



## TWENTY-FIRST ITEM ON THE AGENDA

**Other personnel questions****Examination of the situation regarding renewal of the terms of office of executive heads of organizations of the United Nations system**

1. On the occasion of the examination of personnel questions by the Programme, Financial and Administrative Committee during the 286th Session of the Governing Body (March 2003), the representative of the Government of the United Kingdom, speaking on behalf of the industrialized market economy countries (IMEC group) and supported by the countries of the Asia-Pacific group, asked the secretariat to produce a paper setting out the current situation with regard to the renewal of the terms of office of executive heads of other organizations in the United Nations system.<sup>1</sup> Referring to article 4.6(a) of the Staff Regulations, which covers the renewal of the appointment of the Director-General of the International Labour Office, she recalled that the IMEC group was in favour of alignment with the majority of specialized agencies.
2. This paper has been produced in response to that request. The first part sets out the provisions and the practices that have been adopted by the ILO, and the second part reviews the provisions adopted by other organizations of the United Nations system.

**1. The rules and practice of the International Labour Organization**

3. Article 8, paragraph 1, of the ILO Constitution, which concerns the role of the Director-General, does not contain any provisions regarding the renewal of the latter's term of office, this being a matter covered by the Staff Regulations. Article 4.6(a) of the Staff Regulations reads as follows:

The Director-General shall be appointed for a period of five years. The appointment may be renewed for such further period or periods as the Governing Body may decide. No single extension shall exceed five years.

<sup>1</sup> GB.286/12/2, paras. 55-57.

4. A provision relating to these questions was first introduced into the Staff Regulations in 1932.<sup>2</sup> The provision in question allowed for an initial term of office of ten years, renewable once only for a further period of three years. It matched the provision governing the term of office of the Secretary-General of the League of Nations, which had been introduced in League of Nations Staff Regulations adopted in 1923.
5. In 1957, this provision was amended to remove the single renewal condition and establish a maximum period of five years for any renewal after the initial ten-year term of office.<sup>3</sup> The reason given for this was that an inflexible limit might make it impossible for the ILO to keep on a Director-General who had successfully carried out his mandate and wished to continue in office. The possibility of a term of office without limit of time which could be terminated at any time, subject to a period of notice, was considered but rejected. The provision adopted was applied for the first time in 1958, at the end of the first ten-year term of office of David Morse.
6. The current version of article 4.6(a) of the Staff Regulations was adopted in 1988, before the election of Mr. M. Hansenne, in order to reduce the initial term of office from ten to five years.<sup>4</sup> This amendment reflected the practice which had been followed after the departure of David Morse, all subsequent Directors-General having been elected for initial terms of five years. The question of the number of terms of office had not been discussed.

## **2. The situation in other organizations of the United Nations system**

7. There are no standard rules regarding the duration or renewal of terms of office of executive heads of organizations in the common system. Further information on the points referred to in the following paragraphs of this paper is given in the appendix.
8. Terms of office range from three to six years. The term is three years for the ICAO, four years in the case of programme and fund directors of the United Nations and the heads of the IMO, WMO, UNIDO, ITU, UNESCO, IFAD and IAEA. As with the ILO, the term is five years for the Secretary-General of the United Nations and the heads of the WHO, UPU, IBRD and IMF. It is six years for the FAO and WIPO. According to the provisions adopted by the ICAO governing the initial term of office, the appointing body may extend the term from three to five years, although the practice hitherto has been to fix a three-year term. The initial term of the Director-General of WIPO (six years) is, according to the applicable provisions, a minimum term.
9. The duration of subsequent terms of office is in general the same as the initial term. That is the case for the Secretary-General and the programme and fund directors of the United Nations, and the heads of the WMO, WIPO, WHO, UNIDO, UNESCO, UPU and IFAD. Provisions due to be adopted by the FAO conference allow renewal for a further four-year period, the initial term being six years. The IBRD, IMF and IMO, like the ILO, provide for shorter subsequent terms of office, depending on the decisions taken by the appointing bodies. The IMF has also introduced an age limit of 70 years for the post of Managing Director, which may in effect limit the duration of a second term of office.

<sup>2</sup> See minutes of the 59th Session (July 1932) of the Governing Body.

<sup>3</sup> See minutes of the 135th Session (May 1957) of the Governing Body.

<sup>4</sup> See GB.240/18/24.

- 10.** A number of organizations have adopted, or are in the process of adopting, provisions intended to restrict the power of executive bodies to renew the terms of office of their executive heads to one further term (Secretary-General and programme or fund directors at the United Nations, the FAO (in the process of being adopted), IMO, WIPO (in the process of being adopted), WHO, UNIDO, ITU, UNESCO, UPU, IMF, IFAD) or to two terms (WMO). The ILO, ICAO, IAEA and IBRD have no formal provisions limiting the number of possible terms of office for their executive heads.

Geneva, 9 September 2003.

## Appendix

### United Nations

The United Nations Charter contains no provisions regarding the duration of the Secretary-General's terms of office. In 1946, the General Assembly, at its First Session, adopted a resolution concerning the term of office of the Secretary-General, according to which "the first Secretary-General shall be appointed for five years, the appointment being open at the end of that period for a further five-year term".<sup>1</sup> The resolution stipulated that the General Assembly and the Security Council would remain free to alter the duration of the term of office of future Secretaries-General in the light of experience. Although this provision concerned only the first Secretary-General, the practice followed subsequently by the United Nations has been consistent with the 1946 resolution.

On 31 July 1997, the General Assembly adopted resolution 51/241 on "Strengthening of the United Nations system". Nevertheless, the General Assembly encouraged the specialized agencies "to consider uniform trends and term limits for their executive heads". Paragraph 5 of the resolution "invites other principal organs, the specialized agencies and other bodies in the UN system to implement the measures for strengthening the system that are specified in the text and within their respective areas of competence, as appropriate".

### The specialized agencies

#### FAO

Article VII of the FAO Constitution currently in force provides that the Director-General is elected for a term of six years and may be re-elected without restriction. On 23 June 2003 the Council adopted a draft amendment to Article VII, paragraph 1, according to which the six-year initial term of office of the Director-General will be renewable once only for a further period of four years. The amendment will be submitted to the FAO conference in November 2003.

#### ICAO

The Council of the ICAO in 1966 adopted a procedure for appointing the Secretary-General by which the Secretary-General is appointed initially for a period of between three and five years, the exact period being left to the Council to decide, without any limit to the number of subsequent terms. The practice hitherto has been to fix terms of office at three years.

#### IMO

At its 86th Session (June 2001), the Council of the IMO adopted resolution C74(86) according to which in future the Secretary-General "shall be appointed to an initial term of four years from the first of January of the biennium", and "the appointment may be renewed for one additional term of up to four years".

#### WMO

The WMO General Regulations were amended by the 13th World Meteorological Congress (1999), as follows: "A Secretary-General may serve a maximum of three four-year terms. This Regulation will take effect from the 14th Congress (in 2003) and will apply to any candidates who may have previously served in the post".

<sup>1</sup> United Nations: *Resolutions adopted by the General Assembly during the first part of its First Session from 10 January to 14 February 1946*, Chapter XII.1.3, "Resolutions adopted on the reports of the Fifth Committee".

## **WIPO**

Under the terms of Article 9.3 of the WIPO Convention, “the Director-General shall be appointed for a fixed term, which shall not be less than six years. He shall be eligible for reappointment for fixed terms”. An amendment to the Convention, adopted in 1998, provides that the Director-General is elected for a term of six years which can be renewed once for a further period of six years. The amendment has not yet entered into force. However, in the expectation that it will do so, Members have agreed a policy of restricting the number of terms of office of a Director-General to two six-year terms.

## **WHO**

The term of office of the Director-General is five years and can be renewed once for a further period of five years.

## **UNIDO**

The term of office of the Director-General is four years and can be renewed once for a further four years.

## **ITU**

The number of possible renewals was limited by the Plenipotentiary Conference in 1989 and this was confirmed in 1992. The Secretary-General is elected for a term of four years, corresponding to the interval between plenipotentiary conferences, and the term can be renewed once for a further four years.

## **UNESCO**

In November 2001, the UNESCO General Conference decided that the term of office of the Director-General would be of four years, renewable once only for a further four-year period.

## **UPU**

The Director-General is elected for the period between two successive congresses. The minimum term of office is therefore five years, renewable once only for the same period.

## **The international financial institutions**

### **World Bank**

Under section 13 of the World Bank’s By-laws, the “initial contract of the President shall be for a term of five years. Any renewal may be for the same or for a shorter term.” In 2000, the World Bank and the International Monetary Fund executive directors established separate but parallel working groups to review the processes for the selection of the heads of their respective institutions. The working groups issued a draft joint report. In this report, “the working groups recommend that the Bank President/Fund Managing Director normally should not be expected to serve more than two terms”.

### **IMF**

Under Section 14(c) of the Fund’s By-laws, the contract of the Managing Director shall be for a term of five years and may be renewed for the same term or for a shorter term at the discretion of the Executive Board, provided that no person shall be initially appointed to the post of Managing Director after he has reached his 65th birthday and that no Managing Director shall hold such post beyond his 70th birthday. Reference should also be made to the above draft joint reports.

## ***IFAD***

The term of office of the President is four years, renewable once only for a further four-year period.

## **Other organizations**

### ***IAEA***

The Director-General of the IAEA is appointed for a term of four years, and there is no restriction as to the number of possible subsequent terms.