

NINETY-FOURTH SESSION

**PROCEDURES FOR THE ELECTION OF THE
DIRECTOR GENERAL AND DEPUTY DIRECTOR GENERAL:
ELEMENTS TO ENHANCE TRANSPARENCY**

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I. INTRODUCTION

1. From the early fifties to the late eighties, elections of the Director Generals and Deputy Director Generals were based on consensus: only one candidate stood for election, and acclamations replaced the required secret ballot. In 1989, 1994 and 1999, there was a plurality of candidates to the post of Deputy Director General and the elections brought to the fore the paucity of existing rules and the **need to adopt additional elements to ensure clarity and transparency**.
2. To that end, additional elements should:
 - (a) help to govern any future election of a Director General in a more transparent and predictable way;
 - (b) help to govern any future election of a Deputy Director General in a more transparent and predictable way;
 - (c) build as far as possible upon existing rules (see II below) and be drawn from best practices followed in other intergovernmental organizations, within and outside the UN system.

II. EXISTING RULES

1. Article 18, 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. 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”.^[1]
2. Article 29, paragraph 2, of the IOM Constitution states that “Majorities provided for in this Constitution of rules made by the Council or the Executive Committee shall refer to members present and voting”.
3. Rule 38, paragraph 4, of the Rules of Procedure for the Council states that “For the purpose of the 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”.

^[1] The amendments to the Constitution adopted by the Council in 1998 and stating that the Director General and Deputy Director General may be re-elected only once have not entered into force: to date they have been accepted by 48 Member States, whereas a two-thirds majority is required (at present, 80 out of 120 Member States).

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

5. Rule 49 of the Rules of Procedure for the Council specifies that any of the rules may be temporarily suspended by the Council, provided that such suspension be consistent with the Constitution.

III. *AD HOC* RULES ADOPTED BY THE IOM COUNCIL IN 1999 TO GOVERN ONE SPECIFIC ELECTION

In 1999, faced with a plurality of candidates for the post of Deputy Director General, the IOM Council adopted the following rules to govern that specific election:^[2]

- “1. As many ballots as necessary shall be taken until a candidate has obtained the required majority and/or is elected by consensus/acclamation.
2. If on the third ballot no candidate has obtained the required majority, the candidate having obtained the smallest number of votes, shall be removed from the next ballot. If two or more candidates obtain the smallest number of votes, they shall be simultaneously removed, provided the number of votes for each candidate does not exceed 15 per cent of the total number of valid votes. The same procedure shall apply to subsequent ballots.
3. 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 majority, that candidate alone shall be put on the last ballot.
4. Prior to that last ballot, the Chairman shall consult members of the Council to examine the possibility of an election by consensus/acclamation in favour of that candidate. Such consultations shall be concluded during the session in which the election is held. However, the whole electoral process shall begin anew if that candidate withdraws or does not obtain the required majority on the last ballot.”

^[2] *Ad hoc* rules adopted in 1999 for the election of the Deputy Director General (document MC/C/SR/422 of 30 June 1999, para. 33, “Summary record of the four hundred and twenty-second meeting of the Council”, Seventy-seventh (Special) Session).

IV. PROPOSED ADDITIONAL ELEMENTS

1. Nomination of candidates

Nomination of candidates to the post of Director General or Deputy Director General shall be made by Member States. This rule shall not apply to the 2008 election of a Director General; the candidatures already submitted are accepted and there are no specific formalities on the way in which other candidatures may be presented.

2. Deadline for presenting candidatures

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.

3. Communication of the official list

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.

4. Date of the election

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.

5. Character of the election session

Elections are held in private session.

6. Rules applicable in case of plurality of candidates

- (a) The Bureau of the Council shall determine, by drawing lots, the order in which the candidates will be placed on the ballot paper.
- (b) 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.

7. Rules applicable when there is only one candidate

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.