

Monday 11 and Tuesday 12 May 2020

To be held by webconference (due to COVID-19 pandemic and travel restrictions)

REPORT OF THE GOVERNING COUNCIL WORKING GROUP ON AMENDMENT TO ARTICLE XIII OF THE IARC STATUTE

1. The Governing Council at its Sixty-first session decided to constitute a Working Group (WG) to review the IARC statute and propose options for a potential amendment that would mitigate potential risk to IARC's operations in the case of withdrawal of a Participating State (Resolution [GC/61/R5](#), paragraph 10).
2. Article XIII of the IARC Statute provides that "*A Participating State may withdraw from participation in the operation of the Agency by notifying the Director-General of the World Health Organization of its intention to withdraw. Such a notification shall take effect six months after its receipt by the Director-General of the World Health Organization.*"
3. In its current wording this means that a Participating State could withdraw during a current budget cycle or after the budget for IARC's operations in the next budget cycle was approved, which would be detrimental to the operations of IARC.
4. The membership of the WG comprised the Vice-Chair of the Governing Council and the Representatives of Spain, Sweden and the United Kingdom. The WG was supported by the IARC Secretariat and the representative of the WHO Legal Counsel.
5. The WG met twice, on 25 February and on 24 March 2020. Upon the request of the WG, the representative of the WHO Legal Counsel prepared a number of options, which are presented in the annex of this report. The WG considered all of the options presented.
6. Option F would provide stability for the Agency as it allowed for budget planning based on the actual situation including any withdrawals by Participating States. All other options would imply an impact on the budget planned for the Agency.
7. While the WG members understood that Option F was the best option for IARC, it would mean a significant departure from the current rule, which might not be acceptable to some Participating States, bearing in mind also that an amendment to the Statute normally would imply review by the legal department of the respective Participating State Ministry.
8. The WG members further considered that Option A allowed for a reasonable timeframe aligned with the current budgetary cycle but changed the wording of the current rule to a greater extent, which might give more rise to discussion and concerns. While all the options add potential liability for Participating States wishing to withdraw, WG members felt that an option with minimal change to the current wording had the best chance to succeed.

9. WG members further raised that if the withdrawal was due to a Participating State's strained financial circumstances, it was likely that the Participating State would not be able to continue its contribution for a longer withdrawal period anyway, and it would make sense to go with an amendment that had lesser impact such as Options B or C.

10. Taking into consideration that Option B provides for a shorter period and a small increase to the current timeframe, while still enabling the IARC Secretariat to adjust its budget, if needed, the WG recommends Option B: *"A Participating State may withdraw from participation in the operation of the Agency by notifying the Director-General of the World Health Organization of its intention to withdraw. Such a notification shall take effect eighteen months after its receipt by the Director-General of the World Health Organization."*

Annex – Options considered by the Working Group

	IARC Statute Article XIII – Withdrawal from participation	Case 1 (Turkey)			Case 2			Case 3			Case 4		
		Receipt of notification	Effective	Pay AC until	Receipt of notification	Effective	Pay AC until	Receipt of notification	Effective	Pay AC until	Receipt of notification	Effective	Pay AC until
Current	A Participating State may withdraw from participation in the operation of the Agency by notifying the Director-General of the World Health Organization of its intention to withdraw. Such a notification shall take effect six months after its receipt by the Director-General of the World Health Organization.	6-Dec-18	5-Jun-19	2019	1-Mar-20	31-Aug-20	2020	15-Jun-20	14-Dec-20	2020	1-Oct-21	31-Mar-22	2022 (mid-biennium)
Option A	A Participating State may withdraw from participation in the operation of the Agency by notifying the Director-General of the World Health Organization during the first year of a biennium of its intention to withdraw. Such a notification shall take effect at the beginning of the following biennium .	6-Dec-18	1-Jan-20	2020 (mid-biennium)	1-Mar-20	1-Jan-22	2022 (mid-biennium)	15-Jun-20	1-Jan-22	2022 (mid-biennium)	1-Oct-21	not valid as PS can only submit the notification during the first year of the biennium	
Option B	A Participating State may withdraw from participation in the operation of the Agency by notifying the Director-General of the World Health Organization of its intention to withdraw. Such a notification shall take effect eighteen (18) months after its receipt by the Director-General of the World Health Organization.	6-Dec-18	5-Jun-20	2020 (mid-biennium)	1-Mar-20	31-Aug-21	2021	15-Jun-20	14-Dec-21	2021	1-Oct-21	31-Mar-23	2023
Option C	A Participating State may withdraw from participation in the operation of the Agency by notifying the Director-General of the World Health Organization of its intention to withdraw. Such a notification shall take effect twenty-four (24) months after its receipt by the Director-General of the World Health Organization.	6-Dec-18	5-Dec-20	2020 (mid-biennium)	1-Mar-20	28-Feb-22	2022	15-Jun-20	14-Jun-22	2022 (mid-biennium)	1-Oct-21	30-Sep-23	2023
Option D	A Participating State may withdraw from participation in the operation of the Agency by notifying the Director-General of the World Health Organization of its intention to withdraw. Such a notification shall take effect twelve (12) months after it is acknowledged by IARC Governing Council .	Dec-18 (GC in May-19)	May-20	2020 (mid-biennium)	Mar-20 (GC in May-20)	May-21	2021	Jun-20 (GC in May-21)	May-22	2022 (mid-biennium)	Oct-21 (GC in May-22)	May-23	2023
Option E	A Participating State may withdraw from participation in the operation of the Agency by notifying the Director-General of the World Health Organization of its intention to withdraw. Such a notification shall take effect eighteen (18) months after it is acknowledged by IARC Governing Council .	Dec-18 (GC in May-19)	Oct-20	2020 (mid-biennium)	Mar-20 (GC in May-20)	Nov-21	2021	Jun-20 (GC in May-21)	Nov-22	2022	Oct-21 (GC in May-22)	Nov-23	2023
Option F	A Participating State may withdraw from participation in the operation of the Agency by notifying the Director-General of the World Health Organization of its intention to withdraw. Such a notification shall take effect twenty-four (24) months after it is acknowledged by IARC Governing Council .	Dec-18 (GC in May-19)	May-21	2021	Mar-20 (GC in May-20)	May-22	2022 (mid-biennium)	Jun-20 (GC in May-21)	May-23	2023	Oct-21 (GC in May-22)	May-24	2024 (mid-biennium)

