

**WORKING GROUP OF THE EXECUTIVE COMMITTEE ON STREAMLINING
THE GOVERNANCE MECHANISMS OF PAHO**

CE/WGG2/SR.4

Summary record of the fourth meeting

Friday, 24 March 2006

Chairman:

Nick Previsich

Canada

The meeting was called to order at 1:40 .p.m.

**ITEM 8: IMPROVEMENT OF THE RULES OF PROCEDURE OF THE
GOVERNING BODIES OF PAHO**

The CHAIRMAN said that, at the Working Group's first session, the Secretariat had been requested to propose amendments to the Rules of Procedure, in response to various concerns expressed by Member States.

Dr. JIMENEZ (Area Manager, Legal Affairs), introducing proposed amendments to the Rules of Procedure of the Directing Council, said that the Secretariat had focused on areas that had, over time, been identified as flawed. If any of the proposals were adopted, the Rules of Procedure of the Executive Committee and of the Pan American Sanitary Conference would require consequential amendment.

The long-standing practice of sending out the provisional agenda with the letter of convocation was not recognized in Rule 2 as it stood. The proposal, therefore, was to insert the words "together with the provisional agenda" after "Notices of convocation".

In order to make the General Committee more of a working committee, the Secretariat proposed giving it the responsibility, under Rule 33, for recommending appropriate action in respect of any proposed agenda item submitted after the provisional agenda had been approved by the Executive Committee and before its adoption by the Directing Council. The General Committee would also have the responsibility to defer any agenda item to a future Council session.

The CHAIRMAN pointed out that items included in that way would be outside the 60-day rule. He asked whether the Director had the discretion to have an item placed on the agenda without going through the usual process, and whether information items were treated in the same way as the more substantive items.

Dr. JIMENEZ (Area Manager, Legal Affairs) explained that the items in question did not fall into the same category as supplementary items that could be added to the agenda with the approval of Member States. They were items that countries sought to have included on the agenda after it had been approved. The proposed amendment would ensure that all agenda items had the approval of Member States.

The Director, like Member States, had the right to request inclusion of an item at any time; all requests were subject to the same mechanism. The Secretariat, in proposing its amendment, was attempting to add a process to the system that would leave the decision with the governance mechanism rather than the Secretariat. Information items were not specifically recognized in the Rules of Procedure. It would be for the Working Group to decide whether it wished to recommend provisions for different types of items.

Returning to the proposed amendments, she said that by incorporating the dispatch of the provisional agenda into Rule 2, the provision in Rule 9 would need to be deleted. The Working Group might wish to address the timeliness of submission of working documents under that Rule.

Under Rule 10, covering adoption of the Council's agenda, the Secretariat proposed adding a provision for items recommended for inclusion by the General Committee.

In Rule 12, on the inclusion of working documents, the Secretariat proposed that the words "Whenever possible" should be replaced by "Except in extraordinary circumstances" to reduce the amount of flexibility allowed in the original text but at the same time provide for circumstances in which a provisional item was included without there being enough time for the Secretariat, or the Member State proposing the item, to prepare a working document.

The proposal to amend Rule 23, on the role of the Rapporteur, was in recognition of the fact that the Rapporteur presented, rather than drafted resolutions

The proposed amendment to Rule 40 was intended to give the Secretariat enough time - 12 hours - to prepare resolutions in all working languages, together with the relevant background documentation, and give Member States the time - 24 hours - for the necessary discussions and consultations before a resolution was discussed.

Mr. ABDOO (United States of America) asked whether the 30 days in Rule 9 could be extended, in line with WHO's 60 days for Assembly documents and six weeks for Executive Board documents.

Dr. KEAN (Director, Governance, WHO) said that the six-week rule, introduced in 2003, was difficult to adhere to on account of other timing issues. New agenda items could be proposed for consideration by officers of the Board up to 10 weeks before the opening of a session, but the process had to be completed eight weeks before the session, when the letter of convocation and annotated agenda were sent out.. Two weeks were then left, if the six-week rule was to be complied with, in which new items had to be written, processed and dispatched. It had proved to be an impossible task and those additional items had gone out uniformly late. Documentation intended for the January Board, but relating to the previous calendar year, also missed the six-week deadline. In the four weeks leading up to the Health Assembly, although most of the documentation was transmitted by the Board, the Board's discussions had to be reflected, resolutions modified, and items such as the status of collection of assessed contributions completed with up-to-date information. Information documents and Addenda were used to update rapidly evolving events, such as an epidemic. There were occasional requests for an item to be postponed, either for a major modification to a resolution or a new resolution. In that connection, PAHO's proposed 24-hour rule was important and appropriate. For both the Board and the Assembly the rule was two days or 48 hours, in order to accommodate the different time zones. There could still be difficulties if a resolution, for example, was tabled in the middle of a one-week meeting and consultations with capitals, first over the original proposal and then over modifications, were difficult or impossible. In such a

case, postponement might be necessary. Web site posting had helped to meet deadlines, but he acknowledged that the receipt of documents two or three weeks, rather than four to six weeks before a session, did not give Member States sufficient time for consultation.

Dr. JIMENEZ (Area Manager, Legal Affairs) said the difference lay in PAHO's 21 days for the submission of Executive Committee documents as against WHO's six weeks for the submission of Board documents.

Mr. TOBAR (Argentina) referred to Article 12, on extraordinary circumstances, and asked if, for the sake of accuracy, it would not be advisable to specify who would be responsible for determining the existence of extraordinary circumstances.

Dr. JIMÉNEZ (Area Manager, Legal Affairs) explained the nuance that they were attempting to introduce by substituting one phrase for the other and added that the Directing Council itself would continue to be responsible for determining when extraordinary circumstances existed.

The CHAIRMAN said that with its new responsibilities, the General Committee might also decide whether circumstances were extraordinary.

Dr. JIMENEZ (Area manager, Legal Affairs) said that once the Executive Committee had approved the provisional agenda, the Secretariat had the time provided for in Rule 9 in which to prepare and submit the working documents. The extraordinary circumstances would relate to agenda items added subsequently; the General Committee would be able to make a recommendation, but only the Directing Council could decide

whether the circumstances were sufficiently extraordinary to warrant discussion without working documents.

The CHAIRMAN, speaking on behalf of the Canadian delegation, acknowledged that Canada had been one of the most vociferous critics of late documentation. Delegates owed it to their countries to arrive at a meeting properly prepared. As the United States had suggested, the amount of time currently provided for should be extended, particularly for the Executive Committee, where substantive discussions took place and resolutions were drafted. By the time matters reached the Directing Council, they required little additional preparation. He therefore proposed that the 30-day rule should be replaced by a six-week rule. Additionally, a stipulation to the effect that a paper not delivered on time would not be forwarded to the Directing Council for consideration, would be ideal but probably unrealistic.

Dr. GONZÁLEZ FERNÁNDEZ (Cuba) concurred about the need to have the papers that would be submitted for debate in the Executive Committee. He further agreed that a six- week rule was appropriate; he also considered six weeks advisable with regard to point 9. He believed that it would also foster greater participation by the Member States. He spoke of the need to draft the papers succinctly and to instruct recipients of the papers about the specific points that the participants in the sessions of the Executive Committee and Directing Council would have to rule on.

Mr. ABDOO (United States of America) fully endorsed Cuba's comments. The documents had become too cumbersome, the shortest for the recent SPP having run to 12 pages and the longest to over 20. WHO, as he recalled, had imposed a four- or six-page limit.

Dr KEAN (Director, Governance, WHO) said that most documents relating to program areas were kept to four pages but some of the administrative documents needed material to be annexed. Every effort was made, in those four pages, to indicate the key issues and the action required of the Board or Assembly, but there was always pressure to include extra material.

The CHAIRMAN observed that WHO's use of a smaller typeface meant that more information could be included in the same amount of space. So as not to introduce too severe a change, he proposed that PAHO's informal 10-page rule should be made a formal rule.

Ms. DICKINSON (Canada) said that the Working Group might usefully consider prescribing a document format as well.

The CHAIRMAN suggested, in that connection, that the Working Group might recommend reviewing and updating the document entitled "Guidelines for writing PAHO Governing Body documents", that had recently been brought to his attention, and incorporating it into the rules. He further suggested that the Working Group should recommend that documents should be made available six weeks in advance of the meetings of the Executive Committee and Directing Council. In the absence of any

objection he took it that the Working Group endorsed those suggestions and the amendments proposed by the Secretariat.

It was so agreed.

Dr. LAMY (Area Manager, Governance, Policy and Partnerships) said that the work of revising those Guidelines was already under way. As the six-week deadline before the Executive Committee would occur before the Health Assembly, any Assembly document or information that needed to be incorporated into other documents for transmission to the Executive Committee would have to be in the form of an Addendum.

Dr. SEALEY (Area Manager, Program Budget and Program Support) said that the Program Budget would be the document most affected, as the final proposal for the Executive Committee was held back to include the contributions approved by the Health Assembly.

The CHAIRMAN, replying to a question by Dr JIMENEZ (Area Manager, Legal Affairs) said that the Working Group would be making no recommendations in respect of information documents or Addenda.

Drawing the Group's attention to the information submitted the previous day by Chile via the web site, he said that while that information could not be incorporated into the discussions at the current session, it would be taken into consideration at the Executive Committee or at a future meeting of the Working Group itself.

ITEM 6: REVIEW OF CONCLUSIONS REACHED ON ITEM 5 SUBTOPICS
PUNTO 6: CONCLUSIONES ALCANZADAS CON RESPECTO A LOS
ASUNTOS ENUMERADOS EN EL PUNTO 5

Criteria for use by countries in the nomination of the Director of the PASB

The CHAIRMAN invited the Working Group to consider the text paragraph by paragraph.

“Candidates nominated for the post of Director of the Pan American Sanitary Bureau ... should have:

1. a strong technical and public health background, extensive */and continued* / experience in international health, *and an understanding of the Inter-American and United Nations systems.*”

Dr. SÁENZ MADRIGAL (Costa Rica) requested clarification of the term “continued.”

Mr. de ARAÚJO FERREIRA (Brazil) said that he found no ambiguity in the term “continued” either in Spanish or Portuguese.

Dr. SÁENZ MADRIGAL (Costa Rica) explained the nuance between the two terms and offered examples to illustrate her questions in this regard.

Dr. RADIX (Grenada), endorsing Costa Rica’s comments, said that “and continued” was a limiting factor and should not be included in the text.

It was so agreed.

Dr. SEALEY (Area Manager, Program Budget and Program Support) queried the meaning of “strong technical and” and suggested that the public health background should be described as an asset rather than a requirement, bearing in mind that the lack of a public health background had not been a disadvantage in the past.

The CHAIRMAN said that as “technical” meant different things to different countries, it was not necessary to agree on any one meaning, so that countries had the flexibility to determine how it should be applied. He took it that the Working Group approved the text, as amended.

It was so agreed.

“2. competency in organizational management *skills appropriate for complex international health organizations, especially for the planning, programming and monitoring of programs*”,

Ms. DICKINSON (Canada) said that in referring to management skills, reference should also be made to human resources management.

Dr. SÁENZ MADRIGAL (Costa Rica) asked for clarification about the nature of the organizations in which candidates have gained experience, and about the required profile in terms of skills vs. the degree of experience, indicating that the Subcommittee on Planning and Programming considered it of the utmost importance to have a profile that called for planning and programming skills. She wondered, moreover, whether specifying the aspect of human resource management and resource mobilization would

not be to go too deeply into too many details and advised retaining the broader phrase “complex organizations.”

Ms. CAMPBELL (Barbados) and Mr ABDOO (United States of America) agreed with that view. The wording needed to be more general.

Dr. GONZÁLEZ FERNÁNDEZ (Cuba) said that the text should be simplified and spoke at length about its drafting, as well as the meaning of certain terms. He proposed that the paragraph read “skills for directing complex international organizations in the field of health,” since, in his view, it would reflect the essence of direction. As an alternative to the use of the term “direction,” he proposed introducing “skills for the management of complex organizations in the field of health.”

Dr. SEALEY (Area Manager, Program Budget and Program Support) suggested, to avoid repetition and overlap, that the second and third criteria “proven history evidence for public health leadership/”*demonstrated evidence of senior management functions, leadership, and substantial authority over public health activities recognized as successful at the country level*” should be merged to read: “proven history and evidence of leadership and management in complex health-related organizations at subregional or international levels.”

After a brief discussion between the CHAIRMAN, Dr SEALEY and Ms CAMPBELL (Barbados) it was **agreed** that there should be no reference to subregional.

Dr KEAN (Director, Governance, WHO) said that public health leadership did not necessarily imply skilled management of an international public health organization. The two issues might best be kept separate.

Mr. ABDOO (United States of America) suggested, reverting to two separate criteria, that paragraph 2 should read: “competency and organizational management appropriate for complex international health organizations.”

Dr. SEALEY (Area Manager, Program Budget and Program Support), responding to a question by Dr RADIX (Grenada), said that the United States’ proposal implied that management skills acquired in a complex organization at the national level, for example, could be considered appropriate for an international organization.

Ms. DICKINSON (Canada) suggested, in the light of that explanation, that the two criteria could still be merged if Dr Sealey’s proposal were amended to read “proven history and evidence of leadership and management appropriate for complex health-related organizations”.

Dr. KEAN (Director, Governance, WHO) supported that wording, which reflected WHO’s own criteria.

Ms. DICKINSON (Canada) suggested, to meet the concerns of Mr ABDOO (United States of America) that the text might instead read: “proven history and evidence of public health leadership and management skills appropriate for complex health-related organizations.

It was so agreed.

“3. (originally 4.) Sensitiveness to cultural, social and political difference, to the characteristics of the different health systems in the Region, their different epidemiological and financial characteristics and situations and their health-care models.”

The CHAIRMAN said that the text incorporated suggestions by Argentina and Barbados, and could perhaps be tightened.

Dr. GONZÁLEZ FERNÁNDEZ (Cuba) noted that the first requirement to consider had to do with the peoples of the Region of the Americas and their cultural, social, and political differences; he added that the aspects of sensitivity and respect were both important. He felt that the second requirement should be the one that Argentina and Barbados had just suggested.

Lic. TOBAR (ARGENTINA): ...Two items

Ms CAMPBELL (Barbados) suggested that the word “financial” should be replaced by “economic”.

Mr. ABDOO (United States of America) agreed with Costa Rica that the text as it stood was too restrictive. There was no need for the kind of detail included in the second half of the sentence.

Dr. RADIX (Grenada) said that the reference to political differences covered differences in the health systems. She agreed with the proposal by Barbados and

proposed, in an effort to meet Cuba's concerns, that the text should be amended to read: "sensitivity to and respect for the cultural, social, economic and political differences".

Dr. SEALEY (Area Manager, Program Budget and Program Support) suggested replacing "differences" by "diversity", so that the paragraph would read: "sensitivity to and respect for the cultural, social, political and economic diversity within and among countries of the Region".

Ms. CAMPBELL (Barbados) said that it was important to acknowledge that the differences in the health systems could affect the Organization's interaction. Her preference, therefore, was to retain the word "differences".

Mr. TOBAR (Argentina) declared himself in favor of keeping the requirement that the candidate be thoroughly familiar with the health situation of the Region and pointed to the examples of the candidates of Mexico and Argentina. He also stressed the desirability of being up to date on the particular epidemiological characteristics of the population in Latin America. He furthermore agreed about the difference in nuance between "financial" and "economic" and spoke at length on both how to sustain the national health systems and health economics (a discipline that in his judgment had undergone significant development), and on the knowledge that the candidate should possess in this regard.

Dr. GONZÁLEZ FERNÁNDEZ (Cuba) reiterated his desire that two aspects be mentioned, sensitivity and respect for the cultural diversity and social and economic policies of the countries of the Region, agreeing that it was desirable for candidates to be

familiar with the different health systems, epidemiological situation, economic and financial aspects, and models of care in the Region. Although it was impossible for a candidate to know everything in detail, it would be ideal for him to have executive management skills in the field of health and a general knowledge. He supported the proposal of Barbados and Argentina.

Dr. SEALEY (Area Manager, Program Budget and Program Support) proposed, in the light of the views expressed, that the second paragraph suggested should read: “knowledge of the Regional health situation and of the wide range of the health systems in the Region”.

The CHAIRMAN noted the Working Group’s agreement to those two paragraphs.

- “5. a strong commitment to the work of PAHO
- “6. the good physical condition required of all staff members of the Organization;”
- “7. fluency in one of the official languages and a working knowledge of one of the others.”

Ms. DICKINSON (Canada) suggested adding as an eighth paragraph, a declaration of personal interest or evidence of a lack of a conflict of interest.

The CHAIRMAN acknowledged that that would be in line with the practice in Canada, the United States and possibly other countries of the Region, whereby senior government officials and politicians signed a statement on taking up office.

Mr. ABDOO (United States of America) suggested that instead of adding an eighth paragraph, it might be better to introduce the declaration of conflict of interest as a condition at the beginning of the article.

Dr. JIMENEZ (Area Manager, Legal Affairs) said that there could be problems with a declaration of interest. Those used internally, after an appointment was made, were very specific in terms of personal and financial interest in the work of the Organization. If they were used at the outset for candidates, they would have to be verified by Member States together with the CV and other documents, as verification could not be done by the Secretariat. The other possibility might be to make good moral or ethical conduct a requirement, alongside good physical condition, although again the problem would be corroboration. It was nevertheless important to make it a prerequisite at country level.

Dr. GONZÁLEZ FERNÁNDEZ (Cuba) clarified that the matters that they were discussing referred to the criteria for the nomination of candidates, not their election. He agreed that one criterion for the nomination of candidates was that they be in good physical condition and respect the code of ethics in force in the Region. However, he did not feel the issue of conflicts of interest should be considered at this stage; rather, it should be left for the election of the Director.

Dr. SEALEY (Area Manager, Program Budget and Program Support) said that by stating that candidates must be willing to sign WHO and PAHO declarations that would be verified by the country was a way of informing all parties that, if that was not acceptable, the candidacy should not go forward.

Mr. de ARAÚJO FERREIRA (Brazil) stated that it was up to the Secretariat to make the final decision and that it was very difficult to produce a draft with such a large group. He maintained that there was too much emphasis in the debate on the international aspects of the candidate profile and that they should not lose sight of the personal profile at the local level. He added that there should be a hierarchy, starting at the local level with the requirements related to education, publications, and other areas and then moving on to those in the international arena, noting that not everything should refer to the international sphere.

The CHAIRMAN said that the issue would clearly have to be discussed again either at a future meeting or at the Executive Committee. In the meantime the Secretariat would be asked to prepare some appropriate wording.

Election of the Director ad interim – Article 21 of the Constitution

Dr. JIMENEZ (Area Manager, Legal Affairs) said that Article 21, paragraph A of the Constitution provided that in the event of the resignation, incapacity or death of the Director, the Deputy Director should assume his duties until the next meeting of the Council, which would then elect a Director ad interim. The Secretariat's concern was to ensure that the election of the Director ad interim was consistent with the rules currently being drawn up for the election of the Director. In the event of resignation or incapacity six months before the Council session, the process could easily be transferred from one Governing body to another. However, if it occurred within the six months, other arrangements would have to come into operation, and the Working Group needed to

consider what the options might be. Possibilities included shortening the periods, abolishing some steps in the process, or moving the Council forward to allow for the six months' preparation time.

The CHAIRMAN said that, as he recalled, the election of the Director ad interim was not in the Working Group's terms of reference; the question might have to be addressed elsewhere.

Mr. ABDOO (United States of America) suggested that the easiest way to proceed would be for the Secretariat to set out the best option so that the Working Group had something definite to work on.

Dr. GONZÁLEZ FERNÁNDEZ (Cuba) agreed that the Secretariat should formulate a proposal. He believed that it was a matter of choosing an interim Director due to exceptional circumstances and that, under Article 21, the Deputy Director would temporarily assume the functions until the next meeting of the Council, when an interim Director would be elected. He added that an interim Director would exercise the functions until the Director of the Organization was elected, according to the process for electing the Director.

Dr. SÁENZ MADRIGAL (Costa Rica) agreed that the Secretariat should formulate a proposal but considered it necessary to include the changes debated and agreed upon during the present meeting.

Dr. RADIX (Grenada) and Ms. DICKINSON (Canada) suggested that as the ad interim Director was previously elected in the same way as the Director, the

circumstances should be considered exceptional enough to warrant an extraordinary meeting of the Council, so that all the necessary time frames could be observed.

Dr. SEALEY (Area Manager, Program Budget and Program Support) said that it would have to be a special meeting of the Sanitary Conference, which was the body that elected the Director.

Dr. JIMENEZ (Area Manager, Legal Affairs) said that the issue was a fundamental one that had bearing on the election of the Director and therefore fell within the purview of the Group's work. As suggested, therefore, the Secretariat would produce specific options for the Working Group to consider.

Mr. de ARAÚJO FERREIRA (Brazil) said good-bye and announced that his country would continue to be represented at the meeting.

The CHAIRMAN thanked the delegate of Brazil for his contribution to the Group's work.

Candidates who are Organization staff members

The CHAIRMAN said that the draft before the Working Group was an adaptation to PAHO's requirements of Rule 4 of the Rules of Procedure of the IICA¹. That and other texts would need to be analyzed in greater detail and with more time by the Secretariat to ensure that they were consistent with the Constitution and other rules. The

¹ See Annex

Working Group could either review the draft in detail at the present session, or table it as a model for further discussion at a later time.

Dr. GONZÁLEZ FERNÁNDEZ (Cuba) agreed that the Legal Adviser should review the text to ensure the proper wording and that it should be discussed at the next meeting, where it would be studied in detail.

Dr. SÁENZ MADRIGAL (Costa Rica) agreed about the need to achieve a legally acceptable text that reflected the changes discussed in the meeting. She added that they should be willing to introduce new changes as necessary and that amendments to certain elements could give rise to new amendments. She stressed the need to avoid the continual postponement of the analysis of substantive issues that must be resolved if they were to keep from overloading the agenda of subsequent meetings.

The CHAIRMAN said that it was unlikely that the Working Group would be able reach consensus on that document and on other outstanding documents in the time remaining, in view of the amount of detailed analysis required. A third session, before the Executive Committee, would clearly need to be arranged.

Dr. RADIX (Grenada) said that the Article had been discussed in detail the previous day and only the bracketed text in paragraph 4.4 needed to be examined. That could be done at the present meeting.

It was so agreed.

The CHAIRMAN, turning to paragraph 4.4, recalled that the problem identified the previous day had been to decide at what point a candidate openly started to campaign.

Dr. RADIX (Grenada) suggested that the first bracketed text should be deleted, as the time of nomination was easily verified.

Dr. JIMENEZ (Area Manager, Legal Affairs) asked whether the time of nomination should be when the President of the Executive Committee received the nomination or when the Secretariat sent out the packages to Member States.

Dr. RADIX (Grenada) said that her interpretation would be when the nomination was received.

Mr. ABDOO (United States of America) asked whether the information was regarded as privileged or secret before it was sent out.

Dr. JIMENEZ (Area Manager, Legal Affairs) said that the nomination would be made public, and the Member State would probably not consider it confidential, but the question was open to interpretation.

Mr. TOBAR (Argentina) recalled the previous election and cited as an example the case of the Costa Rica's candidate, who was withdrawn by that country. In that regard, he asked what time frame would be established for a country to withdraw its candidate. In his view, it should be permitted only before the deadline for nominations was reached.

The CHAIRMAN said that a candidate could withdraw at any time; the question of withdrawal was not relevant.

Mr. TOBAR (Argentina) clarified that once the deadline for nominations had passed, it should not be possible to withdraw candidates and that that possibility should not be feasible at any point.

Dr. JIMENEZ (Area Manager, Legal Affairs) said that although candidatures could be withdrawn at any time, the candidate still had a responsibility to declare his nomination and remove himself or herself from the Organization until the election was over or until withdrawn by his or her government. Her preference would be the time when the President of the Committee received the official nomination.

Dr. LAMY (Area Manager, Governance, Policies, and Partnerships) recalled that they had spoken with the President of the Executive Committee about the deadline for the nomination of candidates and the deadline for the President of the Executive Committee to send the definitive list to the Member States, the date that he considered the most appropriate.

The CHAIRMAN said that he could not agree with the Legal Counsel. Internal candidates would know about the nomination before the President was informed, and should be prepared to take leave from that time.

Dr. KEAN (Director, Governance, WHO) said that at WHO, nominations were sent under confidential sealed cover to the Chairman of the Board and were treated as such, including at the translation stage, until the package was sent to Member States, in order to prevent advance notice of candidacy. Any indication by an internal candidate

that he or she was withdrawing from the work of the Organization would amount to an announcement of candidacy ahead of the others.

Ms. DICKINSON (Canada) said that although the Working Group had agreed the previous day that nominations would close on 1 May, it had not set a date for the dispatch of the packages. For the sake of consistency, internal candidates should probably be required to resign or take leave upon submission of the packages to Member States, which, because of translation requirements, could be on 1 June.

It was so agreed.

Dr. JIMENEZ (Area Manager, Legal Affairs) observed that there would therefore have to be some reference in the document to confidentiality. The remaining bracketed text was one of the areas that needed closer analysis by the Secretariat and did not require discussion at the present meeting. In paragraph 4.7, the word “Consultants” had been left as an indication that the types of contracts that PAHO would be considering would be equivalent to Consultants in IICA.

The CHAIRMAN said that, on that understanding, the text would be left with the Legal Counsel for further work.

Dr. SÁENZ MADRIGAL (Costa Rica) agreed to suspension of the debate on the document and wished to know what time frame the Legal Adviser proposed for this purpose.

Dr JIMENEZ (Area Manager, Legal Affairs), detailing the work that would be necessary, said that owing to other commitments and the need for an intense week's work on the various Working Group texts, it would be at least three weeks before a text could be made available.

The CHAIRMAN said that that time frame was acceptable. The texts, when completed, should be passed to the Secretariat to be forwarded to each of the members and other participants, and posted on the web site.

Turning to items requiring confirmation, he said that the Working Group had agreed the previous day that a **description for the post of Director** was unnecessary. There would be descriptions for the posts of Assistant Director, Deputy Director and Director of Administration, all of which were being prepared by the Secretariat. Mexico had suggested that the method of recruitment or appointment to those posts should also be discussed. There would be no opportunity, however, for that discussion to take place at the current session.

With regard to the **non-recruitment of delegates**, it was proposed that recruitment should not be permitted during the three months before and three months after the election.

Dr. SEALEY (Area Manager, Program Budget and Program Support) pointed out that there would be no indication of voting favors in the three months leading up to the election.

The CHAIRMAN said that any recruitment in the three months before the election would need to be scrutinized..

Dr. SEALEY (Area Manager, Program Budget and Program Support) said that, bearing in mind that recruitment took around six months, it would mean that anyone appropriately recruited in the three months before the election could not be a delegate during that period

Dr. JIMENEZ (Area Manager, Legal Affairs) said that the recruitment of staff members was a lengthy process and implied long-term commitment. As she had understood it, part of the Group's concern was over the hiring of consultants and temporary staff, which could be done quickly. By the very nature of such contracts, however, neither a consultant nor a staff member would be permitted to represent a Member State at the same time. On the other hand, there was nothing to prevent a person from being hired in the three months before an election and then being part of a delegation.

Mr. ABDOO (United States of America) suggested, in the light of that explanation, that there should be recruitment restrictions for six months after the election, instead of three months either side.

Dr. SÁENZ MADRIGAL (Costa Rica) asked for clarification of the rule submitted for debate, particularly in regard to prohibiting delegates who had attended the Pan American Sanitary Conference from being hired three months before or after the election of the Director. She was interested in clarifying what the situation of the

Ministers, who were delegates, but by virtue of their status as ministers, could not have been hired.

The CHAIRMAN replied that the rule would apply to the entire delegation. He had been unaware that ministers could not be hired.

Dr. JIMENEZ (Area Manager, Legal Affairs) said that ministers could not be hired while in office but had been hired subsequently in different capacities.

Dr. SÁENZ MADRIGAL (Costa Rica) said that it was a difficult situation and that it would be necessary to specify whether the ministers were being considered part of the group of delegates. She felt that it would be impossible to monitor the three-month period pertaining to hiring, and in her view, being hired for a post is incompatible with the exercise of ministerial functions. She also expressed reservations about some of the points that had been brought up.

The CHAIRMAN replied that it would depend on the nature of the contract. He knew of cases where people who were active members of health ministries were recruited or could apply for full-time posts or short-term consultancies.

Ms. DICKINSON (Canada) suggested that the rule should be more explicit and apply to full-term or short-term posts in any capacity.

It was so agreed.

Mr. TOBAR (Argentina) stated that it should be stipulated that no candidate for delegate could have been in a contractual relationship with the Organization during at

least the six month period prior to his designation as a delegate. His country had proposed that this condition be included in the Code of Ethics, so that it would automatically affect people who were employees of the Organization and were subsequently nominated as candidates for delegate.

Dr. JIMÉNEZ (Area Manager, Legal Affairs) indicated that such a provision should perhaps be included in the Staff Rules, which currently contain no provision of this type. She added that the matter should be studied, since there was a very wide range of situations regarding the election of candidates.

Dr. GONZÁLEZ FERNÁNDEZ (Cuba) stated that the lack of information about this made it impossible to reach a consensus. He alluded to the summary records of the previous meeting and cited a proposal by Mexico, adding that it would be advisable to ask the delegate of that country to provide justification for the proposal.

Mr. ABDOO (United States of America) said that his delegation had supported Mexico's proposal and could agree to the language suggested.

The CHAIRMAN said that the language was the same as that used for discretionary funding and travel, and was a provision to ensure transparency and prevent accusations of unfairness. It was unlikely that Mexico would be able to provide any additional information that would help resolve the issue.

Dr. SÁENZ MADRIGAL (Costa Rica) maintained that this matter had already been discussed at the meeting on PAHO in the 21st Century and that the idea was to develop a more transparent mechanism. They had agreed that no delegate could be

elected unless three months had passed since the Sanitary Conference. She also recalled was that, at the request of Mexico, the matter had been debated and that 18 countries had pronounced themselves in favor of improving transparency.

Dr. GONZÁLEZ FERNÁNDEZ (Cuba) observed that he was trying to recall the rationale for the original proposal and cited the words with which the delegate of Mexico had justified the adoption of that measure. He emphasized that to avoid arrangements of convenience it would be advisable to prevent the Organization from hiring someone before six months had passed since the election of the Director.

The CHAIRMAN noted that following that explanation there was consensus in favor of restrictions in the six months following the election but nothing before.

With regard to **travel**, he confirmed that the Working Group had agreed that a freeze on official travel before the election was unnecessary because the situation was covered by existing rules governing leave.

With regard to **the use of discretionary funds**, the Group had agreed that an oversight mechanism would be more appropriate than restrictions. The position was worded: “A freeze on the use of discretionary funds immediately before or after the election will not be instituted but rather an internal/external oversight mechanism will be developed for use during the election year”.

Dr. RADIX (Grenada) expressed concern that the time frame was not sufficiently clear.

The CHAIRMAN suggested a period of six months, as for recruitment.

Ms. DICKINSON (Canada) recalled that the suggestion the previous day had been to have a report in March and an auditor's report in May, but there had been no mention of controls for the period from May to September. There should be some kind of report on expenditure incurred in the four months before and the three to six months after an election.

Mr. ABDOO (United States of America) argued that reporting was after the fact. There needed to be an active oversight mechanism for at least three months before the election to prevent the Acting Director from mobilizing funds, and for a further three or six months after the election.

Dr. SEALEY (Area Manager, Program Budget and Program Support) said that as it had been agreed that an internal candidate who might be nominated on 1 March did not have to declare his or her candidacy until 1 June, the period to be covered would be from March to March.

Dr. RADIX (Grenada) said that the controls were not necessarily intended for internal candidates. They were to prevent the use of the discretionary funds available to the Director, to the Deputy Director while the Director was on leave of absence, and then again to the Director once he or she resumed office or the new Director took over.

Dr. SEALEY (Area Manager, Program Budget and Program Support), supported by Mr. ABDOO (United States of America) said that the incumbent could be a candidate by 1 March but that fact might not be made public until 1 June. There would therefore

need to be some mechanism during that period, and during the time that an Acting Director was in charge.

The CHAIRMAN said that the Working Group appeared to agree that the time frame should be from March to March.

The Working Group had agreed that **the call for nominations** would be announced on 1 March. The notice would include the criteria for use by countries in nominating candidates and guidelines for the preparation of curricula vitae. The deadline for submission of nominations would be 1 May. The packages would be dispatched to Member States on 1 June. Nominations would be presented to the President of the Executive Committee in a confidential sealed envelope.

Dr. KEAN (Director, Governance, WHO) pointed out that if there was no mandate for the Conference to be held in September, there might at some point be confusion over dates.

Dr. JIMENEZ (Area Manager, Legal Affairs) suggested that it might therefore be better to set deadlines in terms of the number of months in advance of the Conference.

The CHAIRMAN warned that it would need to be made clear whether the beginning or end of a month was the deadline.

Ms. DICKINSON (Canada) suggested that it would be best to follow the practice in other regions of WHO by referring to a six-month period, and adding a footnote to

indicate the timing that had been worked out on the basis of the dates on which the Conference was traditionally held.

Mr. ABDOO (United States of America) suggested that another possibility would be to indicate the number of days before the election.

Dr. JIMENEZ (Area Manager, Legal Affairs), in response to a question by Dr RADIX (Grenada) suggested that there might be a single document, possibly entitled Process for election, containing all the necessary details, as discussed, which could be included with the call for nominations.

The CHAIRMAN suggested that the Secretariat should revise the text in line with the Working Group's suggestions. Replying to a question by Ms DICKINSON (Canada) he confirmed that there would be a separate paragraph stating that packages would be sent out on 1 June.

The Working Group had wished it to be clear that there could be only **one nomination per country**. The reference to the 1 May deadline for submissions might have to be adjusted for consistency with language used elsewhere.

A forum would be held on the margins of the June session of the Executive Committee preceding the Conference to provide an opportunity for candidates to present their platforms. All Member States and Nongovernmental Organizations in official relations with PAHO would be invited to attend and submit questions in order to get to know the candidates. Whenever possible, modern technology would be used to facilitate wide participation, and verbatim transcripts of the presentations and discussion would be

sent to all Member States and posted on the web site. Additional details concerning the forum, such as the timing and format for questions, were in preparation. Comments on that item should be submitted before the next Executive Committee meeting. It had been agreed that **the secret ballot** would be maintained.

ORGANIZATION OF WORK

After some discussion, it was **agreed** that, owing to lack of time, agenda item 10, PAHO's relationship to other Ministerial Meetings would have to be considered at a later date. It was further **agreed** that, owing to PAHO's heavy meeting schedule, the workload in the Secretariat, and members' commitments, the next stage of the work would be conducted by videoconference during the last weekend in April 2006. If due to technical or other failure that arrangement proved impossible, the Working Group would meet for the last time on 12 and 13 June, one week before the Executive Committee. In the meantime documents would be posted on the web site for review and comment.

ITEM 12: CLOSURE OF THE SESSION

PUNTO 12: CLAUSURA DE LA REUNION

After the usual exchange of courtesies the CHAIRMAN declared the session closed.

The meeting rose at 5:10 p.m.

ANNEX

CANDIDATES WHO ARE ORGANIZATION STAFF MEMBERS

- 4.1 For purposes of this Article, a Director seeking reelection, staff members of the Organization, and any other person in an employment relationship with the Organization that has been nominated for or who is otherwise seeking the nomination for the position of Director shall be included under the term "Internal Candidates."
- 4.2 As established under Article ... Rules of Procedure of ... , no Internal Candidates may make direct or indirect use of their positions to further their candidacies.
- 4.3 In pursuing their candidacy, no Internal Candidates shall communicate restricted, confidential, or otherwise privileged information to anyone or use that information to their private advantage.
- 4.4 Internal Candidates for Director shall either resign or take leave from the Organization [once they begin to campaign openly for nomination] [once they are nominated as a Candidate under these Rules]. The period of leave shall last until the election or until such time as the Internal Candidate withdraws his or her candidacy. The Internal Candidate may take that leave without pay, or at his or her option, may exhaust any accumulated annual leave with pay credited to his or her account before going on leave without pay. [A candidate who opts to take leave and whose contract does not expire during the period on such leave shall have the right to return to a post in the Organization at a level equal to the grade held previously to taking such leave if the candidacy is not successful.] [except for the Director] [a level that is commensurate with experience and background]
- 4.5 The Director shall strictly conform to the requirements of Sections 4.2 and 4.3 of these Rules, as well as Articles ... , for the entire period preceding the election.
- 4.6 For the purpose of conserving the independence and impartiality inherent to their status as personnel of a public international organization, and to assure that a level playing field is maintained in the election of the Director, the Organization's personnel, as defined under Article ... , shall not engage in campaign activities for or otherwise support any candidate for the position of Director.
- 4.7 Persons defined under Article ... ("Consultants") shall not engage in campaign activities for or otherwise support any candidate for the position of the Director. Failure of a Consultant to observe this provision shall constitute a breach of the Consultant's contract and grounds for termination for cause.
- 4.8 Failure to observe the provisions established in this Article constitutes serious misconduct and shall result in disciplinary action, which may include summary dismissal, under the applicable Staff Rules.