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**PROCESS FOR THE REVIEW OF WHO'S VISION,  
MISSION, AND CONSTITUTIONAL FUNCTIONS**

*Review of the Constitution of the World Health Organization*

In 1995, the World Health Assembly requested the Director General to elaborate the new global health policy; to redefine WHO's mission and the meaning of technical cooperation; and to present a health charter based on the new global health policy.

Based on a document presented by the WHO Secretariat (EB97/9) that identified four areas that could be considered for review—functions, organs, regional arrangements, and financial matters—the WHO Executive Board debated possible reforms of the WHO Constitution. It was decided to establish a special group to examine the Constitution, giving priority to consideration of WHO's mission and functions.

An extensive consultation on these issues, including soliciting the opinion of the Regional Committees in order to provide input into the deliberations of the group, has been initiated.

This document is presented to the Directing Council to obtain its opinion and recommendations in relation to the review of the Constitution of the World Health Organization.

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## EXECUTIVE SUMMARY

In relation to the WHO response to global change, in 1995 the World Health Assembly requested the Director General to elaborate the new global health policy; to redefine WHO's mission and the meaning of technical cooperation; and to present and secure high level political endorsement of a health charter based on the new global health policy, in order to obtain political ownership of the policy and commitment to its implementation.

In January 1996, the WHO Executive Board debated possible reforms of the WHO Constitution, based on a document presented by the WHO Secretariat that identified four areas that could be considered for review: functions, organs, regional arrangements, and financial matters.

The Executive Board decided to establish a special group from among its members "to undertake an examination of the Constitution, giving priority to consideration of WHO's mission and functions."

The special group of the Executive Board will meet in October 1996, and the WHO Secretariat has decided to proceed with extensive consultation on these issues, including soliciting the opinion of the Regional Committees in order to provide input into the deliberations of the group.

To achieve the necessary connection among the various initiatives being undertaken, AMRO suggests that the special group might focus initially on three interrelated issues: examine the process already under way for establishing the global health policy; determine how the Organization might best craft a mission that will make the new policy operative; and review the Constitution as it stands to establish whether its provisions have been or are inhibiting the functioning of the Organization, or whether modifications need to be introduced to facilitate the implementation of the new global health policy.

This document is presented to the Directing Council to obtain its opinion and recommendations in relation to the review of the Constitution of the World Health Organization being undertaken by the special group established for that purpose by the WHO Executive Board from among its members.

## **1. Introduction**

This document is presented to the Directing Council to obtain its opinion and recommendations in relation to the review of the Constitution of the World Health Organization being undertaken by the special group established for that purpose by the WHO Executive Board from among its members.

## **2. Background**

In January 1996 the WHO Executive Board, at its Ninety-seventh Session, debated possible reforms of the WHO Constitution and agreed that, while several aspects might bear reexamination, there should first be clarity on WHO's mission and functions. The Board decided "to establish a special group of six members of the Executive Board (one from each region) and its Chairman to undertake an examination of the Constitution, giving priority to consideration of WHO's mission and functions; and to request the special group to report to the Board at its ninety-ninth session, through the Programme Development Committee and the Administration, Budget and Finance Committees on its work on WHO's mission and functions and to advise on any provisions of the Constitution that may need further examination with a view to possible revision."

In May 1995, the World Health Assembly, in Resolution WHA48.16 relating to the WHO response to global change, requested the Director General, *inter alia*:

- (6) to elaborate the new global health policy, based on the outcome of the consultation process, to serve as objective and guidance for updating of global, regional and national health-for-all strategies and for development of mechanisms to enable all concerned to fulfil their role, taking into account that essential aspects of primary health care have not yet been achieved by a number of countries, especially the least developed countries;
- (7) to redefine WHO's mission and the meaning of technical cooperation for WHO in pursuance of that global health policy;
- (8) to take the necessary measures for WHO to secure, at a special event connected to the World Health Assembly of 1998, in conjunction with the fiftieth anniversary of WHO, high-level political endorsement of a health charter based on the new global health policy, in order to obtain political ownership of the policy and commitment to its implementation.

The special group of the Executive Board will meet in October 1996. The WHO Secretariat has decided to proceed with extensive consultation on these issues, including soliciting the opinion of the Regional Committees in order to provide input into the deliberations of the group.

### **3. Issues for Discussion**

To achieve the necessary connection among the various initiatives being undertaken, AMRO suggests that the special group might focus initially on three interrelated issues and/or processes:

- Examine the process already under way for establishing the global health policy. This is intimately linked with activities already being developed for renewal of the goal of health for all, based on the primary health care strategy.
- Determine how the Organization might best craft a mission that will make the new policy operative.
- Review the Constitution as it stands to establish:
  - whether its provisions have been or are inhibiting the functioning of the Organization, thereby blocking or limiting further achievements;
  - whether modifications need to be introduced to facilitate the implementation of the new global health policy.

#### **3.1 *Regional Perspectives***

The following appreciation is based on PAHO's experience in the Americas and is intended to serve as a guide for the discussion. The Secretariat would propose (1) to begin by examining the existing constitution and make comments on some of the aspects that have already been singled out as deserving of further consideration, and (2) to then review the other two issues which could be considered by the Executive Board's special group, i.e., the global health policy and the definition of the mission, although there might be some overlap.

#### **3.2 *The Constitutional Nature of WHO***

The World Health Organization was created as a specialized agency under the terms of Article 57 of the United Nations Charter. It is the lead U.N. health agency, and its constitution as designed in 1948 sets out in 19 chapters its objectives, functions, membership, and form of work. The WHO Secretariat presented to the Executive Board

in January 1996 a document (EB97/9) that identified four areas that could be considered for review even at this stage. These deal with functions, organs, regional arrangements, and financial matters.

### 3.3 *WHO's Functions*

The Constitution lists 22 functions for the Organization (see Annex) that have traditionally been identified and grouped: (1) to act as directing and coordinating authority on international health; and (2) to support countries to define and achieve their health goals, often referred to as technical cooperation.

The distinction between these so-called normative and technical cooperation roles has become very blurred, and perhaps this is proper because the Organization has evolved. WHO's leadership role in establishing global standards cannot depend only on constitutional provisions, but will be accepted only to the extent that the Organization displays its technical competence and is recognized on its merit.

The Pan American Health Organization has initiated an effort to identify more clearly not only what is meant by technical cooperation, but also to search actively for more effectiveness in that cooperation.

**In AMRO's view, the functions of WHO as set out in the Constitution are broad enough to encompass all the activities that have been and are likely to be carried out. The proper balance among the Organization's different functions necessarily changes with time; therefore, if functions are changed these should be described as "general domains" rather than as specific activities, leaving emphasis and priorities to other documents, and thus not have to amend the Constitution for every change.**

### 3.4 *WHO's Organs*

The Constitution specifies that the work of the Organization shall be carried out by (1) the World Health Assembly, (2) the Executive Board, and (3) the Secretariat. The functions of these bodies are, in general, standard to most constitutive documents of international organizations. There are, however, some aspects that may need to be reconsidered in light of political developments and in the name of managerial efficiency. These include the frequency and format of the World Health Assembly and the composition and mode of functioning of the Executive Board to ensure its executive

functions. Some aspects of the organization of the Secretariat, such as the appointment of the Director-General, have been discussed recently by the Ninety-seventh Session of the Executive Board and the Forty-ninth World Health Assembly.

### **3.5 *Regional Arrangements***

Article 44(a) states: "The Health Assembly shall from time to time define the geographical areas in which it is desirable to establish a regional organization." The general view is that regional arrangements have provided an effective mechanism for the Organization's work. Regionalism in the sense of States grouped together by a common bond is an international concept that predates the League of Nations and is by no means unique to WHO. Article 52(1) of the Charter of the United Nations, sanctioning regional arrangements or agencies, was specifically drafted to accommodate the then Pan American Union and the League of Arab States.

**In the Secretariat's view, all of the elements in support of regionalism are still valid today, particularly the existence of a previously created regional organization such as the Pan American Health Organization.**

### **3.6 *Financial Matters***

The Constitution is clear and concise on the method of preparation of the Organization's budget. The issue of suspension of voting privileges as a result of nonpayment of quotas has been raised, and there is variation of practice in international organizations with respect to suspension as a means of securing compliance by a Member State with its obligations.

Suspension should follow, not as a matter of course upon the occurrence of some event, but rather as a matter of exercising discretion by a competent organ. It should be optional rather than mandatory, because the purpose of suspension is to secure compliance rather than to punish.

## **4. *The Process for Establishing the Global Health Policy***

The terms of reference of the special group include specific mention of the process of global change, as does Resolution WHA48.16. A major aspect of WHO's response to global change will be the formulation of a health charter based on the new

global health policy for endorsement by the World Health Assembly in 1998. The following represents a synthesis of the process that is already under way.

The WHO Regions have initiated efforts in response to the call for renewal of health for all (HFA). This process, which emphasizes national consultations, represents the basis for the elaboration of the new global health policy. The topic of HFA renewal was on the agenda of all the WHO Regional Committees. In the Americas, in the document the Secretariat is presenting to this meeting of the Directing Council (Document CD39/12), it has promoted the renewal of the goal of health for all and the primary health care strategy in light of the global changes that are currently affecting, and will probably continue to affect, the people's health and health systems. PAHO has prepared documents on the renewal of HFA, and these are being widely discussed in the Region as part of a process designed to reach agreement on a Pan American position to face this challenge. PAHO's Executive Committee reaffirmed the relevance of the process as an essential input in the development of national and regional health policies and concurred that social participation was a key ingredient in decision-making and that the HFA general framework will be used to formulate the next strategic and programmatic orientations for PAHO.

An interregional meeting on renewal of HFA towards a new global health strategy is to be held at WHO Headquarters from 26 to 30 August 1996, at which time a progress review identifying gaps in country, regional, and global actions related to HFA renewal, as well as the development of a framework for the new global health strategy, will take place. By October 1996, after guidance from the Regional Committees is incorporated, WHO should complete a draft outline of a policy. This draft will be presented to the Executive Board for review and to the World Health Assembly for approval during 1997. Final approval of the policy and charter is expected during the World Health Assembly in 1998.

## **5. WHO's Mission**

It is accepted in most organizations that the crafting of a mission should be preceded by the acceptance of some clearly articulated vision. The following describes briefly some aspects of these two, interjecting the experience of PAHO.

### **5.1 *Crafting a Vision***

A vision is what an organization ought to be or strives to be. It is a compelling, inspiring statement of the future which those who support the vision are committed to create. It can draw people together because a vision is built upon shared values. A



vision must be linked to strategies and actions or it merely becomes wishful thinking. Broad ownership of and participation in these strategies is essential.

One of WHO's powerful achievements has been stimulating the vision of *health for all* in the Member States. This vision has helped to promote better public health around the world. Indeed, *health for all* may be the most important and far-reaching vision ever constructed. PAHO's *health as a bridge for peace*, which was the basis for an important health initiative during the worst period of political and economic unrest and armed conflict in Central America, is an example of a vision quest in that subregion. A pertinent question for WHO is: "Who will craft the vision of what WHO ought to be?"

## 5.2 *The Development of a Mission*

The mission represents what an organization will do. It is a shared commitment to action and thus must be an exercise in which the whole organization participates.

Early in 1995, PAHO redefined the mission of its Secretariat in an exercise that involved all staff and produced the following:

### **MISSION OF THE PAN AMERICAN SANITARY BUREAU**

**The Pan American Sanitary Bureau is the Secretariat of the Pan American Health Organization (PAHO), an international agency specializing in health. Its mission is to cooperate technically with the Member Countries and to stimulate cooperation among them in order that, while maintaining a healthy environment and charting a course to sustainable human development, the peoples of the Americas may achieve Health for All and by All.**

The successful participatory work for developing a mission statement, if it is to be carried out for and by the Organization as a whole—Member States and the Secretariat—could be performed in either of two ways. The first utilizes a vertical approach, with WHO's mission being interpreted by a group of representatives from the Executive Board and the Secretariat, to be discussed further at the country level. The second would require wide participation and a progression from the countries to the regional and global level, with final distillation of a simple, comprehensive, and compelling statement.

It is not enough to have defined the mission. The Pan American Health Organization, for example, has embarked on a systematic process of discussion and exploration of the meaning and best forms of making the various elements of this mission operational. As mentioned already, it has undertaken a search for more effective technical cooperation.

## **6. Summary**

This document provides background to the discussions on the review of WHO's Constitution and suggests that such a review might more profitably be carried out in relation to other initiatives taking place.

It describes the terms of reference of the special group of the Executive Board and suggests a logical sequence for its discussions. The document refers to some of the constitutional issues that have already been raised and that might merit review. It is suggested that a major exercise such as a constitutional review should take place in the light of determining if the current Constitution has inhibited the functioning of WHO to date and if it will need modification to make the new global health policy successful. The document describes approaches to crafting a vision and a mission for an organization, making reference to the PAHO experience.

Annex

## THE FUNCTIONS OF THE WORLD HEALTH ORGANIZATION<sup>1</sup>

In order to achieve its objective, the functions of the Organization shall be:

- (a) to act as the directing and co-ordinating authority on international health work;
- (b) to establish and maintain effective collaboration with the United Nations, specialized agencies, governmental health administrations, professional groups and such other organizations as may be deemed appropriate;
- (c) to assist Governments, upon request, in strengthening health services;
- (d) to furnish appropriate technical assistance and, in emergencies, necessary aid upon the request or acceptance of Governments;
- (e) to provide or assist in providing, upon the request of the United Nations, health services and facilities to special groups, such as the peoples of trust territories;
- (f) to establish and maintain such administrative and technical services as may be required, including epidemiological and statistical services;
- (g) to stimulate and advance work to eradicate epidemic, endemic and other diseases;
- (h) to promote, in co-operation with other specialized agencies where necessary, the prevention of accidental injuries;
- (i) to promote, in co-operation with other specialized agencies where necessary, the improvement of nutrition, housing, sanitation, recreation, economic or working conditions and other aspects of environmental hygiene;

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<sup>1</sup> *Basic Documents of the Pan American Health Organization*, Fifteenth Edition, Constitution of the World Health Organization, Chapter II, Article 2. Washington, D.C.: Pan American Health Organization, 1991.

- (j) to promote co-operation among scientific and professional groups which contribute to the advancement of health;
- (k) to propose conventions, agreements and regulations, and make recommendations with respect to international health matters and to perform such duties as may be assigned thereby to the Organization and are consistent with its objective;
- (l) to promote maternal and child health and welfare and to foster the ability to live harmoniously in a changing total environment;
- (m) to foster activities in the field of mental health, especially those affecting the harmony of human relations;
- (n) to promote and conduct research in the field of health;
- (o) to promote improved standards of teaching and training in the health, medical and related professions;
- (p) to study and report on, in co-operation with other specialized agencies where necessary, administrative and social techniques affecting public health and medical care from preventive and curative points of view, including hospital services and social security;
- (q) to provide information, counsel and assistance in the field of health;
- (r) to assist in developing and informed public opinion among all peoples on matters of health;
- (s) to establish and revise as necessary international nomenclatures of diseases, of causes of death and of public health practices;
- (t) to standardize diagnostic procedures as necessary;
- (u) to develop, establish and promote international standards with respect to food, biological, pharmaceutical and similar products;
- (v) generally to take all necessary action to attain the objective of the Organization.