

# **Nomination of the Director-General**

## **Nomination for the post**

### **Note by the Legal Counsel**

1. The purpose of this document is to provide background information and a summary of the Executive Board's role in the nomination of the Director-General.
2. It should be recalled that the legal basis for the nomination of the Director-General is as follows:
  - Article 31 of the Constitution, which sets forth the respective roles of the Executive Board and Health Assembly in the nomination and appointment of the Director-General;
  - Rule 52 of the Rules of Procedure of the Executive Board, which sets forth the process to be followed by the Board in arriving at the nomination of a candidate;
  - Executive Board decision EB100(7), on implementation of Rule 52 of the Rules of Procedure of the Executive Board: nomination for the post of Director-General, and the report by the Director-General (document EB100/5) submitted to the Board at its 100th session at its request. Decision EB100(7) provides details for implementing Rule 52 by incorporating suggestions made in the report of the Director-General and by listing specific points where the Board departed from or supplemented the Director-General's suggestions. Thus, the two documents need to be read together in order to understand the full range of decisions of the Board;
  - resolution EB97.R10 on WHO response to global change: report of the ad hoc group, which sets forth the criteria that should be fulfilled by the candidate nominated by the Board;
  - resolution EB120.R19, on Director-General and Deputy Director-General of the World Health Organization: review of matters arising from the special and 118th sessions of the Executive Board, by which the Board further clarifies certain aspects of the implementation of Rule 52.

### **BACKGROUND INFORMATION**

3. The background information provided with the present document is as follows:
  - (1) the circular letter of 4 July 2011 from the Director-General announcing the possibility for Member States to submit their nominations for the post of Director-General not later than the

close of working hours on 15 November 2011 (Annex 1). This communication had two enclosures: the texts of Article 31 of the Constitution and Rule 52 of the Rules of Procedure of the Executive Board (Appendix 1); and an extract of resolution EB97.R10 (Appendix 2);

(2) texts on implementation of Rule 52 of the Rules of Procedure of the Executive Board, namely, decision EB100(7) and the report by the Director-General (document EB100/5) submitted to the Board at its 100th session at its request (Annex 2); and resolution EB120.R19 (Annex 3).

4. It should be underscored at the outset, for a better understanding of this document and its annexes, that the Board amended its Rules of Procedure, including Rules 7 and 52, in resolution EB112.R1 at its 112th session in May 2003. In particular, it suppressed the reference to the members of the Board in paragraphs 1 and 2 of Rule 52; it modified in paragraph 6 of the same Rule the reference to when the short-listed candidates should be interviewed;<sup>1</sup> and it revised Rule 7 so that meetings of the Board related to the nomination of the Director-General shall be “open meetings” as provided for in subparagraph (b) of that Rule (see paragraph 8 below). As both decision EB100(7) and the report of the Director-General to which that decision refers<sup>2</sup> predate the amendment in resolution EB112.R1 of the Rules of Procedure of the Board, certain references still relate to the previous version of Rule 52 and should be read in the light of that consideration.

## **SUMMARY OF THE ROLE OF THE BOARD**

5. After the dispatch of the communication of the Director-General provided for in Rule 52, Member States have until the close of working hours on 15 November 2011 to submit proposals for candidates. Each proposal must be accompanied by a curriculum vitae and supporting information which shall be limited to 2000 words and should address the criteria established by the Board for candidates and include a statement on the vision of the candidate on priorities and strategies (operative paragraphs 2 and 3 of resolution EB120.R19).

6. The Chairman of the Board, assisted by the Legal Counsel, will open all proposals immediately after the deadline. The proposals and curricula vitae, considered in the light of the decision by the Board that curricula vitae and other supporting information shall be limited to 2000 words, will be translated into all official languages and distributed to all Member States by 15 December 2011. In resolution EB120.R19, the Board decided that its Chairman may authorize the Director-General to post on WHO’s web site the names of the candidates, the curricula vitae and other supporting information as dispatched to Member States, and contact information for each candidate, unless the candidate concerned or the Member State that proposed him or her stipulates otherwise. Subject to the conditions indicated in resolution EB120.R19, therefore, the Director-General will post the aforementioned information on WHO’s web site at the time at which she dispatches it to Member States.

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<sup>1</sup> Under the previous version of Rule 52, short-listed candidates were interviewed by the Board “at the end of the second week of the session”. Under the new version, they are interviewed “as soon as possible” after the establishment of the short list.

<sup>2</sup> Document EB100/5 (see Annex 2 to this report).

7. When the Board convenes for its 130th session, it will need to deal with the nomination process in four different stages:

- (i) the initial screening of candidates to eliminate those candidates who do not meet the criteria set by the Board;
- (ii) the determination of the short list;
- (iii) the interviewing of the candidates; and
- (iv) the voting on the candidate to be nominated.

8. As noted above, Rule 7 of the Rules of Procedure of the Executive Board as amended in May 2003 in resolution EB112.R1 provides that meetings of the Board related to the nomination of the Director-General shall be “open meetings” as defined in subparagraph (b) of the same Rule, except that only one representative of each Member State not represented on the Board and of each Associate Member may attend without the right to participate, and that no official record shall be made. In accordance with subparagraph (b) of Rule 7, “open meetings” may only be attended, in addition to members of the Board, their alternates and advisers, by Member States not represented on the Board and Associate Members and the Secretariat.

9. The Board has previously agreed (decision EB100(7)) that the first stage should be limited to determining whether there is a consensus on one or more candidates not meeting the criteria set by the Board. These criteria are set forth in resolution EB97.R10, an extract of which is reprinted in Annex 1 (Appendix 2) of this document. In resolution EB120.R19 the Board agreed with the procedure developed by the Secretariat as to the manner in which the Executive Board assesses whether the candidate nominated by it has the good physical condition required of all staff members of the Organization. Consequently, as agreed by the Board, the Secretariat shall request the persons who have been proposed for the post of Director-General to undergo a medical examination and to have a completed WHO medical examination form brought to the attention of the Director, Health and Medical Services at WHO headquarters, who in turn shall report to the Chairman of the Board. The Chairman shall inform the Board accordingly.

10. In the absence of a consensus on one or more candidates not meeting the criteria set forth in resolution EB97.R10, the handling of this issue is to be combined with the next stage of drawing up the short list, which is limited to five candidates in accordance with decision EB100(7). Of course, if there are – or there remain – only five or fewer candidates, there is no need to deal with the short-listing stage.

11. Decision EB100(7) provides that the short list should be drawn up through one or more secret ballots, during which members vote for the number of candidates equal to the number of places on the short list, that is, five. Ballots containing more or less than five names will be considered invalid. The short list itself will be established by eliminating at each round of balloting the candidate or candidates receiving the lowest number of votes, and any others who do not receive at least a minimum proportion of the *votes* cast (set by the Board at 10% of the *ballot papers* cast), until such time that there are only five candidates remaining.

12. Once the short list is determined, these candidates will be interviewed by the Executive Board. Rule 52 specifies that the interviews should be held “as soon as possible” after the establishment of the short list. Each interview will last not more than 60 minutes. It will be equally divided between (i) an

oral presentation of the candidate's vision of the future priorities for the Organization with an analysis of current problems facing it and suggestions as to how those should be addressed, and (ii) a question-and-answer period. However, if there are insufficient questions to fill the allotted time, the candidate may make such additional statements as desired until the end of the period set for the interview. Nevertheless, the total time of 60 minutes may not be exceeded.

13. The last stage of the nomination is the vote on the candidate to be nominated. If a short list is established, balloting shall be restricted to those candidates on the short list. As provided in Rule 52, each member of the Board writes the name of one candidate on his or her ballot paper. If no candidate obtains the simple majority required of members present and voting,<sup>1</sup> the candidate receiving the least number of votes is eliminated at each ballot until one candidate receives a majority. Rule 52 provides a specific procedure to deal with persistently tied votes between two sole remaining candidates.

14. In addition to deciding on the nomination of a candidate, the Board also needs to propose to the Health Assembly a draft contract establishing the terms and conditions of appointment, salary and other emoluments attached to the office.<sup>2</sup> For this purpose the Board will have before it a proposed draft which reflects previous contracts. The duration of the contract is already fixed at five years, since this has been established in Rule 106 of the Rules of Procedure of the World Health Assembly. More details on the terms of the draft contract are provided in document EB130/3.

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<sup>1</sup> For example, if all 34 members cast valid ballots, and none of the ballots is an abstention, the majority required is 18. It should be noted that, in accordance with Rule 42, members abstaining shall be considered as non-voting.

<sup>2</sup> As provided in Rule 107 of the Rules of Procedure of the World Health Assembly.

ANNEX 1

**CIRCULAR LETTER INVITING SUBMISSIONS FOR THE  
POST OF DIRECTOR-GENERAL**

Ref.: C.L.18.2011

**Proposals for the post of Director-General**

The Director-General of the World Health Organization presents her compliments to Member States and has the honour to refer to Article 31 of the Constitution of the World Health Organization, concerning the nomination and appointment of the Director-General, and to Rule 52 of the Rules of Procedure of the Executive Board.

In accordance with Rule 52, six months before the date fixed for the opening of a session of the Board at which a Director-General is to be nominated, the Director-General shall inform Member States that they may propose persons for nomination by the Board for the post of Director-General. Proposals have to reach the headquarters of the Organization not less than two months before the date fixed for the opening of the session of the Board.

The 130th session of the Executive Board is to be held in Geneva, opening on 16 January 2012, and proposals may therefore be sent to the Chairman of the Executive Board provided that these reach him, care of the World Health Organization, at the Geneva headquarters address, not later than the close of working hours on 15 November 2011.

The Director-General would like to draw particular attention to the following points:

- (1) Any Member State may propose for the post of Director-General one or more persons.
- (2) In submitting proposals, Member States are requested to take due note of resolution EB97.R10, wherein the Executive Board established criteria for the candidate nominated by the Executive Board for the post of Director-General, and are encouraged to submit proposals only of those persons considered to meet these criteria and who have indicated a willingness to serve as Director-General.
- (3) Proposals must be accompanied by a curriculum vitae or other supporting information for each person. In resolution EB120.R19, the Executive Board decided that the curriculum vitae or other supporting information of each candidate shall be limited to 2000 words and shall also be submitted in electronic format. The curriculum vitae should address the criteria established by the Executive Board, and include a statement on the vision of the candidate on priorities and strategies. The Director-General would therefore appreciate it if curricula vitae or other supporting information were not longer than 2000 words as decided by the Executive Board.

Should they exceed that length, they will have to be shortened accordingly by the Chairman of the Executive Board in consultation with the Secretariat. The Director-General would also appreciate it if the curricula vitae or other supporting information could be provided in electronic format on a memory stick.

(4) Proposals should be enclosed in a sealed envelope prominently marked “Confidential” and bearing the code No. “D4-180-9 (11)” and addressed to:

The Chairman of the Executive Board  
c/o World Health Organization  
1211 Geneva 27  
Switzerland

No other form of address should be used.

(5) Proposals should be communicated or dispatched in such a manner as to arrive at the headquarters of the Organization not later than the close of working hours on 15 November 2011.

(6) In order to ensure receipt of all proposals, it is recommended that proposals be sent by registered mail or hand delivered to the headquarters of the Organization, care of the Office of the Legal Counsel, against receipt of delivery. Since the proposals will only be opened by the Chairman of the Executive Board after the deadline for submission, no other acknowledgement of receipt will be given until that time.

The Director-General takes this opportunity to renew to Member States the assurances of her highest consideration.

GENEVA, 4 July 2011

## APPENDIX 1

***Article 31 of the Constitution of the World Health Organization***

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 Director-General, subject to the authority of the Board, shall be the chief technical and administrative officer of the Organization.

***Rule 52 of the Rules of Procedure of the Executive Board***

At least six months before the date fixed for the opening of a session of the Board at which a Director-General is to be nominated, the Director-General shall inform Member States that they may propose persons for nomination by the Board for the post of Director-General.

Any Member State may propose for the post of Director-General one or more persons, submitting with the proposal the curriculum vitae or other supporting information for each person. Such proposals shall be sent under confidential sealed cover to the Chairman of the Executive Board, care of the World Health Organization in Geneva (Switzerland), so as to reach the headquarters of the Organization not less than two months before the date fixed for the opening of the session.

The Chairman of the Board shall open the proposals received sufficiently in advance of the session so as to ensure that all proposals, curricula vitae and supporting information are translated into all official languages, duplicated and dispatched to all Member States one month before the date fixed for the opening of the session.

If no proposals have been received by the deadline referred to in the second paragraph of this Rule, the Director-General shall immediately inform all Member States of this fact and that they may propose persons for nomination in accordance with this Rule, provided such proposals reach the Chairman of the Board at least two weeks prior to the date fixed for the opening of the session of the Board. The Chairman shall inform Member States of all such proposals as soon as possible.

All members of the Board shall have the opportunity to participate in an initial screening of all candidatures in order to eliminate those candidates not meeting the criteria proposed by the Board and approved by the Health Assembly.

The Board shall decide, by a mechanism to be determined by it, on a short list of candidates. This short list shall be drawn up at the commencement of its session, and the selected candidates shall be interviewed by the Board meeting as a whole as soon as possible thereafter.

The interviews should consist of a presentation by each selected candidate in addition to answers to questions from members of the Board. If necessary, the Board may extend the session in order to hold the interviews and make its selection. The Board shall fix a date for the meeting at which it shall elect a person by secret ballot from among the candidates on the short list.

For this purpose each member of the Board shall write on his ballot paper the name of a single candidate chosen from the short list. If no candidate obtains the majority required, the candidate who obtains the least number of votes shall be eliminated at each ballot. If the number of candidates is

reduced to two and if there is a tie between these two candidates after three further ballots, the procedure shall be resumed on the basis of the short list originally established at the commencement of the balloting.

The name of the person so nominated shall be announced at a public meeting of the Board and submitted to the Health Assembly.



APPENDIX 2

**EXTRACT OF RESOLUTION EB97.R10 ADOPTED BY THE EXECUTIVE BOARD  
AT ITS NINETY-SEVENTH SESSION RELATING TO THE NOMINATION  
OF THE DIRECTOR-GENERAL**

The Executive Board,

Having considered the report of the ad hoc group established by its decision EB95(1) to consider options for the nomination and terms of office of the Director-General,

1. RESOLVES that the candidate nominated by the Executive Board for the post of Director-General should fulfill the following criteria; he or she should have:

- (1) a strong technical and public health background and extensive experience in international health;
- (2) competency in organizational management;
- (3) proven historical evidence for public health leadership;
- (4) sensitiveness to cultural, social and political differences;
- (5) a strong commitment to the work of WHO;
- (6) the good physical condition required of all staff members of the Organization; and
- (7) sufficient skill in at least one of the official and working languages of the Executive Board and Health Assembly.

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ANNEX 2

**TEXTS ON IMPLEMENTATION OF RULE 52 OF THE RULES OF PROCEDURE  
OF THE EXECUTIVE BOARD**

**Decision EB100(7) Implementation of Rule 52 of the Rules of Procedure of the  
Executive Board: nomination for the post of Director-General**

The Executive Board agreed to adopt the suggestions for the implementation of Rule 52 as set forth in the report of the Director-General,<sup>1</sup> subject to the following points:

- (1) there should be a guideline of two to three pages for each candidate's curriculum vitae; and the curriculum vitae should address the criteria established by the Executive Board, and include a statement on the vision of the candidate on priorities and strategies;
- (2) the short list should be of five candidates;
- (3) in arriving at the short list, there should be successive ballots, during each of which the candidate or candidates receiving the lowest number of votes, as well as any candidates not having received a minimum proportion of the votes cast (set at 10% of the ballot papers), would be eliminated, until the number of remaining candidates equals the number of places on the short list;
- (4) when voting, members should vote for a number of candidates equal to the number of places on the short list in accordance with Rule 83 of the Rules of Procedure of the World Health Assembly;
- (5) interviews of candidates on the short list should be limited to 60 minutes, equally divided between (i) an oral presentation of the candidate's vision of the future priorities for the Organization with an analysis of current problems facing it and suggestions as to how those should be addressed, and (ii) a question-and-answer period.

**IMPLEMENTATION OF RULE 52 OF THE RULES OF PROCEDURE<sup>2</sup>**

**Report by the Director-General**

[EB100/5 – 27 March 1997]

1. At its ninety-seventh session the Executive Board amended Rule 52 of its Rules of Procedure to extend the range of sources for nominations for the post of Director-General and to establish more detailed rules on the nomination process within the Board itself. The Board may wish to consider various issues arising in connection with the new Rule so as to ensure its smooth implementation. In

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<sup>1</sup> Footnote 1 refers to Annex 1 of document EB100/1997/REC/1.

<sup>2</sup> See decision EB100(7).

this respect, one member of the Board already submitted a discussion paper at the ninety-ninth session.<sup>1</sup>

2. The nomination process under Rule 52 may be considered under the following six headings.

### **REQUEST FOR PROPOSALS**

3. The Director-General will issue, at least six months before the opening of the 101st session of the Executive Board (the exact date of the session being fixed by the Board at its 100th session), a Note Verbale to each Member State of WHO and to each Executive Board member informing them that they may propose one or more persons for nomination by the Board for the post of Director-General.

4. The Note will include the relevant portion of resolution EB97.R10 containing the criteria for the candidate nominated to the post of Director-General, and will encourage proposals of only those persons considered to meet these criteria, so as to reduce the likelihood of nominations being made primarily for honorific purposes. Attention will also be drawn to the desirability that the curriculum vitae, or other supporting information, should address the specific criteria. The Note will also mention that it is assumed that only persons willing to serve as Director-General will be proposed.

5. Lastly, in order to ensure receipt of all proposals, the Note will indicate that all proposals should be sent by registered mail or hand-delivered to WHO headquarters against receipt of delivery.

### **PROCESSING OF PROPOSALS**

6. The Secretariat will only process those proposals submitted at least two months before the date fixed for the opening of the Board's session.

7. If there are a large number of candidates proposed, or if their curricula vitae and other supporting documentation are lengthy, it may be costly and difficult for the Secretariat to arrange for the translation and reproduction of all documentation before the one-month deadline provided in Rule 52 for distribution to Board members. The Board may therefore wish to establish a guideline for the length of curricula vitae and other supporting documentation, which could be mentioned in the Note Verbale requesting proposals.

### **INITIAL SCREENING OF PROPOSALS BY THE BOARD**

8. To comply with Rule 52, the first meeting on this item should take place on the first or second day of the 101st session of the Board. Although Rule 52 only requires that the Board meet in private session when it votes to nominate the Director-General from those on the short list, it would be appropriate that all meetings concerning the process of selection, i.e., the initial selection, the determination of the short list and the interviewing of candidates, should be held in private session.

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<sup>1</sup> See document EB100/1997/REC/1, Annex 1, Appendix.

9. The Executive Board should first determine whether any candidate does not meet the criteria set by the Board. For this purpose, it may be agreed that all candidates on whom there is a consensus that they in no way meet the criteria set by the Board for the post should be dropped from the list, together with those candidates who have notified the Board that they do not wish to be considered. In the absence of a consensus on whether certain candidates meet the criteria, the Board may feel that consideration of this issue would best be continued when it determines the short list (see paragraphs 11 to 13).

## **DRAWING-UP OF A SHORT LIST**

10. After completing the initial screening, the Board should make a short list from among the remaining candidates. Rule 52 does not provide for the length of the short list. The Board may decide in advance on the length of the list or wait until it sees the relative strengths of the candidates. By not deciding in advance it would avoid the risk of having to exclude similarly qualified candidates merely because the length of the short list had already been fixed. However, once the number and identity of the candidates becomes known, it may be difficult for the Board to agree on the length of the short list – knowing that this will determine whether or not certain candidates are interviewed. The Board may therefore wish to decide on the maximum length of the short list, which would presumably be between three and five candidates, at its 100th session in May.

11. As for the selection of the names on the short list, the most appropriate mechanism would appear to be a vote by the Board, which – in accordance with the general principle established in Rule 48 for elections – should be by secret ballot. The Board may wish to decide on one of the following options for the vote:

- (a) successive ballots could be held in order to exclude candidates receiving the lowest number of votes each time until the number of candidates established for the short list is reached;
- (b) one ballot could be held, and those candidates receiving the highest number of votes equal to the number of places on the short list would form the short list.

12. The holding of a vote to fill places on the short list can be equated to an election under Rule 51, where two or more places are to be filled. It is assumed that, within the context of each option, the manner in which elections have been conducted under Rule 51 would be applied to the voting for the short list. Thus, Board members would be entitled to vote for up to the same number of candidates as the number set for the short list, e.g., if the short list is fixed at three candidates, each member may vote for up to three candidates. In the case of option (b), if there is a tie between two or more candidates, such that the number of candidates still exceeds the number of places on the short list, a further vote would be held between only those candidates who had received the same number of votes.

13. Since the second option in paragraph 11 above will normally involve only one ballot, the Board may wish to select this option. If the number of candidates proposed, or of those still on the list after the initial screening, is equal to or less than the maximum number fixed for the short list, there will be no need to proceed with a vote as described in paragraph 12 above.

## **INTERVIEWING CANDIDATES ON THE SHORT LIST**

14. Interview times for candidates on the short list should be fixed in consultation with the Chairman of the Board; their travel expenses to Geneva will be covered for the purpose of attending the interview.

15. In order to ensure equal treatment, an interview scenario should be agreed upon and followed for each candidate. The Board may wish to divide the interview into two sections: an oral presentation, and questions and answers. All candidates on the short list should be informed of the form of the interview and of any applicable rules. For example, it should be established that the times both for the presentation and for the questions and answers may not be exceeded. On the other hand, if there are insufficient questions to fill the time allotted, the candidate should be entitled to make such additional statements as he or she may wish until the end of the period set for the interview.

16. Rule 52 specifies that interviews shall be held at the end of the second week of the session. However, according to the proposed programme budget for the biennium 1998-1999, the session of the Board at which the election will take place is to end on Wednesday of the second week. Bearing in mind the need to leave sufficient time for the final balloting, it would appear that interviews should be scheduled at the latest on Monday or early Tuesday of the second week.

17. Lastly, the Board may wish to determine whether procedures should be agreed upon for interviews if a Board member is also a candidate. Although there is no legal basis on which to prevent Board members who are candidates from taking part in the nomination process, the Board may wish nevertheless to agree that in the event that a Board member is a candidate, he or she would be requested (though not obliged) to be replaced by an alternate or adviser during the private sessions if at all possible.

## **VOTE BY THE BOARD FOR THE NOMINATION OF DIRECTOR-GENERAL**

18. The amendment of Rule 52 does not raise any new issues and the existing mechanisms available within WHO are believed to be adequate to deal with all eventualities at this stage.

## **ACTION BY THE EXECUTIVE BOARD**

19. The Board may wish to note the information that will be included in the Note Verbale to Member States and Board members, and to adopt a decision on crucial aspects of its implementation of Rule 52, drawing upon the points made in this document.

ANNEX 3

**EB120.R19 Director-General and Deputy Director-General of the World Health Organization: review of matters arising from the special and 118th sessions of the Executive Board**

The Executive Board,

Having considered the proposals contained in the report on the Director-General and Deputy Director-General of the World Health Organization: review of matters arising from the special and 118th sessions of the Executive Board:<sup>1</sup>

1. AGREES with the procedure developed by the Secretariat as to the manner in which the Executive Board assesses whether the candidate nominated by it for the post of Director-General has the good physical condition required of all staff members of the Organization;
2. DECIDES that the curriculum vitae and supporting information of each candidate proposed under Rule 52 of the Rules of Procedure of the Executive Board shall be limited to 2000 words and shall also be submitted in electronic format to enable the Chairman of the Board to verify that this limit is not exceeded;
3. CONFIRMS its previous decision that the curriculum vitae should address the criteria established by the Executive Board, and include a statement on the vision of the candidate on priorities and strategies;<sup>2</sup>
4. DECIDES that the Chairman of the Board may authorize the Director-General to post on WHO's web site, in addition to the names of the candidates, the curricula vitae and other supporting information as dispatched to Member States, and contact information for each candidate, unless the candidate concerned or the Member State that proposed him or her stipulates otherwise;
5. REQUESTS the Director-General to report to the Executive Board at its 121st session on the geographical rotation of the post of Director-General, and on the requirement to appoint a Deputy Director-General, taking into account the views expressed by members of the Board.

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<sup>1</sup> See document EB119/2006 – EB120/2007/REC/1, Annex 3.

<sup>2</sup> Decision EB100(7).