

Interim progress report of the Working Group on the Election of the Director-General of the World Health Organization

Report by the Director-General

The Director-General has the honour to transmit to the Sixty-fourth World Health Assembly the interim progress report of the Working Group of Member States on the Process and Methods of the Election of the Director-General of the World Health Organization, which met in Geneva from 27 to 29 April 2011 (see Annex).

ANNEX

INTERIM PROGRESS REPORT OF THE WORKING GROUP OF MEMBER STATES ON THE PROCESS AND METHODS OF THE ELECTION OF THE DIRECTOR-GENERAL OF THE WORLD HEALTH ORGANIZATION**Introduction**

1. The Working Group of Member States on the Process and Methods of the Election of the Director-General of the World Health Organization met in Geneva from 27 to 29 April 2011. Ambassador Tan Yee Woan (Singapore) was elected Chairperson; Mr Faiyaz Kazi (Bangladesh), Dr Moktar Warida (Egypt), Mr Konrad Scharinger (Germany), Dr Masato Mugitani (Japan), Mr Colin McIff (United States of America) and Mrs Petronellar Nyagura (Zimbabwe) were elected as Vice-Chairpersons. The session was attended by 98 Member States and one regional economic integration organization.
2. The Working Group was established by resolution EB128.R14 with a view to enhancing fairness, transparency and equity among the Member States of the six regions of the World Health Organization with respect to the process of nomination and appointment of the Director-General. In this regard, the Working Group was mandated to review and analyse all the aspects of the nomination and appointment process of the Director General; identify the rules, procedures and/or steps that could be either revised, enhanced and/or added to improve the transparency, fairness and equity of the election of the Director-General with a view, inter alia, to ensuring that the recruitment of this Official be in harmony with the provisions of Article 101, paragraph 3 of the Charter of the United Nations; and to make specific recommendations on the above to the Executive Board at its 130th session for final recommendations by the latter to the Sixty-fifth World Health Assembly.
3. The Working Group received a briefing by the Chairperson of the United Nations Joint Inspection Unit on the report *Selection and Conditions of Service of Executive Heads in the United Nations System Organizations*.¹ During the meeting, the Working Group referred regularly to the report and its recommendations and considered some of the elements as a useful basis for further work. The WHO Secretariat also provided a briefing on aspects of the nomination and appointment process of the Director General.
4. The Working Group's discussions were conducted in a constructive atmosphere and many ideas were raised and debated. Member States focused on trying to find realistic and practicable solutions, taking into account both political and technical aspects, in a consensual and problem-solving manner. Proposals were made by different members of the Working Group and remain open for further consideration by the Group with the view to making specific recommendations.

¹ See document JIU/REP/2009/8.

5. The Working Group structured its discussion around the main phases of the nomination and appointment process and on topics within those phases.¹ Some key points that came up during the discussion included, but were not limited to, the issues and ideas summarized below.

Candidature phase

6. The Working Group discussed a suggestion that each region should nominate two candidates for submission to the Executive Board. Some Member States expressed concern about this suggestion. Some Member States proposed that this possibility could be left to informal discussions within the regions.

7. It was also proposed that a vacancy announcement for the post of Director-General could be published in relevant journals and other media as a measure to raise the awareness of qualified candidates in underrepresented regions about the post. The idea that information about the impending vacancy of the post of Director-General, and the criteria for the post, could be disclosed on the WHO web site was considered with interest. At the same time, it was emphasized that the entire election process is and should remain Member State-driven.

8. The revision of the time frame for the solicitation and submission of candidatures was discussed with a view to increasing the fairness and equitable nature of the process, in particular, with a view to allowing a greater interaction between candidates and Member States.

Electoral campaign

9. It was observed that this phase is not regulated under the current system, and that there do not seem to be precedents for the regulation of electoral campaigns for the position of executive head in other international organizations. Still, the importance was underlined of promoting ethical behaviour and transparency during a campaign with a view to increasing the fairness of the process. In this context, some members of the Working Group highlighted recommendation 7 of the report by the Joint Inspection Unit relating to unethical practices.² Questions were also raised about the timing of campaign activities within the overall process of nomination of the Director-General, and whether it was feasible and realistic to develop rules concerning this aspect.

10. The adoption of a code of conduct on the electoral campaign for the post of Director-General was discussed by the Working Group, which was informed that the Regional Committee for the Western Pacific is considering the elaboration of a code of conduct with regard to the nomination of the Regional Director. It was noted by some Member States that a code of conduct could consist of a set of basic principles concerning the ethical behaviour of Member States and candidates, rather than a prescriptive document that would be difficult to agree upon. A code of conduct could touch upon issues such as open communication among Member States and candidates, and transparency about the

¹ In the context of discussions, the following WHO legal provisions were referred to as relating to the nomination and appointment process of the Director-General: Articles 31 and 35 of the Constitution of the World Health Organization; Rules 72 and 106–112 of the Rules of Procedure of the World Health Assembly; Rule 52 of the Rules of Procedure of the Executive Board of the World Health Organization; resolution EB97.R10; decision EB100(7); and resolution EB120.R19.

² Recommendation 7 of JIU/REP/2009/8: “*The legislative/governing bodies of the United Nations system organizations should condemn and prohibit unethical practices such as promises, favours, invitations, gifts, etc., provided by candidates for the post of executive head or their supporting governments during the selection/election campaign, in return for favourable votes for certain candidates.*”

financing of electoral campaigns, as well as the engagement of candidates to respect certain ethical principles. Questions were raised about the legal implications of a code of conduct for Member States, in particular about its enforceability.

11. Another issue discussed by the Working Group with regard to the campaign phase was how to enable all candidates to have equal opportunities for a broad interaction with Member States in order to present their visions and priorities. A possible mechanism to address that issue was a candidates' forum, which could be either convened at the margins of scheduled intergovernmental meetings or as a separate event, or also as a virtual forum through the use of information technology. The Working Group noted that a candidates' forum forms part of the process for the nomination of the Regional Director for the Americas. The sessions of the Regional Committees or the January session of the Board were mentioned as possible venues for such forums; at the same time, it was noted that some of these proposals would require a substantial revision of the timeline for the submission of candidatures. Another proposal was that information about the candidates should be disclosed on the WHO web site, and may include video/audio presentations by each candidate.

12. The possibility of mobilizing financial resources or other forms of support was mentioned as a means to increase the fairness and equity of the process with regard to Member States with limited resources to support their respective candidates. Some Member States indicated that in this connection, support should be interpreted in a broad manner, going beyond a purely financial approach. At the same time, reservations were expressed with regard to the political implications of a system of financial support for candidates.

Nomination by the Executive Board

13. As a way to increase inclusiveness in the process, the Working Group discussed the idea of increasing the participation by all Member States, rather than only members of the Executive Board, in the interviews of candidates. With regard to a suggestion for setting up a process to verify the accuracy of information contained in the curriculum vitae of candidates, differing views were expressed given the intergovernmental nature of the process. There was also discussion of the possibility of establishing a formal process to facilitate the initial assessment of whether candidates meet the criteria established by the Executive Board.

Appointment by the Health Assembly

14. Some members of the Working Group proposed that the role of the Health Assembly be strengthened, with reference to Article 31 of the Constitution of the World Health Organization, including the possibility of the Board nominating more than one candidate for consideration by the Health Assembly. Discussions raised concerns and cautions that need to be further addressed. The possibility of appointing the Director-General for a single term of five years was also mentioned.

Criteria

15. Some Member States suggested that, when reflecting on the issues of equity and fairness in terms of appointment of the executive heads of international organizations, it is important to consider the entirety of the United Nations system. Some Member States observed that considering such issues from the perspective of WHO and from a United Nations system perspective are not mutually exclusive. It was pointed out that WHO could continue to be a "trendsetter" for best practices in this area.

16. While there have been highly qualified candidates proposed by Member States from all regions, it was observed that Directors-General of WHO have been appointed from only three out of six regions. Some Member States suggested regional rotation of the post of Director-General as a solution to increase transparency, equity and fairness in the nomination and appointment of the Director-General. This would involve amending Article 31 of the Constitution of the World Health Organization and Rule 52 of the Rules of Procedure of the Executive Board of the World Health Organization. Reference was made in that connection to Article 101 of the Charter of the United Nations, to United Nations General Assembly resolutions 51/241 and 60/286, to Articles 24 and 35 of the Constitution of the World Health Organization and to article 9 paragraph 1(b) of the Constitution of the International Telecommunication Union. Some Member States also pointed out that criteria for candidacy set out in resolution EB97.R10 should be revisited.

17. Some Member States expressed concern that the systematic regional rotation of the post of Director-General would reduce the pool of qualified candidates and increase the rigidity and polarization of the system while not necessarily increasing its fairness, transparency and equity. These Member States proposed that instead, other avenues within the current system, as described earlier in the report, should be explored. Some Member States suggested that the issue of equitable geographical representation should be seen in the context of the United Nations system as a whole, throughout which the individual qualities of the candidates should continue to be the paramount consideration in the appointment of executive heads, in accordance with Article 101 of the Charter of the United Nations.

18. It was suggested that the incoming Director-General could be selected from a different region than that of the outgoing Director-General.

19. The concept of geographical diversity was proposed by some Member States as being one of the avenues through which to increase the transparency, fairness and equity of the process of election of the Director-General and to achieve regional balance over time. Some questions were raised about the practical meaning of geographical diversity with regard to the post of Director-General and how it could be implemented.

20. An exchange of views was undertaken to better understand the concepts of regional rotation and geographical diversity, including how to operationalize them and the need to look at best practices in the United Nations system. The Working Group expressed its determination to continue working with an open-minded approach with a view to reaching a consensual solution on the process and methods of the election of the Director-General.

Next steps

21. To continue its work, the Working Group decided to hold its second session in the second half of November 2011. To inform deliberations at the second session, the Director-General was requested to support the work of the Working Group by providing the following technical clarifications:

- (a) a review of best practices with regard to codes of conduct for electoral campaigns, drawing from relevant experiences;
- (b) a legal opinion on the implications of sending more than one candidate from the Executive Board to the Health Assembly with reference to Article 31 of the Constitution of the World Health Organization on the process of nomination and appointment of the Director-General;

(c) a list of reference documents as well as relevant rules of procedure and other legal provisions;

(d) cost estimates of the candidates' forums in PAHO and WIPO.

22. Member States are invited to submit their specific recommendations on subparagraphs 3(1) and 3(2) of resolution EB128.R14 to the Secretariat by the end of September 2011, and where appropriate, a copy of their existing code of conduct for electoral campaigns.

23. The Director-General was requested to compile the submissions referred to in paragraph 22 in a document and to make it available to Member States by the end of October 2011.

24. The Working Group requested the Director-General to transmit its interim progress report to the Sixty-fourth World Health Assembly.

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