



منظمة الأغذية
والزراعة
للأمم المتحدة

联合国
粮食及
农业组织

Food
and
Agriculture
Organization
of
the
United
Nations

Organisation
des
Nations
Unies
pour
l'alimentation
et
l'agriculture

Продовольственная и
сельскохозяйственная
организация
Объединенных
Наций

Organización
de las
Naciones
Unidas
para la
Agricultura
y la
Alimentación

COMMITTEE ON CONSTITUTIONAL AND LEGAL MATTERS

Ninety-first Session

Rome, 20 - 22 September 2010

AMENDMENT TO RULE XII, PARAGRAPH 11 OF THE GENERAL RULES OF THE ORGANIZATION

I. PURPOSE OF DOCUMENT

1. This document deals with a proposal to amend Rule XII, paragraph 11 of the General Rules of the Organization (GRO). This Rule provides that in an election for one elective place, other than that of the Director-General, if a candidate fails to obtain a majority of the votes cast, successive ballots are taken until a candidate obtains such a majority. In situations where there are more than two candidates for an elective place, and where none of the candidates obtain the required majority (which is more than one half of the votes cast) and none of them withdraw, this provision may lead to a series of inconclusive ballots. A procedure of gradual elimination of the candidates having the lowest number of votes in a ballot is therefore proposed.

II. GENERAL CONSIDERATIONS

2. Rule XII of the GRO entitled “*Quorum and Voting Arrangements at Meetings of Conference and Council*” contains paragraph 11 which sets out the voting arrangements in an election for a single elective place. This Rule reads as follows:

“In an election for one elective place, other than that of the Director-General, if a candidate fails on the first ballot to obtain a majority of the votes cast, successive ballots shall be taken at such time or times as the Conference or Council shall decide, until a candidate obtains such a majority.”

This document is printed in limited numbers to minimize the environmental impact of FAO's processes and contribute to climate neutrality. Delegates and observers are kindly requested to bring their copies to meetings and to avoid asking for additional copies. Most FAO meeting documents are available on the Internet at www.fao.org

3. Under Rule XII, paragraph 3(a) “*the required majority for any decision or for any election to fill one elective place shall be more than one half of the votes cast*”.

4. As mentioned above, in situations where there are more than two candidates for an elective place and where none of the candidates obtain the required majority (of more than one half of the votes cast) and none of them withdraw, Rule XII, paragraph 11 may lead to a series of inconclusive ballots. The Membership of FAO has generally been aware of this inconvenience. At the regular session of the Conference of 1967, because there were no procedures for the gradual elimination of candidates after successive ballots, the Director-General was elected under the above provision only some 20 days after the beginning of the Conference. As a result of this, the Conference requested the secretariat to propose a procedure for the gradual elimination of candidates to the office of Director-General which was set out in Rule XXXVI, paragraph 1(b) of the GRO, now renumbered Rule XXXVII, paragraph 1(b).

5. Being aware of the risks of a series of inconclusive ballots on occasions of the election of the Independent Chairperson of the Council, whenever there are more than three nominated candidates, the Conference has regularly approved, on the basis of a recommendation of the General Committee, a procedure whereby, if no candidate obtains the required majority of votes cast on the first ballot, successive ballots are held, and the candidate with the lowest number of votes in each ballot is eliminated. This special procedure was approved by the Conference in 1997, in 2001 and in 2009¹.

6. However, at the Conference of 2009, on the occasion of the elections to the Council, there were three candidates for one seat for the Near East region. None of the candidates attained the required majority (i.e. a majority of the votes cast) and none of them were given instructions to withdraw, thus resulting in a number of inconclusive ballots. On that occasion, the need to introduce a procedure of gradual elimination of candidates into Rule XII, paragraph 11 of the GRO was reiterated.

7. It is therefore proposed to amend Rule XII, paragraph 11 of the GRO in order to introduce a process of gradual elimination of the candidate with the lowest number of votes in each ballot. Insofar as this provision has been tested by longstanding practice, it is proposed to use the wording that the Conference has regularly approved for the election of the Independent Chairperson of the Council, on the basis of a recommendation of the General Committee.

8. Revised Rule XII, paragraph 11 could read as follows:

“Rule XII

Quorum and Voting Arrangements at Meetings of Conference and Council

(...)

11. In an election for one elective place, other than that of the Director-General, if a candidate fails on the first ballot to obtain a majority of the votes

¹ In 1997 there were five candidates nominated for office of Independent Chairperson of the Council, in 2001 there were three candidates nominated and in 2009 there were also three candidates nominated.

cast, successive ballots shall be taken until a candidate obtains such a majority, provided that in an election for one elective place in which there are more than two candidates, the candidate having received the lowest number of votes at each ballot shall be eliminated.”

III. SUGGESTED ACTION BY THE COMMITTEE

9. The CCLM is invited to examine this document and make such observations thereon as appropriate.

10. Should the CCLM concur with the proposed amendment to Rule XII, paragraph 11 of the GRO, the CCLM is invited to review the draft Resolution set out in the appendix to this document and transmit it to the Council for on-forwarding to the Conference for approval.

APPENDIX

Draft Conference RESOLUTION _/2011
Amendment to the General Rules of the Organization

THE CONFERENCE,

Recalling that the Committee on Constitutional and Legal Matters (CCLM), at its Ninety-first Session, after having examined some inconveniences arising out of the procedures set out in Rule XII, paragraph 11 of the General Rules of the Organization whereby “*in any election for one elective place, other than that of the Director-General, if a candidate fails on the first ballot to obtain a majority of the votes cast, successive ballots shall be taken at such time or times as the Conference or Council shall decide, until a candidate obtains such a majority*”, insofar as they could lead to an inconclusive number of ballots, proposed an amendment to the General Rules of the Organization for approval by the Conference at its session in 2011;

Noting that the Council, at its Hundred and Fortieth Session, endorsed the substance of the amendment proposed by the CCLM and recommended that Rule XII, paragraph 11 of the General Rules of the Organization be amended in order to ensure that in an election for one elective place in which there are more than two candidates, the candidate having obtained the lowest number of votes at each ballot be eliminated;

Having considered the text of the amendment to the General Rules of the Organization proposed by the Council at its Hundred and Fortieth Session;

1. **Decides** to adopt the following amendment to Rule XII, paragraph 11 of the General Rules of the Organization:

“11. In an election for one elective place, other than that of the Director-General, if a candidate fails on the first ballot to obtain a majority of the votes cast, successive ballots shall be taken until a candidate obtains such a majority, provided that in an election for one elective place in which there are more than two candidates, the candidate having received the lowest number of votes at each ballot shall be eliminated”.

(Adopted on __ June 2011)