is quite straightforward. It is based simply on a spreadsheet showing the historical record of each country's membership.

### **Western Pacific Region**

32. As for the Eastern Mediterranean Region, there is no fixed system for allocating the Region's five seats on the Executive Board. However, the following broad guidelines apply.

- China, as a permanent member of the United Nations Security Council, has a seat in three years out of four.
- Australia, Japan and the Republic of Korea are rotated on a "preferential frequency" basis and at least one of the three is nearly always represented on the Executive Board.
- One seat is rotated among the Pacific Island countries, including Papua New Guinea.
- One seat is normally reserved for the member countries of the Association of Southeast Asian Nations (ASEAN): Brunei Darussalam, Cambodia, the Lao People's Democratic Republic, Malaysia, the Philippines, Singapore and Viet Nam.
- The membership of Mongolia on the Executive Board is determined on an ad hoc basis.

33. Problems have arisen in the past in the application of these principles. The Regional Director prefers flexibility in the nomination process, however, and so far has preferred not to be tied to any formal rotational arrangement.

### **Recommendations to RC63**

34. As can be seen from the above, all WHO regions, except the South-East Asia Region, either have or are contemplating a system of geographical groupings of countries in deciding on nominations for membership of the Executive Board.

35. During the SCRC's discussion of the matter on 18 March 2013, the view was expressed that qualitative criteria in terms of skills and experience should possibly be given more emphasis than a strict application of geographical groupings, and that such a prioritization

would be consistent with the Executive Board's recommendations to the Health Assembly as far as the new nomination process for Director-General was concerned.

36. In response, it was pointed out that the consensus of the working group was to retain the practice of nominating members to the Executive Board in accordance with pre-determined geographical groupings, as the alternative could raise serious issues of transparency, including the fact that it was the sovereign right of Member States to change its representation on the Board if they so wished.

37. In conclusion, the SCRC took note of the options and scenarios for future Member State representation on the Executive Board, developed and considered by the working group, and endorsed its proposals, which are set out below.

### **Guiding principles and recommendations**

- In general, and in view of the fact that the principles laid out in resolution EUR/RC60/R3 had only been tested over the last two years, changes to the nomination process for membership of the Executive Board and the SCRC should be kept to a minimum.
- The criteria regarding experience and areas of competence for candidates to the Executive Board and the SCRC, annexed to resolution EUR/RC60/R3, should therefore remain unchanged and should continue to be given appropriate attention by Member States.
- The three subregional groups A, B and C, annexed to resolution EUR/RC60/R3, should also remain unchanged, but a long-term plan setting out future vacancies on the Executive Board and SCRC applicable to each group should be developed. This would increase the transparency of the agreed procedures and make it easier for Member States to decide whether to nominate a candidate in any given year.
- The issue of semi-permanent membership on the Executive Board (three years out of six) of France, the Russian Federation and the United Kingdom, as confirmed by resolution EUR/RC60/R3, should not be re-opened.
- The nomination of the semi-permanent members of the Executive Board should take precedence over the subregional grouping of countries, such that the three countries concerned are automatically allocated a seat on the Executive Board whenever their time is due.
- As the cycle of semi-permanent allocation was broken last year,<sup>4</sup> ways and means should be found to redress this situation and return to the practice of nominating one semi-permanent member of the Executive Board each year during the first three years of the six-year cycle.

### **Transparency of SCRC proceedings**

38. The question of the transparency of SCRC's proceedings was discussed extensively by the 2010 SCRC Working Group and this resulted in the following measures:

- the opening up of the SCRC meeting in May, immediately prior to the World Health Assembly, to all European Member States;
- the posting on a web site reserved for Member States of the contact details of SCRC members. For general data protection reasons, this web site remains password protected;

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<sup>4</sup> The United Kingdom was not nominated in 2012, as the rotating seat among subregional groups moved over to Group B.

- the posting of interim reports of the SCRC on the Regional Office web site;
- encouragement of Member States to send in proposals to the Regional Director before SCRC sessions through the password-protected web site, so that these could be addressed by the Regional Director in her opening statement; and
- transmitting the Regional Director's opening statement to ministries of health through video streaming.

39. The last two initiatives were later abandoned, however, owing to a lack of response from Member States.

40. While transparency in general is unquestionably a good thing, opening up the SCRC completely also has some disadvantages. One of the key merits of the SCRC is the informal and spontaneous nature of the discussions during its meetings. This is also one of the main reasons for Rule 3 of the SCRC's Rules of Procedure: "The meetings of the Standing Committee shall be private unless the Standing Committee decides otherwise". Consequently, while both the Regional Director and the SCRC strongly encourage all countries in the Region to engage more fully in policy debates affecting both their own countries and the Region as a whole; care should also be taken not to transform the SCRC sessions into "mini regional committees". This could result if all meetings of the SCRC were open to observers from the Region's Member States.

41. At its second meeting in Sofia in November 2012, the Twentieth SCRC again discussed ways and means of increasing transparency. This was further discussed during the working group's technical consultation in February 2013 and the following measures were agreed.

- The agenda of each SCRC meeting and a list of the documents<sup>5</sup> to be discussed would be published on the password-protected web site well ahead of the meeting.
- The possibility would be reintroduced for Member States to send questions and/or proposals to the Regional Director through the password-protected web site and for the opening statement of the Regional Director to be transmitted through video streaming.
- Members of the SCRC should agree to be focal points for specific technical items and resolutions (see also the second bullet point under paragraph 44 below). The decision as to which members are nominated as focal points would, in future, be taken during the spring meeting of the SCRC and recorded in the minutes of the meeting.

42. Some of these measures will be incorporated into the Rules of Procedure of the SCRC, notably the provision for an open SCRC meeting in May as an extension to the current Rule 3.

43. Since concerns were raised by the SCRC regarding privacy implications of posting members' contact details on the password protected web site, this practice was stopped. However, the SCRC agrees to post the names and titles of its members on the public web site of the Regional Office.

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<sup>5</sup> The working group did not consider it practical to post the full documents on the Internet, as this would increase pressure on the Secretariat in terms of early editing and translation of documents. A posting of the full documents could also be seen to be inconsistent with Rule 3 of the Rules of Procedure of the SCRC, which stipulates that the meetings of the Standing Committee are private, unless the Committee decides otherwise.

## **Procedure for the submission and amendment of Regional Committee resolutions**

44. Any revision of the current procedures for the submission and amendment of Regional Committee resolutions must balance the right of Member States to propose their priorities through draft resolutions with the potential for overcrowding of the Regional Committee's agenda and the disruption that late proposals may create.

45. As part of overall governance reform, the Director-General proposed several measures to the 132nd session of the Executive Board to streamline the management of agenda items and draft resolutions in the Executive Board and the World Health Assembly. In the interest of harmonization of practices, the following recommendations by the working group and endorsed by the SCRC, regarding Regional Committee resolutions are consistent with those proposals.

- Draft resolutions for the Regional Committee, after having been reviewed by the SCRC, should be ready for the open meeting of the SCRC in May for consideration by all European Member States. They should then be posted on the password-protected web site in good time before the Regional Committee, thus enabling members to make comments and prepare for the Regional Committee discussions.
- Any resolution that a Member State intends to introduce during a Regional Committee session requires prior consultation with the Regional Director and the SCRC in order to review its history, to assess its implications and advise the Regional Committee accordingly, and to reduce the need for prolonged discussion by the Regional Committee or for establishing drafting groups. Depending on the number of such proposals, a subcommittee of the SCRC may be convened to work on resolutions during Regional Committee sessions with a view to facilitating consensus.
- To enable the Secretariat to process and translate draft resolutions, formal proposals relating to items on the Regional Committee agenda may not normally be introduced later than seven days prior to commencement of the session, provided that the relevant documentation has been published three weeks prior to commencement of that session. The Regional Committee may waive this provision.
- Substantive amendments shall normally be introduced in writing and handed to the Regional Director, who shall circulate copies to the delegations. No such amendment shall be discussed or put to the vote of the Regional Committee unless copies of it have been circulated to all delegations at least 24 hours previously. The President may, however, permit the discussion and consideration of amendments even though they have not been circulated or have only been circulated the same day.
- If documents for the session are not dispatched three weeks before the commencement of a regular session of the Regional Committee, the agenda item to which they refer shall be deferred to the next session, subject to the discretion of the officers of the SCRC, which shall include exceptional circumstances. However, since the Executive Board, at its 134th session, will deliberate this issue further, the SCRC, in the interests of harmonization of practices, has decided to await the outcome of those deliberations.

## **Credentials screening mechanism for sessions of the Regional Committee**

46. The representation of Member States at sessions of the Regional Committee is ensured through the presentation of credentials issued by the appropriate government authorities.

47. Current practice for the review of credentials of Member States represented at Regional Committee sessions is uneven across WHO's regions. Some regional committees have established formal credentials committees while in others the secretariat assumes this responsibility. This latter practice was also the case in the European Region until 2011.

48. Decision WHA65(9) requested WHO regions to formalize the review of credentials. Consequently, the SCRC, at its session immediately prior to the opening of RC62 in 2012, designated three of its members to review the credentials of the attending Member States together with the Regional Office's legal counsel. The review took place on the second day of the Regional Committee session and the result was subsequently announced to a plenary session of the Regional Committee by the Executive President.

49. The working group recommended, and the SCRC endorsed its recommendation, that this practice be continued at future sessions of the Regional Committee. It also recommended that the same SCRC members who undertook the review in 2012 continue for future sessions of the Regional Committee and be replaced sequentially by new members as and when their terms of office on the SCRC expire.

## **Communication by members of the SCRC with WHO Member States**

50. The second session of the Twentieth SCRC in Sofia also reflected on better communication of its members with those Member States that were not represented on the SCRC. According to the Rules of Procedure, members of the SCRC are elected as representatives of Member States and, in exercising their mandate, should consider the general interests of the Region and act on behalf of the Regional Committee as a whole.

51. While the transparency of SCRC procedures helps to involve Member States in its work, the SCRC was of the opinion that more should be done to ensure direct communication between its members and all Member States in the Region.

52. During the technical consultation in February 2013, the working group therefore recommended the following:

- Members of the SCRC should be nominated as focal points for specific technical items and resolutions during the SCRC's spring meeting. These appointments should then be set out in the report of the meeting and made available to all Member States, allowing them to contact their SCRC focal point, starting with the open meeting in May, and continuing until the Regional Committee's session in September (see paragraph 41, third bullet, above).
- The officers of the SCRC – the Chair and Vice Chair – should work closely together with subregional organizations of Member States such as the European Union, the South-eastern Europe Health Network and the Eurasian Economic Community and involve them fully in the deliberations of the SCRC and especially in preparations for the Regional Committee. Members of the SCRC whose countries are members of these subregional organizations are encouraged to keep them informed on the work of the Committee.

## **Code of Conduct for the nomination of the Regional Director**

53. During its third session, the Twentieth SCRC also noted that the Executive Board had recently revised the modus operandi for the election process of the Director-General of WHO, including a new Code of Conduct and the establishment of a candidates' forum. While the

nomination process for the Regional Director for Europe is extensively described in Rule 47 of the Rules of Procedure of the Regional Committee, the SCRC felt that it would be timely to undertake a review of those rules in order to ensure full compatibility with the new election process for Director-General.

54. The SCRC therefore requested the working group to extend its work beyond the terms of reference set out in Annex 1, with a view to formulating recommendations for harmonization on this issue. It further requested the working group to conclude its analysis and recommendations in time for the SCRC's fourth session in May 2013.

55. The working group took note of the Executive Board's request that the Organization should strive to align and harmonize practices among the various regional committees as part of overall governance reform. In that regard, it also noted that the Regional Committee for the Western Pacific had adopted a Code of Conduct for the nomination of the Regional Director in September 2012, and furthermore, that this Code had, to a significant extent, provided the basis and inspiration for the revised *modus operandi* now proposed to the World Health Assembly for the process of electing the Director-General.

56. The working group consequently recommends that a Code of Conduct be adopted for the nomination of Regional Director for the European Region, based on that model, but amended and adapted in order to also accommodate the prevailing provisions of Rule 47 of the Rules of Procedure of the Regional Committee for Europe. The recommended Code is attached in Annex 2.

## **Changes to the Rules of Procedure of the Regional Committee for Europe and of the Standing Committee of the Regional Committee for Europe**

57. The proposed changes to the Rules of Procedure of the Regional Committee for Europe and the Standing Committee of the Regional Committee for Europe, developed jointly with the Office of Legal Counsel, WHO headquarters, are reflected in Annex 3.

58. With a view to ensuring maximum continuity in the membership of the European Environment and Health Ministerial Board (EHMB), the SCRC recommended proposing that the Regional Committee decide exceptionally that the terms of office of two of the four members of the EHMB elected at the Regional Committee's sixty-third session would be for a period of three years (from 1 January 2014 to 31 December 2016); while the remaining two members will serve the standard term of two years (from 1 January 2014 to 31 December 2015). After the election of the four new members a lot will be drawn to decide which two will serve the three-year term.

## **Annex 1. Draft terms of reference of the SCRC working group on governance**

### **Background**

Operative paragraph 7 of resolution EUR/RC60/R3 requested the SCRC “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”. These terms of reference have been drawn up against this general background.

### **Functions**

The specific functions of the SCRC working group are further derived from paragraph 14.2.10 (c) of the Rules of Procedure of the Regional Committee, which calls on the SCRC “to submit advice or proposals to the Regional Committee and to the Regional Director on its own initiative”.

The working group will review all issues of governance of the WHO Regional Office for Europe as set out in document EUR/RC60/11 with a view to identifying any outstanding issue that the group considers appropriate for referral to the Regional Committee. In particular, the working group will:

- (a) consider additional measures needed to increase the transparency of SCRC proceedings;
- (b) review options for increasing the representational nature of the SCRC with a view to facilitating consensus building and mutually supportive actions/positions at Regional Committee meetings;
- (c) consider ways and means of achieving a clearer and more harmonious subgrouping of Member States to be applied in the nomination process for members of the SCRC and the Executive Board, and consider any other improvements to the nominations procedure;
- (d) develop a proposal to formalize appropriate credentials screening mechanisms for Regional Committee meetings;
- (e) develop a proposal that aims to harmonize procedures for the submission and amendment of Regional Committee resolutions with those pertaining to the Executive Board and the World Health Assembly; and
- (f) propose appropriate changes to the current Rules of Procedure and prepare a draft resolution accordingly for consideration by the sixty-third session of the Regional Committee.

### **Composition of the working group**

As agreed at the second meeting of the Twentieth SCRC in November 2012, the composition of the working group will be Finland, Israel, Malta (Chair), Poland, the Russian Federation, Turkey and the United Kingdom.



## **Timetable**

- Terms of reference to be circulated to the members of the working group for approval before the end of 2012.
- First meeting of the working group on Sunday 20 January 2013 (by teleconference and face to face for those attending the Executive Board) – preliminary discussion.
- First draft proposal to be circulated to the members of the working group for comments and teleconference by the end of February 2013.
- Second meeting of the working group on the day before the opening of the SCRC session in March 2013.
- Presentation of the report of the working group to the SCRC at its session in March 2013.
- Final draft document, proposed draft changes to the Rules of Procedure and draft Regional Committee resolution circulated to the members of the working group for comments by mid-April 2013.
- Presentation of the report of the working group, draft changes to the Rules of Procedure and draft Regional Committee resolution to the open SCRC session in May 2013 immediately preceding the Sixty-sixth World Health Assembly.
- Presentation of the report of the working group, draft changes to the Rules of Procedure and draft Regional Committee resolution to the sixty-third session of the Regional Committee in September 2013.

## **Annex 2. Code of Conduct for the Nomination of the Regional Director of the European Region of the World Health Organization**

This Code of Conduct (Code) aims to promote an open, fair, equitable and transparent process for the nomination of the Regional Director of the European Region of the World Health Organization (WHO). In seeking to improve the overall process, this Code addresses a number of areas, including the submission of proposals and the conduct of electoral campaigns by Member States and candidates.

The Code is a political understanding reached by the Member States of the European Region (Member States). It recommends desirable behaviour by Member States and candidates with regard to the nomination of the Regional Director to increase the fairness, openness and transparency of the process and thus its legitimacy, as well as the legitimacy and acceptance of its outcome. As such, the Code is not legally binding, but Member States and candidates are expected to honour its contents.

The Code builds on, and reinforces, the provisions pertaining to nomination of Regional Director for the European Region as set out in Rule 47 of the Rules of Procedure of the Regional Committee for Europe.

### **A. General requirements**

#### **I. Basic principles**

1. The whole nomination process, as well as electoral campaign activities related to it, should be guided both by the provisions of Rule 47 of the Rules of Procedure and by the following principles that further the legitimacy of the process and of its result:

- fairness
- equity
- transparency
- good faith
- dignity, mutual respect and moderation
- non-discrimination
- merit.

#### **II. Authority of the Regional Committee and its Rules of Procedure**

1. Member States accept the authority of the Regional Committee for Europe (Regional Committee) to conduct the nomination of the Regional Director in accordance with Rule 47 of its Rules of Procedure and the relevant resolutions of the Regional Committee.

2. Member States that propose persons for the post of Regional Director have the right to promote their candidature. The same applies to candidates with regard to their own candidature. In the exercise of that right, Member States and candidates should abide by all rules governing the nomination of the Regional Director contained in Rule 47 of the Rules of Procedure of the Regional Committee as well as in relevant resolutions and decisions of the Regional Committee.

### **III. Responsibilities**

1. It is the responsibility of Member States and candidates to observe and respect this Code.
2. Member States acknowledge that the process of nomination of the Regional Director should be fair, open, transparent, equitable and based on the merits of the individual candidates. They should make this Code publicly known and easily accessible.

#### **B. Requirements concerning the different steps of the nomination process**

##### **I. Submission of proposals**

1. When proposing the name of one or more persons for the post of Regional Director, Member States will be requested by the Director-General to submit the necessary particulars of each person's qualifications and experience in accordance with the criteria adopted by resolution EUR/RC40/R3, affirmed and supplemented by resolution EUR/RC47/R5.

##### **II. Electoral campaign**

1. This Code applies to electoral activities related to the nomination of the Regional Director whenever they take place until the nomination by the Regional Committee.
2. All Member States and candidates should encourage and promote communication and cooperation among one another during the entire nomination process. Member States and candidates should act in good faith bearing in mind the shared objectives of promoting equity, openness, transparency and fairness throughout the nomination process.
3. Member States and candidates should refer to one another with respect; no Member State or candidate should at any time disrupt or impede the campaign activities of other candidates. Nor should any Member State or any candidate make any oral or written statements or other representations that could be deemed slanderous or libellous.
4. All Member States and candidates should disclose their campaign activities (e.g. hosting of meetings, workshops, visits). Information disclosed will be posted on a dedicated page of the web site of the Regional Office.
5. Member States and candidates should refrain from improperly influencing the nomination process, by, for example, granting or accepting financial or other benefits as a quid pro quo for the support of a candidate, or by promising such benefits.
6. Member States and candidates should not make promises or commitments in favour of, or accept instructions from, any person or entity, public or private, when that could undermine, or be perceived as undermining, the integrity of the nomination process.
7. Member States that have proposed a candidate should facilitate meetings between their candidate and other Member States, if so requested. Wherever possible, meetings between candidates and Member States should be arranged on the occasion of conferences or other events involving Member States of the Region rather than through bilateral visits.
8. Member States nominating candidates for the post of Regional Director should consider disclosing grants or aid funding for the previous two years in order to ensure full transparency and mutual confidence among Member States.

9. Travel by candidates to Member States to promote their candidature should be limited in order to avoid excessive expenditure, which could lead to inequality among Member States and candidates.

In this connection, Member States and candidates should consider using as much as possible existing mechanisms (regional committees, Executive Board, World Health Assembly) for meetings and other promotional activities linked to the electoral campaign.

10. Electoral promotion or propaganda under the guise of technical meetings or similar events should be avoided.

11. After the Director-General has dispatched the names and particulars of candidates to Member States in accordance with the provisions of Rule 47.9 of the Rules of Procedure, he/she will open on the web site of WHO a password-protected question-and-answer web forum open to all European Member States and the candidates who request to participate in such a forum.

12. After the Director-General has dispatched the names and particulars of candidates to Member States, the Regional Office will post on its web site information on all candidates who so request including their curricula vitae and other particulars of their qualification and experience as received from Member States, as well as their contact information and the relevant rules and decision points pertaining to the nomination process as per Rule 47 of the Rules of Procedure. The web site will also provide links to individual web sites of candidates upon request. Each candidate is responsible for setting up and financing his/her own web site.

13. In addition to the above, the Regional Evaluation Group may, if it deems it desirable, make arrangements for candidates to give time-limited oral presentations to the meeting of European Member States convened jointly with the Standing Committee immediately prior to the opening of the World Health Assembly, as per Rule 47.8.

### **III. Nomination**

1. The nomination of the Regional Director is conducted in private meetings of the Regional Committee in accordance with Rule 47.12 of the Rules of Procedure. Attendance at the private meetings is prescribed by the Director-General and limited to essential Secretariat staff besides Member States. Candidates should not attend those meetings even if they form part of the delegation of their country. The votes in the private meeting are conducted by secret ballot. The results of the ballots should not be disclosed by Member States.

2. Member States should abide strictly by Rule 47 of the Rules of Procedure and other applicable resolutions and respect the integrity, legitimacy and dignity of the proceedings. As such, they should avoid behaviours and actions, both inside and outside the conference room where the nomination takes place, which could be perceived as aiming at influencing its outcome.

3. Member States should respect the confidentiality of the proceedings and the secrecy of the votes. In particular, they should refrain from communicating or broadcasting the proceedings during the private meetings through electronic devices.

### **IV. Internal candidates**

1. WHO staff members, including the incumbent Regional Director, who are proposed for the post of Regional Director, are subject to the obligations contained in the WHO Staff Regulations and Rules, as well as to the guidance that may be issued from time to time by the Director-General.

2. WHO staff members who are proposed for the post of Regional Director must observe the highest standard of ethical conduct and strive to avoid any appearance of impropriety. WHO staff members must clearly separate their WHO functions from their candidacy and avoid any overlap, or perception of overlap, between campaign activities and their work for WHO. They also have to avoid any perception of conflict of interest

3. WHO staff members are subject to the authority of the Regional Director and the Director-General, in accordance with the applicable regulations and rules, in case of allegations of breach of their duties with regard to their campaign activities.

4. The Regional Committee may suggest that the Director-General consider applying Staff Rule 650 concerning special leave with or without pay to staff members who have been proposed for the post of Regional Director.

## **Annex 3. Proposed amendments to the Rules of Procedure of the Regional Committee for Europe and of the Standing Committee of the Regional Committee for Europe**

### **Part 1: Rules of Procedure of the Regional Committee for Europe**

#### **Rule 14.2.10**

h) to examine credentials of delegates of Members, by establishing a subdivision of three members, and report thereon to the Regional Committee.

#### **Rule 22 bis**

Formal proposals by Member States in the form of resolutions or decisions, relating to items of the provisional agenda, shall be introduced in writing and transmitted to the Regional Director at least seven days prior to the opening of the first day of the session of the Regional Committee provided the relevant documentation is published three weeks prior to the commencement of that session. The Regional Committee may, if it deems it appropriate, consider formal proposals which have been introduced by Member States of the Region after the above-referenced deadline.

Proposals for substantive amendments of such formal proposals shall normally be introduced in writing and handed to the Regional Director, prior to the closure of the first day of the session of the Regional Committee. The Regional Director shall circulate copies of such amendments to the delegations no later than the opening of the second day of the session. No such amendments shall be discussed or put to the vote at any meeting of the Regional Committee unless copies of them have been circulated to all delegations at least 24 hours previously. The President may, however, permit the discussion and consideration of amendments, even though they have not been circulated in accordance with this timeline.

#### **Rule 22 ter**

Formal proposals by the Secretariat in the form of resolutions or decisions, relating to items of the provisional agenda shall be sent by the Regional Director to the Member States, and to the organizations referred to in Rule 2 invited to be represented, at least six weeks before the commencement of the session.

Proposals for substantive amendments of such formal proposals shall normally be introduced in writing and handed to the Regional Director at least 24 hours prior to the opening of the first day of the session of the Regional Committee. The Regional Director shall circulate copies of such amendments to the delegations no later than the opening of the first day of the session. No such amendments shall be discussed or put to the vote at any meeting of the Regional Committee unless copies of them have been circulated to all delegations at least 24 hours previously. The President may, however, permit the discussion and consideration of amendments, even though they have not been circulated in accordance with this timeline.

#### **Rule 22 quater**

In furtherance of the fair and efficient conduct of business of the session of the Regional Committee, formal proposals for resolutions, decisions or substantive amendments thereof may require prior consultation on the way forward with the Officers of the Regional Committee and the Regional Director, if the Regional Committee so decides. The Regional Committee may, furthermore, decide to establish a subcommittee to consider and elaborate on such matters.

**Rule 47**

**47.4** Any Member of the Region may propose the name or names of one or more persons, each of whom has indicated willingness to act as Regional Director, submitting with each proposal particulars of the person's qualification and experience. Member States shall be mindful of the Code of Conduct adopted by the Regional Committee and shall bring it to the attention of such persons. Such proposals shall be sent to the Director-General ... (*paragraph continues as in the current Rules of Procedure*).

**Part 2: Rules of Procedure of the Standing Committee of the Regional Committee for Europe**

**Rule 3**

Except for the meeting to be held in May every year prior to the World Health Assembly in which all Members<sup>6</sup> from the Region will be invited to participate without the right to vote, the meetings of the Standing Committee shall be private, unless the Standing Committee decides otherwise. However, having in mind ... (*paragraph continues as in the current Rules of Procedure*).

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<sup>6</sup> And regional economic integration organizations, where applicable