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Designation of an acting Regional Director for Europe

This document describes the legal background for the proposed designation, by the WHO Director-General, of an acting Regional Director for Europe for the period between 1 February 2020 (the term of office of the current Regional Director expires on 31 January 2020) and the appointment of the next Regional Director at the 146th session of the WHO Executive Board in February 2020.

1. At its 145th session, the WHO Executive Board decided to hold its 146th session from 3 to 8 February 2020. During the discussion, the Board was informed that, at its 146th session, it was scheduled to appoint two regional directors whose terms of office would expire on 31 January 2020. The Board was further informed that there would therefore be a gap between the expiry of the terms of office of the incumbents and the appointment of their successors (which is expected to take place on 3 February 2020). This gap could, in principle, be filled by the designation of acting regional directors by the Director-General, pending the Board's finalization of the appointment of the new regional directors.
2. Rule 47.11 of the Rules of Procedure of the Regional Committee for Europe provides that, in the event that the post of Regional Director unexpectedly falls vacant, the Director-General shall: (a) designate a person to act as Regional Director until the appointment of a new incumbent; and (b) decide, in consultation with the President of the Regional Committee, whether a special session of the Regional Committee should be convened as set out in Rule 5.
3. It is arguable that Rule 47.11 applies in these circumstances. However, even if it does not, the authority of the Director-General to designate a person to act as Regional Director can be seen as deriving from Article 31 of the WHO Constitution, which provides that the Director-General, subject to the authority of the Executive Board, shall be the chief technical and administrative officer of the Organization.¹ Furthermore, Article 51 of the Constitution notes that the Regional Office, which is the administrative organ of the Regional Committee, is subject to the "general authority" of the Director-General, and Article 45 of the Constitution provides that each regional organization shall be an "integral part" of the Organization in accordance with the WHO Constitution.
4. Against this legal background, and mindful of the constitutional involvement of the Regional Committee (Article 52 of the Constitution) in the appointment of regional directors, the Regional Committee is hereby informed that the Director-General proposes to designate an acting Regional Director for the period between 1 February 2020 and the appointment of the next Regional Director for Europe at the 146th session of the Board in February 2020. This designation is without prejudice to arrangements relating to the acting Regional Director for the period before 31 January 2020.
5. It remains the case that members of the Executive Board may, subject to the process outlined in Rule 6 of the Rules of Procedure of the Executive Board, request a special session of the Board to consider this matter before the expiry of the contract of the current Regional Director, should they prefer this to the proposed procedure outlined above.

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¹ Rule 47.11 of the Rules of Procedure of the Regional Committee for Europe can be seen as a specific instance of the Director-General's authority, deriving from Article 31 of the WHO Constitution, to designate a person to act as Regional Director in cases where the post of Regional Director falls vacant, when this occurs "unexpectedly".