

Director-General

Note by the Legal Counsel

1. Article 31 of the Constitution of the World Health Organization provides that 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 Health Assembly will consider this agenda item in accordance with its Rules of Procedure, in particular Rules 106 to 110. The agenda item contains two subitems: Appointment, and Approval of contract. The Health Assembly must meet in private session for the nomination, and traditionally has remained in private session when considering the terms of the contract for the appointment.

APPOINTMENT (Provisional agenda item 4.1)

2. At its 130th session the Executive Board adopted resolution EB130.R4 nominating Dr Margaret Chan for the post of Director-General of the World Health Organization and submitting this nomination to the Sixty-fifth World Health Assembly.

3. The Health Assembly will decide whether to accept that nomination by considering a draft resolution, which in its standard form from previous Health Assemblies would read as follows:

The Sixty-fifth World Health Assembly,

On the nomination of the Executive Board,

APPOINTS Dr Margaret Chan Director-General of the World Health Organization.

4. Rule 108 of the Rules of Procedure of the World Health Assembly requires that the Health Assembly consider the Board's nomination at a private meeting and come to a decision by secret ballot. The ballot will provide a "yes" and a "no" option. The nomination, in accordance with Rule 70 of the Rules of Procedure of the Health Assembly, will be accepted if a two-thirds majority of those Members present and voting vote "yes", i.e. in favour of the proposed resolution.

APPROVAL OF CONTRACT (Provisional agenda item 4.2)

5. The Health Assembly will consider the contract to be offered to the appointee.¹ The draft contract was recommended by the Executive Board at its 130th session,² and its content is largely the same as that of previous such contracts submitted to the Health Assembly. The Health Assembly will be asked to approve the contract by adopting the resolution to this effect recommended by the Executive Board in resolution EB130.R5.

6. After consideration of the two subitems 4.1 and 4.2 in private session, the Health Assembly will reconvene in public in order for the results of its deliberations in private session to be announced for the public record. The Director-General appointee will then be asked to take the oath of office, as provided for in Staff Regulations 1.10 and 1.11,³ and to sign the approved contract along with the President of the Health Assembly acting in the name of the Organization.

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¹ Document EB130/3.

² Resolution EB130.R5.

³ The oath of office contained in Staff Regulation 1.10 reads as follows: "I solemnly swear (undertake, affirm, promise) to exercise in all loyalty, discretion, and conscience the functions entrusted to me as an international civil servant of the World Health Organization, to discharge those functions and regulate my conduct with the interests of the World Health Organization only in view, and not to seek or accept instructions in regard to the performance of my duties from any government or other authority external to the Organization." Staff Regulation 1.11 requires that the oath be made orally by the Director-General at a public meeting of the Health Assembly.