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Improving the rules governing the process of appointment of the Director-General

Summary: Drawing lessons from the last appointment process and best practices in other United Nations organizations, this document provides information on matters relating to the appointment of the Director-General in order to reinforce transparency, fairness and ethical standards.

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Related documents: None.

▶ Introduction

1. The Rules governing the appointment of the Director-General are set forth in Annex III to the Compendium of rules applicable to the Governing Body. These Rules were last amended by the Governing Body at its 312th Session (November 2011), in response to the observations made in a 2009 report by the Joint Inspection Unit (JIU).¹ At that time, the amendments were aimed at drawing lessons from those observations to ensure fairness, transparency and impartiality in the appointment process.²
2. The discussions that took place in the context of the last appointment process, which led to the election of the new Director-General in March 2022 and his entry into office in October 2022, have pointed to the desirability of further reinforcing certain aspects of the process in terms of transparency and fairness, in order to uphold high ethical standards.³ This might be best achieved if any additional consideration by the Governing Body took place outside any specific electoral campaign and was undertaken by the same Governing Body members who participated in the last appointment process.
3. It is generally accepted that rules for fair and transparent elections should be reviewed from time to time for the purpose of further promoting and consolidating a credible and inclusive process, accountability, non-adversarial relationships, moral principles and a culture of good governance. In this respect, questions around the funding of an electoral campaign, the sound management of the Organization's resources and mitigating conflicts of interest become particularly relevant.
4. Drawing lessons from recent experience and aligning with best practices in other United Nations organizations, the Governing Body may consider it timely to reflect on further improvements, with a focus on enhancing the transparency of the process and clarifying the status of internal candidates.

▶ Enhancing the transparency of the process

5. A first set of rules could be introduced to address matters such as the disclosure by the candidates of their campaign activities and the amount and sources of funding for such activities and the respectful standards of conduct that all candidates should observe with each other. Such rules already exist in other international organizations.
6. For instance, the code of conduct for the election of the Director-General of the World Health Organization (WHO) provides that all Member States and candidates should promptly disclose their campaign activities (for example, hosting of meetings, workshops and visits), together with the amount and source of all funding for campaign activities, and communicate them to

¹ Mohamed Mounir Zahran, Papa Louis Fall and Enrique Roman-Morey, "Selection and Conditions of Service of Executive Heads in the United Nations System Organizations" (JIU, United Nations, 2009).

² GB.312/INS/16/3 and GB.312/PV, paras 238–251.

³ GB.341/PV, paras 488–503; GB.342/PV, paras 57–83.

the Secretariat. Information so disclosed is to be posted on a dedicated page of the WHO website.⁴ In the same vein, the guidelines issued by the International Telecommunication Union (ITU) on ethical aspects of certain campaign activities state that individuals should refrain from engaging with Member State representatives to promote their candidature during the course of an ITU event.⁵

7. The WHO's code of conduct also states that Member States and candidates should refer to one another with respect, should not disrupt or impede the campaign activities of other candidates and should not make any statement or other representation that could be deemed slanderous or libellous. The International Fund for Agricultural Development (IFAD) has adopted similar guidelines.⁶ Mutual respect is also explicitly required from candidates under the ITU guidelines and the nomination procedures of the World Intellectual Property Organization (WIPO).⁷
8. The WHO's code of conduct contains additional guidelines on the appointment process. For instance, Member States and candidates should refrain from improperly influencing the process by, for example, granting or accepting financial or other benefits as a quid pro quo for the support of a candidate, or by promising such benefits. The code also provides that Member States proposing persons for the post of Director-General should promptly disclose grants or aid funding to other Member States during the previous two years in order to ensure full transparency and mutual confidence among Member States.

► Clarifying the status of internal candidates

9. A second set of rules would seek to establish stricter requirements regulating the status of internal candidates for the post of Director-General, for instance requiring that such candidates be placed on special leave without pay and obliging them to submit their conditional resignation, which would become effective in the event that they are not elected.
10. The question of the status of internal candidates gave rise to debate during the last appointment process. The 2009 JIU report underlined that the situation would raise questions both with regard to ethical aspects and with regard to ensuring equal opportunities between internal and external candidates.⁸ The report noted that "none of the United Nations system organizations, except for ITU, have formal procedures for internal candidates running for the post of executive head, including any mandatory or discretionary requirement for internal candidates to suspend their duties during their campaigns with a view to avoiding any potential conflict of interest or the misuse of their functions, staff and office facilities for their

⁴ WHO, "Code of Conduct for the Election of the Director-General of the World Health Organization".

⁵ ITU, "Guidelines: Ethical aspects of certain campaign activities prior to the 2018 Plenipotentiary Conference", 2018.

⁶ IFAD, "Information Note on Procedures and Modalities for the Appointment of the President of IFAD", 2020.

⁷ WIPO, "Procedures for Nomination by the Coordination Committee of a Candidate to the Post of Director General", 2020.

⁸ Zahran, Fall and Roman-Morey, "Selection and Conditions of Service of Executive Heads in the United Nations System Organizations", paras 77-83.

campaigns”.⁹ It also noted that, despite the absence of formal procedures, there were cases in some United Nations system organizations – such as in the United Nations, the WHO and the United Nations Educational, Scientific and Cultural Organization (UNESCO) – where, on an ad hoc basis, internal candidates running for the post of executive head took a voluntary leave of absence or discontinued their involvement in the activities of the organizations.

11. However, there have been noticeable developments since the publication of the JIU report in 2009, indicating that the issue of the status of internal candidates is of increasing interest. Thus, during the 2017 appointment processes at the WHO and IFAD, internal candidates were placed on special leave, with full pay and without pay respectively.¹⁰ This has also been the approach followed at the Food and Agriculture Organization of the United Nations (FAO), where, in 2018, the FAO Council agreed that any internal candidate for the office of Director-General should be placed on special leave without pay from the date of communication of nominations.¹¹
12. Taking into account the above, the placement of internal candidates on special leave during the appointment process appears to reflect commonly accepted practice. A related issue is whether internal candidates should be placed on special leave without pay, special leave with pay, or special leave with half pay. Special leave without pay is the option retained by the ITU, the FAO and IFAD. It could be argued that, as a matter of principle, no resources of the Organization should be expended for electoral purposes and over extended periods in the form of salaries of internal candidates, who often hold high-ranking positions.
13. From an ILO perspective, it is recalled that an official on special leave without pay is not a serving official, does not receive the salary and allowances that are payable to a serving official, and cannot make use of Office resources. Such an official does, however, remain entirely subject to the requirements set forth in Chapter I of the ILO Staff Regulations and the rules governing outside activities.¹² Placing internal candidates on special leave without pay would ensure that they are not paid to campaign and do not use any Office resources to promote their candidature while remaining fully bound by the standards of conduct incumbent upon ILO staff as international civil servants.
14. It should be clarified, in this connection, that such a rule on special leave with or without pay would not apply to a Director-General running for reappointment. As the 2009 JIU report concludes on this point, “while it is conceivable that staff members of the United Nations who are candidates for the position of Secretary-General could be placed on Special Leave Without Pay (SLWOP), remaining subject to the staff regulations and rules, it would not be appropriate to place an incumbent Secretary-General, who is not subject to the staff regulations and rules, and is running for a second term, on SLWOP, given his mandate and functions”.

⁹ According to Regulation 12.2 of the [Staff Regulations and Staff Rules](#) of the ITU, “[any] appointed staff member of the Union standing for election to one of the elected official posts [...] shall automatically be placed on special leave without pay by the Secretary-General, [...] with effect from the day following the date of submission of his candidature to the Secretary-General.”

¹⁰ WHO, “Code of Conduct” and IFAD, “[Report of the Governing Council Bureau on the Review of the Established Practice for the Process Leading to the Appointment of the President of IFAD](#)”, December 2017, paras 22–25.

¹¹ FAO, “[Procedures Related to the Process of Appointment of the Director-General](#)”, Committee on Constitutional and Legal Matters, March 2018.

¹² ILO, Office Procedure, *Special leave without pay*, IGDS No. 31 (Version 1), 27 June 2008.

15. With a view to ensuring a smooth transition following the appointment of a new Director-General, consideration could also be given to the rule applied by the FAO, according to which internal candidates for the position of Director-General are obliged to submit their conditional resignation, which would take effect in the event that they are not elected. It is proposed, therefore, that an internal candidate for the office of Director-General should submit an advance letter of resignation to the new Director-General. The resignation would become effective when the new Director-General takes office unless the new Director-General decides otherwise.
16. Moreover, to facilitate the transfer of power from the outgoing to the incoming administration, it would be advisable to align the period of appointment of Deputy Directors-General and Assistant Directors-General – which most often are political appointments – with that of the Director-General. The objective would be to ensure that the contracts of those top-ranking officials may not be renewed in a manner that could impede a newly appointed Director-General from appointing Deputy and Assistant Directors-General of their own choosing. In all cases, the appointment would expire before the new Director-General takes up their duties.
17. The possible improvements highlighted above would require amendments to the Rules governing the appointment of the Director-General set out in Annex III to the Compendium of rules applicable to the Governing Body of the International Labour Office and to the Staff Regulations. To facilitate the Governing Body deliberations, draft amendments are found in the appendix.

► Appendix

Rules governing the appointment of the Director-General

Adopted by the Governing Body at its 240th Session (May–June 1988) and amended at its 312th Session (November 2011) and XXX.

Candidatures

1. Candidatures for the post of Director-General shall be received in the office of the Governing Body Chairperson on or before a date to be determined by the Governing Body which shall be at least two months prior to the date of the election.

2. In order to be considered these candidatures must be submitted by a Member State of the Organization or by a member of the Governing Body.

3. Each candidate shall annex to their candidature a curriculum vitae and a certificate of good health signed by a recognized medical facility.

4. Candidates shall be invited to provide together with their candidature, a statement of no more than 2,000 words describing their vision for the Organization and the strategic direction they would pursue in the event they are appointed. The statement should also address the candidate's commitment to the values and work of the ILO and its tripartite structure; their experience in economic, social and labour issues, international affairs, leadership and organizational management, and their appreciation of cultural, social and political diversities. Candidates should also indicate their language proficiency with regard to the official languages of the ILO.

5. All of the documents mentioned in Rules 2, 3 and 4 above shall be submitted by the candidates in English, French and Spanish, with the exception of the certificate of good health that can be submitted in only one of these three languages or accompanied by an authenticated translation in one of these languages.

6. To be valid, candidatures shall meet the conditions specified in Rules 1, 2, 3 and 5 above.

7. Candidatures submitted in accordance with the above-mentioned conditions shall be distributed together with curricula vitae and statements, in the official languages in which they are submitted, to the members of the Governing Body and to the Member States not represented on the Governing Body for information, by the Chairperson as soon as practical after the candidature has been received. Only statements received at the same time as the candidatures shall be receivable and distributed.

~~Fairness and transparency of the appointment process~~

~~8. Unethical practices such as promises, favours, gifts, etc., provided by, or in support of, candidates for the post of Director-General are prohibited.~~

~~9. Appropriate measures shall be taken by the Director-General to remind the staff of the Office of the rules and standards of conduct aimed at ensuring the Office's neutrality with respect to the electoral process, as well as the sanctions that can be imposed on staff in the event these rules are not respected. Appropriate measures shall also be taken by the Director-General to prohibit the use of ILO resources for the purposes of campaigning for, or supporting, any candidate and to regulate the conduct of ILO staff presenting as candidates for the appointment as Director-General.~~

~~10. On accepting appointment, the candidate appointed to the post of Director-General shall divest of any earning of any income, gift or allowance, and any financial involvement or interest, where such could have an impact on, or could be perceived to have an impact on, the objectivity or independence of the person appointed; furthermore the appointed candidate shall be required to comply with the procedure for financial disclosure laid down in the ILO's internal rules.~~

Majority

~~11. To be elected, a candidate must receive the votes of more than one half of the members of the Governing Body entitled to vote.~~

Election procedure

~~8.42.~~ Hearings shall be conducted with the candidates at a private sitting of the Governing Body held prior to the election. The order of appearance in the hearings shall be drawn randomly by the Governing Body Chairperson and candidates shall be informed of the date and approximate time of their hearing at least one week prior to the hearing. Each candidate shall be heard individually and shall be invited to make a presentation to the Governing Body. Following the presentation the candidate shall receive and respond to questions from the Governing Body. The time allocated to candidates for making their presentation and receiving and responding to questions shall be determined by the Officers. Equal time will be allocated for all candidates.

~~9.43.~~ On the date set for the election, as many ballots shall be held as are necessary to determine which of the candidates has obtained the required majority ~~required by Rule 11 above~~.

~~10. To be elected, a candidate must receive the votes of more than one half of the members of the Governing Body entitled to vote.~~

~~11.44.~~ (i) After each ballot, the candidate who has obtained the lowest number of votes shall be eliminated.

(ii) If two or more candidates obtain simultaneously the lowest number of votes, they shall be eliminated together.

~~12.45.~~ If in the ballot between the remaining candidates they receive the same number of votes and a further ballot still does not produce a majority for one of them, or if one candidate remains but does not obtain the required majority ~~required by Rule 11 above~~ in a further ballot in which his or her name is submitted to the Governing Body for a final vote, the Governing Body may postpone the election and freely set a new deadline for the submission of candidatures.

Fairness and transparency of the appointment process

~~13.8.~~ Unethical practices such as promises, favours, and gifts etc., provided by, or in support of, candidates for the post of Director-General that may undermine or improperly influence the integrity of the appointment process are prohibited.

~~14.9.~~ Appropriate measures shall be taken by the Director-General to remind the staff of the Office of the rules and standards of conduct aimed at ensuring the Office's strict neutrality and impartiality with respect to the electoral process, as well as the sanctions that can be imposed on staff in the event these rules and standards are not respected.

~~15.~~ In particular, Appropriate measures shall ~~also~~ be taken by the Director-General to prohibit the use of ILO resources for the purposes of campaigning as well as any action that amounts to, or may be perceived as, disapproval of ~~for,~~ or support for any candidate ~~and to~~

~~regulate the conduct of ILO staff presenting as candidates for the appointment as Director-General.~~

16. Candidates shall promptly disclose their campaign activities (such as the hosting of meetings, workshops and visits) together with the amount and source of all funding for such activities, and communicate this information to the Office. Information so disclosed shall be posted on a dedicated ILO web page.

17. Candidates shall refer to one another with respect. They shall refrain from making any oral or written statement or other representation that could be deemed slanderous or libellous.

~~1840.~~ On accepting appointment, the candidate appointed to the post of Director-General shall divest of any earning of any income, gift or allowance, and any financial involvement or interest, where such could have an impact on, or could be perceived to have an impact on, the objectivity or independence of the person appointed; ~~f.~~ Furthermore, the appointed candidate shall be required to comply with the procedure for financial disclosure laid down in the ILO's internal rules.

Status of internal candidates

19. Any ILO officials submitting their candidature for the post of Director-General must observe the highest standard of ethical conduct and strive to avoid any appearance of impropriety. They must clearly separate their ILO functions from their candidature and avoid any overlap, or perception of overlap, between campaign activities and their work for the ILO. They also must avoid any perception of conflict of interest.

20. To this end, ILO officials submitting their candidature for the post of Director-General shall be placed by the Director-General on special leave without pay, under article 7.7 of the Staff Regulations, from the date their candidature is distributed in accordance with Rule 7 above.

21. An internal candidate for the post of Director-General shall submit a letter with his or her conditional resignation. The resignation shall become effective, if the candidate is not elected, on the date on which the new Director-General takes office unless the latter decides otherwise.

22. Rules 20 and 21 above do not apply to a Director-General running for reappointment.

Staff Regulations

Article 4.6

Period of appointment

- (a) The Director-General shall be appointed for a period of five years. The Governing Body may renew the appointment once. The possible extension shall not exceed five years.
- (b) The Deputy Directors-General, and Assistant Directors-General and the Treasurer and Financial Comptroller shall be appointed for periods not exceeding five years. The appointments may be renewed but shall come to an end not later than the date on which a new Director-General takes office. ~~indefinitely. No single extension shall exceed five years.~~
- (c) The Treasurer and Financial Comptroller shall be appointed for a period not exceeding five years. The appointment may be renewed.

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