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**PROCEDURE AND TIMETABLE FOR THE ELECTION OF THE SECRETARY-
GENERAL OF THE ORGANIZATION FOR THE PERIOD 2010-2013**

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 2010-2013**

I. PROCEDURE

1. Article 22 of the Statutes of the UNWTO 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 2009. It is therefore incumbent on the General Assembly to appoint his successor at its seventeenth session due to be held in Astana, Kazakhstan, in October 2009.

3. Consequently and in accordance with Article 22 of the Statutes, the Executive Council will be required at its eighty-fifth session (first half of 2009) to recommend a nominee to the General Assembly.

4. For purposes of this nomination, and subject to a technical clarification that may possibly be issued with regard to the voting procedures themselves (see below), 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 observed**. The Council wished on that occasion to establish, 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), 2001 (Executive Council in Natal and General Assembly in Osaka) and in 2005 (Executive Council in Nessebar and General Assembly in Dakar).

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, 2001 and 2005 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, has been repeated for the subsequent elections and thus is now institutionalized.

9. All in all, the mechanism in force appears well-adapted and has proven to be democratic and transparent: It has made it possible to carry out a broad call for candidatures and to conduct the selection under good conditions. It should be noted that there is a period of several months between the time when the Executive Council's recommendation of its preferred candidate is made, and the election by a two-thirds majority by the General Assembly, which makes it possible to take into account any new elements that might arise during this interval.

10. In view of the foregoing and given that the rules and procedures established at Tozeur have given, on three occasions, 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 2010-2013.

11. It nevertheless appears that there exists an ambiguity relating to the voting procedure itself through which the Executive Council recommends to the General Assembly the candidate that it wishes to be subsequently elected by the latter. This ambiguity does not concern the mechanics of the voting, which are governed by the "Guiding Principles for the Conduct of Elections by Secret Ballot", and which do not present any difficulties. The ambiguity arises from the wording of paragraph 3 of rule 29 of the Rules of Procedure of the Council, which reads as follows: "*The recommendation shall be made by a simple majority of the Members of the Council present and voting. If no candidate receives the majority in the first ballot, a second and, if necessary, subsequent ballots shall be held to decide between the two candidates receiving the largest number of votes in the first ballot.*" and that of Article 30 of the Statutes which stipulates that: "*Decisions of the Council shall be made by a simple majority of Members present and voting except on budgetary and financial recommendations which shall be approved by a two-thirds majority of Members present and voting.*"

12. On the one hand, the expression "simple majority" has been interpreted at the Organization as referring to 50 per cent of the votes plus one. But this definition is more properly that of an absolute majority. Moreover, if there is an odd number of electors present and voting, this would not correspond to half plus one, but rather to the integer immediately higher than half the number of the said voters.

13. On the other hand, it is evident that the second part of paragraph 3 of rule 29 of the Council's Rules of Procedure does not provide for all conceivable possibilities, especially if the candidates are numerous and several of them obtain the same number of votes. It may be construed as being not very satisfactory to privilege the two candidates who end up in the lead, as this situation could arise as a function of possible withdrawals of other candidates. It should be noted that other United Nations agencies follow different practices regarding this matter.

14. Lastly, it is worth noting that the UNWTO, as is the case at other United Nations agencies, does not use the technique of "straw voting", that is to say, a vote that is indicative and without legal force, but which makes it possible to facilitate selection while limiting tensions among the candidates and the countries that support them.

15. For all these reasons, the Secretary-General has requested the Legal Adviser of the Organization to carry out a review of the existing practices regarding this matter at the different agencies of the United Nations system. Based on the report prepared by the Legal Adviser, the Council could then decide whether or not rule 29 of its Rules of Procedure should be modified.

II. TIMETABLE

16. The usual practice of the UNWTO has been to set the deadline for the receipt of nominations at two months before the session at which the Executive Council is required to select a nominee. This period, which makes it possible to produce, in good time, the single document presenting the candidates in the different official languages, has proven satisfactory; and it is therefore proposed that the final date for the actual receipt by the Secretariat of candidatures (to which the corresponding government supports, curricula vitae and statements of intent must be actually attached) should be set at two months before the beginning of the Council's eighty-fifth session. The Secretariat will inform all the Members by note verbale of the receipt of each nomination.