

## **COUNCIL**

### **108th Session**

#### **NOTE ON RULES AND PROCEDURES FOR THE ELECTION OF THE DIRECTOR GENERAL AND DEPUTY DIRECTOR GENERAL**



## **NOTE ON RULES AND PROCEDURES FOR THE ELECTION OF THE DIRECTOR GENERAL AND DEPUTY DIRECTOR GENERAL<sup>1</sup>**

1. This Note includes the rules and procedures applicable to the election of the Director General and the Deputy Director General. It contains the “existing rules” as contained in the Constitution of IOM and the Rules of Procedure of the Council, the “additional elements” decided by the Council in MC/2236/Rev.1 and recalls some elements of the “decisions taken at the ambassadorial level briefing held on 16 May 2008 on pending matters”.<sup>2</sup> These rules and procedures were applied to the elections of the Director General held during the Ninety-fifth (Special) Session of the Council on 18 June 2008 and the 102nd (Special) Session of the Council on 14 June 2013, and to the elections of the Deputy Director General held during the Ninety-seventh (Special) Session of the Council on 29 June 2009 and the 104th (Special) Session of the Council on 19 June 2014.

### **I. EXISTING RULES<sup>3</sup>**

2. Article 13, paragraph 1, of the IOM Constitution states that: “The Director General and the Deputy Director General shall be elected by a two-thirds majority vote of the Council and may be re-elected for one additional term. Their term of office shall normally be five years but may, in exceptional cases, be less if a two-thirds majority of the Council so decides. They shall serve under contracts approved by the Council, which shall be signed on behalf of the Organization by the Chairman of the Council.”

3. Article 24, paragraph 2, of the IOM Constitution states that: “Majorities provided for in this Constitution or rules made by the Council shall refer to members present and voting.”

4. Article 24, paragraph 3, of the IOM Constitution states that: “No vote shall be valid unless a majority of the members of the Council ... are present.”

5. Rule 38, paragraph 4, of the Rules of Procedure of the Council states that: “For the purpose of these Rules, the phrase ‘members present and voting’ means members casting an affirmative or negative vote. Members which abstain from voting are considered as not voting.”

6. Rule 38, paragraph 5, of the Rules of Procedure of the Council states that: “If the total number of votes cast is less than half the number of the members present, the vote shall be void.”

7. Rule 45 of the Rules of Procedure of the Council states that: “On decisions relating to individuals, a secret ballot shall be taken ...”

8. Rule 49 of the Rules of Procedure of the Council specifies that: “Any of these Rules may be temporarily suspended by the Council, provided that twenty-four hours’ notice of the proposal for such suspension has been given and that such suspension is consistent with the Constitution. The notice may be waived if no member objects.”

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<sup>1</sup> The rules and procedures governing elections of the Director General were originally set out in document MC/INF/307 of 5 July 2012, which was superseded by document MC/INF/307 Rev.1 of 24 February 2014 encompassing elections of the Deputy Director General and reflecting the amendments to the Constitution that entered into force on 21 November 2013 as per document MC/2387/Add.1. That document is now superseded by the present paper, which lists past elections during which the rules and procedures applied.

<sup>2</sup> Language in these texts that dealt specifically only with past elections has been omitted.

<sup>3</sup> Some of which were reflected in document MC/2234/Rev.1 of 28 November 2007, entitled Procedures for the election of the Director General and Deputy Director General: elements to enhance transparency.

## **II. ADDITIONAL ELEMENTS FOR THE ELECTION OF THE DIRECTOR GENERAL AND DEPUTY DIRECTOR GENERAL<sup>4</sup>**

(as adopted by the Council on 30 November 2007)

### **Nomination of candidates**

9. Nomination of candidates to the post of Director General or Deputy Director General shall be made by Member States.

### **Deadline for presenting candidatures**

10. Candidatures to the post of Director General or Deputy Director General shall be received by the Chairperson of the Council no later than two months prior to the date of the special session of the Council called for the election. No candidature will be accepted after that date, unless the Council decides otherwise.

### **Communication of the official list**

11. Candidatures will be announced by the Chairperson of the Council to the Member States at the time of submission and, eight weeks prior to the special session of the Council, the Bureau of the Council shall communicate the official list to the Member States.

### **Date of the election**

12. The election of a new Director General or Deputy Director General shall be placed on the agenda of a special session of the Council to be held no later than two months prior to the expiry of the term of office.

### **Character of the election session**

13. Elections are held in private session.

### **Rules applicable in case of plurality of candidates**

14. (a) When there is plurality of candidates, and until such time as the Council adopts a more detailed regulation, the following rule will apply: There will be as many ballots as necessary until a candidate has obtained the required two-thirds majority. If there is a need to go to a fourth ballot because no candidate has obtained by then the majority required, the candidate having obtained the smallest number of votes shall be removed from the next ballot. When only two candidates remain on the ballot and the candidate having obtained the greater number of votes has obtained the absolute majority but not the required two-thirds majority, that candidate alone will be put on the last ballot, unless the Council agrees to an election by consensus/acclamation in favour of that candidate. However, the whole electoral process shall begin anew if that candidate withdraws or does not obtain the required two-thirds majority on the last ballot.

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<sup>4</sup> Document MC/2236/Rev.1 of 30 November 2007, entitled Additional elements for the election of the Director General and Deputy Director General.

- (b) The Bureau of the Council shall determine, by drawing lots, the order in which the candidates will be placed on the ballot paper.
- (c) Each head of delegation, or his/her designated representative, shall deposit the ballot paper in the ballot box; the ballot shall be taken in the English alphabetical order of the names of the Member States, beginning with the Member State whose name is drawn by lot by the Chairperson.

### **Rules applicable when there is only one candidate**

15. When there is only one candidate, the requirement of a secret ballot may be waived if there is consensus, and the election may take place by acclamation/consensus.

### **Application of the additional elements**

16. The aforementioned elements are to be applied in accordance with the Rules of Procedure of the Council, in addition to Rule 48<sup>5</sup> of these Rules.

## **III. DECISIONS TAKEN AT THE AMBASSADORIAL LEVEL BRIEFING HELD ON 16 MAY 2008 ON “PENDING MATTERS”**

17. Other than the decisions that related specifically to the 2008 election of the Director General, the following additional procedural decisions that have relevance for subsequent elections, were taken at this briefing:

- (a) To vote for a candidate, delegations shall put an “X” or a tick in a box across from the name of the candidate for whom they vote, so that there is no doubt as to the intention of the voters. An on-screen presentation will be made at the opening of the Council before the election starts.
- (b) The ballot box shall be placed on the podium in front of the Chairperson and delegates shall come to the podium to cast their vote.
- (c) As from ballot 5, if there is a tie among candidates having obtained the smallest number of votes, a separate ballot shall be taken with only these candidates to determine who stays on the next ballot.
- (d) The tellers shall be designated by the countries holding the First and Second Vice-Chairmanship of the Council; no additional tellers are needed. The counting shall take place in the conference room where the Council meets and the tellers shall read aloud the name appearing on each ballot paper.
- (e) If a candidate withdraws/is withdrawn, this decision shall be communicated to the Chairperson who shall notify the Council accordingly. Proposals to suspend the meeting between ballots may be made by any State or the Chairperson, for the Council to decide.
- (f) If no one is elected, the Council shall decide at the end of its session on how to proceed.

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<sup>5</sup> Rule 48: “Any of these Rules may be amended by the Council, provided that the proposed amendment be consistent with the Constitution of the Organization.”