

**LETTER TO THE PRESIDENT OF THE CONSULTATIVE ASSEMBLY
ON PROCEDURE FOR THE NOMINATION OF
SPECIALLY APPOINTED STAFF¹**

(Strasbourg, 20th March 1962)

Sir,

I have the honour to enclose for consultation of the Assembly and for its agreement the text of a new clause 8 of the regulations for "Procedure for appointment to the post of Secretary-General, Deputy Secretary-General and Clerk of the Assembly", based on para. 6 of Recommendation 289 of the Consultative Assembly.

In this connection, I should like to call your attention to the fact that the Committee of Ministers thought fit to extend to the Deputy Secretary-General and the Clerk of the Assembly the provisions referring to the Secretary-General, which eliminate tacit reappointment. The Assembly in Recommendation 289 proposed merely that these provisions should possibly be made applicable to the Deputy Secretary-General and the Clerk of the Assembly.

The Committee of Ministers also thinks fit to state that the period of renewal of office mentioned in clause 8, sub-paragraph (b) may not exceed that of the original term of office, that is to say, five years.

The Committee of Ministers thinks it advisable to present the following comments on the new text for the information of the Assembly :

1. This text eliminates all possibility of tacit reappointment, and brings the term of office of the senior officials to an end after five years.

Not less than six months before the expiry of the terms of office of a senior official, appointment procedure must once again be initiated as prescribed in clauses 1-7 of the regulations governing this procedure.

2. If the term of office of a senior official is to be renewed, his candidature must again be proposed in accordance with clause 1 of the appointment procedure; his name therefore will not necessarily appear on the list of candidates drawn up by the Committee of Ministers.

This is a consequence of eliminating any tacit reappointment and also of the rule that it is the prerogative of the Committee of Ministers, in accordance with clause 5 of the appointment procedure, to nominate candidates.

3. However, it should be pointed out that the senior official whose term is about to expire may be the only candidate on the list, if so agreed in the Joint Committee in accordance with clause 5 of the appointment procedure.

4. By the words "... shall henceforth be appointed ..." the text excludes officials already appointed, and hence does not apply to the Clerk of the Assembly at present in office. As regards the Secretary-General, he has already stated his position, which is mentioned in the first paragraph of Recommendation 289.

5. The words "may always be renewed" mean that the term of senior officials can be renewed several times.

6. The new clause 8 also involves a slight change in clause 1 of the appointment procedure: in its present version, clause 1 covers only the event of a vacancy occurring, whereas, according to the new text of clause 8, candidates will also be proposed while the senior officials are still in office. Clause 1 of the appointment procedure has been modified accordingly.

The Committee of Ministers is anxious to know the results of consultation of the Assembly as early as possible. To this end I should like to ask you to include on the Agenda for the next meeting of the Joint Committee a fresh item which might be entitled : "Recommendation 289 - Consideration of Procedure for the appointment of Secretary-General, Deputy Secretary-General and Clerk of the Assembly having the rank of Deputy Secretary-General."

I remain, Sir,

Your obedient Servant,

*Signed : N. CAMBALOURIS
Chairman of the
Ministers' Deputies*

1. See pages 26 and 30.