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Food and Agriculture
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Продовольственная и
сельскохозяйственная организация
Объединенных Наций

Organización de las
Naciones Unidas para la
Alimentación y la Agricultura

منظمة
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COUNCIL

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Draft Voluntary Code of Conduct for Voting procedures under Rule XII of the General Rules of the Organization as referred to in the Conference and Council Reports

Executive summary

The Draft Voluntary Code of Conduct for Voting procedures under Rule XII of the General Rules of the Organization presented in this document is the result of extensive, informal consultations among Members under the guidance of the Independent Chairperson of the Council (ICC).

The ICC convened an Informal Consultation on the Draft Code of Conduct for Voting on 9 February 2023 during which Members reached an informal consensus on a draft Code of Conduct to present to the Governing Bodies.

The 118th Session of the Committee on Constitutional and Legal Matters (CCLM) reviewed the draft Code of Conduct, making technical adjustments, and invited the Council to endorse and transmit it to the Conference. The draft Code of Conduct, as amended by the CCLM, is presented in this document for consideration of the Council.

Suggested action by the Council

The Council is invited to review the draft presented in this document and make such comments and observations as it considers appropriate, including recommending its submission to the Conference for adoption.

Queries on the substantive content of this document may be addressed to:

Hans Hoogeveen
Independent Chairperson of the Council
Tel: +39 06570 53915
Email: Hans.Hoogeveen@fao.org

Documents can be consulted at www.fao.org

[Deletions are indicated using strikethrough text and insertions are indicated using underlined italics.]

Draft Voluntary Code of Conduct for Voting procedures under Rule XII of the General Rules of the Organization as referred to in the Conference and Council Reports¹

I. Introduction

1. This Voluntary Code of Conduct for voting procedures under Rule XII of the General Rules of the Organization (the “Code”) aims at promoting open, fair, equitable, and transparent voting procedures during the election for the office of Director-General of the Food and Agriculture Organization of the United Nations (“FAO” or “the Organization”) in accordance with the Basic Texts of the Organization (“the Basic Texts”), including the General Rules of the Organization (“GRO”). *(Informally agreed ad-ref)*

II. Status and scope of the Code

2. The Code is an understanding reached by the Member Nations of FAO. It recommends desirable behaviour by Member Nations and candidates nominated by the Member Nations regarding the election of the Director-General of the Organization in order to increase the fairness, credibility, openness, and transparency of the process. Consequently, this Code is of a voluntary nature and is not legally binding. Member Nations and candidates are nevertheless expected to honour its contents. *(Informally agreed ad-ref)*

3. The Code does not amend the *Basic Texts* and, in case of any ambiguity or inconsistency, the *Basic Texts* prevail. *(Informally agreed ad-ref)*

III. General principles

4. The entire election process, including electoral campaign activities, should be guided by the *Basic Texts*, relevant decisions of the Conference, and the following principles:

- fairness,
- equity,
- openness and transparency,
- sovereignty,
- good faith,
- dignity, mutual respect, and moderation,
- non-discrimination, and
- merit.

(Informally agreed ad-ref)

5. Member Nations and the FAO Secretariat should make this Code publicly known and easily accessible, including through relevant channels of communication of the Organization, such as the FAO Members Gateway. *(Informally agreed ad-ref)*

IV. Rights, obligations and responsibilities

6. Member Nations recognize the rights, obligations, and authorities established in the *Basic*

¹ CL 162/REP, paragraph 7; CL 163/2 paragraphs 6-8; CL 163/REP, paragraph 12; CL 164/2 paragraphs 8-11; CL 164/REP, paragraph 20 (a); CL 165/REP, paragraph 23 (a); CL 166/REP, paragraph 42; C 2021/REP, paragraph 71; CL 167/REP, paragraph 11 (b); CL 168/REP, paragraph 34; CL 170/REP, paragraph 49; CL 171/REP, paragraphs 46 and 47.

Texts and decisions of the Conference. *(Informally agreed ad ref)*

7. The Code does not amend the *Basic Texts* that constitute the sole references governing election processes at FAO. *(Informally agreed ad ref)*
8. The Code applies to the voting procedures or proceedings during the election of the FAO Director-General. *(Informally agreed ad ref)*

A. *Members and Candidates*

9. Member Nations acknowledge that the process for the election of the Director-General, more specifically with regard to the voting procedure, should be fair, open, transparent, and equitable. *(Informally agreed ad ref)*

B. *Employees of FAO*

10. Employees of FAO, especially those involved in supporting the voting procedures, have the duties and obligations under Article VIII of the Constitution, to respect the principles of integrity, impartiality, and independence with respect to all candidates for the post of Director-General of FAO. *(Informally agreed ad ref)*
11. The same employees of FAO are also subject to obligations under the Staff Regulations and the Standards of Conduct for the International Civil Service, including obligations of confidentiality. *(Informally agreed ad ref)*
12. Any actions or behaviour inconsistent with the above-mentioned obligations should be addressed in accordance with the administrative rules and procedures, including disciplinary procedures, applicable to the employee concerned. *(Informally agreed ad ref)*

V. **The vote**

13. Member Nations should abide strictly by the Basic Texts and should respect the integrity, legitimacy, and dignity of the voting proceedings. As such, delegates and candidates should avoid behaviours and actions, both inside and outside the plenary hall that could be perceived as aiming at influencing the outcome of the voting proceedings. *(Informally agreed ad ref)*
14. An Elections Officer will be appointed by the Director-General for the Conference Session who is responsible for ensuring adherence to the provisions of the Basic Texts during the voting and electoral procedure (GRO Rule XII, paragraph 16). *(Informally agreed ad ref)*
15. The Elections Officer and all FAO personnel involved in the voting procedure are subject to the obligations of impartiality, neutrality and confidentiality set out at paragraphs above. Any failure to adhere to these obligations will result in the initiation of administrative processes, which may include disciplinary processes. *(Informally agreed ad ref)*

A. *The complete Secrecy of the Ballot*

16. Member Nations should respect the confidentiality of the proceedings and abide by the procedures to ensure the complete secrecy of the ballot. *(Informally agreed ad ref)*
17. They should refrain from communicating or broadcasting the proceedings during the conduct of the vote. *(Informally agreed ad ref)*
18. The Secretary-General should remind delegates of the importance of complete secrecy of the ballot and request them to refrain from any action which may tend to undermine the complete secrecy of the ballot, including the display of filled ballot papers during the conduct of the vote. The Secretary-General should also remind all those responsible for the supervision of any vote by complete secret ballot of the requirement not to disclose to any unauthorized person any information which might tend, or be presumed to tend, towards destroying the complete secrecy of the ballot. *(Informally agreed ad ref)*

19. Voters should best leave their recording devices, including but not limited to cameras, mobile phones, or smartwatches, outside of the voting area or in the room where counting is conducted. *(Informally agreed ad-ref)*
20. Any delegate or Secretariat employee participating in the supervision of the count of the vote should leave any electronic record devices outside the room or area where the count is to take place. This requirement may be enforced by any means deemed appropriate by the Elections Officer. *(Informally agreed ad-ref)*
21. The above measures are without prejudice to any further arrangements that the Conference may consider necessary to ensure that the results of ballots remain undisclosed until the formal announcement of the outcome of the ballot. *(Informally agreed ad-ref)*

B. Arrangements for voting, transparency of the vote

22. Access to the voting area will be limited to tellers, scrutineers, electors, and Secretariat employees who are directly involved in supporting the electoral process. *(Informally agreed ad-ref)*

1. Voting Booths

23. As provided in Rule XII, paragraph 10(e), one or more voting booths shall be set up, supervised in such a manner as to ensure complete secrecy of the ballot. *(Informally agreed ad-ref)*
24. The voting area should be arranged, and be sufficiently separated from plenary or other accessible spaces so that observation of the votes being cast by those outside the voting area is prevented. *(Informally agreed ad-ref)*
25. The booths in the voting area should be visible to representatives during the vote. *(Informally agreed ad-ref)*
26. In accordance with established practice, and in light of its mandate to supervise and coordinate all preparatory work for Conference sessions under Rule XXIV, paragraph 5(c), the Council could make recommendations to the Conference on arrangements, including arrangements to ensure complete secrecy of the ballot, taking into consideration the other good practices and booths used in the broader UN System. *(Informally agreed ad-ref)*

2. Tellers

27. The Chairperson of the Conference will appoint two tellers from among the delegates who are not parties directly interested in the election. The duties of the tellers are to supervise the balloting procedure, count the ballot papers, decide on the validity of a ballot paper in any case of doubt, and certify the result of each ballot (GRO Rule XII, paragraph 10(c)). *(Informally agreed ad-ref)*
28. The tellers should be chosen in a fair and impartial manner. Member Nations should not attempt to influence the teller selection. *(Informally agreed ad-ref)*
29. The duties of the tellers should be considered independent and separate from their role as delegates or representatives, or their alternates. The tellers should perform their duties in a manner that is strictly impartial and neutral. They should refrain from any actions or behaviour which may influence electors to vote for or against a candidate. Tellers should not attempt to discover the intention or choice of an elector. *(Informally agreed ad-ref)*
30. The tellers should have unimpeded access to the voting area and counting room at all times in order to visually confirm that proper procedures are followed. *(Informally agreed ad-ref)*
31. Tellers should preserve the secrecy of the ballot and should not disclose the outcome of a ballot to any unauthorized person before the formal announcement of the results by the Chairperson. *(Informally agreed ad-ref)*
32. At the beginning of the Conference, the tellers will be offered a briefing by the Secretariat on duties to be carried out. *(Informally agreed ad-ref)*

3. Scrutineers

33. A candidate or a scrutineer appointed by a candidate may attend the count of the votes (GRO Rule XII, paragraph 10 (g)). Each candidate must provide the name of his/her scrutineer in advance of the Conference Session. *(Informally agreed ad-ref)*

34. Candidates or scrutineers appointed by them may only observe the counting process. They do not take part in the count. *(Informally agreed ad-ref)*

35. Candidates and scrutineers should preserve the secrecy of the ballot and should not disclose the outcome of the count to any unauthorized person before the formal announcement of the results by the Chairperson. *(Informally agreed ad-ref)*

C. Casting and counting of the vote

36. The Chairperson of the Conference and the tellers shall satisfy themselves that the ballot box is empty and, having locked it, the tellers shall hand the key to the Election Officer. *(Informally agreed ad-ref)*

37. Delegations shall be called in turn to cast their vote by the Secretary of the Conference, in the English alphabetical order of the names of the Member Nations. *(Informally agreed ad-ref)*

38. When their names are called, delegations shall proceed to the voting area, receive the ballot paper and put their ballot paper in the ballot box. *(Informally agreed ad-ref)*

39. To indicate the recording of each Member's vote, the Secretary of the Conference and one of the tellers shall sign or initial the list in the margin opposite the name of the Member in question. *(Informally agreed ad-ref)*

40. At the conclusion of the calling, the Chairperson of the Conference shall declare the ballot closed and announce that the votes are to be counted. *(Informally agreed ad-ref)*

41. In accordance with GRO Rule XII.10 (g) the tellers count the votes in the meeting, ~~of~~ in the presence and under the gaze of Member Nations. Should the tellers withdraw from the presence of the delegates or representatives in order to carry out the count of the votes, only the candidates or scrutineers appointed by the candidates may attend the count, but they shall not take part in the count, and the Conference may decide that the representatives of the Member Nations have the possibility to witness the counting virtually. *(Informally agreed ad-ref)*

42. When the Elections Officer has opened the ballot box, the tellers shall check the number of envelopes. If the number is greater or less than that of the voters, the Chairperson of the Conference shall be informed and shall then declare the vote invalid and announce that it is necessary to re-open the ballot. *(Informally agreed ad-ref)*

43. One of the tellers shall read aloud what is written on the ballot paper, and pass it to the other teller. The votes inscribed on the ballot papers shall be entered on lists prepared for that purpose. *(Informally agreed ad-ref)*

44. When the counting of the votes is completed, the Chairperson of the Conference shall announce the results of the ballot in the following order:

- number of Member Nations entitled to vote at the Session;
- number absent;
- number of abstentions;
- number of invalid ballot papers;
- number of votes recorded;
- number of votes constituting the required majority;
- number of votes for the candidates and number of votes secured by each of them, in descending order of the number of votes. *(Informally agreed ad-ref)*

45. The Chairperson of the Conference shall announce the decision resulting from the vote. *(Informally agreed ad-ref)*

46. The lists on which the tellers have recorded the results of the vote shall, after signature by the Chairperson of the Conference, the Election Officer, and by the tellers, constitute the official record of the ballot, and shall be deposited in the archives of the Organization. *(Informally agreed ad-ref)*

VI. Voluntary adherence to the Code

47. Member Nations and candidates are encouraged to observe and respect this Code. Personnel of the Secretariat are obliged to adhere to their contractual obligations, as set out herein in paragraph 16 above. *(Informally agreed ad-ref)*

VII. Review of the Code

48. The Code and Procedures outlined in this code, including its application to other secret ballot elections, may be reviewed by the Conference upon request of the Council. *(Informally agreed ad-ref)*