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(GC(XXXV)/952)

RULE AND POLICY ON THE APPOINTMENT OF THE DIRECTOR GENERAL

An excerpt from the summary record of the discussion in the Board of Governors on 14 June 1991 under the item "Rule and policy on the appointment of the Director General" is reproduced in the Attachment.

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A T T A C H M E N T

EXCERPT FROM THE RECORD OF THE 757TH MEETING
(held on 14 June 1991)

RULE AND POLICY ON THE APPOINTMENT OF THE DIRECTOR GENERAL (GC(XXXIV)/RES/544)

27. The CHAIRMAN recalled that, at its February 1991 session, the Board had had a discussion in response to resolution GC(XXXIV)/RES/544, in which the General Conference had requested it "to adopt appropriate policy and procedures to govern the appointment of the Director General, to consider - inter alia - establishing an open-ended working group for this purpose and to report on this matter to the General Conference at its thirty-fifth regular session". At the end of that discussion, during which considerable reservations had been expressed about the idea of creating a working group, he had concluded that there was a widely held view that the Board's procedures should be such that the Agency would attract outstanding candidates for the post of Director General, from among whom the best person should be chosen, and that the procedures should be transparent and should allow a degree of flexibility; the Board had not thought it wise to be bound in advance to a rigid policy in the selection of the Director General.

28. In February, he had outlined a sequence of procedural steps which might be followed the next time the post of Director General had to be filled, and had undertaken to hold consultations on those steps before the present meetings of the Board. All the members of the Board had accepted that line of action, including one Governor who had stated that during the consultations he wished to discuss further the policy issue of the number of terms for which a Director General might hold office.

29. Such consultations had accordingly been held. During them, he had distributed copies of a proposed sequence of steps very similar to the one he had outlined in February. From his consultations, he had gained the impression that the proposal commanded very wide support. One Governor, however, had reiterated his view that it was necessary for the Board also to adopt a policy with regard to the appointment of the Director General.

30. Mr. LAVIÑA (Philippines) recalled that, in its statement on the subject to the Board in February 1991, his delegation had elaborated the reasons why the Group of 77 had submitted to the General Conference the resolution entitled "Rule and policy on the appointment of the Director General" (GC(XXXIV)/RES/544). The reasons were twofold. One was so that the Board would consider elaborating rules of procedure governing the appointment of the Director General, a process which should normally involve the announcement of a vacancy, nomination of a candidate by his Government, selection, usually through voting by secret ballot, and other steps. The other reason was so that the Board would adopt an appropriate policy, which in his delegation's view should give a Director General a maximum tour of duty of eight years, or two consecutive terms of four years each.

31. His delegation had stated a number of times that the absence of rules of procedure covering, for instance, notification to Member States of a pending vacancy for the post of Director General - or for that matter, of any vacancy in the higher echelons of the Agency - hindered Member States from putting forward applications for those positions. Governors were merely invited to join in consultations on proposed appointments, and that was the first time they heard that the positions were vacant. The correct approach would be to announce the vacancy by notice to Member States so that they could consider nominating candidates. Other international organizations even advertised important vacant positions in the international press.

32. In a recent exchange of views on the issue, he had been surprised by the reluctance of two Governors to endorse the proposal that the Director General should notify Member States of vacancies. The Agency was not a private club, and Member States had the right to know what was happening in the upper echelons of the Secretariat where administrative policy was made. The proposal would not affect the right of the Director General to appoint any particular candidate, indeed it would give him a wider choice among candidates for a given post. In any case, all candidates had to be nominated by their respective Governments: no private nominations should be entertained.

33. His delegation did not want the voting on or selection of a Director General to be left to the discretion of the officers of the Board (the "Bureau"), among whom the Group of 77 was not adequately represented. The Bureau usually consisted of one officer representing the Western Europe and Others Group, another representing Eastern Europe and a third from the Group of 77: yet that Group itself comprised three separate major regions, different from those recognized in the Statute, and thus the Bureau was insufficiently representative.

34. He was grateful for the work done by the Secretariat on draft rules of procedure, but would suggest that it would be enlightening to look at the rules of procedure used by other organizations, in particular Rule 61 of the Rules of Procedure in force at UNIDO.

35. Mr. LOOSCH (Germany), speaking on a point of order, objected that nothing that had been said so far by the Governor from the Philippines related to the item now before the Board, namely "Rule and policy on the appointment of the Director General".

36. The CHAIRMAN asked the Governor from the Philippines to confine his remarks to the item under discussion.

37. Mr. LAVIÑA (Philippines) said that the document on the present issue recently circulated by the Chairman provided excellent guidelines for the elaboration of rules of procedure, but further work would be required before they could be incorporated in Rule 48 of the Board's Provisional Rules of Procedure.

38. On more than one occasion in the past he had alluded to the need for the Board to adopt an appropriate policy. The lack of a rule and a policy on the appointment of the Director General had contributed to a situation in which all of the Directors General had come from a single region, and two had come from the same country. The Agency seemed to be the only international organization in the United Nations system that did not follow the principle of rotation. In resolutions adopted in 1981, 1985 and 1989, the General Conference had reiterated the need to give the developing world a fair chance in the matter of appointment of the Director General.

39. In its resolution GC(XXXIV)/RES/544, the General Conference had requested the Board of Governors to adopt appropriate policy and procedures to govern the appointment of the Director General. However, the Board had not yet even addressed that issue, although it must arrive at a decision and report on it to the General Conference in September 1991.

40. His delegation therefore wished to reiterate the view that an appropriate policy would be one that would give the Director General a maximum two-term, or eight-year, tour of duty. The proposal would entail no amendment of the Statute, which merely indicated that a Director General must be appointed for a term of four years. If the Agency's present policy, which was to allow the Director General to be appointed for an indefinite period, was in conformity with that provision of the Statute, then by the same token a policy could also be adopted whereby a definite period would be specified. A policy that favoured two terms for the Director General would offer the optimum benefits if the Director General was a good one, and would not impose an excessive burden if he was not. Moreover, he would be free to apply again after a break following his first two terms.

41. In conclusion, he reiterated that after almost 37 years, it was time for the Board to adopt an appropriate policy and procedures for the appointment of the Director General. Pursuant to the terms of resolution GC(XXXIV)/RES/544, the Board had a responsibility to adopt such a policy and procedures in time for the thirty-fifth regular session of the General Conference. In his delegation's view, a practical policy would be to allow the Director General to hold office for a maximum period of two terms, or eight years.

42. Mr. KENNEDY (United States of America) thanked the Chairman for the efforts he had made in consulting Board members on the matter in hand. The schedule and procedure which he had proposed made good sense and should be conducive to an efficient and effective appointment process. The proposed informal consultations among Board members throughout the process would be particularly valuable. Such consultations had proved fruitful in the past and should be the most effective way of approaching the important task of selecting the Director General of the Agency.

43. Mr. de LA FORTELLE (France) said he was not in favour of any changes that would limit the number of terms which a Director General could serve or restrict the modalities of his appointment. He fully supported the Chairman's proposal, which would make for greater clarity and would give all Member States a chance to put forward candidates at a suitably early time so that the Board could choose from among the widest possible range of qualified applicants. That solution seemed to adhere most closely to the wishes of the General Conference as expressed in resolution GC(XXXIV)/RES/544, and complied with Article VII of the Agency's Statute.

44. The CHAIRMAN said that the discussion appeared to confirm that the Board wished to adopt the sequence of steps which he had proposed. One Governor, while going along with that proposed sequence of steps, had nevertheless strongly reiterated his position that an appropriate policy should also be adopted even though the Board, during its February meetings, had seemed to think that such a move would be difficult. He therefore took it that, with one reservation, the Board wished to adopt the proposed sequence of steps to be followed when appointing the Director General, and that it

authorized him to submit, on its behalf, a report to the General Conference reflecting the Board's decision on the matter together with the summary records of the discussion during the current meeting and during the Board's meetings in February.

45. Mr. LAVIÑA (Philippines) agreed with the Chairman's summing-up, but urged that the guidelines distributed by the Chairman to Board members should be formalized into rules and possibly incorporated into Rule 48 of the Provisional Rules of Procedure.

46. The CHAIRMAN noted the proposal made by the Governor from the Philippines and asked the Board once again whether it was prepared to accept his summing-up.

47. It was so decided.