

Post of Director-General

Appointment of the Director-General

Note by the Legal Counsel

1. This document provides information on the election that will take place at the Seventy-fifth World Health Assembly to appoint the Director-General. In particular, it addresses the following aspects:

- (a) the legal basis for the election;
- (b) the appointment of the Director-General;
- (c) the procedures for the conduct of the election:
 - (i) procedures for the conduct of the secret ballot in hybrid or in-person meetings;
 - (ii) procedures for the conduct of the secret ballot in a fully virtual format.

A. LEGAL BASIS FOR THE ELECTION

2. Article 31 of the Constitution of the World Health Organization (Annex 1) states 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.

3. The Board at its 150th session adopted resolution EB150.R1 (2022) (Annex 2) in which it nominated Dr Tedros Adhanom Ghebreyesus for the post of Director-General of the World Health Organization in accordance with Article 31 of the Constitution and submitted this nomination to the Seventy-fifth World Health Assembly.

4. The Health Assembly will consider provisional agenda item 4 in accordance with its Rules of Procedure, in particular Rules 71 and 108–112 (Annex 3).

B. APPOINTMENT OF THE DIRECTOR-GENERAL

Private meeting

5. It is anticipated that the Health Assembly will consider the Board's nomination on the afternoon of Tuesday, 24 May 2022 when the session is resumed after the lunch break. It will do so at a plenary

meeting to be held in private.¹ Accordingly, attendance will be limited to delegations of Members, the representatives of Associate Members, the representative of the United Nations, and the Secretariat.² As a matter of principle in order to preserve the serenity of the proceedings, the candidate should not attend the meeting at which the appointment will take place.³

Secret ballot

6. The Health Assembly will reach a decision on the appointment of the Director-General by secret ballot.⁴ The procedures for the conduct of the secret ballot vote are set out in paragraphs 18–34 below.

7. When, as in this case, the Board nominates one person, the Health Assembly shall decide on the appointment by a two-thirds majority of the Members present and voting.⁵

Eligibility to vote

8. Each Member shall have the right to vote unless its voting privileges have been suspended by the Health Assembly.⁶ Each Member entitled to vote shall have one vote.⁷

9. Within delegations, the chief delegate is entitled to vote on behalf of her or his delegation. He or she may designate another delegate or alternate (but not an adviser) to vote on behalf of the delegation.⁸ The badges of the chief delegate, delegates and alternates within each delegation will be marked with two orange stripes so as to allow easy identification of persons capable of being designated to vote on behalf of the delegation. Member States wishing to vote should therefore be represented at the Health Assembly. Member States should communicate to the Director-General, if possible not less than 15 days before the opening of the Seventy-fifth World Health Assembly, the names of their delegates, alternates and advisers, in the form of credentials to be submitted electronically or hand-delivered.⁹

Quorum

10. The quorum required for the conduct of business at plenary meetings of the Health Assembly, including the election of the Director-General, is a majority of the Members represented at the session.¹⁰

¹ Rule 110 of the Rules of Procedure of the World Health Assembly.

² Rule 21 of the Rules of Procedure of the World Health Assembly.

³ Section B.III.1 of the Code of Conduct for the Election of the Director-General of the World Health Organization (adopted through resolution WHA66.18 (2013) and amended through decision WHA73(27) (2020)).

⁴ Rule 110 of the Rules of Procedure of the World Health Assembly.

⁵ Rule 110, 3., of the Rules of Procedure of the World Health Assembly.

⁶ Article 7 of the Constitution of the World Health Organization and resolution WHA41.7 (1988).

⁷ Rule 69 of the Rules of Procedure of the World Health Assembly.

⁸ Rule 20, second paragraph, of the Rules of Procedure of the World Health Assembly.

⁹ Rule 23 of the Rules of Procedure of the World Health Assembly.

¹⁰ Rule 52 of the Rules of Procedure of the World Health Assembly.

Conduct of Member States

11. In accordance with the Code of Conduct for the Election of the Director-General of the World Health Organization:¹

(a) Member States should abide strictly by the Rules of Procedure of the World Health Assembly and other applicable resolutions and decisions and respect the integrity, legitimacy and dignity of the proceedings. As such, they should avoid behaviours and actions, both inside and outside the conference room where the appointment takes place, that could be perceived as aiming at influencing its outcome.

(b) Member States should 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. Accordingly, Members will be requested to turn off all mobile phones and other communication devices during the private meeting at which the appointment takes place.

(c) In view of the secret nature of the vote for the nomination and appointment of the Director-General, Member States should refrain from publicly announcing in advance their intention to vote in favour of the appointment of the candidate.

Consideration of draft resolutions

12. Should the Health Assembly decide to appoint the candidate nominated by the Executive Board to the post of Director-General, it will consider a draft resolution on the appointment of the new Director-General.

13. The Health Assembly will also approve the contract setting out the terms and conditions of the appointment, salary and other emoluments related to the office of Director-General.² In doing so, the Health Assembly will consider the draft contract and draft resolution submitted to it by the Board.³ Information on the draft contract of the Director-General is available in document A75/5.

Announcement of the new Director-General, taking of the oath of office and signing of the contract

14. The decision of the Health Assembly will be announced at an early public meeting,⁴ following the conclusion of the private meeting at which the appointment and approval of the contract of the Director-General takes place.

¹ Section B.III.2–4 of the Code of Conduct for the Election of the Director-General of the World Health Organization.

² Rule 109 of the Rules of Procedure of the World Health Assembly.

³ Resolution EB150.R2 (2022).

⁴ Rule 21 of the Rules of Procedure of the World Health Assembly.

15. The resolution on the appointment of the Director-General will be read, following which the Director-General elect will be invited to take the oath of office.¹

16. The resolution on the contract will also be read and the contract will be signed by the Director-General elect and the President of the Health Assembly, acting in the name of the Organization.²

Term of office

17. The Director-General elect will take office on 16 August 2022 for a period of five years.³

C. PROCEDURE FOR THE CONDUCT OF THE ELECTION

18. The secret ballot for the appointment of the candidate for the post of Director-General will be conducted using a paper-based system, in accordance with decision WHA73(16) (2020).

(i) Procedures for the conduct of the secret ballot in hybrid or in-person meetings

19. To enable the conduct of a paper-based secret ballot vote, each Member entitled to and wishing to vote should be represented in person by one member of its delegation for the purpose of the vote.

20. The secret ballot vote is expected to be held on the afternoon of Tuesday, 24 May 2022.

21. After the opening of the meeting, the President will explain, with the assistance of the Legal Counsel, the details of the procedure to be followed.

22. It is anticipated that, in accordance with the process followed at the last appointment in 2017, one or more voting stations will be set up.

23. The President will appoint two or more tellers, depending on the number of voting stations, from among the delegations present to assist with the procedure. The President will invite each teller to stand at one of the voting stations set up in the room where the vote will take place. A legal officer will also be assigned to each voting station.

24. Before opening the voting, the President will ask the tellers to verify that the ballot boxes are empty. One ballot box will then be placed at each of the voting stations.

25. The President will ask the Secretariat to distribute the requisite number of ballot papers to each of the voting stations. The ballot papers distributed will have on them a “yes” and a “no” box.

¹ Pursuant to Staff Regulation 1.10 of the Staff Regulations of the World Health Organization, all staff members shall subscribe to the following oath or declaration: “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 by the Director-General should be made orally at a public meeting of the Health Assembly.

² Rule 112 of the Rules of Procedure of the World Health Assembly.

³ Rule 108 of the Rules of Procedure of the World Health Assembly.

26. Upon the signal of the President, the voting will be opened and delegations will be invited to vote at one of the voting stations.

27. Each delegation will be invited to send one person to vote. If that person is not the chief delegate, they should be another delegate, or an alternate, designated to cast the vote of the Member concerned. They should present their conference badge to the legal officer at the relevant voting station, who will verify that they represent a Member entitled to vote and that they are a person capable of being designated to cast the vote of the Member concerned. A record of these facts will be made and a ballot paper provided to the delegation.

28. Those representing Members that have received a ballot paper, will be invited to vote behind a shield placed on the table set up at the relevant voting station. They should do so by placing a mark, such as an “X” or “tick” (“√”), in the “yes” box on the ballot paper if they agree with the Board’s nomination. Those not agreeing should place a mark, such as an “X” or “tick” (“√”), in the “no” box. Members wishing to abstain may leave the ballot paper blank or write “abstention”.

29. Any ballot paper bearing a distinguishing mark, such as the name of the voter, will be declared null and void.¹

30. Should any voter make a mistake, the mark made by mistake should be erased or crossed out so that it is clear to the tellers that the ballot paper has been corrected and what the choice of the voter is. If, during the voting, a new ballot paper is required, the voter concerned is invited to signal this to the legal officer positioned at the voting station in question and to request a new ballot paper.

31. Members are invited to ensure that their delegation is present in the room before voting commences. If necessary, a delegation that is present in the room but has missed its turn to vote may nonetheless vote at the relevant voting station at any time before the President declares the voting closed.

32. Once each Member entitled to vote and wishing to do so has placed its ballot paper in a ballot box, the President will declare the voting closed. The tellers will each carry the ballot box from their voting station to the rostrum. The tellers will open the ballot boxes placed on the table, count the number of ballot papers and verify that this corresponds to the total number of voters recorded for the ballot boxes in question, count the votes and record the results on a sheet prepared for this purpose by the Secretariat. All result sheets will be transcribed by one of the tellers onto the appropriate voting record sheet in order to reach the overall result. The Legal Counsel will give the overall result sheet to the President.

33. The President will report the result of the secret ballot to the Health Assembly, reading out the number of votes obtained by the candidate. The President will then ask the Secretariat to destroy the ballot papers.

(ii) Procedures for the conduct of the secret ballot in a fully virtual format

34. The Executive Board at its 150th session decided² that, should circumstances preclude the holding of the Seventy-fifth World Health Assembly in person, adjustments to the arrangements for the secret ballot vote regarding the appointment of the Director-General should be made by the Officers of the Seventy-fourth World Health Assembly, in consultation with Member States and the Director-General.

¹ Guiding Principles for the conduct of elections by secret ballot, principle 11.

² See the summary records of the Executive Board at its 150th session, eleventh meeting, section 4.

Should this be the case, additional information on the modalities of conduct of the paper-based secret ballot will be made available to Member States prior to the opening of the Seventy-fifth Health Assembly.

ANNEX 1

**ARTICLE 31 OF THE CONSTITUTION OF THE
WORLD HEALTH ORGANIZATION**

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 Director-General, subject to the authority of the Board, shall be the chief technical and administrative officer of the Organization.

ANNEX 2

RESOLUTION EB150.R1 (2022)
NOMINATION FOR THE POST OF DIRECTOR-GENERAL

The Executive Board,

1. NOMINATES Dr Tedros Adhanom Ghebreyesus for the post of Director-General of the World Health Organization, in accordance with Article 31 of the Constitution of the World Health Organization;
2. SUBMITS this nomination to the Seventy-fifth World Health Assembly.

ANNEX 3

RULES 71 AND 108–112 OF THE RULES OF PROCEDURE OF THE WORLD HEALTH ASSEMBLY

Rule 71

The Director-General of the World Health Organization shall be elected by a clear and strong majority of members present and voting as set forth in Rule 110 of these Rules of Procedure.

Rule 108

In pursuance of Article 31 of the Constitution, the Director-General shall be appointed by the Health Assembly on the nomination of the Board and on such terms as the Health Assembly may determine, subject to the provisions of Rules 109 to 112 inclusive. The term of office of the Director-General shall be five years, and he or she shall be eligible for reappointment once only.

Rule 109

Whenever the office of Director-General is vacant or notice is received of a pending vacancy, the Board shall, at its next meeting, make a nomination which shall be submitted to the next session of the Health Assembly. It shall submit at the same time a draft contract establishing the terms and conditions of appointment, salary and other emoluments attached to the office.

Rule 110

The Health Assembly shall consider the Board's nomination at a private meeting and shall come to a decision by secret ballot.

1. If the Board nominates three persons, the following procedure shall apply:
 - (a) If in the first ballot a candidate obtains a two-thirds majority or more of the Members present and voting, this will be considered a clear and strong majority and he or she will be appointed Director-General. If no candidate obtains the required majority, the candidate having received the least number of votes shall be eliminated. If two candidates tie for the least number of votes, a separate ballot shall be held between them and the candidate receiving the least number of votes shall be eliminated.
 - (b) In the subsequent ballot, a candidate will be appointed Director-General if he or she obtains a two-thirds majority or more of the Members present and voting which will be considered a clear and strong majority.
 - (c) If no candidate receives the majority indicated in subparagraph (b), a candidate will be appointed Director-General if he or she receives in the subsequent ballot a majority of the Member States of the World Health Organization or more, which will be considered a clear and strong majority.

- (d) If no candidate receives the majority indicated in subparagraph (c), a candidate will be appointed Director-General if he or she receives in the subsequent ballot a majority or more of the Members present and voting, which will be considered a clear and strong majority.
2. If the Board nominates two persons, the following procedure shall apply:
- (a) A candidate will be appointed Director-General if he or she obtains a two-thirds majority or more of the Members present and voting, which will be considered a clear and strong majority.
- (b) If no candidate receives the majority indicated in subparagraph (a), a candidate will be appointed Director-General if he or she receives in the subsequent ballot a majority of the Member States of the World Health Organization or more, which will be considered a clear and strong majority.
- (c) If no candidate receives the majority indicated in subparagraph (b), a candidate will be appointed Director-General if he or she receives in the subsequent ballot a majority or more of the Members present and voting, which will be considered a clear and strong majority.
3. If the Board nominates one person, the Health Assembly shall decide by a two-thirds majority of the Members present and voting.

Rule 111

Should the Health Assembly reject the Board's nomination, the Board shall submit a fresh proposal as soon as circumstances permit, with due regard to the desirability of disposing of the matter before the conclusion of the relevant session of the Health Assembly.

Rule 112

The contract of appointment shall be approved by the Health Assembly and shall be signed jointly by the Director-General and by the President of the Health Assembly acting in the name of the Organization.

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