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Provisional agenda item 15

**PROCEDURE AND TIMETABLE FOR THE ELECTION OF THE SECRETARY-
GENERAL OF THE ORGANIZATION FOR THE PERIOD 2006-2009**

Note by the Secretary-General

The purpose of this document is to inform the Members of the Executive Council as fully as possible of the procedure previously followed by the Council, which is that currently in force, for recommending to the General Assembly a nominee for the post of Secretary-General of the Organization, in accordance with Article 22 of the Statutes.

A timetable for this nomination is also proposed.

**PROCEDURE AND TIMETABLE FOR THE ELECTION OF THE SECRETARY-
GENERAL OF THE ORGANIZATION FOR THE PERIOD 2006-2009**

I. PROCEDURE

1. Article 22 of the Statutes of WTO reads:

"The Secretary-General shall be appointed by a two-thirds majority of Full Members present and voting in the Assembly, on the recommendation of the Council, for a term of four years. His appointment shall be renewable."

2. The term of office of the current Secretary-General expires on 31 December 2005. It is therefore incumbent on the General Assembly to appoint his successor at its sixteenth session due to be held at Dakar, Senegal on November/December 2005.

3. Consequently and in accordance with Article 22 of the Statutes, the Executive Council will be required at its seventy-fifth session (first half of 2005) to recommend a nominee to the General Assembly.

4. For purposes of this nomination, it is proposed that the established practice be followed and, more particularly, that **the rules adopted by the Council** at its fifty-fourth session held at Tozeur in 1996 (document CE/54/9) **be strictly observed**. The Council wished on that occasion to clarify, with the assistance of the Organization's Legal Adviser, the procedures for appointing the Secretary-General in order to preclude any possible dispute on various points of law. These procedures, aimed at clarifying the pre-existing rules in the spirit of equal treatment and transparency, were set forth as follows in that report¹:

I. "The election of the Secretary-General of the Organization is governed by Article 22 of the Statutes, which reads:

'The Secretary-General shall be appointed by a two-thirds majority of Full Members present and voting in the Assembly, on the recommendation of the Council, for a term of four years. His appointment shall be renewable.'"

...

¹ Paragraphs I and II were adopted by the Council on the occasion of the nomination in 1993; paragraphs III and IV were added in 1996 for the following year's election.

- II. *"It is recalled that, at its twenty-third, thirty-fourth and forty-fourth sessions, held in May 1984, November 1988 and November 1992, respectively (decisions 17(XXIII) 19 (XXXIV) and 19 (XLIV)), the Council adopted the following rules and procedures for the selection of a nominee for the post of Secretary-General:*
- '(a) only nationals of States Members of WTO may be candidates;*
 - '(b) candidates shall be formally proposed to the Council, through the Secretariat, by the governments of the States of which they are nationals, and these proposals should be received not later than (date to be determined), the postmark providing proof thereof;*
 - '(c) voting shall be conducted by secret ballot in accordance with the Guiding Principles for the Conduct of Elections by Secret Ballot attached to the Rules of Procedure of the General Assembly;*
 - '(d) the vote shall be decided in accordance with Article 30 of the Statutes and Rule 28 of the Council's Rules of Procedure, by simple majority, defined as fifty per cent plus one of the valid ballots cast;*
 - '(e) the selection of one nominee by the Council shall be conducted, in accordance with Rule 29 of the Council's Rules of Procedure, during a private meeting, part of which shall be a restrictive meeting, as follows:*
 - '(i) discussion of candidates shall be conducted during a restrictive private meeting at which only voting delegations and interpreters shall be present; there shall be no written record and no tape recording of the discussions;*
 - '(ii) during the balloting Secretariat staff necessary to assist with the voting shall be admitted;*
 - '(f) the Executive Council decides not to recommend a candidate proposed by the government of a member State in unjustified arrears (paragraph 12 of the Financing Rules attached to the Statutes);*
 - '(g) the Council shall select only one nominee to recommend to the Assembly."*

...

- III. *“...it is undoubtedly possible to be guided by the practice followed in other international organizations, the United Nations in particular, whereby a Member that is deprived of its right to vote because it is in arrears with its contributions is barred from voting only if another Member entitled to vote raises a formal objection.”*

“...the possibility that a State may arrange to be represented by another Full Member throughout the session of an organ (the General Assembly or the Executive Council) does not appear to be precluded ... On this assumption, a single delegation could represent two States and vote on behalf of both.”

...

- IV. *“...it is proposed that the communication of each nomination should be accompanied by a curriculum vitae and a statement of policy and management intent, expressing the nominee's views on the manner in which he or she would perform the functions of Secretary-General. These particulars will be compiled in the form of a Council document and communicated to its Members within the prescribed time-limits.*

“In the interest of maintaining equality between the nominees and to ensure that their documents are readable, it is suggested that curricula vitae be confined to, say, two pages and statements of policy and management intent to six pages. The nominations will be presented in alphabetic order in the Council document.”

5. The procedure thus established was put into practice successfully, and without giving rise to any particular difficulty, for the appointments carried out in 1997 (Executive Council in Manila and General Assembly in Istanbul) and 2001 (Executive Council in Natal and General Assembly in Osaka).

6. The two provisions in III above were actually applied, within the meaning of the text, at the fifty-fifth session of the Executive Council in May 1997.

7. Similarly, the nominations received for the 1997 and 2001 elections were presented in the manner proposed in IV above, and a single report containing the statements of intent and the curricula vitae of the nominee(s) was prepared for the Council on both occasions.

8. Moreover, the four nominees for the 1997 election agreed among themselves that each would make an oral presentation of his candidature and intentions during the Council's nominating session. Called in the Spanish alphabetical order of their surnames, the nominees were allotted equal time for making their presentations which were not followed by discussions. This procedure, which was appreciated by the Council Members of the time, could be repeated for the forthcoming and subsequent elections.

9. In view of the foregoing and given that the rules and procedures established at Tozeur have given twice broad satisfaction, it is proposed that the Council retain them in full to govern the choice of a nominee for the post of Secretary-General for the period 2006-2009.

II. TIMETABLE

10. According to the practice of WTO, the deadline set for the receipt of nominations was two months before the session at which the Executive Council was required to select a nominee. Since this was found to be satisfactory, it is proposed that the final date for the actual receipt by the Secretariat of nominations and statements of intent should be set at two months before the beginning of the Council's sixty-fifth session. The Secretariat will inform all the Members by note verbale of the receipt of each nomination.

