



## **Consideration of the acceleration of the procedure to elect the next Director-General of the World Health Organization**

1. The Executive Board, at its special session on 23 May 2006, requested the Secretariat “to submit to the Board at its 118th session options for its consideration concerning the acceleration of the procedure to elect the next Director-General of the World Health Organization. The Board at its 118th session shall set the time frame for the procedure”.<sup>1</sup>
2. The foregoing request from the Board has to be seen, first of all, in the context of the situation arising from the death of Director-General Jong-wook Lee on 22 May 2006. In this connection, Rule 109 of the Rules of Procedure of the World Health Assembly reads, in its relevant part, as follows: “Whenever the office of Director-General is vacant or notice is received of a pending vacancy, the Board shall, at its next meeting, make a nomination which shall be submitted to the next session of the Health Assembly”.
3. More in general, by virtue of Article 31 of the Constitution, the Director-General shall be appointed by the Health Assembly on the nomination of the Board on such terms as the Health Assembly may determine. The appointment of the Director-General is thus the culmination of a process that involves both the Board and the Health Assembly.
4. The process is spelt out in Rule 52 of the Rules of Procedure of the Executive Board and Rule 110 of the Rules of Procedure of the World Health Assembly. In addition, Rule 108 deals with the duration of the term of office of the Director-General, which is five years. Under the same Rule, the Director-General shall be eligible for reappointment once only.
5. Rule 52 of the Executive Board lays out a procedure that begins at least six months before the opening of the session of the Board at which a Director-General is to be nominated, and ends with the appointment of a Director-General by the Health Assembly. Rule 110 of the Rules of Procedure of the World Health Assembly simply states that the Health Assembly considers the Board’s nomination at a private meeting and comes to a decision by secret ballot. Neither the Rules of Procedure of the Board nor those of the Health Assembly establish a minimum period that has to elapse between the nomination of a person by the Board and his or her appointment as Director-General by the Health Assembly.

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<sup>1</sup> Decision EBSS(2).

6. The Executive Board, thus, has a number of options concerning the course and duration of the process of nomination and appointment of the next Director-General. Depending on the approach on which the Board agrees, the Board may have to suspend Rule 52 of its Rules of Procedure and take an ad hoc decision to address the specific situation at hand. Depending once again on its approach, the Board may also have to recommend that the Health Assembly should suspend for this specific instance Rule 108 of its Rules of Procedure concerning the duration of the term of office of the Director-General. This would be done at the time the Health Assembly makes the appointment.

7. More specifically, the Executive Board may wish to consider the following options set out below.

**OPTION 1.** The Board at a session to be convened for that sole purpose before its 119th session in January 2007, will nominate a person, such nomination to be submitted to the Health Assembly. The Board may convene such a session under Rule 5 of its Rules of Procedure. In order to respect the various deadlines for preparation of the provisional agenda provided for in Rule 8, such a session could take place in early October or early December 2006. In the first case, the Board will have to suspend Rule 52 of its Rules of Procedure and take a decision concerning the deadline for the submission of candidatures. The nomination will then be considered by the Health Assembly at a special session convened for the sole purpose of appointing the Director-General. The special session could last for one day only to minimize costs. The Executive Board has the authority under Articles 14 and 15 of the Constitution and Rule 2 of the Rules of Procedure of the World Health Assembly to request the Acting Director-General to convene a special session of the Health Assembly at such time and place as the Board shall determine. However, under Rule 3 of the Rules of Procedure of the World Health Assembly, notices convening a special session of the Health Assembly have to be sent to all Member States not less than thirty days from the date fixed for the opening of the session. So as to avoid this thirty day hiatus and further accelerate the process, the Board at its current session, when taking a final decision on the timetable, may wish already to request the Acting Director-General to convene a special session of the Health Assembly immediately after the ad hoc session of the Board.

Under this option, the Executive Board may wish to consider the following two possibilities:

**Timetable 1A:** Reduce the period foreseen in Rule 52 of the Rules Procedure of the Executive Board.

For example, if the deadline for the submission of proposals for the post of Director-General were reduced from four months to two months, the following time lines could apply:

the Acting Director-General informs Member States that they may propose persons for nomination to the post of Director-General	1 June 2006
• final date for receipt of proposals	4 August 2006
• dispatch of materials on the proposals to Member States	4 September 2006
• special session of the Executive Board	9-11 October 2006
• special session of the Health Assembly	12 October 2006

This option would imply:

- suspension of Rule 52 of the Rules of Procedure of the Executive Board to allow for a shortened process
- convening of a special session of the Executive Board
- convening of a special session of the Health Assembly
- suspension of Rule 108 of the Rules of Procedure of the World Health Assembly

**Timetable 1B:** Maintain the time frame set out in Rule 52 of the Rules of Procedure of the Executive Board, i.e., six months.

In this case, the following time lines could apply:

the Acting Director-General informs Member States that they may propose persons for nomination to the post of Director-General	1 June 2006
• final date for receipt of nominations	5 October 2006
• dispatch of materials on the nominations to Member States	5 November 2006
• special session of the Executive Board	3-5 December 2006
• special session of the Health Assembly	6 December 2006

This option would comply with Rule 52 of the Rules of Procedure but would require:

- convening of a special session of the Executive Board
- convening of a special session of the Health Assembly
- suspension of Rule 108 of the Rules of Procedure of the World Health Assembly

**OPTION 2.** The Board at its 119th session in January 2007 will nominate a person under Rule 52 of its Rules of Procedure, such nomination to be submitted to a special session of the Health Assembly to be convened for that sole purpose before the Sixtieth World Health Assembly. This alternative would not require suspension of Rule 52. However, the Board will have to request the Acting Director-General to convene a special session of the Health Assembly, as explained under Option 1.

Under this option, the Executive Board may wish to consider the following possibility:

**Timetable 2:** Maintain the time frame set out in Rule 52 of the Rules of Procedure of the Executive Board at six months, but carry out the nomination process at the 119th session of the Executive Board in January 2007.

In this case, the following time lines could apply:

the Acting Director-General informs Member States that they may propose persons for nomination to the post of Director-General	1 June 2006
• final date for receipt of proposals	mid-November 2006
• dispatch of materials on the proposals to Member States	mid-December 2006
• 119th session of the Executive Board	22-30 January 2007
• special session of the Health Assembly	31 January 2007

This timetable would comply with Rule 52 of the Rules of Procedure and would not require a special session of the Executive Board. It would, however, imply convening a special session of

the Health Assembly and suspending Rule 108 of the Rules of Procedure of the World Health Assembly.

8. For reference, the timetable that would be followed if the Board were to proceed on the basis of a normal appointment process would be as follows:

**Timetable 3:** The Board at its 119th session in January 2007 will nominate a person under Rule 52 of its Rules of Procedure and will submit its nomination to the Sixtieth World Health Assembly.

the Acting Director-General informs Member States that they may propose persons for nomination to the post of Director-General	1 June 2006
• final date for receipt of proposals	mid-November 2006
• dispatch of materials on the proposals to Member States	mid-December 2006
• 119th session of the Executive Board	22-30 January 2007
• Sixtieth World Health Assembly	May 2007

This would comply with Rule 52 of the Rules of Procedure and would not require convening a special session of the Executive Board. It would also not require suspension of Rule 108 of the Rules of Procedure of the World Health Assembly.

9. It should be underscored that, under timetables 1A, 1B and 2, the Health Assembly will have to suspend Rule 108 of its Rules of Procedure and either shorten or lengthen the term of office of the new Director-General in order to make its expiration coincide with, or at least fall shortly after, the session of the Health Assembly at which the subsequent Director-General will have to be appointed, assuming that the Health Assembly continues to meet annually in May.

## COSTING

10. Timetables 1A and 1B are based on convening of a special session of the Executive Board, with the election of the Director-General as the sole item. In order to comply with the requirement of Rule 52 of the Rules of Procedure regarding the process of the Board's session – initial screening and establishment of a short list, interview of candidates, and the ballot for the election – a three-day session of the Executive Board would be required.

11. Timetables 1A, 1B and 2 are based on convening of a special session of the Health Assembly, with the election of the Director-General as its sole item. A one-day session is proposed.

12. The estimated costs for these special sessions are:

	US \$
(a) three-day session of the Executive Board, including travel of members	600 000
(b) one-day session of the Health Assembly, including travel of one delegate for each least-developed country and rental of facilities	600 000

Therefore, the additional costs for each timetable would be:

	US \$
Timetables 1A and 1B	1.2 million
Timetable 2	600 000
Timetable 3	No additional cost

**ACTION BY THE EXECUTIVE BOARD**

13. The Board is invited to consider the above information and take a decision on the procedure to be followed to elect the next Director-General.

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