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Item 11 of the provisional agenda

Selection process for the post of the Director-General:

Introduction of a candidates' forum

Legislative procedures for the appointment of the Director-General

Note by the Secretariat

The present note provides background information on the legislative procedures to be followed for the appointment of the Director-General, in line with the UNIDO Constitution and the rules of procedure of the Industrial Development Board and the General Conference. It also provides two scenarios for consideration should the office of Director-General become vacant prior to the fifteenth session of the General Conference.

I. Introduction

1. Article 11.2 of the Constitution and rule 61 of the rules of procedure of the Board stipulate that the Director-General shall be appointed by the Conference upon recommendation of the Board for a period of four years. Document IDB.40/21, paragraphs 2 to 6, provided further explanations on the various legislative steps involved in the process. For ease of reference, the following schedule provides an overview of the key dates and actions to be taken, also taking account of the wish of the Director-General to assist Member States in identifying procedures to ensure a smooth transition should he submit his resignation prior to the end of his term.

Early December 2012

The Secretariat will send out a note verbale inviting nominations of candidates to be received by the President.

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24 or 25 April 2013	Rule 61 of the rules of procedure of the Board stipulates that nominations must be received “two months prior to the opening date of the last regular session of the Board before the session of the Conference which is to appoint the Director-General.” The dates proposed for the last session of the Board are 24 to 28 June 2013.
21 May 2013 (proposed)	Candidates’ forum (Secretariat proposal contained in documents IDB.40/21 and Add.1 — date and format to be decided by the Board at its fortieth session)
24-28 June 2013 (tentative)	The Board at its forty-first session will decide upon the recommendation to the Conference of a candidate for the post of Director-General. ¹
28 June 2013	Possible special session of the General Conference (see paragraphs 3 to 7 below)

2. The legislative procedures and the relevant calendar, as outlined above, are based on legislative requirements and also take account of significant recent developments. On 24 September 2012 at a high-level event on the margins of the United Nations General Assembly session in New York, the Secretary-General confirmed that he had asked Mr. Kandeh K. Yumkella, Director-General of UNIDO, to serve as his Special Representative for Sustainable Energy for All and chief executive of the initiative. Pending submission of a notice of resignation in line with paragraph 9 of his contract, the Director-General has provided advance information to Permanent Missions in order to assist Member States to consider procedures to ensure a smooth transition.

II. Legislative procedures

3. To assist Member States in deciding on procedures and criteria, the following paragraphs set out two possible scenarios that could be applied in the event of the departure of the Director-General prior to the fifteenth regular session of the General Conference. Both are in line with legislative requirements and also take into consideration the expressed intention of the Director-General to depart prior to the fifteenth session of the General Conference. They also take into account a situation in 1992/93, when the resignation of the Director-General was submitted nearly one year prior to the completion of his term. On that occasion, the matter was dealt with by one resumed and one special session of the Board as well as a special session of the General Conference. Moreover, the Board appointed an Acting Director-General for a period of two months.

¹ A complete list of Member States with voting rights will be issued to the session of the Board (IDB.40/CRP.3). Currently three, out of fifty-three, members of the Board have lost their voting rights. Ukraine has requested the restoration of its voting right also at the level of the Board (IDB.40/11/Add.1).

A. Early appointment of the Director-General

4. This scenario foresees a special session of the Conference, following the forty-first regular session of the Board, in order to appoint the Director-General. Such a special session could be held should the Board decide to request the Director-General to convene a special session of the Conference, in line with rule 5 of the rules of procedure of the Conference.

5. In 1993, the Board decided on 22 January to resume its tenth regular session on 29 March 1993 in order to recommend a candidate to the Conference. The resumed session recommended to the General Conference, at its first special session on 30 March 1993, the appointment of Mr. Mauricio de María y Campos as the new Director-General. Thus, one day after the resumed Board session, the Conference “decided to appoint by acclamation Mr. Mauricio de María y Campos as Director-General of UNIDO for a period of four years from 1 April 1993 or until the Director-General appointed at the seventh regular session of the General Conference assumes office, whichever is later” (decision GC/S.1/Dec.7, as recommended in Board decision IDB.10/Dec.24).

6. Building on the practice adopted in 1993, the Board could consider holding a special session of the General Conference directly following the forty-first regular session of the Board in order to recommend the appointment of the Director-General. The costs of a one-day special session of the Conference held in the same week as a Board session are estimated at €45,000.

7. This scenario would require the availability of the Director-General-elect as of July 2013.

B. Designation of an Acting Director-General

8. Article 9.4 (f) of the Constitution foresees that if the office of Director-General becomes vacant between sessions of the Conference, the Board shall appoint an Acting Director-General to serve until the next regular or special session of the Conference.

9. As mentioned in paragraph 3 above, there has been one occasion when an Acting Director-General was appointed. On 1 September 1992, the President of the Board informed Permanent Representatives that Mr. Domingo L. Siazon, Jr. had given notice of his resignation from the post of the Director-General. The Board at its fifth special session on 22 January 1993 decided “In accordance with Article 9.4 (f) of the Constitution, and based on the length of service as Deputy Director-General in UNIDO”, to appoint Mr. Louis C. Alexandrenne, one of five Deputy Directors-General, as Acting Director-General, from 1 February 1993 until the first special session of the General Conference on 30 March 1993. At that time, some Member States expressed the view that the principle of seniority should not create a precedent.

10. The above scenario foresees the following action by the Board at its forty-first session: (a) acceptance of the resignation of the current Director-General, (b) designation of an Acting Director-General for a period of about five months starting in July 2013 until the fifteenth session of the General Conference

(2 to 6 December 2013), and (c) recommendation of a candidate for the office of Director-General. The regular session of the Conference in December 2013 would then consider the recommendation of the Board on the appointment of the Director-General, in accordance with rule 103 of the rules of procedure of the Conference.

III. Action required of the Board

11. The Board may wish to take note of the information contained in the present document and decide on the procedures to be followed for the appointment of the Director-General.
