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DIRECTOR-GENERAL OF THE WORLD HEALTH ORGANIZATION

> The Regional Director submits for consideration of the Regional Committee the Executive Board document EB122/17 entitled "Director-General of the World Health Organization".
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> This document is planned to be discussed at the one-hundred-and twenty-fourth session of the Executive Board in January 2009.

Contents

DirectorGeneral of the World Health Organization

Report by the Secretariat

1. At its 121st session in May 2007, the Executive Board considered a report by the Secretariat containing constitutional and procedural considerations to be taken into account if a pattern of rotation among regions of the post of Director-General were to be introduced.[1] The Board agreed that the Secretariat would provide an appraisal and a fuller review of alternative models for the appointment of the Director-General, for consideration by the Board at its 122nd session.

2. The debate during the 121st session showed that all the members of the Board shared the goal of ensuring that the person appointed as Director-General of WHO should meet all the requirements spelt out by the Board in resolution EB97.R10 and, most importantly, have the personal and professional qualities required to perform fully and effectively the functions of chief technical and administrative officer of the Organization.[2] Board members supporting regional rotation of the post of Director-General emphasized the need to ensure the equitable nature of the process of selection and a level playing field among regions. It was noted in that connection that no Director-General had been appointed from three of the six WHO regions, even though qualified candidates from those regions had been proposed in past elections. Board members in favour of maintaining the current system considered that a pattern of regional rotation would necessarily restrict the choice of candidates, and would not therefore ensure that the most qualified person was elected. Further, it would fundamentally alter the nature of the office of Director-General, changing it into a function of a regional, rather than global, nature. It might also raise questions about its compatibility with the Constitution.

3. The present report examines different options that reflect the discussions held in the Board. It also provides a short appraisal of each in the light of the main issues raised by Board members, namely, how to ensure the equitable and fair nature of the process; how to ensure the selection of the best possible candidate; and how to preserve the effectiveness of the function that the Constitution entrusts to the Board in the nomination of the Director-General. The options presented are the following: (1) maintaining the status quo; (2) special consideration to candidates from certain regions; (3) and (4), two related options, considering

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[1] Document EB121/4.

[2] Document EB121/2007/REC/1, summary record of the first meeting, section 6.

geographical representation as the criterion for the establishment of the shortlist; (5) considering geographical representation as the criterion for the eligibility of candidates; and (6) using the same system of regional rotation as that applied to candidatures for elective office.

4. Option 1: **Maintaining the status quo**. Under this option, the current process for proposal and nomination, based on Rule 52 of the Rules of Procedure of the Executive Board, would be maintained unaltered. In other words, there would be no legal requirement to rotate the post of Director-General among regions or to give preference to any particular region. Equitable regional representation could be a political consideration for Board members in the selection process, as in the case of other organizations of the United Nations system.

5. This option would obviously be the simplest to implement as it requires no change, and has been tested in practice under the current procedure in the past four elections. In the view of several Board members, the current system has worked well and is capable of leading to the appointment of the best candidate for the post of Director-General, in particular through the establishment of an initial shortlist and the interview of the shortlisted candidates. On the other hand, the option may not address the perception that the difference in resources and capabilities between regions constitutes a flaw in the current system in that it favours in practice regions able effectively to support their candidates. The following options address the perception of lack of equity and fairness from different angles.

6. Option 2: **Special consideration to candidates from certain regions.** A possible approach to the issue under discussion from the point of view of the selection of candidates is for the Executive Board to leave the current procedure unchanged while agreeing a set of criteria, additional to those adopted by the Board in resolution EB97.R10 with regard to the personal characteristics of the candidate. By adopting this new set of criteria, which Board members would agree to take into account when voting for candidates both to establish the shortlist and in the final selection, the Board would express a commitment to consider issues of equity and fairness as part of the process to nominate the Director-General. The decision of how much weight to give to those criteria in each case would rest with individual Board members. Possible criteria could be: (1) the fact that a candidate comes from a region from which a Director-General has not previously been nominated or has not been nominated within a certain period of time (e.g. 30 years); and (2) the fact that a candidate, coming from one of the regions referred to under (1), is a national of a least developed or low-income country, or of a country that is unrepresented or underrepresented in WHO's Secretariat.

7. This option falls within the practice of the Board in that it builds on its previous decision to establish a set of criteria to guide members in their consideration of the characteristics of each candidate. It is also consistent with the Staff Regulations and reflects previous Health Assembly resolutions giving preference to candidates from underrepresented or unrepresented countries, in particular developing countries. It would be simple to implement from a procedural point of view as it would not require substantive modifications of the current nomination procedure but would rely on a set of criteria to guide the Board in its deliberations. It also would not constrain the authority of the Board and its members but provide guidance for the exercise of that authority.

8. Option 3: **Regional provenance of candidates as a requirement for the establishment of the shortlist.** Another possible approach to the issue of equity and fairness relates to the modalities of establishment of the shortlist and thus of the selection of candidates. It could be required, for example, that candidates who are nationals of countries from a certain region

would be automatically included in the shortlist to be interviewed and then voted upon by the Board. Given a shortlist of up to five candidates, as at present, that would mean that the Board would limit its selection of candidates from other regions to the remaining places so as to arrive at the required number. If, among the candidates proposed, there were five from the region under consideration, then the shortlist would consist only of them. If there were more than five candidates from that region, the Board would establish the shortlist only from among them without considering candidates from other regions. All other aspects of the nomination process would remain unchanged.

9. This option would ensure that the candidatures of persons from a particular region (identified through a system of regional rotation or through other criteria) were acted upon by the Executive Board and increase the likelihood of a successful candidate emerging from among those persons. However, it may be perceived as not achieving a satisfactory level of equity and fairness as it cannot guarantee that the Director-General will only be appointed from among the candidates coming from a particular region. At the same time, it may be perceived as too random as the chances of candidates from other regions being included in the shortlist depends on the number of candidates from the region under consideration. It may also generate procedural complications for the establishment of the shortlist, depending on the number of candidates and their regional provenance.

10. Option 4: **Regional representation in the shortlist.** Yet another approach to equity among regions in the selection process would be to overhaul the way in which the shortlist is arrived at. Under this option, there would be a shortlist of up to six candidates, one from each region. In order to select the candidate from each region, Member States in each region should agree a mechanism of their choice in order to propose a single candidate (whose candidature would still have to be formally submitted by a Member State). If the Member States of some regions were unable or unwilling to do so and proposed several candidates, separate secret ballots would be held to select one candidate among each of them so as to arrive at one candidate per region. Should there be no candidates from a particular region, the size of the shortlist would be reduced accordingly.

11. This option would allow regions collectively to express and support a single candidate, while not imposing a pattern of regional rotation on the Board and allowing the latter a broader choice. It reflects the well-accepted practice within WHO of representing each region in bodies and statutory activities of a global nature, and may harness existing regional consultation mechanisms (e.g. the regional committees) so as to enable regions to agree on whom they consider the best candidate for the post of Director-General. From a procedural point of view, this option may be more complicated to implement because it may require a separate vote in the event of there being more than one candidate from a region. It would also introduce an element of uncertainty about the length of the shortlist should there be no candidate from certain regions, and thus about the size of the pool of candidates from among whom the Board would have to select.

12. Option 5: **Regional representation as the criterion for eligibility of persons to be candidates.** Under this option, any Member State could propose candidates for the post of Director-General, as currently provided in Rule 52. However, the candidates could only be nationals of Member States of a particular region under a system of regional rotation or based on certain agreed criteria (e.g. the fact that no Director-General has been elected from any of its Member States). Candidates who were nationals of Member States from other regions would not be considered. The Board would then operate under its current procedure, whereby it would establish a shortlist in the event of there being more than five candidates, and interview shortlisted candidates before voting to nominate one of them.

13.   The issue of equity and fairness in the appointment of the Director-General in this case would be addressed by requiring that persons be nationals of a particular region in order to be eligible as candidates. In this case, competition would be limited to candidates coming from a particular region and the authority of the Board to select the best candidate would be reduced accordingly. The Board may wish to reflect whether that reduction in its authority strikes the right balance with the increase in the perception of equity of the process.

14.   Option 6: **Regional rotation and single candidature.** Under this option, the proposal of candidates for the post of Director-General would follow the practice consistently relied upon for the proposal of candidates for elected offices in WHO's governing bodies, e.g. for the posts of President and Vice-Presidents of the World Health Assembly and those of Chairman and Vice-Chairmen of the Executive Board. In other words, there would be a regular pattern of rotation among regions and there would be a single candidate for Director-General, proposed by a country of the region under rotation. The establishment of a shortlist would consequently be unnecessary and the Executive Board could only accept or reject the single candidate being proposed.

15.   This option would be the most problematic from a constitutional point of view, as it could be questioned whether it was compatible with the constitutional function of the Board under Article 31 of the Constitution of nominating the Director-General. It would also raise several potentially difficult procedural issues for its implementation; for example, Member States would have to agree on the pattern of regional rotation, on a mechanism for the selection of a single candidate, and on how to reconcile the nomination process with the possibility of the Director-General serving for two terms of office.

16.   Finally, a cross-cutting consideration is that any option, with the exception of maintaining the status quo, should not be applicable to or affect the incumbent Director-General. A revision of the mechanism for nomination should thus only become applicable for the nomination that will take place in 2011 if the Director-General is not proposed for a second term, or in 2016 if the Director-General is proposed for a second term.

ACTION BY THE EXECUTIVE BOARD

17.   The Executive Board is invited to consider the possible options proposed above. In the view of the Secretariat, it would be essential to submit any option that were agreed upon with the exception of Option 1 to the Health Assembly for consideration in view of the constitutional, policy and procedural implications of the process for the nomination of Director-General.