

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. It should be recalled that on this occasion the timing for the nomination of the next Director-General is based on resolution EB118.R2 of 30 May 2006, which the Board adopted to address the situation arising from the death of the previous Director-General, Dr Lee Jong-wook. The Board, in particular, decided to suspend the deadlines set in paragraphs 1 to 3 of Rule 52 of its Rules of Procedure in order to accelerate the process of nomination of the next Director-General, and also decided to convene the present session of the Board for the sole purpose of nominating the next Director-General.

2. For the ease of reference of members of the Board, the legal basis for nomination of the Director-General is the following:

- Article 31 of the Constitution, setting forth the respective roles of the Executive Board and Health Assembly in the nomination and appointment, respectively, of the Director-General;
- Rule 52 of the Rules of Procedure of the Executive Board, setting forth the process to be followed by the Board in arriving at the nomination of a candidate;
- Executive Board decision EB100(7) and the Report by the Director-General submitted to the 100th session of the Board at its request.¹ Decision EB100(7) provides details for implementing Rule 52 by incorporating recommendations made in the Report by the Director-General and by listing specific points where the Board departed from, or supplemented, the Director-General's recommendations. Thus, the two documents need to be read together in order to understand the full range of decisions of the Board. The detailed procedure referred to in decision EB100(7) has been followed in two previous nomination processes, namely, in 1998 and 2003;
- resolution EB97.R10, setting forth the criteria that should be fulfilled by the candidate nominated by the Board.

¹ Document EB100/1997/REC/1, Annex 1.

BACKGROUND INFORMATION

3. The background information provided with the present document is as follows:

(1) the circular letter of 1 June 2006 from the Acting Director-General announcing the possibility for Member States to submit their nominations for the post of Director-General up until 5 September 2006 (Annex 1). This communication had three enclosures:

- the texts of Article 31 of the Constitution and Rule 52 of the Rules of Procedure of the Executive Board (Appendix 1);
- an extract from resolution EB97.R10 (Appendix 2);
- resolution EB118.R2 (Appendix 3);

(2) texts on implementation of Rule 52 of the Rules of Procedure of the Executive Board (Annex 2), namely, decision EB100(7) and the Report by the Director-General to the 100th session of the Board.¹

4. It should be underscored at the outset, for a better understanding of this document and its annexes, that the Board revised its Rules of Procedure, including Rules 7 and 52, 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;² it modified, in paragraph 6 of the same Rule, the reference to when the short-listed candidates should be interviewed;³ and it revised Rule 7 so that meetings of the Board related to the nomination of the Director-General would be “open meetings” as defined in subparagraph (b) of that Rule (see paragraph 8 below). Since both decision EB100(7) and the Report of the Director-General to which that decision refers predate the aforementioned revision of the Rules of Procedure of the Board, certain references still relate to the previous version of Rule 52 and should be read in that light.

SUMMARY OF PROCESS AND THE ROLE OF THE BOARD

5. After the dispatch of the communication of the Acting Director-General provided for in Rule 52, Member States have until 5 September 2006 to submit proposals for candidates, as decided by the Board in paragraph 2(b) of resolution EB118.R2. Each proposal must be accompanied by a curriculum vitae which should be only two to three pages long and should address the criteria established by the Board for candidates (see resolution EB97.R10) and include a statement on the vision of the candidate on priorities and strategies.

6. The Chairman of the Board, assisted by the Legal Counsel, will open all proposals immediately after the deadline. The proposals and curricula vitae, the latter having been considered in the light of

¹ Document EB100/1997/REC/1, Annex 1.

² As a consequence, the Acting Director-General did not address his communication of 1 June 2006 to the individuals who are members of the Board, who will not be entitled as such to make proposals for the post of Director-General.

³ 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.

the two to three page guideline established by the Board, will be translated and distributed to all Member States by 5 October 2006 as decided by the Board in paragraph 2(c) of resolution EB118.R2.

7. When the Board convenes, it will deal with the nomination process in four stages:
- (i) initial screening of candidates to determine whether any candidate does not meet the criteria set by the Board;
 - (ii) determination of the short list;
 - (iii) interviewing of the candidates; and
 - (iv) voting on the candidate to be nominated.

8. As noted above, Rule 7 of the Rules of Procedure of the Executive Board as amended at its 112th session 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 be attended, in addition to members of the Board, their alternates and advisers, only by Member States not represented on the Board, Associate Members and necessary Secretariat staff.

9. The Board 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 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). If there are – or remain – five or fewer candidates, determination of the short list becomes unnecessary.

10. 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. Thus, for the short list with five places, each member voting must vote for five candidates. Ballots containing marks for more or fewer 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 as only five candidates remain. For example, assuming that 34 ballots are cast, a candidate or candidates receiving the least number of votes would be eliminated. If all other candidates were to receive four votes or more (i.e. more *votes* than the threshold of a number equivalent to 10% of the *ballot papers* cast), then only the candidate or candidates receiving the least number of votes would be eliminated. If, however, one or more candidates were to receive two or three votes, they would also be eliminated in that round of balloting, since they would have received fewer *votes* than a number equivalent to 10% of the *ballots* cast. Although decision EB100(7) refers to a “proportion of the votes cast (set at 10% of the ballot papers)”, this phrase must be read, in accordance with the principle embodied in Rule 42 of the Rules of Procedure of the Board, as excluding invalid ballots and abstentions. Should there be invalid ballots or abstentions, the 10% of the ballot papers cast would be calculated on the basis of the ballots which were both valid and did not express an abstention. For example, if all

34 members of the Board voted, but there were three invalid ballots and three abstentions, the threshold of 10% of the ballot papers cast would be calculated on the basis of the number of ballot papers that were both valid and which did not express an abstention (i.e. 28), and the threshold set in decision EB100(7) would be three.

11. Once the short list has been determined, these candidates will be interviewed by the Board. Rule 52 specifies that the interviews should be held “as soon as possible” after the establishment of the short list. In the present case, since the 119th session of the Board has been convened for three days for the sole purpose of nominating the Director-General, the interviews have been scheduled for the second day, i.e. Tuesday, 7 November. 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. Should questions be insufficient to fill the allotted time, the candidate may make such additional statements as desired until the end of the period set for the interview, but the total time of 60 minutes may not be exceeded.

12. The last stage of the process is the vote on the candidate to be nominated. Since the interviews for the five candidates on the short list will take up the entire day of Tuesday, balloting for the nomination would be held on the morning of Wednesday, 8 November. Balloting is restricted to those candidates on the short list. Pursuant to Rule 52, each member of the Board indicates the name of one candidate on his or her ballot paper. If no candidate receives the simple majority required of members present and voting,¹ 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 for dealing with persistent tie votes between two sole remaining candidates.

13. The name of the person nominated by the Board shall be announced at a public meeting to be convened immediately after adjournment of the open meeting, and shall be submitted to the Health Assembly. The Executive Board, by paragraph 6 of resolution EB118.R2, has requested the Acting Director-General to convene a one-day special session of the Health Assembly on 9 November 2006, i.e. the day after closure of the 119th session of the Board, for the sole purpose of appointing the next Director-General and approving his or her contract.

14. In addition to nominating a candidate, the Board 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.² For this purpose the Board will have before it a proposed draft which reflects previous contracts. Although Rule 108 of the Rules of Procedure of the World Health Assembly establishes that the term of office of the Director-General shall be five years, this would lead to an impractical result under the exceptional circumstances governing the current process, since the term of office of the next Director-General would expire halfway between two Health Assemblies. Consequently, the Board, in paragraph 7 of resolution EB118.R2, has recommended that the Health Assembly at its special session should suspend Rule 108 of its Rules of Procedure with regard to the

¹ 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.

² As provided for in Rule 109 of the Rules of Procedure of the World Health Assembly.

term of office of the next Director-General, so that it may be set to terminate shortly after closure of a Health Assembly. Moreover, whereas the contract of previous Directors-General has always started on 21 July, this will not be the case for the next Director-General. Therefore, in the draft contract prepared by the Secretariat and contained in document EB119/2, both the date of starting and of terminating the contract have been left blank so that the Board may make an appropriate recommendation to the Health Assembly. To facilitate a decision on the starting date of the contract, the Secretariat will request each person proposed for nomination to be prepared to indicate to the Board when he or she would be available to assume office if appointed. More details on the terms of the draft contract are contained in document EB119/2.

ANNEX 1

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

Ref: C.L.17.2006

Proposals for the post of Director-General

The Acting Director-General of the World Health Organization presents his compliments to Member States. Following the tragic death of the late Director-General Dr Lee Jong-wook on 22 May 2006, the Executive Board at its 118th session considered the matter of the process of nomination and appointment of the next Director-General.

In this connection, the Acting Director-General 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. Reference is also made to resolution EB118.R2, adopted by the Executive Board at its 118th session on 30 May 2006, by which the Board decided to suspend Rule 52 of its Rules of Procedure with regard to the deadlines set out in paragraphs 1 to 3, in order to accelerate the process of nomination of the next Director-General.

Pursuant to resolution EB118.R2, the following deadlines will apply in lieu of those provided for under Rule 52 for the purpose of nominating the next Director-General:

- Notification by Acting Director-General to Member States that they may propose persons for nomination to the post of Director-General: 1 June 2006;
- Final date for receipt by WHO of proposals for nomination to the post of Director-General: 5 September 2006;
- Date of dispatch of proposals, curricula vitae and supporting information to Member States: 5 October 2006.

In accordance with the aforementioned resolution, the Acting Director-General has hereby the honour to inform Member States that they may propose persons for nomination by the Board for the post of Director-General.

The 119th session of the Executive Board is to be held in Geneva, opening on 6 November 2006, and proposals may 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 indicated at point (4) below, not later than the close of working hours on 5 September 2006.

The Acting 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 decision EB100(7), the Executive Board decided that 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 their candidate on priorities and strategies. The Acting Director-General would therefore appreciate it if curricula vitae were not longer than three pages. Should they exceed the guideline agreed upon by the Executive Board, they will have to be shortened accordingly by the Chairman of the Executive Board in consultation with the Secretariat.

(4) Proposals should be enclosed in a sealed envelope prominently marked "Confidential" and bearing the code No. "D4-180-9 (06)" 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 must 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 5 September 2006.

(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 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 Acting Director-General takes this opportunity to renew to Member States the assurance of his highest consideration.

GENEVA, 1 June 2006

APPENDIX 1

CONSTITUTION OF THE WORLD HEALTH ORGANIZATION*Article 31*

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.

RULES OF PROCEDURE OF THE EXECUTIVE BOARD*Rule 52*

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 and members of the Board that they may propose persons for nomination by the Board for the post of Director-General.

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.

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.

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 fulfil 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;

APPENDIX 3

EB118.R2 Consideration of the acceleration of the procedure to elect the next Director-General of the World Health Organization

The Executive Board,

Noting decision EBSS(2) taken by the Board at its special session held on 23 May 2006, by which the Board 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”;

Having considered the reports by the Secretariat in response to the Board’s request,¹

1. DECIDES, in accordance with Rule 53 of the Rules of Procedure of the Executive Board, to suspend Rule 52 with regard to the deadlines set out in paragraphs 1 to 3 of the latter Rule, in order to accelerate the process of nomination of the next Director-General;
2. DECIDES that, for the purpose of nominating the next Director-General, the following deadlines will apply in lieu of those provided for under Rule 52:
 - (a) notification of Acting Director-General to Member States that they may propose persons for nomination to the post of Director-General: 1 June 2006;
 - (b) final date for receipt by WHO of proposals for nomination: 5 September 2006;
 - (c) date of dispatch of proposals, curricula vitae and supporting information to Member States: 5 October 2006;
3. DECIDES, in accordance with Rule 5 of its Rules of Procedure, to convene a session of the Board, which will be held from 6 to 8 November 2006 at the headquarters of the World Health Organization;
4. FURTHER DECIDES that the only item on the provisional agenda of the session of the Board referred to in the preceding paragraph will be entitled “Director-General” and will comprise two subitems entitled respectively “nomination for the post” and “draft contract”;
5. REQUESTS the Acting Director-General to consider placing officers and staff members who are candidates for the election referred to in the present resolution on temporary leave of absence with pay from their current posts during the period from 5 September 2006 until the Health Assembly’s appointment of a new Director-General;
6. REQUESTS the Acting Director-General, in accordance with Rule 2 of the Rules of Procedure of the World Health Assembly, to convene a special session of the Health Assembly on 9 November 2006 in Geneva, and to include on the provisional agenda of the special session only one item entitled “Director-General”, comprising two subitems entitled respectively “appointment” and “approval of contract”;
7. RECOMMENDS that the Health Assembly at its special session should suspend Rule 108 of its Rules of Procedure with regard to the term of office of the next Director-General and set his or her term of office so that it terminates shortly after closure of a Health Assembly.

(Third meeting, 30 May 2006)

¹ Documents EB118/20 and EB118/20 Add.1, which includes the costing.

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,¹ 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 PROCEDURE²

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

¹ Footnote 1 referred to Annex 1 of document EB100/1997/REC/1; the text is reproduced in the Appendix on the next page.

² See decision EB100(7).

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.¹

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

¹ See document EB100/1997/REC/1, Annex 1, Appendix.

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.

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.

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