



REGIONAL OFFICE FOR THE WESTERN PACIFIC
BUREAU REGIONAL DU PACIFIQUE OCCIDENTAL

REGIONAL COMMITTEE

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18 September 2006

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Agenda item 22

**CONSIDERATION OF AMENDMENT TO THE RULES OF
PROCEDURE OF THE REGIONAL COMMITTEE**

The procedure for the nomination of the Regional Director is set in Rule 51 of the Rules of Procedure of the Regional Committee, which provides for a sequence of steps culminating in the appointment of the Regional Director by the Executive Board.

The Rules of Procedure of the Regional Committee do not address the situation created by a vacancy in the post of Regional Director. However, by virtue of its Rule 54, the Regional Committee, may at its discretion, apply such Rules of Procedure of the Health Assembly or of the Executive Board as it may deem appropriate to particular circumstances which are not covered by the Rules of the Committee.

A Member State of the Region has proposed consideration of an amendment to the Committee's Rules of Procedure in order to explicitly and adequately provide for a situation in the indefinite future where the WHO Regional Director for the Western Pacific is no longer able to complete his or her term and the post becomes vacant. Alternatively, the Committee may wish to address the present possibility of a vacancy in the post of Regional Director by deciding to accelerate the nomination process if the incumbent Regional Director were elected Director-General.

The Regional Committee is asked to discuss the matter and consider the options presented in the document.

BACKGROUND

1. A Member State of the Region has proposed the inclusion of an additional item on the agenda of the Regional Committee with a view to reviewing the Committee's Rules of Procedure in order to explicitly and adequately provide for a situation in which the Director of the Regional Office is no longer able to complete his or her term and the post becomes vacant. It should be recalled that the same Member State had proposed a review of the Rules of Procedure of the World Health Assembly and the Executive Board dealing with a vacancy in the post of Director-General, during the Special Session of the Executive Board on 23 May 2006.
2. Following the death of Director-General Jong-wook Lee on 22 May 2006, a special session of the Executive Board was held on 23 May 2006 and subsequently, at the 118th session of the Executive Board in May 2006, the Executive Board adopted resolution EB118.R2, entitled *Consideration of the acceleration of the procedure to elect the next Director-General of the World Health Organization*. Resolution EB118.R2 has set an accelerated process for the nomination and appointment of the next Director-General. To this purpose, the Executive Board will hold its 119th session to nominate a person for the post of Director-General, and a special session of the Health Assembly will be held on 9 November 2006 to appoint the next Director-General.
3. Resolution EB118.R2 also recommends that the Health Assembly suspend Rule 108 of its Rules of Procedure with regard to the term of office of the next Director-General and set its starting and ending dates. It is expected that the term of office of the next Director-General will begin shortly after his or her appointment.

LEGAL FRAMEWORK FOR THE NOMINATION OF THE REGIONAL DIRECTOR

4. The procedure for the nomination of the Regional Director is set in Rule 51 of the Rules of Procedure of the Regional Committee, which provides for a sequence of steps beginning not less than six months before the date fixed for the opening of the relevant session of the Committee. The name of the person nominated by the Regional Committee is submitted to the

Executive Board, which appoints the Regional Director in accordance with Rule 48 of its Rules of Procedure.

5. The Rules of Procedure of the Regional Committee do not address the situation created by a vacancy in the post of Regional Director. However, by virtue of Rule 54, the Regional Committee may, at its discretion, apply such Rules of Procedure of the Health Assembly or of the Executive Board as it may deem appropriate to particular circumstances which are not covered by the Rules of the Committee. In this connection, Rule 109 of the Rules of Procedure of the Health Assembly states that, whenever the office of Director-General is vacant, the Board shall, at its next meeting, make a nomination which shall be submitted to the next session of the Health Assembly. That Rule, applied *mutatis mutandis* to the situation addressed in this report, would give the Committee the legal basis to take action to fill a vacancy in the post of Regional Director.

OPTION FOR CONSIDERATION BY THE REGIONAL COMMITTEE

6. In order to explicitly address a situation created by a vacancy in the post of Regional Director, rather than relying on the Rules of Procedure of the Health Assembly, the Regional Committee may wish to consider amending its Rules of Procedure by adding a new paragraph under Rule 51, as follows:

"If the office of the Director becomes vacant before the term of office of the Director is completed, the Committee shall nominate a person for the post of Director at its next meeting, provided that the other provisions of this Rule are met. If that is not possible, the Committee shall take a decision at its next meeting with a view to nominating a person and submitting his or her name to the Executive Board as soon as possible."

7. In order to adopt this amendment without having received a report on the subject from an appropriate subcommittee, it will be necessary for the Regional Committee to agree unanimously to suspend Rule 53 of its Rules of Procedure, as provided for in Rule 52 of its Rules of Procedure.

OTHER CONSIDERATIONS

8. The accelerated procedure mentioned in paragraphs 2 and 3 to nominate and appoint the next Director-General and the earlier commencement date of his or her term of office has possible implications for the Region since the candidates for the post of Director-General include the incumbent Regional Director for the Western Pacific, whose current term of office runs until 31 January 2009. The Regional Committee would normally be required to nominate the next Regional Director at its fifty-ninth session in September 2008.
9. If the incumbent Regional Director is appointed Director-General, a vacancy would be left in the post of Regional Director for the Western Pacific well in advance of the normal expiration of the incumbent's term of office in January 2009.
10. If the Regional Committee wishes to consider the specific situation of a vacancy in the post of Regional Director were the incumbent to be appointed Director-General, alternative options to the option proposed in paragraph 6 may be considered.
11. The Committee may decide to bring forward the nomination of the next Regional Director considering the consequences of a vacancy in the position of Regional Director should the incumbent be appointed Director-General on 9 November. The Regional Committee may wish to consider the following two options for bringing forward the nomination of the Regional Director.
12. One option is to bring forward the nomination of the Regional Director to the next regular session of the Regional Committee, tentatively scheduled from 10 to 14 September 2007.
13. Another option is to hold an ad hoc session of the Regional Committee for the sole purpose of nominating the Regional Director, so that the appointment of the next Regional Director would take place at the 121st session of the Executive Board in May 2007.
14. Both alternative options would require the Committee to take an appropriate decision at its current session in accordance with Rule 51 of its Rules of Procedure as well as in the light of Rule 109 of the Rules of Procedure of the Assembly, as explained above.
15. In light of the foregoing, the Regional Committee may wish to request the Secretariat to present the alternative options in more detail for consideration concerning the acceleration of the

procedure to nominate the next Regional Director of the Western Pacific should a vacancy in that position occur before the normal expiration of the incumbent's term in February 2009.

16. Most importantly, it should be clarified that if the Committee decides to take this course of action at its current session, such action will have to be taken on a contingency basis, i.e. its decision will only become effective in case the incumbent is appointed Director-General.

ACTION BY THE REGIONAL COMMITTEE

17. The Regional Committee may wish to consider the options set out in the present report and select one of them, or else discuss other alternatives. The Secretariat will prepare a draft resolution for consideration, if required.