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## FOR DECISION

### FIFTEENTH ITEM ON THE AGENDA

## Reports of the Officers of the Governing Body

### Possible limitation of the number of renewals of the Director-General's term of office

#### Background

1. During the 303rd Session (November 2008) of the Governing Body, a request was reiterated by the Employers' group and was made by a number of Government members to include a point on the agenda of the Governing Body in order to consider the possible limitation of the number of renewals of the Director-General's term of office.
2. The Officers have considered possible ways of action in this regard and prepared this report accordingly. The report contains, in a historical perspective, a summary of the provisions applicable to the ILO, a brief overview of the situation in other agencies of the UN system and, finally, a suggestion for possible action by the Governing Body.

#### The institutional framework at the ILO

3. Article 8, paragraph 1, of the Constitution of the ILO is basically the same as the original article 394 of the Treaty of Versailles. The only amendment adopted in 1946 concerns the addition of the word "General" to the word "Director". This provision, which does not refer at all to the duration of the term of the Director-General, reads as follows:
  1. There shall be a Director-General of the International Labour Office, who shall be appointed by the Governing Body, and, subject to the instructions of the Governing Body, shall be responsible for the efficient conduct of the International Labour Office and for such other duties as may be assigned to him.
4. The Standing Orders of the Governing Body contain provisions only on the modalities of the election of the Director-General (article 6.1.3), while the Staff Regulations contain rules concerning the duration of the term of office of the Director-General. Article 4.6(a) of the Staff Regulations thus reads:

(a) 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.

5. In 1932, after the death of Albert Thomas, a debate took place on the possible limitation of the terms of office of the Director-General (then Director).<sup>1</sup> Eventually, a rule was inserted in the Staff Regulations fixing an initial term of office for the Director-General of ten years, with the possibility of a single renewal for three years.<sup>2</sup>
6. In 1957, the provision of the Staff Regulations was amended in order to remove the limitation to possible renewals and to fix the maximum duration of each renewal at five years.<sup>3</sup> At that time, it was felt that the limitation to the renewals of mandates was too rigid, and implied the risk of preventing the Organization from securing the services of a Director-General whose services as Director-General the whole Organization might desire to retain. This was the case of Mr Morse at the end of his initial term of ten years. On that occasion another possibility was also discussed, i.e. an appointment without limit of time subject to a period of notice of termination, but this idea was ultimately discarded.
7. The relevant provision of the Staff Regulations was ultimately amended in 1988, before Mr Hansenne's election in 1989, in order to reduce the initial term from ten to five years, while maintaining the possibility of multiple renewals of a maximum duration of five years each. This is the provision currently in force. The reason of this last amendment was to align the legislation to reality, because the rule on the initial ten-year term of appointment had become obsolete. As a matter of fact, Mr Jenks was elected in 1970 for an initial term of five years notwithstanding the fact that the rule on the initial ten-year term was formally in force. The same happened with the appointment of Mr Blanchard in 1973, by a decision of the Governing Body.<sup>4</sup>

## **The situation in other organizations of the UN system**

8. It seems useful to consider the trends among the organizations of the system with regard to the organ having the authority to appoint the executive head as well as the issue of the limitation to the renewals of the terms of office of the executive head.
9. On the first point, in most organizations the executive chief is elected by the plenary body upon the recommendation of the executive body. For instance, at the UN, the IAEA, the WHO, the WIPO, the UNIDO and the UNESCO the appointment is made by the executive body (in the UN, the Security Council) subject to the approval of the plenary body (in the UN, the General Assembly). At the FAO, the WMO and the UPU the executive chief is elected directly by the plenary body. Only in two organizations, namely the ILO and the

<sup>1</sup> Governing Body, 59th Session (July 1932), Minutes of the private sittings.

<sup>2</sup> The provision (article 22(a) of the Staff Regulations) read as follows: "The Director-General shall be appointed for a period of ten years, renewable for a maximum period of three years."

<sup>3</sup> The first sentence of article 22 of the Staff Regulations was amended at the 135th Session (May 1957) of the Governing Body as follows: "The Director-General shall be appointed for a period of ten years. The appointment may be renewed for such period or periods as the Governing Body may decide. No single extension shall exceed five years." (GB.135/205, para. 2; ILO *Official Bulletin*, Vol. XL, Geneva, 1957, p. 377).

<sup>4</sup> Governing Body, 192nd Session (September 1973), Minutes.

ITU, the executive chief is elected by the executive body (in the ILO, the Governing Body).

10. On the second point, one should recall Resolution A/RES/51/241 adopted by the United Nations General Assembly on 22 August 1997 on “Strengthening of the United Nations system”. The annex of this document states:

68. Affirming the role of the General Assembly in approving appointments and extension of terms, uniform terms of office of four years, renewable once, should be introduced for the executive heads of programmes, funds and other bodies of the Assembly and the Economic and Social Council.

69. The specialized agencies are also encouraged to consider uniform terms and term limits for their executive heads.

11. When considering this recommendation, one should bear in mind that the same Resolution, which is not legally binding upon independent specialized agencies, states in general:

5. Invites other principal organs, the specialized agencies and other bodies of the United Nations system to implement the measures for strengthening the system that are specified in the text and that are within their respective areas of competence, as appropriate.

12. In this context, one should note that among the major agencies only the ILO, the IAEA and the FAO have so far not adopted rules aimed to limit to two the number of terms of office of their executive heads.

13. The practice of the different UN organizations is extremely fragmented as far as the location of the relevant rules on the terms of office of the executive chiefs is concerned. While almost all the organizations have general rules on the appointment of the executive chief in their respective constitutions, only some of them have in the constitution specific rules on the duration of the term of office (IAEA, FAO, IFAD, UNESCO, UNIDO, WIPO). Other organizations have developed the relevant rules in different ways. The ILO is the only organization having the relevant rules in its Staff Regulations.

14. ***The Governing Body may therefore wish to decide that the term of office of the Director-General can be renewed once and to instruct the Office to submit the appropriate amendment to the Staff Regulations of the ILO to the PFA Committee during the 306th Session of the Governing Body (November 2009). The amendment could read as follows:***

The Director-General shall be appointed for a period of five years. The Governing Body may renew the appointment once. The possible extension shall not exceed five years.

Geneva, 18 March 2009.

*Point for decision:* Paragraph 14.