

## Clarification from WHO regarding the deadlines for submitting proposals for WHA Resolutions

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Dear Patti,

Thank you for the email.

According to the rules of procedure ([rule 32](#)) of the EB, resolutions or decisions should be introduced at least 15 days before the opening of the session and not later than the close of the first day of the session ([22 January](#)).

However, as you highlight below, MS are currently undergoing both formal and informal reforms in relationship to governance. It is the latter which led to MS agreeing amongst themselves to introduce deadlines which would provide them with greater certainty in relationship to matters they must contend with.

Any draft resolution received of a non-urgent nature would likely not be well received by the board - however, as mentioned above, it is the legal right for a MS to propose one.

I would encourage you to please refer any MS wishing to submit a draft resolution to either myself or Dr Carm Savelli ASAP such we can advise them on the steps involved.

Regards,

Tim

### **49<sup>th</sup> Edition of WHO Basic Documents 2020. Rule 32**

*Proposals for resolutions or decisions to be considered by the Board relating to items of the agenda should be introduced at least 15 days before the opening of the session and may, in any event, be introduced not later than the close of the first day of the session. However, if a session is scheduled for two days or less, such proposals may be introduced no later than 48 hours prior to the opening of the session. The Board may, if it deems it appropriate, permit the late introduction of such proposals.*

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Dear Tim

Apologies for writing to you at the weekend at this very busy time, but we would welcome your advice on a legal point regarding the timing of a Resolution on digital marketing of baby foods. Several MSs have informed us that they are keen to sponsor such a Resolution but are being discouraged.

We know that WHO agendas are heavy and that there are moves to streamline proceedings. However, we feel that the proposed deadlines (agreed by [EB153](#) and cited in the draft [time-frame](#)) are far too strict. The WHO Guidance in question was not published until weeks after the first deadline so everything has felt wrong from the start.

Can you confirm there is currently nothing in the WHO Constitution that would stop any MS from submitting a proposal for a resolution from now until the first day of the EB or even after the EB, until the first day of the Assembly.

We also note the clarification in EB Decision 153 (2) *"... if such proposals miss the deadlines set out in that timeline, the proposing Member State will share the rationale with all Member States via email regarding the urgency of having their proposal considered in the current cycle and the consequences of delaying its consideration until the following governing body cycle.."*

We also know that Laos PDR did submit an initial proposal in time, but met opposition from industry (as expected) and from a Member State – so much so that they lost courage and withdrew. Since then several other MSs have tried but have also been with met similar discouragement. This is worrying because we believe this is a badly needed Resolution that could help save children's lives. It doesn't prevent any person buying products they need but will help MSs tackle cross-border and misleading marketing at source,

WHO should be rightly proud of all the materials it has produced during Dr Tedros' tenure - and we were pleased that at the NSA briefing on Friday, Bruce Aylward confirmed that the protection of breastfeeding is fundamental and should be included in the 14th GPW. The Guidance on digital marketing is a critically important part of the package. It should not just sit on a shelf ignored, And waiting for a year or two not only plays right into the companies hands but makes no sense!

As you know IBFAN has worked closely with WHO for so many years and has helped many, many MSs implement the International Code and the 20 resolutions and decisions that update them. The adoption of Resolutions has been a critically factor in the achievement WHO's aims and MS should not be discouraged from having the courage to promote them.

Thanks so much if you can clarify this point Tim, because we are at a loss to know how to advise MS.

Patti

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