



World Health Organization
Organisation Mondiale de la Santé

EXECUTIVE BOARD
100th Session

Provisional agenda item 5.4

EB100/5
27 March 1997

Implementation of Rule 52 of the Rules of Procedure

Report by the Director-General

This document describes various issues arising in connection with amendments to Rule 52 of the Executive Board's Rules of Procedure that the Board may wish to decide upon in order to ensure the Rule's smooth implementation.

1. At the 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 this respect, one member of the Board already submitted a

discussion paper at the ninety-ninth session (Annex).

2. The nomination process under Rule 52 can be divided into six different stages.

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 100th session of the Board), 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, 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 by the deadline of 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 done in private session.

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 size 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 size 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 size 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 of 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 between 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 foreseen 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 on Monday, or early Tuesday, of the second week at the latest.

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.

EB100/5

ANNEX



**World Health Organization
Organisation Mondiale de la Santé**

EXECUTIVE BOARD
Ninety-ninth Session

Agenda item 11

EB99/Conf.Paper No.3
17 January 1997

**Implementation of resolution EB97.R10 of the
WHO Executive Board: Process of nominations
for the post of Director-General**

(Rule 52 of the Rules of Procedure of the Executive Board)

(Paper by Dr J.I. Boufford)

Issue

1. The process of nominations for the post of Director-General, as detailed in Rule 52, is summarized below. Suggested procedural details related to each paragraph of the revised Rule (in bold type) are informally presented here to facilitate discussion. Legal opinion may be needed during the deliberations. The Board will need to decide how to deal with these specific issues no later than its 100th session and it seems that some preliminary discussion could make the final decision-making easier.

Background

2. At the ninety-seventh session of the Executive Board in January 1996, members discussed a report by the ad hoc group established to consider options for the nomination and terms of office of the Director-General. On 23 January 1996, following comprehensive discussions, the Board passed resolution EB97.R10,¹⁽¹⁾ which: (1) set criteria for the post of Director-General; (2) amended Rule 52 of the Board's Rules of Procedure on the nomination of the Director-General; and (3) recommended that the World Health Assembly amend its Rules of Procedure to specify the principle that the term of office of the Director-General should be five years, renewable once.

3. Subsequently, on 23 May 1996, the World Health Assembly passed resolution WHA49.7, which amended Rule 108 of its own Rules of Procedure to include the Board's two-term recommendation. This resolution also included the following preambular paragraphs: "Noting that, as a general principle, it is not appropriate to apply such a change to an incumbent Director-General"; ... "Noting further that its acceptance of this proviso does not mean that the Health Assembly is taking the position that the incumbent Director-General should in fact serve for a further term; and that the question of who should serve as Director-General from July 1998 remains to be decided in accordance with the relevant rules and procedures".

Relevant parts of Rule 52 of the Rules of Procedure of the Executive Board¹⁽²⁾

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 (probably 12 July 1997), the Director-General shall inform Member States and members of the Board that they may propose persons for nomination by the Board for the post of Director-General.

4. It is suggested that the letter from the Director-General should explicitly state the criteria for candidates (as listed in resolution EB97.R10), and request that only names should be submitted of those who are both well qualified and have agreed to run. To reduce the work of the Secretariat and the Board, the letter should actively discourage submission of names merely as an honorific exercise or an indication of national pride ("favourite son/daughter" candidates).

Any Member State or member of the Board 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 (~12 November

1997).

The Chairman of the Board shall open the proposals received sufficiently in advance of the meeting so as to enable all proposals, curricula vitae and supporting information to be translated, duplicated and dispatched under confidential cover to members of the Board one month before the date fixed for the opening of the session (~12 December 1997).

5. The Chairman of the Board should be in Geneva in ample time to facilitate timely review of proposals. The letter from the Director-General asking for candidates should note that translation of all relevant information into six languages within one month will be difficult unless the quantity of documents is limited. To meet the deadline for sending the proposals and curricula vitae to Board members, proposal letters themselves should not be longer than one page and curricula vitae or qualification statements no longer than three pages. These documents should, as a minimum, cover each of the seven criteria specified by the Board for the post of Director-General. Additional information may be submitted but would be reproduced and distributed to all Board members as received, without translation.

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 set by the Board.

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 at the end of the second week of the session.

6. It is suggested that on the second day of the session a private meeting should be held to discuss the submitted long list of candidates with the specific intentions of: (1) eliminating those who do not meet the minimum requirements; (2) removing persons who have indicated that they wish their names to be withdrawn; (3) selecting, by secret ballot, a short list of no more than three candidates; and (4) setting the time for interviews of the short-listed candidates. Board members or others in attendance who are themselves candidates for the post of Director-General should excuse themselves from participation in the selection process.

7. During this initial private meeting, after eliminating the candidates obviously “not qualified”, the Board should briefly discuss each person remaining on the long list in order to solicit information based on Board members’ personal knowledge of the candidates to add to or elaborate on the available written material.

8. If there are more than three candidates, then a secret ballot should be held in which each Board member may vote for up to three candidates for the short list. The three obtaining the most votes would be selected for final interviews. In the event that there is a tie, resulting in more than three top candidates, then a new secret ballot should be taken, choosing from amongst the top candidates only, eliminating all those not tied with the top three. This

procedure should be repeated, if necessary until there are only three candidates remaining.

The interviews should consist of a presentation by each selected candidate in addition to answers to questions from members of the Board.

9. The Secretariat should ensure that the travel expenses of all of the short-listed candidates are covered so that they may be in Geneva for the interviews. Each candidate's interview, without exception, should be conducted in a private session of the Board lasting one hour, allowing Board members ample time for questions after a short introductory presentation.

10. The remaining paragraphs of Rule 52 include the procedures for the final secret ballot to nominate the single candidate for submission to the World Health Assembly. These are clearly described and do not require further elaboration.

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Endnotes

1 (Popup - Popup)

¹ Document EB97/1996/REC/1, pp. 10-11.

2 (Popup - Popup)

¹ WHO Basic Documents, 41st edition, 1996, pp. 156-157.