

Nomination of the Regional Director of the African Region - Note by the Legal Counsel -

1. This document provides a summary of the nomination process for the next Regional Director of the African Region in the period leading up to, and during, the Sixty-ninth session of the Regional Committee for Africa to be held from 19 to 23 August 2019 in Brazzaville, Congo.

BACKGROUND

2. Article 52 of the WHO Constitution provides that “the head of the regional office shall be the Regional Director appointed by the Board in agreement with the regional committee”. The appointment of the incumbent Regional Director of the African Region, Dr Matshidiso Moeti, comes to an end on 31 January 2020. Therefore, the Regional Committee for Africa should consider at its Sixty-ninth session in August 2019 the nomination of the Regional Director for a period of five years beginning in February 2020. This will enable the Executive Board to consider the matter at its 146th session early February 2020.

3. Rule 52 of the Rules of Procedure of the Regional Committee for Africa (the “Rules of Procedure”) governs the process by which the Regional Committee nominates a candidate for the post of Regional Director. The Rules of Procedure of the Executive Board set out how the Board then decides on the appointment of a person so nominated.

4. The Regional Committee for Africa revised the process for the nomination of the Regional Director at its Fifty-third session in 2003 while, at the same time, reaffirming the applicability of the criteria for nomination to the post of Regional Director it had initially adopted at its Forty-eighth session in 1998 (Annex 1 to this document). The Regional Committee further amended Rule 52 of the Rules of Procedure with regard to the nomination process at its Sixty-third session in 2013. At its Sixty-eighth session in 2018, the Regional Committee adopted a Code of Conduct for the Nomination of the Regional Director of the African Region of the World Health Organization (the “Code of Conduct”) and further amended Rule 52 of the Rules of Procedure.

5. In the Code of Conduct, Member States acknowledged that the process of nomination of the Regional Director should be guided both by the provisions of the Rules of Procedure and by the principles of fairness, equity, transparency, good faith, dignity, mutual respect and moderation, non-discrimination and merit.

THE PROCEDURE IN ADVANCE OF THE REGIONAL COMMITTEE

6. On 14 February 2019, the Director-General informed the Member States of the Region that each Member State could propose the name of one suitably qualified and experienced citizen of that State with a medical background for the post of Regional Director. The Director-General attached a copy of Rule 52 of the Rules of Procedure and a copy of the Code of Conduct, drawing the attention of the Member States to the need to honour and adhere to the provisions set out in the Code of Conduct.¹ In addition, the Director-General indicated that proposals were to be sent to him, including in electronic format, so as to reach him not less than twelve weeks before the date fixed for the opening of the session², i.e. by no later than 18:00 Central European Time on Friday, 24 May 2019. Member States were also informed that proposals are to be accompanied by curriculum vitae and other

¹ In accordance with Rule 52.1 of the Rules of Procedure.

² In accordance with Rule 52.2 of the Rules of Procedure.

supporting information of not more than 2,000 words (statement of vision, priorities and strategies) and that the standard form for curriculum vitae, as attached to the Code of Conduct, was recommended for use³. Finally, in accordance with Rule 52.3 of the Rules of Procedure, the Director-General communicated to Member States that the Regional Director in office, Dr Matshidiso Moeti, is eligible and available for reappointment and that her name will be automatically submitted to the Committee and shall not require a proposal from any Member State.

7. In accordance with Rule 52.4 of the Rules of Procedure, the Director-General communicated on 6 June 2019 to Member States of the Region that Botswana proposed the candidature of Dr Matshidiso Moeti for reappointment as Regional Director. No further proposals were received within the applicable deadline.

8. As provided by Paragraph 16 of the Code of Conduct, following the dispatch of the name and particulars of the candidate to Member States by the Director-General, the Regional Office will post on its website the curriculum vitae of the candidate (as received from the relevant Member State by the deadline), as well as the relevant rules and decision points pertaining to the nomination process as stipulated in Rule 52 of the Rules of Procedure.

THE PROCEDURE DURING THE REGIONAL COMMITTEE

9. The procedure for nomination of the Regional Director during the Regional Committee consists of three stages:

- (i) establishment of a short list in the event that there are more than five candidates;
- (ii) interview of candidates;
- (iii) vote to nominate a candidate.

Since only one candidature was received by the Director-General, the Regional Committee will not establish a short list in accordance with Rule 52.6 of the Rules of Procedure, but will instead proceed straight to interview the candidate.

10. Subject to the agreement of the Regional Committee, it is anticipated that the modalities for the interview will be decided in the afternoon of 19 August 2019 and that the interview and vote to nominate a candidate will take place in the morning of 20 August 2019. The interview and vote will take place in private meetings of the Regional Committee in accordance with Rule 52 of the Rules of Procedure⁴. The outcome of the vote will be announced afterwards at a public meeting of the Committee. The name of the person so nominated shall then be submitted to the Executive Board. Attendance at the aforesaid private meetings of the Regional Committee is prescribed by the Director-General and limited to essential Secretariat Staff and Member States.⁵ Candidates should not attend these meetings even if they are part of the delegation of a Member State.⁶

11. Member States should abide strictly by Rule 52 of the Rules of Procedure and other applicable resolutions and respect the integrity, legitimacy and dignity of the proceedings. As such, they should avoid behaviors and actions, both inside and outside the conference room where the nomination takes place, which could be perceived as seeking to influence

³ In accordance with Paragraph 9 of the Code of Conduct.

⁴ In accordance with Paragraph 17 of the Code of Conduct.

⁵ In accordance with Paragraph 17 of the Code of Conduct.

⁶ In accordance with Paragraph 17 of the Code of Conduct.

the outcome of the nomination process.⁷ Member States should also respect the confidentiality of the proceedings and the secrecy of the votes. In particular, they should refrain from communicating or broadcasting the proceedings during the private meetings through electronic devices.⁸

12. Within delegations, any representative is entitled to vote on behalf of his or her delegation. In accordance with Rule 28 of the Rules of Procedure, representatives may designate an alternate to vote on behalf of the delegation, but not an adviser or a secretary. The badges of representatives and alternates will be marked with two red stripes so as to allow easy identification of persons capable of being designated to vote on behalf of the delegation. It is therefore of paramount importance that Members wishing to vote be represented at the Regional Committee and communicate to the Regional Director, if possible 15 days before the date fixed for the opening of the session of the Committee, the names of their representatives, including all alternates, advisers and secretaries. The credentials of representatives are to be delivered to the Regional Director, if possible, not less than one day before the opening of the session of the Committee.

INTERVIEW OF CANDIDATES

13. Rule 52.7 of the Rules of Procedure provides that the interview shall consist of a presentation by each candidate in addition to answers to questions from Members of the Committee, and that the Committee shall determine, as appropriate, the modalities for the interviews.⁹ Rule 52 of the Rules of Procedure does not specify the topic of the presentation; it would appear therefore most appropriate that, as was done in the past, the topic be left for the candidate to decide.

14. As to the modalities for the interview of the candidate, it is assumed that the Regional Committee will wish to follow the established practice of the Regional Committee, which is described in the Annex on the proposed modalities for the interview of the candidate (Annex 2 to this document). This practice follows closely the approach used since 1998 by the Executive Board for the nomination of the Director-General and the approach used by other Regional Committees to interview candidates for the post of Regional Director.

VOTE TO NOMINATE A CANDIDATE

15. The final stage involves voting by secret ballot in a private meeting of the Committee to nominate the candidate whose name is then to be submitted to the Executive Board for appointment. The procedure for this stage is set out in Rule 52.8 of the Rules of Procedure. Paragraph 17 of the Code of Conduct provides that the results of the ballots should not be disclosed by Member States.

16. In summary, as there is only one candidate, the ballot papers that will be distributed have a "yes" and a "no" box. Each representative entitled to vote places a mark, such as an "x" or "check", either in the "yes" box (if he/she agrees that the name of the candidate should be submitted to the Executive Board) or in the "no" box (if he/she does not agree). Any ballot paper on which nothing is written or which bears the word "abstention" shall be considered as signifying an abstention. In order for the candidate to be nominated, she must receive a

⁷ In accordance with Paragraph 18 of the Code of Conduct.

⁸ In accordance with Paragraph 19 of the Code of Conduct.

⁹ In accordance with Rule 52.7 of the Rules of Procedure.

majority of votes from the representatives present and voting.¹⁰

17. Rule 48 of the Rules of Procedure of the Executive Board provides that the appointment of a Regional Director shall be for five years, renewable once only. There is therefore no need for the Regional Committee to make any recommendation in this regard.

ANNEX 1 – CRITERIA FOR THE NOMINATION OF REGIONAL DIRECTOR

Qualifications

The following constitute the set of criteria that should be met by the candidate nominated to the post of Regional Director.

Good understanding of and commitment to the WHO mission

The candidate must show a clear understanding of WHO mission, roles, functions, policies and strategies. There must be demonstrated evidence of the candidate's personal involvement or a plan to further that commitment.

Proven leadership qualities

The candidate must be visionary, dynamic and results-oriented. It is very important that the candidate possess the ability to communicate both orally and in writing, in a clear, effective and inspiring way to varying target groups, including the mass media, political leaders, other leaders in the public health field, health personnel, a wide range of academic and professional groups within and outside the health sector as well as WHO staff. He or she should have personal integrity and a great capacity to withstand pressures from both official and private sources on issues that could jeopardize the Organization's interests.

Proven managerial ability

The candidate should be able to manage a complex organization in the health field. This requires a highly analytical mind and the ability to set clear goals and objectives, design appropriate programmes for the optimal use of the Organization's overall resources, and develop an appropriate process for the monitoring and evaluation of the work of the Organization in the Region. It is important that the candidate have skills both in fostering teamwork with appropriate delegation of responsibility and in creating a conducive work environment for staff at regional and country office levels. Given the need to interact with and actively support the efforts of headquarters and other regions within the context of the oneness of the Organization, the candidate's ability to work effectively with leaders, at both national and international levels, in the health and related sectors is an important requirement.

Professional and technical qualifications

The candidate should be professionally qualified in the health field and have a sound knowledge of public health, including its epidemiological basis.

¹⁰ Rule 43 of the Rules of Procedure provides that "Except as otherwise provided by the WHO Constitution or decided by the Health Assembly, the decisions of the Committee shall be made by a majority of the representatives present and voting." In accordance with Rule 42 of the Rules of Procedure, representatives abstaining from voting are considered as not voting and invalid votes cast in a secret ballot are counted as abstentions. Consequently, if all representatives entitled to vote cast a valid ballot and none abstains, the required majority is 24. Should five representatives abstain, for example, the representatives present and voting would be 42 and the required majority would be 22.

Sensitivity to cultural, social, political and other differences

The candidate should have a broad knowledge of and be sensitive to the varying cultural, social, political and linguistic differences of the Region. For this reason, he or she should, among other things, be fluent in at least one of the three working languages of the Region and have a working knowledge of at least one of the other languages. Reasonable working experience in the Region, particularly in the work of WHO, would be an asset.

Medical fitness

The candidate should be sufficiently healthy to carry out the duties of the post.

ANNEX 2 – PROPOSED MODALITIES FOR THE INTERVIEW OF THE CANDIDATE FOR THE POST OF REGIONAL DIRECTOR OF THE AFRICAN REGION

It is proposed that the Regional Committee for Africa implement the modalities for the interview of the only candidate for the post of Regional Director for the African Region at its Sixty-ninth session as follows:

1. The interview will be limited to 60 minutes, divided equally between an oral presentation by the candidate for a maximum of 30 minutes and the question-and-answer period, equally for a maximum of 30 minutes;
2. The presentation of the candidate is currently scheduled to be held during the morning meeting of the second day of the Regional Committee session (*i.e.* Tuesday, 20 August 2019);
3. The Secretariat will time the presentation through a traffic light system. The light will remain green for 27 minutes, then turn to amber and turn to red after the allotted 30 minutes have expired, at which point the Chairperson will request the candidate to terminate her statement;
4. Before the beginning of the presentation, the Secretariat will distribute to each Member of the Committee a paper on which the Member may write one question for the candidate. The paper should also identify the Member posing the question. Any official language of the Regional Committee may be used to write questions;
5. At the end of the presentation, an usher on the staff of the Secretariat will collect the papers into a box and hand them to the Chairperson. The Chairperson will draw at random a question and read it to the candidate, disclosing which Member is asking the question. If the question does not indicate the Member posing the question, the question will not be read. The 30 minutes allotted for this part of the interview process will start running when the Chairperson reads the first question. It is proposed that the candidate have a maximum of 3 minutes to respond to each question;

6. This part of the process will also be timed by two sets of traffic lights. One set of traffic lights will time the 30 minutes; the light will turn from green to amber after 27 minutes and will turn red after the 30 minutes have expired. The second set of traffic lights will measure the time allotted for each question; the light will turn to amber after 2 minutes and then to red after 3 minutes, at which point the Chairperson will request the candidate to terminate her response to each question;
7. The same process will be repeated until the 30 minutes have expired. If there are not enough questions to fill 30 minutes, the candidate will be invited to make an additional statement if she wishes, provided that the 30 minutes allotted for this part of the interview should not be exceeded;
8. Both the presentation and the question-and-answer session are conducted without the use of any visual aid (e.g. PowerPoint presentations) or the distribution of any written material in the meeting room;
9. It is proposed that, following the candidate's interview, the Committee move immediately to the secret ballot to nominate the Regional Director in accordance with Rule 52.8 of the Committee's Rules of Procedure;
10. Additional details may be described in a proposal by the Chairman of the Regional Committee formulated with the guidance of the WHO Legal Counsel.