

Process for the election of the Director-General of the World Health Organization: contingency arrangements

Report by the Secretariat

1. In accordance with the proposed decision to be taken by the Executive Board relating to the contingency arrangements for the election of the Director-General, the candidates' forums (if there is more than one candidate) are scheduled to take place in mid-November 2021 and mid-March 2022. The nomination of candidates for the position of Director-General is scheduled to take place during the 150th session of the Executive Board. In normal circumstances, the candidates' forums would take place in person and the secret ballot vote for the nomination of candidates for the position of Director-General would be conducted using a paper-based system, in accordance with decision EB146(22) (2020).
2. In the event that, because of limitations to physical meetings, the candidates' forums and/or the 150th session of the Board were to be held virtually, in full or in part, the following options may be considered for the conduct of the forums and the secret ballot for the nomination of candidates.

CONTINGENCY ARRANGEMENTS REGARDING THE CANDIDATES' FORUMS

3. In the event that limitations to physical meetings preclude the holding of the candidates' forums as envisaged, it is proposed that any adjustments to their formats in order to provide for the forums to be held either virtually or in hybrid format should be decided by the Officers of the Board, in consultation with the Secretariat.
4. In the event that the first candidates' forum is held virtually or in hybrid format, it is further proposed that any necessary adjustments to the detailed arrangements for the interviews of candidates, set out in the Annex to document EB149/4, would be proposed by the Chair of the Board for consideration by the Member States and Associate Members attending the forum.

CONTINGENCY ARRANGEMENTS REGARDING THE 150TH SESSION OF THE EXECUTIVE BOARD

5. In accordance with Rule 62 of the Rules of Procedure of the Executive Board and relevant decisions and resolutions, the nomination of candidates at the 150th session of the Executive Board will be structured as follows:
 - initial screening of candidates to eliminate those candidates who do not meet the criteria approved by the Health Assembly;

- determination of a shortlist of five candidates (if there are more than five candidates) through one or more secret ballots;
- interviews of (shortlisted) candidates; and
- nomination of up to three candidates through one or more secret ballots.

In the event that the 150th session of the Executive Board is held virtually, in whole or in part, the following options for the conduct of the candidate nomination phase might be considered.

Voting in person (hybrid format)

6. Even if the 150th session of the Board is held virtually, in whole or in part, the election process would be conducted in person to the extent that the epidemiological situation allows. To enable this, each member of the Executive Board would, as far as possible, be invited to be represented in person by one member of its delegation at WHO headquarters for the purpose of the vote. The vote would be carried out in person. If possible, this would be according to the normal practice for secret ballots, with all 34 Members of the Board present in the same room. Should this not be possible, Members of the Board would be invited to visit the room where the vote is being conducted one by one at a specified time to cast their vote individually. In these circumstances, tellers from Member States would observe the whole voting process, which would also be broadcast to Member States' delegations.

7. Members of the Board whose delegations were unable to be physically present for the vote could, if they so wish, appoint the delegation of another Member of the Board to act as their proxy, solely for the purpose of the vote. The delegation of the Member State appointed as proxy and physically present in Geneva would vote on behalf of the appointing Member State as well as on behalf of its own delegation (it being understood that no delegation would exercise a proxy for more than one other delegation).

8. The quorum for the conduct of the vote would be calculated based on the number of delegations of Member States present in Geneva at the time of the vote, in addition to the proxies received by the Secretariat.

9. A vote exercised by proxy would be attributed to the appointing Member State.

Advantages

10. This option would ensure a transparent and inclusive secret ballot voting process and allow the Executive Board to operate as closely as possible to long-standing practice. A similar approach has been taken by other organizations of the United Nations system. For example, the United Nations General Assembly adopted a procedure for holding elections by secret ballot outside plenary meetings during the coronavirus disease (COVID-19) pandemic.¹ According to this procedure, Member States were required to submit to the secretariat the names of the representative, and an alternate, who would cast the ballot of the Member State. Voters were then invited to visit the designated venue to cast their ballots.

¹ United Nations General Assembly decision 74/557 (available in document A/74/49 (Vol. III)).

Challenges

11. This option would require all Members of the Board to be physically present at WHO headquarters or to be otherwise represented by a proxy. Representation by proxy would be a new mechanism within the context of WHO governing bodies.

Voting according to formats other than in person (remote format)

Voting by post (traditional voting system)

12. In order to allow for voting by post in accordance with the process envisaged for the candidate nomination phase, a voting window would need to be opened during the 150th session of the Board for each round of voting required. Given the need to allow sufficient time for ballot papers to be sent and returned, the 150th session of the Board would need to be suspended. The results of the vote would be announced at the resumed session. In the event that a second or subsequent round of voting were required, the process would have to be repeated, with a further suspension of the Board session, the opening of a voting window and the holding of a resumed session.

13. This would clearly be impractical if more than one or possibly two rounds of voting were required. Accordingly, voting by post in this way would only be a practical option if there were four or fewer candidates. In that case, the need to establish a shortlist of five candidates could be avoided and potentially only one round of voting to select a list of three candidates to be nominated would be required. It would similarly allow for a second round of voting should the selection of three candidates not be completed on the first round of voting (for example, because of a tie between two or more candidates).

14. In order to conduct the vote by post, the Secretariat would notify each Member of the Board of the forthcoming vote by post via their Geneva-based permanent missions to the United Nations and other international organizations, or in the case of Members of the Board with no permanent mission in Geneva, via another competent diplomatic representation of their choice, preferably located close to Geneva, Switzerland.

15. The Secretariat would send to the authority of each Member of the Board a ballot paper and two standard envelopes (one small and one large) and would indicate the deadline by which the returned ballots would have to be received. Each Member of the Board would be invited to:

- fill in the ballot paper provided;
- place the ballot papers in the small envelope and seal it with no visual marks;
- place the sealed, unmarked small envelope in the big envelope and seal it;
- add to the outside of the big envelope marked “Strictly Confidential – Code No....” a visible mark allowing for the identification of the Member State casting its vote (e.g. official stamp); and
- return the ballot paper by courier or hand-delivered post to WHO headquarters in Geneva, Switzerland within the applicable deadline.

16. Should more than one ballot be needed, the procedure described above would be repeated for each subsequent ballot.

17. The quorum for the conduct of the vote would be calculated based on the number of envelopes validly received at WHO headquarters.

18. At the resumed session(s) of the 150th Executive Board, the Chair would appoint two tellers from among the delegations present to open the envelopes and assist in the counting of the votes. The Chair would announce the outcome of the vote.

Advantages

19. This option would ensure the possibility of conducting a vote by secret ballot in the event that limitations to physical meetings preclude any in-person voting, while ensuring an orderly process. It also builds on the recent experience of the WHO Regional Committee for Europe, which conducted an election for the nomination of Executive Board members by post.

Challenges

20. This option is not well-adapted to multiple rounds of voting given that the 150th session of the Board is expected to open on 24 January 2022, leaving only around eight weeks following the first candidates' forum and web forum for the shortlist to be established, and given that the second candidates' forum is expected to open on 16 March, leaving only around six weeks for the nomination of up to three candidates to be conducted. Owing to the varying majorities required for each round of voting in the Board (see Rule 62 of the Rules of Procedure of the Executive Board), it is possible that multiple rounds of voting could be needed to secure the necessary majority in any particular round. It would therefore appear to be feasible to adopt this method only if there are no more than four candidates proposed for the position of Director-General.

21. In any event, such an option would delay the outcome of the vote and may require the 150th session of the Executive Board to be suspended and subsequently resumed at a later stage in order to allow for vote counting and the announcement of the results of the vote.

Voting by post (preferential voting system)

22. Under this variation of the voting by post option, the vote to shortlist and nominate candidates for the position of Director-General would be conducted by post following a preferential voting system. Two rounds of voting would be envisaged, with the possibility of further rounds being required if any round were inconclusive, for example because of a tie. The first round would be to establish the shortlist, if needed, and Members of the Board would be requested to rank candidates in order of preference. The second round would be for the purposes of the nomination, and Members of the Board would again be requested to rank candidates in order of preference.

Advantages

23. This allows multiple rounds of voting to take place through one or two rounds of postal voting (assuming neither round is inconclusive), reducing the risk that the process will take more than the approximately six weeks in principle available before the second candidates' forum that is expected to open on 16 March 2022.

Challenges

24. While this option allows for multiple rounds of voting, it does not allow Members of the Board to cast their votes in the second and subsequent rounds of voting with the benefit of the knowledge of the results of the previous round(s). For this to be effective, Member States would need to be aware of the result of the previous round when casting their vote in the second and subsequent rounds.

Accordingly, while this option would appear to be technically feasible and more efficient than the traditional voting system, it is questionable as to whether it would allow the voting system to operate in the way that the Board intended when it devised the system set out in Rule 62 of the Rules of Procedure. Indeed, the suspension of part of Rule 62 might be required, together with the adoption of adjusted provisions to allow voting under a preferential system. There is also a risk that one or more inconclusive ballots, for example because of a tie between one or more candidates, could result in more than two rounds of voting being held, which could potentially exceed the time available before the start of the second candidates' forum.

Voting using electronic means

25. Should a secure electronic system of voting be available, the vote for the shortlisting and nomination of candidates could take place using electronic means. The Department of Information Management and Technology is conducting research into whether a suitable system that would allow votes to be cast remotely through a secure electronic connection might be feasible for the nomination of candidates.

Advantages

26. This option might allow for an expedited vote without the physical presence of Members of the Board being required, for example allowing Member States to cast a vote online through a secure website. In this context, it should be noted that the International Fund for Agricultural Development decided that an automated (online) voting system could in principle be used in conjunction with the appointment of its President in February 2021, and that such a system could be adopted on future occasions if voting by secret ballot is deemed necessary.¹

Challenges

27. The Board has already decided against using an (in-person) electronic voting system for the election of the Director-General on this occasion,² in part because of concerns about security and integrity. Such concerns would equally apply to a remote electronic voting system. Furthermore, such a system would require considerable resources to be deployed for a contingency arrangement to address a situation that may not materialize. This option would need to be further explored with the support of expertise outside of WHO.

PROCESS FOR DECIDING ON CONTINGENCY ARRANGEMENTS

28. Given the current uncertainty relating to a number of factors that would dictate which option to pursue in the event that the 150th session of the Board cannot be held in person, the Board may wish to consider putting in place a process for making a decision on this matter once the necessary information becomes available.

¹ International Fund for Agricultural Development, Governing Council, forty-fourth session, resolution 217/XLIV (2021).

² See decision EB146(22) (2020) through which the Executive Board decided to continue conducting the nomination of the Director-General by means of a paper-based secret ballot as currently provided for in the Rules of Procedure of the Executive Board.

29. To this end, the Board may wish to consider the need for contingency arrangements to be implemented, and if so, the choice of contingency option and the corresponding rules to be followed, including, if needed, proposing any rules of procedure that should be suspended and temporarily replaced in order to allow the chosen contingency arrangement to be implemented. The Executive Board could make this decision through a written silence procedure based on a proposal by the Officers of the Board, following consultation with all Member States.

ACTION BY THE EXECUTIVE BOARD

30. The Board is invited to provide guidance concerning the contingency arrangements set out in this report, including whether the Secretariat should pursue further research into the electronic voting option presented in paragraphs 25 to 27 in the light of the likely expense, security concerns and relative probability that the option would be needed in practice.

31. The Board is further invited to consider establishing a process for determining which of the contingency arrangements set out in this report should be pursued. To this end, the Board is invited to consider adopting the following draft decision:

The Executive Board, having considered the report on the process for the election of the Director-General of the World Health Organization,¹ decided that:

- (1) in the event that the 150th session of the Executive Board were to be held in person, the secret ballot vote for the nomination of the Director-General would be conducted following a paper-based system, in accordance with decision EB146(22);
- (2) in the event that limitations to physical meetings preclude the holding of the 150th session of the Executive Board as envisaged, the nomination of candidates for the position of Director-General shall take place in accordance with the contingency arrangements decided by the Executive Board, through a written silence procedure, based on a proposal by the Officers of the Board, following consultation with all Member States.

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¹ Document EB149/4 Add.1.