|  |  |
| --- | --- |
| **Council 2018 Geneva, 17-27 April 2018** |  |
|  |  |
|  |  |
| **Agenda item: PL 2.5** | **Document C18/5-E** |
| **8 February 2018** |
| **Original: English** |
| Report by the Secretary-General | |
| POSSIBLE IMPROVEMENTS OF THE ROLL-OUT OF THE PLENIPOTENTIARY CONFERENCE: CANDIDATES’ HEARING AND ETHICS GUIDELINES | |

|  |
| --- |
| Summary  Council 2017 instructed the Secretary-General to submit to the 2018 ordinary session of the Council a study on conducting hearings of the candidates running for elected positions at PP-18 taking into account the contributions and consequent discussions during Council 2017. Additionally, the Council invited the Secretary-General to produce ethics guidelines for internal candidates.  Council 2017 also instructed the Secretary-General to submit the draft of the study to CWG-FHR at its meeting in the beginning of 2018 and invited the CWG-FHR to bring its comments for the consideration of the Council 2018.  Action required  Taking into consideration the comments of the CWG-FHR in document [C18/50](http://www.itu.int/md/S18-CL-C-0050/en), the Council is invited to:   * adopt the Guidelines on ethical aspects of certain campaign activities prior to the 2018 Plenipotentiary Conference; and * forward the present document on conducting a candidates’ hearing to PP-18 to discuss the issues arising from consideration of this topic.   \_\_\_\_\_\_\_\_\_\_\_\_  References  [Resolution 58 (Rev. Busan, 2014)](http://www.itu.int/pub/S-CONF-PLEN-2015); [Decision 5 (Annex 2)](http://www.itu.int/pub/S-CONF-PLEN-2015); [GR 175](http://www.itu.int/pub/S-CONF-PLEN-2015)A  Documents [PP-14/DT/66](https://www.itu.int/md/S14-PP-141020-TD-0066/en), [PP-14/175 (Recommendation 8)](http://www.itu.int/md/S14-PP-C-0175/en), [C15/99](http://www.itu.int/md/S15-CL-C-0099/en), [C16/4](http://www.itu.int/md/S16-CL-C-0004/en), [C16/100](http://www.itu.int/md/S16-CL-C-0100/en), [C17/4](http://www.itu.int/md/S17-CL-C-0004/en), [C17/76](http://www.itu.int/md/S17-CL-C-0076/en), [C17/96](http://www.itu.int/md/S17-CL-C-0096/en), [C17/130](http://www.itu.int/md/S17-CL-C-0130/en), [C17/INF/6](https://www.itu.int/md/S17-CL-INF-0006/en), [C17/DL/8](https://www.itu.int/md/S17-CL-170515-DL-0008/en), [C18/50](http://www.itu.int/md/S18-CL-C-0050/en); [CWG-FHR 7/10](https://www.itu.int/md/S17-CLCWGFHRM7-C-0010/en)  Circular Letters [CL-16/48](https://www.itu.int/md/S16-SG-CIR-0048/en), [CL-17/07](https://www.itu.int/md/S17-SG-CIR-0007/en) |

**Introduction**

1. At the 17th Plenary meeting of PP-14, Member States agreed that the electoral process needs improvement and approved Recommendation 8 of Committee 5 as follows:

*It is desirable to improve the electoral process of the elected officials in the Union. In this regard, Council should study the issue and recommend to Member States options for implementing new procedures to improve the electoral process of Secretary-General, Deputy Secretary-General and Directors of the Bureaux. Due consideration should be given to several options such as presentations, interactive sessions, live sessions, interviews, submission of questions, through webcasting and remote participation, as well as further enhancing the election portal in the ITU website. Council is invited to initiate these studies in its 2015 session in order to implement these possible improvements.*

2. At its 2015 session, the Council requested the secretariat to prepare a document on possible improvements for the roll-out of the Plenipotentiary Conference (PP). Document [C16/4](http://www.itu.int/md/S16-CL-C-0004/en), “Possible improvement of the roll-out of the Plenipotentiary Conference”, was reviewed at the 2016 session of the Council and discussions resulted in the Council instructing the Secretary-General to continue his consultation with Member States, further his proposals for improvements to PP, and report to Council 2017.

3. In Circular Letters [CL-16/48](https://www.itu.int/md/S16-SG-CIR-0048/en) and [CL-17/7](https://www.itu.int/md/S17-SG-CIR-0007/en), the Secretary-General invited Member States to submit their input as to possible improvements of the Plenipotentiary Conference. The results were compiled in document [C17/INF/6](https://www.itu.int/md/S17-CL-INF-0006/en) and submitted to Council 2017, along with document [C17/4](http://www.itu.int/md/S17-CL-C-0004/en) by the secretariat. Member States also made proposals contained in documents [C17/76](http://www.itu.int/md/S17-CL-C-0076/en) and [C17/96](http://www.itu.int/md/S17-CL-C-0096/en). Further to discussions, the Council agreed on the improvements noted in document [C17/DL/8](https://www.itu.int/md/S17-CL-170515-DL-0008/en), including the following way forward regarding the election process:

*Candidates’ hearing*

*The Council instructs the Secretary-General to submit to the 2018 ordinary session of the Council a study of conducting hearings of the candidates running for elected positions at PP-18 taking into account the contributions and consequent discussions during Council 2017.*

*The Council instructs the Secretary-General to submit the draft of the study to CWG-FHR at its meeting in the beginning of 2018 and invites the CWG-FHR working group to bring its comments for the consideration of the Council 2018.*

4. In the above-noted replies to the Circular Letters ([C17/INF/6](https://www.itu.int/md/S17-CL-INF-0006/en)), Member States supported holding a “candidates’ forum”, and suggested that the secretariat look to sister organizations such as [WHO](http://who.int/dg/election/candidates-forum/en/) and [ILO](http://www.ilo.org/gb/about-governing-body/appointment-of-director-general/lang--en/index.htm) who have recently held such forums successfully in the run-up to the elections of their officials. The secretariat consulted with other UN agencies such as ILO, WHO, WIPO, UNIDO, UNGA, etc. to learn from their experiences. It should be noted that in most other agencies, the hearing organized by the executive board/council is part of the formal election/nomination/selection process, as agreed by their respective general conference. However, in ITU this type of hearing is not provided for in the General Rules, which govern the election process.

5. Additionally, the 2009 JIU report “[Selection and conditions of service of executive heads in the United Nations System Organizations](https://www.unjiu.org/sites/www.unjiu.org/files/jiu_document_files/products/en/reports-notes/JIU%20Products/JIU_REP_2009_8_English.pdf)” recommends the following:

*The legislative bodies of the United Nations, specialized agencies and IAEA, which have not yet done so, should conduct hearings/meetings with candidates running for the post of executive head, in order to enhance transparency and credibility of the selection process and to make the process more inclusive of all Member States. (Recommendation 1)*

6. In Annex 1 of document [C17/76](http://www.itu.int/md/S17-CL-C-0076/en), Member States proposed the following guidelines for a hearing of candidates:

* *To outline a concept/definition of a hearing (for example, a hearing is a self-standing event that would be led by the Chairman of the Council or a high-level staff member. Event specifically organized for candidates that participate in the election process for the major ITU posts – Secretary-General, Deputy Secretary-General and Directors of the 3 Bureaus – to appear in the hearing in order to outline their vision of the Union);*
* *To propose a maximum time of a hearing per candidate, including presentation on candidates vision and question and answer session;*
* *To outline the basic principles for candidates to answer random questions during the hearing (e.g. 2-3 random questions from the audience or those following it on the webcast);*
* *To ensure that ITU members have a possibility to attend the hearing or follow it by electronic means (e. g., to webcast it via ITU TIES-protected account for membership only);*
* *To propose appropriate date and meeting for such a hearing prior to PP-18;*
* *To propose possibility to reimburse translation, room rental or other costs incurred by the ITU related to the hearing (e.g. for countries that present candidates to share the costs of the hearings and reimburse those cost in equal parts to ITU).*

7. In document [C17/96](http://www.itu.int/md/S17-CL-C-0096/en), Brazil proposed that interactive panels be held one day before the ordinary session of the Council (17 April 2018) with the following modalities:

* *Each candidate should have a time slot for the presentation of his candidacy, with an equal amount of time (e.g., 15/15 min; 30/30 min) designated for a Q&A with Member States present during the panel.*
* *The press could be allowed to observe the panel and interact with candidates offline.*
* *The chair of Council should moderate the interactive panel and read questions asked remotely through the webcast.*
* *Interactive panels should be openly accessible and transmitted live on the ITU website, without the need of a TIES-protected account.*
* *ITU should update as soon as possible the PP-18 elections website to allow for posting and electronic access to campaign material produced by each candidate (i.e., videos, brochures). Each candidate could have an online forum in which questions from the general public, moderated by the candidate, are asked and responded.*

**Commentary**

8. Often candidates for election at PP are ITU appointed officials who, once formally announced, are automatically placed on special leave without pay. The formal announcement of these candidatures is normally delayed until close to the deadline – currently 28 days prior to PP (GR170) – since they are then on special leave without pay. Therefore, to be fair to all candidates, any forum/presentation/exchange would have to take place after this closing date so that all candidates may participate. In addition, since candidates might be ITU officials (elected or appointed), it would not be appropriate for any hearing to be led by a high-level staff member, or any other person who might not be considered impartial (e.g. a member of an administration having a candidature).

9. Therefore under the current deadline rule, this leaves two possibilities for the timing of a platform available for all candidates on an even footing:

* A first option could be in conjunction with a preparatory meeting held after the deadline for candidatures;
* A second option could be the day before the opening of the PP.

Both of these options may pose scheduling conflicts, considering the close proximity to the Conference itself in the former, and the many regional and bilateral meetings which are held on the day before the opening of the Conference in the latter.

10. Taking into consideration the comments of the CWG-FHR contained in document [C18/50](http://www.itu.int/md/S18-CL-C-0050/en), it is therefore suggested that the Council forward this document to PP-18 to discuss the issues arising from consideration of this topic.

11. Finally, Council 2017 invited the Secretary-General to produce ethics guidelines for internal candidates (see paragraph 8 of [C17/130](http://www.itu.int/md/S17-CL-C-0130/en)). These guidelines have been prepared by the Ethics Office and posted on the intranet. The Guidelines can be found in the Annex. To address comments provided during the CWG-FHR, an introductory paragraph has been added to clarify certain points.

***Annex: 1***

ANNEX 1

**Guidelines:**

**Ethical Aspects of Certain Campaign Activities Prior to the 2018 Plenipotentiary Conference**

The guidance provided in the document is based on the current framework and practice. [[1]](#footnote-1) It is relevant primarily to candidates with a current role in the Union—this includes appointed staff members as well as Elected Officials.

In addition to basic principles such as fairness, equity, transparency, good faith, dignity and mutual respect, individuals who must balance an existing role in the Union with a candidature should be particularly mindful of general principles in the following three key areas, described further below: (A) Use of Union resources; (B) Campaign activities around Union events; and (C) Engagement with Member State representatives.

1. Use of Union Resources

**General Principle:**

* **The resources of the Union may only be used for the purpose of delivering the organization’s mandate and advancing its best interests**.

Application: Candidates should be mindful not to use any Union resources or their current position—including personnel support, official travel and expense reimbursement, or any office resources—for the purpose of advancing their candidature. Doing so may provide those with access to such resources an undue advantage and allow them to improperly draw a personal benefit from resources that are intended for official use only.

*For example*:

* Official travel for a mission or event should not be undertaken or authorized if the traveler would not typically attend such event in the normal course of their official duties for ITU. Conversely, if a staff member in active service would typically attend an event in the course of their official duties, their candidature should not preclude attendance. For further guidance on conduct while at an official event or during a mission, see below.
* There should be no use of any Union symbols (i.e., the ITU flag and/or emblem or the logos for specific conferences arranged by ITU) in any materials to promote a candidacy. This may improperly create the appearance of an official endorsement of a candidate. The ETO is available to review draft materials and advise on any specific cases.
* ITU Computers, printers, communications channels—including, ITU social media accounts—and ITU letterhead should not be used for any campaign activities. A private email account (not on the ITU corporate system) should be used for correspondence relating to campaign activities. To the extent an individual is contacted on their ITU corporate account regarding their candidature, the correspondence should be forwarded to the private account and further correspondence should occur through that channel.
* Candidates should not seek the support of ITU staff responsible for communications activities of the Union (or any other ITU staff) to prepare any promotional materials for their candidature. This includes requests for advice, pictures, assistance or feedback with any promotional materials.

1. Campaign Activities Around Union Events

**General Principle:**

* **Campaign-related activities should not interfere with the conduct of Union affairs at official events.**

Application: Union events—and the informal and social occasions that surround these events—are an opportunity to engage with Member State representatives. Some candidates may be in attendance at such events due to their official responsibilities with ITU. Others may be in attendance as they currently serve on the delegation of a Member State. Still others may not have an official reason to attend the event, but wish to use the opportunity of stakeholders being convened in a single location.

The basic principles of fairness and equity suggest that candidates should have an equal opportunity to engage with Member State representatives when they are convening for such events. At the same time, it should be noted that the purpose of these events is to advance the Union’s work in a specific area, not to serve as a forum for campaigning. Thus, individuals should refrain from engaging with Member State representatives to promote their candidature during the course of a Union event. Informal or social occasions surrounding these events—not in the event space itself—may be used by candidates for campaign activities. Overall, candidates should refrain from behavior that would suggest that the fullest care for Union affairs is being displaced by attention to campaign-related activities.

*For example*:

* *Actively* engaging Member State representatives to discuss a candidature during the course of official proceedings may detract from the ability to conclude official matters during that event. Thus, it would be best to avoid actively engaging Member State representatives on election issues during a Union event. Candidates who are approached during a Union event to discuss their candidacy should consider inviting the relevant party to discuss further outside of the official meetings. Preferably, this would be at a meeting scheduled after proceedings for the day have concluded rather than during a coffee or lunch break (which are frequently otherwise used to continue discussions on official matters).
* During ITU events, candidates are discouraged from using the event space for any campaign activities. This includes refraining from delivering any candidate campaign statements during event break sessions sponsored by the Member States advancing their candidacy. As noted above, candidates may engage in campaign activities at informal or social occasions (such as receptions hosted by Member States) outside of the ITU event space itself.
* Individuals travelling to the site of an event to promote their candidature—who would not otherwise attend the event in the normal course of their official duties—should do so while on leave from the Union. Furthermore, as noted above, costs for attendance at an event for such individuals should not be borne by the Union. Individuals are strongly encouraged to contact the ETO to inform of planned presence at an ITU event in a private capacity such that specific aspects of the relevant campaign activities can be discussed.

1. Engagement with Member States

**General Principle:**

* **The fundamental values of independence, loyalty to the Union and impartiality should be respected even while coordinating a candidature with a Member State.**

Application: A candidature will inevitably involve some level of coordination with a Member State. This type of engagement with a Member State should not jeopardize the independence and impartiality of the individual as an international civil servants and loyalty to the Union. Respect for these principles requires scrupulous attention to the possible perception that behavior taken in an official capacity will be viewed as reflecting the interests of a particular Member State and/or primarily intended to advance a candidature rather than serve the interests of the Union. There should be no suggestion that official acts on behalf of the Union—whether current or future—are, or will be, unduly influenced in exchange for support with a candidature.

*For example:*

* The coordination of a candidature should not involve sharing information with the Member State promoting the candidature that is not otherwise available to all Member States or not appropriate for public disclosure. This includes information related to the workplace performance of other candidates.
* Events organized by Member States to promote the candidature of an individual may involve a public speech by the candidate to outline their vision for the Union. There may also be written materials that are prepared in this regard. Those already serving the Union should endeavor to express their strictly personal views as candidate without calling into question their independence from Member States, impartiality, and loyalty to the Union. A message that would reasonably appear to be focused on criticizing the Union and/or any other candidates rather than presenting a positive vision would be inconsistent with the basic principles of good-faith, dignity, and mutual respect and may be contrary to the obligations of international civil servants to remain loyal to the Union and refrain from publicly airing grievances. In light also of provisions in the legal framework regulating outside activities (including statements to the press and submission of materials for publication which relate to the purpose, activities or interests of the Union), the ETO is available, on a confidential basis, to review in advance and advise on any public remarks or publication materials.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. In principle, ETO considers that campaign activities of candidates should be limited until the steps to formalize a candidature have taken place. [↑](#footnote-ref-1)