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COUNCIL CONSEIL CONSEJO

**Hundred and Seventy-third Session - Cent soixante-treizième session -
173.º período de sesiones**

Rome, 10 July 2023

VERBATIM RECORDS OF PLENARY MEETINGS OF THE COUNCIL

Rome, 10 juillet 2023

PROCÈS-VERBAUX DES SÉANCES PLÉNIÈRES DU CONSEIL

Roma, 10 de julio de 2023

**ACTAS TAQUIGRÁFICAS DE LAS SESIONES PLENARIAS DEL
CONSEJO**

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(10 July 2023)**

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(10 July 2023)**

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**Hundred and Seventy-third Session
Cent soixante-treizième session
173.º período de sesiones**

**Rome, 10 July 2023
Rome, 10 juillet 2023
Roma, 10 de julio de 2023**

**FIRST PLENARY SESSION
PREMIÈRE SÉANCE PLÉNIÈRE
PRIMERA SESIÓN PLENARIA**

10 July 2023

The First Plenary Meeting was opened at 09:44 hours
Mr Hans Hoogeveen,
Independent Chairperson of the Council, presiding

La première séance plénière est ouverte à 09 h 44
sous la présidence de M. Hans Hoogeveen,
Président indépendant du Conseil

Se abre la primera sesión plenaria a las 09.44
bajo la presidencia del Sr. Hans Hoogeveen,
Presidente Independiente del Consejo

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Item 1. Adoption of the Agenda and Timetable
Point 1. Adoption de l'ordre du jour et du calendrier
Tema 1. Aprobación del programa y del calendario

CHAIRPERSON

Good morning, Excellencies, distinguished delegates, dear friends, ladies and gentlemen, it is great to see so many Members here in person in the Red Room for this 173rd Council.

I would like to very much welcome the interpreters. Thank you for your support again after an intense week. Without you it will not be possible. I would like to thank also the guards who are standing behind in the room to make sure that we are always safe in this building. Let us not forget that. We take it sometimes for granted. But also to make sure that we have elections in accordance with the Code of Conduct and the Basic Texts.

I would like to welcome the messengers who had also a very intense week last week. As well, the team sitting here on the podium. Mr Rakesh Muthoo and his team, thank you for the hard work last week and certainly we will have an intense day today.

First, we had a very intense but successful Conference last week, an important Conference where we re-elected the Director-General, where we worked hard on the issues on the table and also, I think, which is excellent, and I do hope that it will continue in the next couple of years, that we had a consensus decision on the increase of the budget.

As we know, we had our differences but in all the preparations before the Conference and during the Conference, we could decide this issue by consensus, and I do hope that this is a signal that from now on we can decide all our decisions, also in the Council, by consensus.

After an intense week, we are now here for the 173rd Session of the Council, which I call to order, and we have to make sure that our governance and our Governing Bodies are up to speed and prepared for the work the next coming years.

First of all, I would like to welcome the new Members of the Council: Croatia, Georgia, Italy, Lesotho, Lithuania, Morocco, Norway, Panama, Spain, Sudan, Thailand and Uganda. Thank you for being here and being a Member. I also thank those countries who left the Council for their hard work over the last couple of years.

This is the Council where we focus on selecting the Members of the Council Committees for the next two years. I recall that where there are the same number of candidates as seats, the Council can appoint by acclamation, so we do not need to have a vote. Otherwise, if we do need a vote, we have to do it in person and it will be a secret ballot.

First, we have to adopt the Agenda. Then, we will have the selection of the candidates for the Council Committees. Then, we have to break to draft a report, which we have to adopt today as well. And I do hope, but it is into your hands, that we can finish before the evening, and perhaps earlier. But that depends on you.

We know how it works today in the Council. We have a Session from 9:30 hours to 12:00 hours, from 14:00 hours to 16:30 hours and I do not hope that we need it but otherwise from 17:00 hours to 19:30 hours. But I do think and I put my trust upon you that we can finish before 16:30 hours.

The modality of the meeting is a hybrid meeting, hybrid for participation, but, again, if we have to select a candidate by vote, it has to be in person. It is great to see that almost all Council Members are here in person and that is really great. Let us continue that as well.

I have to remind you as well that the European Union is participating under paragraph 8 and 9 of Article II of the FAO Constitution and a Statement of Competence and Voting is in document *CL 173/INF/1*.

Our first Agenda Item is the adoption of Agenda, which you can find in *CL 173/1*. Working methods you can find in document *CL 173/INF/2*.

I was already made aware that there would be an intervention on Any Other Matters and I give the floor to Italy.

Mr Bruno ARCHI (Italy)

Italy would like to add an Any Other Matters to the Agenda itself concerning more exactly about the *Five Years of Action* established last December in New York. This is it.

CHAIRPERSON

What I understand is that the idea is that it will be presented not for substantive discussion now but for a substantive discussion in December. But it is good that we already hear about it now, because then we can put it on our Agenda for the December meeting.

Can we agree to this Agenda, including the Any Other Matters point proposed by Italy?

I see no objections, so decided.

Item 2. Election of three Vice-Chairpersons

Point 2. Élection des trois vice-présidents

Tema 2. Elección de los tres vicepresidentes

CHAIRPERSON

Now we come to Item 2 and that is *Election of the three Vice-Chairpersons* of this Session. We only received one proposal and that is for Morocco, but not from the other regions.

Mr Siragi WAKAABU (Uganda)

We would like to join your appeal that we tried to exercise efficiency today and be able to dispose the business we have before us earlier than scheduled on the programme. So, you have our support and it is our appeal to Members that we can work faster than the programme. We had a very intense week indeed, as you mentioned last week, so we would be happy to finish this in record time.

That said, we do not want to revisit the Agenda you have adopted but we could not work quickly enough when you wanted us to say whether we accepted the additional point under Any Other Matters by Italy. We missed what exactly Italy wants us to add. So, this is not an objection but we would like to understand clearly what it is that we are adding under Any Other Matters.

CHAIRPERSON

I give the floor back to Italy to explain the Item proposed for the Any Other Matters and in the meantime I do hope that perhaps regions can think about whether or not they want to propose a Vice-Chairperson for this meeting.

Mr Bruno ARCHI (Italy)

It is the *Five Years of Action Mountain Partnership*. That is to be added to the Any Other Matters to the Agenda.

CHAIRPERSON

I hope that answers your question, Uganda.

I look around, whether or not there will be another Vice-Chairperson besides Morocco. I do not see any flags. So, we continue with one Vice-Chairperson.

Item 3. Election of the Chairperson and twelve Members of the Programme Committee

Point 3. Élection du président et des 12 membres du Comité du Programme

Tema 3. Elección del Presidente y los 12 miembros del Comité del Programa

(CL 173/LIM/1 Rev.1)

CHAIRPERSON

Now we go to the *Elections of the Chairperson and the twelve Members of the Programme Committee*. In the document you can find all the candidates and their CVs. It is *CL 173/LIM/1/Rev.1*.

Proposed as the Chairperson is Ms Yael Rubinstein from Israel. She was the Chairperson for the last two years and she is willing to continue for the next few years.

Can the Council agree to the Chairperson, Ms Yael Rubinstein? So decided.

Applause

Applaudissements

Aplausos

We all wish Ms Yael Rubinstein a lot of success for the next two years. We are looking forward to continue our endeavours for this beautiful Organization and the challenges we are facing. As you saw in the Conference last week, many items will come to the Programme Committee (PC), so it will be hard but, hopefully, also very positive work.

Now we go to the regions with the same number of candidates as seats. First the African Region. Proposals are from South Africa, Ms Nosipho Nausca Jean Jezile, from Tanzania, Ms Jacqueline Boniface Mbuya, for the Asia and Pacific Region, for Japan Mr Kuraya Yoshihiro and from Malaysia, Mr Abdul Rahman Bin Abdul Wahab. For Europe, from the Netherlands Mr Marcel Beukeboom and from Switzerland, Ms Krisztina Bende. For Latin America, from Argentina, Mr Carlos Bernardo Cherniak, and from Brazil Ms Carla Barroso Carneiro. From Canada, Mr Maarten de Groot. And from New Zealand, Ms Jenny Reid.

Can the Council agree to these candidates for the Programme Committee?

Applause

Applaudissements

Aplausos

I will come to the Near East Region. I was not forgetting the Near East Region. I already congratulated all the new Members of the Programme Committee. We are looking forward to work hard with you, to have fruitful consultations, discussions and outcomes of the Programme Committee. But we cannot do it without a complete Programme Committee.

Why I was not mentioning the Near East was that there is a little bit of an exception we have to make because the nominations were not received by the deadline of 19 June and one nomination was received after the deadline, and that is from Sudan, Ms Saadia Elmubarak Ahmed Daak, and it is not a fatal deadline. So, I would like to propose to already elect Ms Sadia Elmubarak Ahmed Daak as a Member of the Programme Committee.

Can the Council agree?

Applause

Applaudissements

Aplausos

Also congratulations to the Member of Sudan. Very much appreciated that you are participating in the Programme Committee, in the hard work.

We have the Programme Committee.

Item 4. Election of the Chairperson and twelve Members of the Finance Committee

Point 4. Élection du président et des 12 membres du Comité financier

Tema 4. Elección del Presidente y los 12 miembros del Comité de Finanzas

(CL 173/LIM/2 Rev.1)

CHAIRPERSON

We go now to the *Election of the Chairperson and twelve Members of the Finance Committee*. You can find everything, and the candidates, in document *CL 173/LIM/2/Rev.1*.

First, we start with the Chairperson of the Finance Committee and the proposal is to elect Mr Mina Rizk of Egypt. He is the only candidate.

Can the Council agree for his nomination as Chairperson of the Finance Committee?

Applause

Applaudissements

Aplausos

Congratulations, Mr Mina Rizk, new Chairperson of the Finance Committee. We are looking forward to work with you as Chairperson of the Finance Committee. And, again, when we discussed last week the budget, what needs to be done for and with the adopted increase in the budget, it means hard work for the Finance Committee and already in December the Finance Committee has to take up some of the outcomes of the Conference of last week. A lot of success and let us work in a positive consensus setting also in the Finance Committee.

Now we go to the Members of the Finance Committee. First, I start with the regions that have the same number of candidates and seats. I start again with the Africa Region. From Congo, Mr Bienvenu Ntsouanva and from Morocco, Mr Abdellah Larhmaid. For Latin America and the Caribbean, from the Dominican Republic, Ms Berioska Morrison González and from Mexico Mr Miguel Jorge García Winder. For the North America Region, from the United States Mr Rodney M. Hunter. For the Southwest Pacific, from Australia, Ms Emma Hatcher.

Can the Council agree to take these Members by acclamation?

Applause

Applaudissements

Aplausos

I come to the Near East Region. Let us follow the same practice as with the Programme Committee. Although we received the nomination not before the deadline, let us continue and make sure that we have a full Finance Committee. We have two nominations, from Oman, Ms Fadia Aljamal and from Kuwait, Mr Sultan Alotaibi.

Can we agree to these Members?

Applause

Applaudissements

Aplausos

Then we have two regions which have more candidates than seats, at least until now. First is the Asia and Pacific Region. From China, Mr LI Bo, from India Mr Jujjavarapu Balaji and from Pakistan, Mr Khalid Mehboob. For Europe, we have the Russian Federation, Mr Vladimir Kuznetsov, from Sweden, Ms Pernilla Ivarsson, and from the United Kingdom, Mr Christopher Mace. If there are no withdrawals, and I look around the room, whether or not there would be withdrawals, which is not the case, then we have to go to a vote. Before voting, I give the floor to the United States of America.

Mr Rodney M. HUNTER (United States of America)

The United States of America opposes the Russian Federation's nomination of Mr Vladimir Kuznetsov as a Committee candidate. I think everybody's very well aware of the US position on Russian Federation's participation in this Body. So, I will not go into detail about our feelings on Russian Federation's illegal and unjustified war against Ukraine.

However, this is not about that. This is not a general objection. It is a specific objection to this individual. While our position on this individual's nomination is well known, I want to explain to you a little about his background today because I want to make sure that you know what you are voting for when you go into the booth today.

Friends, the Basic Texts to FAO state that, "*Members of the Finance Committee shall appoint as their representatives individuals who have shown a continued interest in the objectives and activities of the Organization, have participated in Conference or Council Sessions and have special competence in administrative and financial matters.*"

Mr Kuznetsov was convicted in a US Federal Court on charges of conspiracy to commit money-laundering during his tenure as Chairperson of the UN Advisory Committee on Administrative and Budgetary Questions (ACABQ) while he was previously working at the United Nations in New York. At the time of the crimes, the United Nations itself waived this candidate's diplomatic immunity, given the seriousness of the case.

The United States believes a conviction for significant financial crimes committed whilst serving on the financial advisory body of another international organization is not the sort of "*special competence in administrative and financial matters*" that stands to benefit FAO

We found it deeply regrettable in 2019 and 2021 that a regional group proposed this individual to represent on the Finance Committee (FC). We formally opposed his appointment in 2019 and 2021, noting that this individual's felony conviction, his prison sentence and his time spent in prison were not disclosed to FAO Members prior to the approval of his initial nomination.

The curriculum vitae distributed by the Russian Federation once again neglects to note this information, which we view as a material omission. Since 2020 the Memberships of other international organizations have seen fit to reconsider the fitness for office of Mr Vladimir Kuznetsov, twice declining his reappointment in The Hague, at the Organisation for the Prohibition of Chemical Weapons (OPCW), and then Vienna on the Advisory Group for the Comprehensive Nuclear-Test-Ban Treaty Organization Preparatory Commission (CTBTO).

So, today we urge Members not to vote for Mr Kuznetsov's appointment, especially in the presence of other extraordinary candidates nominated by the European Regional Group.

CHAIRPERSON

This statement will be taken up in the Report of the Council. I give now the floor to the Observer, Russian Federation.

Mr Denis CHEREDNICHENKO (Russian Federation) (Observer) (Original Language Russian)

We would like to express we are very dissatisfied with the position expressed by the representative of the United States of America regarding the candidacy of our Member, Mr Vladimir Kuznetsov, as a Member of the Finance Committee.

The United States consistently has its policy to put down Russian experts in the expert bodies of the UN Organization through their fabricated legal procedure against Russian experts. It has no basis. The Russian Federation has no complaints regarding Vladimir Kuznetsov who over the course of his activity in UN bodies has many times shown his high professional preparation, objectivity and devotion to his work.

The attempt by the USA to blacken the reputation of the Russian expert is an obvious proof that they are applying their political views, their political concepts and vision on work that has nothing to do with that, the expert bodies of the FAO. We regret that the USA once again is politicizing the work of the Organization in order to achieve its narrow national views.

The Russian Federation supports the candidacy of the expert, Mr Kuznetsov, as part of the Finance Committee, and we propose that it is fully in line with the qualifications needed as an expert of this Body.

CHAIRPERSON

I do not have any other requests for the floor, so now we continue. First of all, please, if you would like to ask for the floor, push your button.

Ms Ratchanok SANGPENCHAN (Thailand)

Thailand takes the floor with the Council Members on some background information on the reasons why the candidacy of the Finance Committee by the Asia Regional Group on the seats to be filled.

Following established practice, Asia Group nominations to Council Committees are thoroughly discussed in a timely manner among Asia Group Members, taking into consideration the interest

expressed by Members that engagement in the FAO Governing Bodies and the Group's internal rotation agreement.

For the Finance Committee nominations, while most of the Members of the region agree on the submissions of the nominations of China and Pakistan, which were received within the internal deadline for submission, we acknowledge the right and we respect that it is the decision of each Member to submit its candidates independently.

Given that the Finance Committee has key roles in addressing the regional and national challenges to achieve the common and mutual goal of FAO and Asia Group believes that the elected Asia Group representatives to the Committee will represent and complement the diverse perspective of the regions in a balanced manner. We now entrust to your Board the selection of the Member of Asia Region that you consider to be the most suitable to serve in the Finance Committee for the next two years.

Ms Neena MALHOTRA (India)

I shall be brief and I make just three points in my intervention. First, India respects the principle of consensus and rotation and going by the regional records of the arrangements agreed upon has already given up its seat in the Programme Committee. Since there is no mention of Finance Committee in the written minutes, and I have a copy here as an evidence, it is difficult to know who all expressed interest in the Finance Committee more than four years ago.

Secondly, we have carefully chosen our candidature, keeping in view the expertise and profile of our candidate. Dr Jujjavarapu Balaji, Minister of Agriculture designate, who is here with us today and will be based in Rome for the next three years, has vast experience handling finance-related matters and conducting negotiations in World Trade Organization (WTO) besides having a background of agriculture and fisheries. By having our presence in Finance Committee of FAO, we believe that our expertise and domain know-how could be optimally utilized, especially for the Global South.

India has not been in the Finance Committee for the past more than ten years and deserves to be considered. I wish to underscore that India is one of the major players in the agriculture sector worldwide and agriculture is a primary source of livelihood for more than half of India's population. We are the second largest producer of many agri-commodities, self-sufficient in food grains and also a contributor, both bilaterally and through multilateral bodies such as World Food Programme. I would like to assure all the Members that India's presence will be a value addition to the Asia Group, if elected.

Mr Su GUO (Chairperson of the Asia Regional Group)

As Chairperson of the Asia Regional Group, I just want to add some facts of what happened in the Asia Group with respect to the election of the seats of the three Members of Council. As a fact, we have circulated three emails regarding the nomination issues to all Members, including India, respectively on 31 March, 18 May and 15 June.

Within the emails, we clearly stated that the deadline of submitting the nominations in Asia Regional Group is 15 July. Well, until the deadline, that date, we have received nominations from Members on Programme Committee (PC), Finance Committee (FC), Committee on Constitutional and Legal Matters (CCLM) but there is no feedback from India.

I also would like to underline that to keep the Region's established practice and immunity of Asian Group, we have kept finding a way out until the last minute. We thank Malaysia and Indonesia for their generosity to share their seats in PC and CCLM with India but finally, our efforts were in vain.

The Asia Regional Group respects single countries' intentions and rights and we wish all the Member Countries to respect the established practice of regional groups and the facts.

Ms Neena MALHOTRA (India)

First of all, I would like to underline that while India would have preferred to achieve consensus, we feel that on us and responsibility of achieving consensus should not just lie with one country.

Secondly, attempts to deny an opportunity to India to be a Member of FAO Committees on unsubstantiated grounds will be unjust and unfair. We have exercised our right to put forward our

candidature to be the Member of the FAO Committee and, being the largest democracy, we are not averse to fighting elections.

CHAIRPERSON

I do not see any other requests for the floor.

This will mean that we have three candidates for two positions for the Asia and Pacific Group. I will mention them again. Mr LI Bo, Mr Mr Jujjavarapu Balaji and Mr Khalid Mehboob.

We will go now for a secret ballot but before we go to the secret ballot, we have to elect two tellers and what I understand is that Mr Bienvenu Ntsouanva from Congo and Mr Maarten de Groot from Canada. Can we agree to these tellers?

Applause

Applaudissements

Aplausos

With that, I would like to give the floor to the Elections Officer, and congratulations for the successful elections last week, an election being done clearly in line with the Basic Texts, as well as Code of Conduct.

ELECTIONS OFFICER

The secret ballot voting procedure this morning will elect two Members of the Finance Committee from the Asia Pacific Region from this Council Session to the Council Session immediately after the 44th Session of the Conference.

We have three candidates for two vacancies to be filled, as introduced just now by the Independent Chairperson. In accordance with paragraph 3 (d) of Rule XXVII of the General Rules of the Organization, the two vacancies will be filled simultaneously in one election. The voting procedure will be in full accordance with the Basic Texts, including specifically paragraphs 10 and 12 of Rule XII, as well as in accordance with established practices.

Before running through the voting procedures, I need to remind all Members and delegates of the fundamental importance of complete secrecy of the ballot. I also recall the obligation that all those responsible for the supervision of any vote by secret ballot shall not disclose to any unauthorized person any information which might tend or be presumed to tend towards destroying the secrecy of the ballot as set out in the General Rules.

Voting delegates will be asked to hand over electronic recording or communications appliances, such as mobile phones and tablets. Electronic appliances will be kept under the supervision of a security guard and will be returned to the delegate at the exit of the voting area.

Now on to the voting procedures. Delegates will be called one by one in alphabetical order, starting with the letter A to go to the voting area in the rear of our Red Room and entering from the window side of this room. Delegates must bring their Conference registration pass to show to the teller at the entrance for identification. A ballot paper will then be issued by one of the two tellers. The ballot paper contains the three candidates in this election in alphabetical order of their country and that is Mr LI Bo of China, Mr Jujjavarapu Balaji from India and Mr Khalid Mehboob of Pakistan.

Delegates are required to cast two votes for two different candidates as there are two vacancies in this election. Candidates are invited to mark the two candidates of their choice with an X. I must stress again the importance that voting delegates mark two candidates, since ballot papers that show less or more than two votes shall be invalid by rule. It is not possible to select only one candidate or all three candidates of preference as two votes must be cast out of the three candidates for a ballot paper to be valid.

It is also not possible to cast a vote for one candidate and abstain from further candidates by marking it as an abstention. If a voting delegate wishes to abstain in the vote, the ballot paper should be left blank entirely and no votes should be cast at all. The two candidates who received the largest number of votes will be elected as Members of the Finance Committee, provided they also reached the required

majority of more than half of Members casting valid votes. As with other votes, the number of Members casting valid votes does not include abstentions or defective ballots.

Under paragraph 4 (c) (iii) of Rule XII of the General Rules, the ballot paper shall not carry any notation or mark other than those required for the purpose of indicating the two votes as this would invalidate the ballot paper. If a voting delegate makes a mistake or invalidates the ballot paper, they may request a new blank ballot paper from me as Elections Officer within the voting area and obviously before having deposited a ballot paper.

I should like to remind delegates that in accordance with paragraph 14 of General Rule XII, once voting has commenced no delegate or representative may interrupt the voting, except to raise a point of order in connection with the vote.

Before we proceed to the vote, we must establish that we have a quorum. Under paragraph 12 of General Rule XII, the quorum required for this election is the presence of two-thirds of the Members of the Council. That means that least 33 Members must be present at this time. I am informed that we have 47 Members present in this room and we can therefore proceed to the vote.

Before we open the vote, I will repeat one more time that a valid ballot paper has either two votes or no vote at all for an abstention.

CHAIRPERSON

Before starting the vote, I give the floor to the Secretary-General of the Conference and the Council to explain the badges because I saw some unrest in the room.

SECRETARY-GENERAL

Just to reiterate what my colleague, the Elections Officer, stated while explaining the procedure for the vote, and this is not only longstanding practice but it is a critical part of ensuring the integrity of the vote in order to cast your ballot.

To get a ballot paper in the first place, you need to show your Council registration badge. Any other form, ID or badges will not be sufficient. An FAO badge will not be sufficient. You need your 173rd Session of the Council badge before you can collect a ballot and cast your vote.

CHAIRPERSON

We will break for 15 minutes so that everybody has the possibility to get their badge downstairs for the Council. If you can go downstairs, you can get your badge and then we proceed. It is the Basic Texts and everybody wants to obey the Basic Texts.

The meeting was suspended between 10:27 and 11:03

La séance est suspendue de 10 h 27 à 11 h 03

Se suspende la sesión de las 10.27 a las 11.03

CHAIRPERSON

Before we start with the secret ballot, during the break we got some questions, but as we always say, we have to be and work in accordance with the Basic Texts. On the first question, why do we need badges and cannot use the FAO badge, I will give the floor to the Secretary-General.

SECRETARY-GENERAL

The issue of the badges is not a cosmetic one, there is a serious critical underpinning to it, which goes to maintaining the integrity of the vote, that there should be no question, no possible question further down the line, if not today, that the vote and its outcome was not safe.

Specifically, and I do not want to bore you with the technicalities, when you know that the Membership of the Council today was only decided by the Conference late last week, we need to make sure that you are *bona fide* Members of the Council, that you are registered for this Council, and to be able to double check that by means of the badges, and that is the only reason.

Because of course all the Permanent Representatives that have been accredited have their badges here, but we want to make 110 percent sure as one would say, and better be safe than sorry – and I do

apologize for the inconvenience or the misunderstanding that may have led for some of you to go back down and have your badges.

CHAIRPERSON

On the second question, which many asked, why could we not do all the elections at once, again, there we have to be very careful, careful with the integrity of the vote and the election because if we would, for example, do the votes for the two regions together, if one Member was mistaken or was not aware of it or whatever, that Member could raise the floor after the election and if a Member raises that problem, we have to do it over again.

We have to make sure that elections in the Council or the Conference are accompanied with the most integrity possible. That is why, although it is sometimes frustrating, we have the elections one after the other. On a personal note, it could also be an incentive for the next time, to find consensus within your region so that we do not have to vote.

On another note as well, it is clear the less we vote in the Council, the more united we are, and that is crucial for our work.

Mr Nathaniel G. IMPERIAL (Philippines)

I would just like to raise a procedural matter regarding the possibility of combining the vote. If it is not against the Basic Texts, and for the sake of efficiency and saving time, and if it is with the consent of the Council, could we not consider voting for the two regions simultaneously? I think it is a fairly simple process. If there are two ballots already prepared, the two ballots can be given to each voting Member, and the counting can be done simultaneously so it is much faster.

CHAIRPERSON

I tried to explain to you that it is crucial for the integrity of the vote not to do the votes simultaneously. Also, because every Member has the right to question the integrity of the vote afterwards, and then although it looks like we are saving time, we would lose time if you have to do it over again.

Thirdly, we did prepare one after the other. If we now have to do it simultaneously, we have to break for half an hour to make sure that we can do it simultaneously. So my proposal would be let us be pragmatic, let us ensure the integrity of the vote, which is crucial also for the Members to be elected, that we continue now our vote on the candidates for the Asia and Pacific Region.

Can the Council agree to that? I see no objections.

We start with the vote for the Members of the Finance Committee of the Asia and Pacific Region. I give the floor to the Assistant Secretary-General to begin the vote.

ASSISTANT SECRETARY-GENERAL

I will start calling by alphabetical order.

Vote

Vote

Votación

CHAIRPERSON

I have to make an announcement and that is why the Legal Counsel, the Secretary-General and I were consulting. We were just informed – and we have to do it before the voting – because the rules are not foreseeing this event, that the Government of Pakistan withdrew its candidature for the Finance Committee. That would mean, with the approval of the Council, because Council has to approve this, that we have for the Asia Group only two candidates, and it would be Mr LI Bo and Mr Jujjavarapu Balaji for the Finance Committee.

It has to be done before the vote, so that is why I ask your endorsement of this procedure as well as that we have only two candidates for the Finance Committee of the Asia Pacific Region, and I mentioned the candidates. Can the Council agree to this?

Applause

Applaudissements
Aplausos

It is very unfortunate for all those involved in this election that we had to go through this election and at the last moment could come to a consensus decision. Nevertheless, we have now two candidates for the Aisa Pacific Region.

As it is 11:30 hours we cannot finalize the vote on the European Region before the break, unless there would be two candidates and consensus, but that would not be the case.

We adjourn now the meeting till 14:00 hours for the vote on the European Region because we cannot break a meeting.

We have to adjourn the meeting at 12:00 formally, and that is in the Basic Texts and the Rules of Procedure, you cannot break during elections.

Mr Siragi WAKAABU (Uganda)

We appreciate your guidance, but just as you had indicated in the morning that you wished we could efficiently use our time and be able to get our business finished at the earliest possible time. I understand we have items under voting – unless you must follow the items to be disposed of in this Council in a particular order, I am sure there are items we can take on now instead of breaking, so that we save ourselves a lot of time.

There was an issue raised by Italy to be debated under Any Other Matters, I do not know if there is anything preventing us from taking it on, so that we save time and people are able to go back to other business earlier.

Item 6. Matters arising out of the 43rd Session of the Conference

Point 6. Questions découlant de la 43^e session de la Conférence

Tema 6. Asuntos planteados en el 43.^o período de sesiones de la Conferencia

CHAIRPERSON

Let us do this, it saves us some time – not as much as we were hoping for – but the first one is then Item 6, *Matters arising out of the 43rd Session of the Conference*. Under this Item the Council notes the outcomes and guidance of the Conference, especially for the adjustments to the Programme of Work and Budget 2024-2025.

I already said in my opening statement – and it was clear as of the outcome to Conference, and also the outcome of Commission II – that certainly on the Programme of Work and Budget we will have the guidance of the Conference taken up in the first Finance Committee, the Programme Committee and then in the Council in December because that is the clear guidance in the consensus decision of the Conference.

Mr Yousef JUHAIL (Kuwait) (Original Language Arabic)

I just have a remark regarding the Conference. At the outset, I would like to congratulate all those who contributed to the success of the Conference. However, we need to take another look on our Agenda for this year and the meetings for the various organizations in Rome. We are speaking about cooperation amongst the Rome-based Agencies (RBAs) and this schedule should not be a punishment for the delegations and for the Representatives of the various countries. As a matter of fact, the meetings continue during the summer season and we need to have another look at it.

CHAIRPERSON

We informally already discussed it last week and I fully agree with you. We have to be careful with our resources, especially our human resources, and what we saw of course the last two or three weeks, were intensive meetings – not only within FAO and the preparations, but also World Food Programme (WFP) and International Fund for Agricultural Development (IFAD) – and I agree with you that all the Members here in Rome should have the time not only to be present in the meetings, but also to prepare for the meetings, get from Capital, and then go into the meetings.

I think it is a clear signal which I really would like to take up. We will have our informal meeting of the Governing bodies later this year, but I will sit together with the Chairs of the other Governing Bodies, as well as the Secretariat to see how we can I would say better prepare for the meetings and that we have not too many back to back meetings – at least for one week back to back meetings – in order to give you all time to prepare and to respect human resources, financial resources, but also an adequate functioning of the meetings itself.

Mr Su GUO (Chairperson of the Asia Regional Group)

As Asia Regional Group, we really thank Pakistan's efforts to keep uniting and keep consensus within the Asia Group and thanks for this contribution from Pakistan. Also we thank Mr Khalid Mehboob always, his effort to lead the Asia Group and his good help it. We thank, and I know we will make sure that the Asia Group will keep united and keep the harmonies as always.

Item 7. Any other matters

Point 7. Autres questions

Tema 7. Asuntos varios

Item 7.1 Five Years of Action for the Development of Mountain Regions

Point 7.1 Cinq années d'action pour le développement dans les régions montagneuses

Tema 7.1 Quinquenio de Acción para el Desarrollo de las Regiones de Montaña

CHAIRPERSON

I think with this we have concluded Item 6 and we now continue with Item 7, *Any Other Matters*, and this morning we agreed that we would have Any Other Business Item presented by Italy for putting an Item on the Agenda for the December Council.

Ms Stefania COSTANZA (Italy)

Our request to make an intervention under *Any Other Matters* is aimed at soliciting as you were very well saying, the inclusion in the next FAO Council Agenda, CL174 in December, an Item for discussion for the entire Council, entitled "*Five Years of Action for the Development of Mountain Regions*".

Since 2002, FAO has been the lead UN agency for sustainable mountain development, and as you might remember, 2022 was then declared the International Year of Mountains. Italy is one of the promoters. Italy is currently honoured to be the Chair of the Mountain Partnership Council and, together with many Members and Observers of this Assembly, were very much active on that.

You know the main outcome of the international year last year, was that UN General Assembly (UNGA) made a declaration and declared 2023-2027 as five years of action of development of mountain regions as part of the UNGA Resolution on Sustainable Mountain Development, and this Resolution I would like to mention was supported by 110 governments. This is a great opportunity we think to reaffirm FAO's role as lead agency on Sustainable Mountain Development, that includes also water management, water reservoirs, and forestry. FAO is the custodian of many of the elements that are related to mountain conservation.

As you might remember, we already asked together with the Distinguished Ambassador of Costa Rica, we supported the IMD that was put forward in the last FAO Council. Well this time we would like to just have the chance and opportunity to have hopefully a nice discussion in December, and that is our proposal.

Sr. Jorge Federico ZAMORA CORDERO (Costa Rica)

En nombre de Costa Rica y como Miembro de la Alianza para las Montañas apoyamos el punto propuesto por Italia relacionado con la resolución adoptada por la Asamblea General de Naciones Unidas, la cual incluye la proclamación de los *Cinco años de acción para el desarrollo de las regiones montañosas*.

Como expresamos en la sesión del Consejo de abril, creemos que es necesario aumentar la conciencia y la comprensión de la comunidad internacional sobre los problemas que enfrentan las regiones montañosas de todo el mundo y la necesidad de abordar esos problemas de manera integral. Las montañas son el oxígeno, son vida, son el agua que para el futuro dispondremos, así que apoyamos 100% esta moción de Italia.

Mr Defu GUANG (China) (Original Language Chinese)

China supports the proposal of Italy. We think that FAO is one of the important UN agencies in the world, it is very important for the protection of mountain regions and environment. China supports this proposal.

Sra. María Carolina CARRANZA NUÑEZ (Perú)

El Perú desea respaldar la propuesta realizada por la delegación de Italia y reafirmar la solicitud que presentara en el Consejo de la FAO en abril de 2023 junto a los países de Costa Rica, Kenya, Perú, Pakistán, Italia y República Kirguisa para que la FAO lidere el trabajo necesario para la implementación de los *Cinco años de acción por el desarrollo de las montañas* y solicitamos, también, el apoyo a la Secretaría y la Alianza para las Montañas que hospeda la FAO y que ha liderado los trabajos.

Mr Thesele John MASERIBANE (Lesotho)

Lesotho joins others and supports this motion that has been set forward by Italy. As you know, Lesotho is called the Kingdom in the Mountain, but we already have a challenge as we are talking today, that we are experiencing a very heavy snow fall and it is challenging small scale farmers and the winter crops are really suffering. So we need to declare this as an emergency to our country.

CHAIRPERSON

I do not have any other requests for the floor so we are looking forward to an interesting discussion on the beautiful mountains, but also the necessity on to see how we can support small holder farmers and others with the consequences of climate change, etcetera, and it comes to sustainable agriculture and sustainable food systems.

I do not have any other requests for the floor so with that, we still have Item 5 continuing after the break because then we will have to vote for the Finance Committee for the European Region. I wish you a pleasant break and lunch, and of course do not hesitate trying to find consensus to avoid votes after the break.

The meeting rose at 11:43 hours

La séance est levée à 11 h 43

Se levanta la sesión a las 11.43



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
Alimentación y la Agricultura

منظمة
الغذية والزراعة
للأمم المتحدة

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COUNCIL CONSEIL CONSEJO

**Hundred and Seventy-third Session
Cent soixante-treizième session
173.º período de sesiones**

**Rome, 10 July 2023
Rome, 10 juillet 2023
Roma, 10 de julio de 2023**

**SECOND PLENARY SESSION
DEUXIÈME SÉANCE PLÉNIÈRE
SEGUNDA SESIÓN PLENARIA**

10 July 2023

The Second Plenary Meeting was opened at 14:09 hours
Mr Hans Hoogeveen,
Independent Chairperson of the Council, presiding

La deuxième séance plénière est ouverte à 14 h 09
sous la présidence de M. Hans Hoogeveen,
Président indépendant du Conseil

Se abre la segunda sesión plenaria a las 14.09
bajo la presidencia del Sr. Hans Hoogeveen,
Presidente Independiente del Consejo

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Item 4. Election of the Chairperson and twelve Members of the Finance Committee
(*continued*)

Point 4. Élection du président et des 12 membres du Comité financier (*suite*)

Tema 4. Elección del Presidente y los 12 miembros del Comité de Finanzas (*continuación*)
(CL 173/LIM/2 Rev.1)

CHAIRPERSON

Excellencies, distinguished delegates, dear friends, I hope you have had a refreshing lunch and that we can finalize our work of this 173rd Session this afternoon before 16:30 hours.

We will continue with Item 4, *Election of Members of the Finance Committee*. Based on requests from some Members, I can inform you that the ballot papers of this morning will be destroyed.

We continue now with the vote on the Members on behalf of the European region. We have three candidates. That is the Russian Federation with Mr Vladimir Kuznetsov; Sweden, Ms Pernilla Ivarsson; and United Kingdom, Mr Christopher Mace.

Perhaps the Elections Officer can repeat what is necessary for the secret ballot. Although I know that you know exactly what is going to be done, so that you do not have to repeat it, but to make sure that we do not have any flaws.

ELECTIONS OFFICER

I do believe it is important to walk through these election procedures because it is above average, complex ballot paper and I would still, even in summarised form, walk you through this process.

Again, the secret ballot voting procedure will elect the two Members of the Finance Committee from the Europe region from this Council Session to the Council Session immediately after the 44th Session of the Conference.

We have three candidates for two vacancies to be filled, as introduced just now by the Independent Chair. In accordance with paragraph 3(d) of Rule XXVII of the General Rules of the Organization, the two vacancies will be filled simultaneously in one election, specifically in accordance with paragraphs 10 and 12 of Rule XII, and in accordance with our established practices.

Again, I will briefly remind all delegates and staff of the fundamental importance of complete secrecy. This is crucial. Then I need to remind voting delegates that electronic recording or communications appliances are not to be taken into the voting area. If you bring them to the voting area, you will be asked to hand those over and they will be guarded by a security guard.

Delegates will again be called up in alphabetical order, starting with the letter “A” in English alphabetical order.

Then I want to emphasise again the ballot paper, which will have the three candidates on it, Mr Vladimir Kuznetsov, Russian Federation; Ms Pernilla Ivarsson, Sweden; and Mr Christopher Mace, United Kingdom.

Delegates are required to cast two votes on this ballot paper for two different candidates as there were two vacancies in this election. Delegates are invited to mark the two candidates of their choice with an “X”. Again, I will have to emphasize that a ballot paper that has one vote or three votes is going to be invalid.

If a voting delegate wishes to abstain, it should leave the ballot paper entirely empty. So, we will either find valid abstentions having zero votes or we will find valid ballot papers having two votes on it. Then the two candidates who received the largest number of votes will be elected as Members of the Finance Committee, provided they also reach the required majority of more than half of Members casting valid votes.

As with other votes, Members casting valid votes does not include the abstentions and the defective ballots. If a voting delegate makes a mistake or invalidates the ballot paper by putting marks other than those required for indicating the vote, then they can ask me, as Elections Officer, for a fresh ballot paper upon the surrender of the invalidated ballot paper.

Then, in accordance with the Rules, we need to establish quorum. I was informed that we have 47 Members in the room. The quorum for this election is two-thirds of the Members of the Council, which is 33. That means that with that number we can proceed to the election.

CHAIRPERSON

Let us now start with the secret ballot, and I give the floor to the Assistant Secretary General.

Vote

Vote

Votación

CHAIRPERSON

With that, we have concluded our voting. We now temporarily suspend the meeting for the counting of the votes. Stay in the room or very near to the room so that we can continue as soon as the counting has been done.

The meeting was suspended between 14:34 and 15:14

La séance est suspendue de 14 h 34 à 15 h 14

Se suspende la sesión de las 14.34 a las 15.14

CHAIRPERSON

We resume our meeting with results of the vote for the election of the Members for the Finance Committee on behalf of the European Region.

Ballot papers deposited - 46, abstentions - 1, defective ballots - 0, votes cast - 45, majority - 23, United Kingdom - 35, Sweden - 34, Russian Federation - 21. So, elected are the United Kingdom and Sweden. Not elected is the Russian Federation. That are the results for the Members of the European Region.

Applause

Applaudissements

Aplausos

I congratulate all the Members now for the Finance Committee. I wish you a lot of success under the leadership of Egypt.

REPORT OF BALLOT RÉSULTAT DU SCRUTIN RESULTADO DE LA VOTACIÓN	1	Members Finance Committee	EUROPE 2023-2025
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1. Ballot papers deposited	46
2. Abstentions	1
3. Defective ballots	0


4. Members casting valid votes	45
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5. Majority	23
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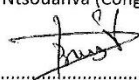
Elected – Élu(s) – Elegido(s)		Not elected – Pas élu(s) – No elegido(s)		Eliminated – Eliminé(s) – Eliminado(s)	
United Kingdom	35	Russian Federation	21		
Sweden	34				

Tellers/Scrutateurs/Escrutadores

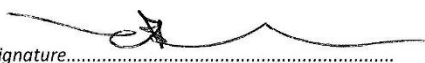
Mr Maarten de Groot (Canada)

Signature.....
Date..... 10 July 2023

Mr Bienvenu Ntsouanva (Congo)

Signature.....
Date..... 10/07/2023

Mr Ilja Betlem, Elections Officer, FAO

Signature.....
Date..... 10/7/2023

- Item 5. Election of the Chairperson and seven Members of the Committee on Constitutional and Legal Matters**
- Point 5. Élection du président et des sept membres du Comité des questions constitutionnelles et juridiques**
- Tema 5. Elección del Presidente y los siete miembros del Comité de Asuntos Constitucionales y Jurídicos**
(CL 173/LIM/3)

CHAIRPERSON

Let us now continue our work with Item 5, *Election of the Chairperson and seven Members of the Committee on Constitutional and Legal Matters*. And you can find everything under the Members or the past Members in document CL 173/LIM/3.

We have two candidates for the seat of the Chairperson, and that is for France, Ms Celine Jurgensen, and for Venezuela, Ms Haifa Aissami Madah. Does any candidate wish to withdraw herself? I see none.

It means that we go to a secret ballot again, and I do not think we have to repeat again what was said.

Mr Rodney M. HUNTER (United States of America)

I have been instructed to deliver the following remarks. The United States of America (USA) does not recognize the Maduro's regime as the Government of Venezuela. USA policy supports the 2015 National Assembly and the Venezuelan people and their struggle for a stable, democratic, and prosperous Venezuela. In service of this goal, the United States works with international partners and democratic actors to pressure the Maduro regime to follow through on democratic and human rights reforms, including free and fair presidential elections in 2024. Therefore, we object to the nomination of Ms Aissami Madah and urge council Members to vote for Ms Celine Jurgensen of France instead.

Mr Khalid MEHBOOB (Chairperson of the G77 and China)

As Chairperson of the G77 and China, I offer an explanation as to why there is a reason for this election, this time for the Chairperson of Committee on Constitutional and Legal Matters (CCLM). In this respect, it is pertinent to point out that there is an informal understanding between G77 and China and the Organization for Economic Cooperation and Development (OECD) that:

- (i) the Chair of the Programme Committee would always be from the OECD group of countries;
- (ii) the Chair of the Finance Committee would always be from the Group of 77 and China; and
- (iii) the Chair of CCLM would be based on the principle of rotation.

In this connection, an aspect that needs to be noted with regard to CCLM is that there have been times when both groups, i.e. the OECD and G77 and China, have served more than one term consecutively. This has happened when the other Group did not put up a candidate. However, this did not negate the principle of rotation.

We have at present a situation when OECD and Europe Regional Group (ERG) have served as Chairpersons of CCLM consecutively. Hence, the G77 and China is of the view that it is the turn of a country from its Group to chair the CCLM.

Sra. Monica ROBELO RAFFONE (Nicaragua)

Nicaragua desea sumarse a la intervención realizada por el Presidente del G77 y China haciendo hincapié en que la presidencia del Comité de Asuntos Constitucionales y Jurídicos (CCLM) es según el principio de rotación. Le corresponde a un país de ese grupo regional. Principio que lamentablemente no ha sido respetado, lo que se está convirtiendo en una regla creando malos precedentes. Invitamos a respetar las decisiones soberanas de los países, de los grupos regionales.

Siempre hemos privilegiado el consenso, el respeto mutuo en la toma de decisiones. Invitamos también a la distinguida representación de Estados Unidos de no seguir politizando las decisiones,

lamentando esa constante agresión y falta de respeto, más bien de trabajar con espíritu de cooperación en el respeto de las reglas democráticas que deberían regir en esta Organización.

Mme Céline JURGENSEN (France) (Observateur)

La candidature de la France manifeste l'attachement constant de mon pays au mandat de la FAO et son investissement actif dans les travaux de ses Organes Directeurs. Je souhaite également rappeler les circonstances constructives dans lesquelles cette candidature a été formulée.

Cette candidature est le fruit de sollicitation, certaines délégations nous ont sollicités pour être candidat à ce poste dans un contexte où une candidature de qualité n'avait pas pu prospérer comme initialement envisagée d'abord et où personne n'était candidat. Avant de déposer formellement notre candidature, nous avons d'abord pris soin de vérifier auprès de la FAO, de la Présidence du Comité et d'un autre membre du Comité, l'absence de toute candidature et même l'absence de toute manifestation d'intérêt. C'est après que nous ayons déposé formellement notre candidature qu'une autre candidature a été présentée.

Nous respectons le droit souverain de tout état à se porter candidat, particulièrement lorsqu'il dispose, comme en l'espèce, d'une représentante avec des compétences juridiques indéniables, comme l'ambassadrice Assami. J'ai pris note des indications selon lesquelles il existerait un arrangement informel entre l'Organisation de coopération et de développement économiques (OCDE) et le Groupe des 77 (G77) concernant la présidence du CCLM, Committee on Constitutional and Legal Matters. Nous n'avons pas connaissance qu'un tel arrangement existe pour le CCLM. Je note également que selon les interventions, cet arrangement semblerait avoir été conclu avec l'OCDE ou le groupe ERG. CE qui est certain, c'est que l'existence d'un tel arrangement est contredit par l'examen des présidences du CCLM depuis la création du Comité.

Il y a eu parfois des alternances, parfois non. Certains Présidents ont fait un seul mandat, d'autres quatre. Par ailleurs, de nombreux membres, y compris de précédentes présidences, n'appartiennent ni au G77, ni à l'OCDE. C'est le cas récemment de la Bulgarie de Saint-Marin. En tout état de cause, si une alternance est d'usage aux Nations Unies pour les Organes Juridiques, ce n'est pas en termes de groupe géographique, mais plutôt entre pays de traditions civilistes et pays de common law. En conclusion, Monsieur le Président, je veux assurer toutes les délégations que nous envisageons cette élection de manière sportive. La France accueillera les Jeux Olympiques l'an prochain, et c'est bien avec cet esprit olympique, sportif, et de bonne foi que nous abordons cette élection, et je remercie tous les membres.

Sr. José Angel BUCARELLO GUZMAN (Venezuela, República Bolivariana de) (Observador)

La República Bolivariana de Venezuela toma esta oportunidad para ejercer su derecho a réplica frente a los comentarios o, más bien, la agresión continuada, ilegítima e injustificada, y especialmente no provocada, de los Estados Unidos en contra de un Miembro o un Estado parte de la Organización. Venezuela llama a la delegación de los Estados Unidos a no polarizar y politizar este espacio humanitario con tan reprochable conducta.

Sra. Sonia BRITO (Bolivia, Estado Plurinacional de) (Observador)

Quisiéramos hacer un llamado a todos los países para que esta votación no sea una votación que se politice. Creemos que América Latina tiene derecho también de tener sus candidatos y creemos que un país como Venezuela puede representarnos en este campo, por tanto, Bolivia apoya la candidatura de Venezuela y hace un llamado para que estas diferencias que se dan en otros espacios no repercutan en un espacio como la FAO.

Mr Denis CHEREDNICHENKO (Russian Federation) (Observer) (Original language Russian)

Today, unfortunately, this is not the first time that we are coming up against a situation where one of the Member Nations of the Organization is bringing up issues of a political nature and political disagreements, which are blocking the Organization's work. This Organization, at the same time, has been built on the principle of consensus.

A Member Nation has the right to put forward its own candidates and when even those countries that are not part of that region can bring up these objections, then it is just blocking our work. It is obvious

that this is not in the general interests of this nation. So, the Russian Federation supports the candidacy of Venezuela as a Member of the Group of 77 (G77).

Mr Ayman RAAD (Syrian Arab Republic) (Original Language Arabic) (Observer)

First of all, I would like to express our concern as we see that the Conference was politicized and we see this politicization repeated again. The work of our Organization seems to be politicized, but there are other platforms to discuss political issues. We are here in a technical organization and we see that no country has the right to intervene to the internal affairs of any other country. We support the candidacy of Venezuela. It has the right to nominate itself for the President of this Committee and no other state has the right to block this candidacy.

Mr Kiryl PIATROUSKI (Belarus) (Original Language Russian)

At the Conference, we talked a lot about depoliticization but unfortunately, not everybody is listening. FAO should not be politicized. It should not be dealing with politics and, please, all Members of FAO should understand that and we support Venezuela's candidacy. Here, we should only speak about the professional qualities of a candidacy and nothing that has nothing to do with the FAO mandate.

CHAIRPERSON

I do not have any other requests for the floor. So now I turn the floor back to the Elections Officer for informing us about the procedure.

ELECTIONS OFFICER

I will try to be brief, but there are just a few procedure motions to go through. First of all, I must again remind Members, delegates and supporting staff of the Secretariat of the absolute need for secrecy. This is one point I need to make. The voting procedure will be identical to the one that we have conducted earlier, including our request to you to hand over electronic appliances before entering the voting area.

Then in this case, the ballot paper will be a little bit different. It will be a straight up choice between the two candidates, Ms Céline Jurgensen of France and Ms Haifa Aissami Madah of Venezuela in that order. Delegates are again invited to mark the candidate of their choice with an 'X' and to abstain in the votes. The ballot paper should be left entirely blank. The candidate who receives a majority of the votes cast will be elected to the position of Chairperson of the Committee on Constitutional and Legal Matters (CCLM). Votes cast is always meaning valid positive votes and it does not include abstentions or defective ballots.

One more thing, if you invalidate per chance your ballot paper in the voting area, it can be substituted. You can ask me for a new one, in case you have placed additional marks, which would invalidate a ballot paper or otherwise.

Before we proceed to the vote, by rule, we must establish the quorum. I am informed that we do have 47 Members in this room. In this case, the quorum is a simple majority of the Council, so we would need 25 Members. But we can confirm the presence of that.

We can proceed with the vote.

CHAIRPERSON

I give the floor to the Assistant Secretary-General to start the secret ballots. Of course, we see that the tellers and scrutineers will go to the back of the room to observe the integrity of the vote.

Vote

Vote

Votación

CHAIRPERSON

We have concluded our vote for the Chair of the Committee on Constitutional and Legal Matters (CCLM). Now I will again temporarily adjourn the meeting for the counting of the votes.

Again, stay around, and I do hope that the counting goes a little bit faster than last time. We resume our session the moment the counting is done, and results are here.

The meeting was suspended between 15:47 and 16:15

La séance est suspendue de 15 h 47 à 16 h 15

Se suspende la sesión de las 15.47 a las 16.15

CHAIRPERSON

I now announce the results of the secret vote for the Chair of the Committee on Constitutional and Legal Matters (CCLM).

Ballot papers deposited - 47, abstention - 1, vote cast - 46, majority needed - 24, Ms Celine Jurgensen-23, Ms Haifa Aissami Madah - 23. Therefore, no candidate has reached the majority, and no candidate was above the majority.

REPORT OF BALLOT RÉSULTAT DU SCRUTIN RESULTADO DE LA VOTACIÓN	1	ELECTION OF THE CHAIRPERSON OF THE COMMITTEE ON CONSTITUTIONAL AND LEGAL MATTERS (2023-2025) ELECTION DU PRÉSIDENT DU COMITÉ DES QUESTIONS CONSTITUTIONNELLES ET JURIDIQUES ELECCIÓN DE LA PRESIDENTA DEL COMITÉ DE ASUNTOS CONSTITUCIONALES Y JURÍDICOS	2023-2025
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1. Ballot papers deposited Bulletins déposés Papeletas depositadas	47
2. Abstentions Abstentions Abstenciones	1
3. Defective ballots Bulletins nuls Papeletas defectuosas	0

4. Votes cast Suffrages exprimés Votos emitidos	46
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5. Majority (more than one half of the votes cast)	24
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Elected – Élu(s) – Elegido(s)	Not elected – Pas élu(s) – No elegido(s)	Eliminated – Éliminé(s) – Eliminado(s)
	Ms Céline Jurgensen (France)	23
	Ms Haifa Aissami Madah (Venezuela)	23

Tellers/Scrutateurs/Escurtadores

Mr Maarten de Groot (Canada)

Signature.....
Date..... July 10 2023.....

Mr Bienvenu Ntsouanva (Congo)

Signature.....
Date..... 10/07/2023.....

Mr Ilja Betlem (Elections Officer)

Signature.....
Date..... 10/7/2023.....

CHAIRPERSON

We now take a moment to consult and to propose to you how to proceed. If you give us five or ten minutes, then I will come back to you with a proposal for how to proceed.

The meeting was suspended between 16:16 and 16:18

La séance est suspendue de 16 h 16 à 16 h 18

Se suspende la sesión de las 16.16 a las 16.18

CHAIRPERSON

Excellencies, distinguished delegates, dear friends, before I propose to you how to continue, I give the floor to Argentina.

Sr. Carlos Bernardo CHERNIAK (Argentina)

Quisiera proponerle la posibilidad de tener un cuarto intermedio de unos minutos y que usted pueda articular con las candidatas o con los representantes de los grupos regionales, pero yo creo con las candidatas directamente, la posibilidad de explorar algún mecanismo de compartir, si es necesario, la silla y si no, buscar un mecanismo de acuerdo para evitar volver a votar. Si esto no le parece razonable o veo al Secretario General interpreta que quizá esto no está dentro de las reglas, yo lo acepto, pero estoy tratando simplemente de encontrar un mecanismo de solución. Si no, estaremos todos obviamente disponibles a votar nuevamente.

CHAIRPERSON

Dear friends, we were already writing history again today in the Council with three elections, but the rules are very clear. I read out for you the Rule XII, paragraph 11, "*In any election for one elective place other than of the Director-General, if a candidate fails on the first ballot to obtain a majority of the vote cast, successive ballots shall be taken as such time or times as the Conference or Council shall decide until a candidate obtains such a majority.*"

It means that you can ask for suspension of the meeting for consultations between the regions to find a solution. However, it is not up to the Chairperson. You know me, I always try to find consensus, however this time, because it is an election, it is different than the substantive matter. It is either we suspend the meeting, and it can be until later tonight or later this week, which of course nobody prefers, or we start another ballot until we have majority for one of the two candidates. It is up to you.

Mr Rodney M. HUNTER (United States of America)

I just wonder if we might get some clarity because I think under what you explained to us earlier, we are ending this part of the meeting at 16:30 hours. Is that correct?

Mr Mina Rizk ATTIA RIZK (Egypt)

What happens if we have the re-election process and then we end up having the same results?

CHAIRPERSON

The rules are clear. We shall keep on voting until we have a majority. I do remind you, and I can say that example because the Netherlands was involved in New York in the election for the Security Council, and it was a tie. I think it was with Italy. And there were, I think, now at least five or six rounds where we try to get one or two majority. At the end, the countries itself found a solution and split the term for the Council seat because none of the Members could find, after all those rounds, a majority. However, it is up to the Members of the Council to decide whether now to suspend, which we can do, or that we now start another ballot for seeing whether or not we can find a majority for one of the two candidates.

Mr Sayed Altayeb AHMED (Sudan)

I would like to support the proposal tabled by the Argentina to give more space for consultations. After that, if we reach an agreement, so good. If not, we can just come to the last resort is re-voting.

Mr Yusef JUHAIL (Kuwait)

I think we can go to another vote. In the meantime, we can discuss so we do not waste our time to break. When we go to a vote we have the chance because it takes an hour, at least, to do the vote. It is impossible to break now for another 30-40 minutes, and then go back to another one hour or one hour and a half. So we can vote. In the meantime, we can discuss.

Mr Valdemaras JUOZAITIS (Lithuania)

We would like to ask for a short suspension because we think that if we start voting, it could be the same result again and again. So better to make a short pause, and then let us see how it goes.

CHAIRPERSON

Although I liked the proposal of Kuwait, but I am very hesitant because in accordance with the procedure, we saw already this morning how difficult it was. If you start the voting procedure, you can only in very special circumstances, and only the Independent Chairperson of the Council (ICC) can intervene in the voting and counting procedure. So even not a point of order would be feasible. Therefore, my proposal would be that we wait until 17:00 hours, that we give the candidates and regions the possibility to see whether or not a solution can be found. If not, then we start with another vote. Can we agree to that? I see no objections. Then we suspend the meeting until 17:00 hours.

The meeting was suspended between 16:27 and 17:34

La séance est suspendue de 16 h 27 à 17 h 34

Se suspende la sesión de las 16.27 a las 17.34

CHAIRPERSON

I think now we have to make a final decision, whether or not we are going to vote or not.

I hope that the Ambassadors now can finalize their discussion to see whether or not there is an agreement or not.

The request of the Ambassadors is to have a short meeting with the Secretary-General, the Legal Counsel and myself to see whether or not probably their solution could be worked out. So let us try.

The meeting was suspended between 17:39 and 17:58

La séance est suspendue de 17 h 39 à 17 h 58

Se suspende la sesión de las 17.39 a las 17.58

CHAIRPERSON

Excellencies, ladies and gentlemen, dear friends, distinguished delegates, we took a little bit longer than five minutes because we had to look to all the legalities, precedents on a solution which is found or could be found between the two candidates. I will give first the floor to the candidates to explain the solution they have found.

It is a solution which could set a new precedent within the Council, but it is up to the Council to see whether or not we want to go with this compromise.

I will give the floor both to the Secretary-General of the Conference as well as the Legal Counsel to explain the discussion we have had. Then it is up to the Council, to the Members, to decide.

First, I give the floor to both candidates to explain the solution they have found within the framework of the Basic Texts and the Rules of Procedures of FAO.

Mme Céline JURGENSEN (France) (Observateur)

J'ai le plaisir de vous annoncer que nous sommes parvenus avec l'Ambassadrice du Venezuela, que je remercie, à un accord qui consisterait à avoir un double arrangement. Un arrangement pour la présidence du Comité, par lequel nous ferions chacune un an. Le premier terme d'un an serait fait par la France et ensuite le Venezuela.

Cela suppose aussi un deuxième accord, concernant les membres du Comité. Comme vous avez pu le voir dans les documents, le Nicaragua et le Venezuela sont tous les deux candidats pour être membres, le second ticket consisterait donc à avoir la première année du mandat qui serait fait par le Venezuela.

Ce qui permettrait aussi d'assurer une continuité au sein du Comité. Et la seconde année serait faite par le Nicaragua en tant que Membre.

J'espère avoir reflété fidèlement notre accord avec l'Ambassadrice. Je souhaite à nouveau vous remercier tous pour votre patience, nous avons essayé de travailler dans un esprit de compromis, de consensus après cette longue journée, pleine d'élection, et j'espère que ce paquet, car c'est comme ça je pense qu'il faut le comprendre, saura trouver l'accord de ce Conseil.

Je vous remercie, et bien sûr, l'Ambassadrice du Venezuela pourra ajouter à ce que j'ai pu indiquer.

Sra. Haifa AISSAMI MADAH (Venezuela, República Bolivariana de) (Observador)

Tal como ha expresado la distinguida colega de Francia y recogiendo un poco los comentarios y mensajes que hemos recibido de nuestros grupos y de los Estados Miembros, creemos que estamos obligadas por coherencia política a tratar de encontrar una solución y esta solución quisiéramos que no cree un precedente que, entendemos es una solución excepcional a una situación igualmente excepcional, pero en el espíritu constructivo y de inclusividad hemos decidido tratar de acercar posiciones, puesto que escuchamos también a través de la votación a este Consejo hablar fuerte y claro.

No podría ser de otra manera que tratar de encontrar una fórmula de compromiso y creemos que esta es la que más se acerca para tener a todo el mundo a bordo. Entendemos que esto no está previsto en los textos fundamentales, pero tampoco está expresamente prohibido y siendo que ambas somos abogadas y, creo que por esto también nos han votado, creemos que en coherencia que quede claro para los récords que no pretendemos con esto crear un precedente. Entendemos que es una situación excepcional y es una solución igualmente excepcional, pero que no atenta contra el espíritu ni la integridad de los textos fundamentales. Esa es nuestra premisa y esperamos con esto lograr una solución de avenimiento que mantenga a todos los Miembros del Consejo, al menos satisfechos y que esperamos contar con su anuencia para seguir adelante con esta hoja de ruta que nos hemos planteado.

CHAIRPERSON

As was explained also by both candidates, it is a very exceptional situation, but we already have seen today that in many senses we are writing history in one day for FAO.

At a certain moment, we have to reflect on this how we can go from votes to unite each other again and to be really the United Nations. But before taking a decision, it was already explained that it is an exceptional situation where in our discussion we had, there are no precedents within the past of FAO, but let us first hear from the Secretary-General and the Legal Counsel.

SECRETARY-GENERAL

I would be the last person who wanted to rain on the parade of us all getting out of here as quickly as possible with an agreement, but I think I am duty bound in articulating to the Council the governance perspective before the Legal Counsel may perhaps give an insight into the legal potential implications of the proposal.

From a governance perspective, the proposal is unprecedented. There has never even been a whiff of an arrangement in the Council Committees for some sort of rotation or seat-sharing, let alone for the chairpersonships of that. This is very different from the fact that there have been limited and circumscribed such seat-sharing arrangements for Council blessed by the Conference, and the Conference is a totally different entity with a different legal authority than the Council.

I have to say that, beside the question of whether the Council itself has the authority to bless this proposal on the table, which I am not convinced it is, but it is not up to me to pronounce over that, it would seem from a good governance perspective, eccentric that the Council would not take the normal established course of practice of at least one or two more ballots, before resorting to such an ad hoc, unprecedented and convoluted arrangement, as it appears to be.

CHAIRPERSON

it is not up to us to decide whether or not there should be how many ballots for an election. I give the floor to the Legal Counsel.

Ms Donata RUGARABAMU (Legal Counsel)

As you are aware, the provisions that we are addressing are contained in the General Rules of the Organization, which were adopted by the Conference. They set the framework for the work of the Council, they set the parameters of the work of the Council, and they set out the provisions the Council should follow when it elects its Committees.

In that context, I would note that Rule XXXIV, Paragraph 1 of the General Rules of the Organization, establish that *“Members of the Committee shall be elected for a period of two years at the Session of the Council following the regular Session of the Conference.”*

Paragraph 3 of that same Rule specifies that *“the Council shall first elect a Chairperson from among the nominated Representatives of the Member Nations of the Organization.”* This Paragraph further states that *“the Chairperson shall be elected on the basis of individual qualifications and shall not represent a Region or Country.”*

Turning then to Paragraph 11 of Rule XII, which then governs these elections, it is specified, and as the Elections Officer indicated in the earlier voting that you were doing, that, *“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.”* This is what the General Rules of the Organization, adopted by the Conference, stipulate.

I know that some Members have referred to seat-sharing arrangements, which have been approved or adopted in certain regions. Here I would observe that these have been the subject of consultation and consideration by the Committee on Constitutional and Legal Matters (CCLM) and by the Council and indeed by the Conference. In those consultations and discussions and conclusions, it was always noted firstly that these were internal arrangements within Regional Groups, i.e. for seats held by Member Nations, not by individuals, and seats allocated to specific Regional Groups.

It was also in those various deliberations noted that these were not consistent with the spirit of the Basic Texts. Nevertheless, for these arrangements, the Conference decided it would not object to them, but we will find there is indeed one region which specifically excludes seat-sharing arrangements. They are thus not something contemplated in the Basic Texts. They have been the subject of considerable deliberation.

Here we are talking about the election of a Chairperson for a Committee, an appointment for a period of two years. That is what the Basic Texts stipulate. I wanted just to draw those legal elements to your attention.

CHAIRPERSON

It is a very exceptional situation and everything came to you now in a couple of minutes. If the Council does not have any hesitation, we can continue with what we started, but if there are more reflections needed within groups and regions, because what I can see is your faces together, and I see concerned faces, although there was already an applause for the solution found. However, that was before the input from the Secretary-General and the Legal Counsel.

I am also a lawyer, international lawyer, and it is clear that we are facing an exceptional situation. That you cannot find any regulation in the Basic Texts that can directly go against it, but you can argue in different ways. If we need to have more time, then we have to adjourn this meeting and come back later this week, whether it would be tomorrow or Wednesday, to get a full picture, have discussions in your regions, and then take a final decision, because this decision is more or less the last decision we have to take before we adopt the Report.

But because of the highly exceptional situation of the solution found, we have to make sure that we do not decide in a split second and the next Council will say, sorry, we have to come back to the issue.

For that reason, as your Independent Chairperson, I would like to propose, looking also to your faces, that we suspend or adjourn the meeting until Wednesday morning, so that at least you have time to reflect, perhaps get instructions from your region and do further consultations about whatever you want to consult on.

Mr Rodney M. HUNTER (United States of America)

Before we think about this more, I had a question for the Legal Counsel if it is possible, but one of the points that you made Chairperson, is that because this is not excluded within the Basic Texts, therefore we could do it. Would that set a precedent in the future whereby the Council can make a point that if something is not excluded, it could be included.

By that logic, is there a fear, and I would ask this of my colleagues here as well, that if the Basic Texts does not say you cannot do something, then we can, and that would open in my mind a very large can of worms potentially. Therefore, I just wonder, as we are thinking about this, if we are going to go away for a few days, that would be a good answer for me to have.

Mr Yousef JUHAIL (Kuwait)

I think we have set quite many precedents, not only here today but also in the Conference, so we all can say that very clearly. I mean in the way and the report was in the Conference, we understand how the situation was. Now this is not a Bible or a Quran that is set on us, that we cannot also for special circumstances, can agree on it.

I see many Members here agreed on this. Why we are going back later on and postponing the situation where both of them, the Candidates, agreed on this situation. Now yes, we understand many people are not happy with this. We understand even near you, there are some people who are not happy with this.

We understand the situation, but as you said, this is special circumstances and I think we should finish it today. We are going over again and again next week. The more we delay it, the more we will find other things that will create more problems than solutions, I think.

Mr Siragi WAKAABU (Uganda)

We want to thank both candidates for demonstrating that this is a house where we can still talk to one another, and we want to thank them for the creative solution they have brought on the table. However, when I started business of negotiation, one thing was taught to me, that whenever the word “shall” is used, I should double underline it.

When the Legal Counsel was speaking I heard the word “*shall*”, and now unless I need to learn these things anew, I do not find a solution that would rewrite that word to read differently. When it says, “*shall*”, is what shall be done. Tired as we are, there is no way around this.

If we become creative, I think that word “*shall*” in our documents in the future may take on a different meaning. I want to underline as I was taught, the word “*shall*” and I think we will need to go down the route of what the legal text says, and we do exactly that. Whether we do that today or we do it on Wednesday as you suggest, but we should do it as the word “*shall*” instructs us to do.

Mr Khalid MEHBOOB (Pakistan)

After listening to the Secretary-General and the Legal Counsel, I do not believe we can go ahead with the principle of seat-sharing because the legal opinion is quite clear.

We should follow what the Basic Texts say and we should not use the principle, if the Basic Texts does not say we can do it, because the Basic Texts cannot be changed by the Council, the Basic Texts can only be changed by the Conference. I think we should follow the legal text, and if it means having another ballot, we should do so. Because if we can have ballots for other things, what is so exceptional?

I heard this, that we have an exceptional situation. Yes, exceptional in the sense that two candidates got the same number of votes, but it is not so exceptional not to have another ballot, and to go against the Basic Texts on the principle that if they do not mention it, that means we can amend and still do it.

I agree with the United States of America when they said, they asked a question, but the answer to that question, in my opinion, it will open a can of worms for the future, it will create a precedent, and we would regret it when we come back in the future.

I could list quite a few things that happened in the past, where Members went home thinking they will live happily a year after, and things came back and created trouble, so much so that one whole

institution was abolished after a few years. When we fought over words and agreed on compromised words, each side thinking that it satisfies their view, after a few years, we had the situation come back and a whole institution was abolished.

Therefore, I think we follow what the Legal Counsel said, what the Secretary-General said, and stay within the legal bounds of governance.

Mr Akeel HATOOR (Qatar) (Original Language Arabic)

We have wasted a lot of time on two items from this morning. Thankfully at the end of this session, the two candidates, the Ambassador of France and the Ambassador of Venezuela, agreed to have a seat-sharing agreement. The Legal Counsel has not objected to this arrangement. However, I am not aware of this ending point, why would we come back on Wednesday to settle this issue?

As mentioned by the ambassador of Kuwait, this issue has been resolved eventually, so why are we going to come back on Wednesday or on another day to try to settle this? The Legal Counsel has not objected at all to this arrangement and this is up to the Council. The Council should be deciding the outcome of this issue.

Mr Bo LI (China) (Original Language Chinese)

I listened carefully to all parties. I understand fully that after the coordination of France and Venezuela, they arranged to share the Chairpersonship. However, I also listened to the Legal Counsel and to the Secretary-General. I think that we should be very vigilant and prudential. There are procedural and legal issues. We must make sure that our decision must be within the legal framework, within the Basic Texts of the Organization, otherwise after a period, this decision might be reversed.

I agree with Mr Khalid Mehboob from Pakistan. Therefore, in this case, I suggest that we should suspend the Session to give us some time to think about it and let the region reflect on it and then we can vote again.

Mr Yoshihiro KURAYA (Japan)

I think it is better or desirable to stick to the General Rules. We do our work under the strict interpretation of the General Rules. However, at the same time, we do not have a precedent for the election of the Chairperson of the post of the subsidiary Committee of the Council, but we have another precedent not applying the General Rule for our work.

That is under the exceptional circumstances of the COVID-19 pandemic, we have decided to have a meeting in virtual mode. The Basic Texts of FAO has allowed only the in-person participation for the Council, but under the COVID-19 pandemic, we consulted with Members and we decided some part of the General Rule should not be applied for having a Conference on the virtual mode.

I think there is some way which provision of the General Rule will not be applied for this very much for exceptional cases. This will not constitute the precedent for the future. Such types of creative solutions we might find because we had such types of solutions under the COVID-19 situation in order to have a Conference and a Council on the virtual mode only.

That is my comment for this, but in any case, I am looking forward to have a constructive discussion among our Members.

Mr MOUNGUI MEDI (Cameroon)

Can you recall us the majority to be elected, please?

CHAIRPERSON

It is a simple question with a complex answer, because it depends on the majority cast. The votes cast were 47 and it means 24 for a majority, and both candidates had 23 votes cast. So it depends on how many votes are cast, that gives the majority, and then you look to the number of votes each of the candidates have gotten.

Mr MOUNGUI MEDI (Cameroon)

For this special election, what was the majority required?

CHAIRPERSON

Twenty-four.

Sr. Carlos Bernardo CHERNIAK (Argentina)

Permítame compartir dos reflexiones. La primera es que me ilusioné cuando vi la sensación de que los colegas podían llegar a un acuerdo, pero lo más importante para mí es cuando los Miembros tenemos la capacidad de llegar a un consenso. Es claro, también, que nosotros tenemos un mecanismo que nos da las garantías a todos los Miembros, que son los Textos Básicos. Yo siempre he planteado que dentro de los textos básicos todo, fuera de los textos básicos nada. No podemos interpretar los Textos Básicos porque interpretarlos o reinterpretarlos es crear nuevos Textos Básicos.

Por lo tanto, presté mucha atención a lo que decía la Consejero Legal sobre esta cuestión y creo que quizás el otro tema que me preocupa es la falta de unanimidad en el consenso para buscar una solución de este tipo porque si hubiera una absoluta unanimidad en el Consejo respecto de buscar una salida excepcional, quizás eso podría ser una solución que podría equilibrar la laguna jurídica que podría haber en los textos básicos. Pero tampoco estoy viendo la unanimidad a la cual me estoy refiriendo.

Si hubiera unanimidad podríamos pensar que quizás era el momento de usar lo que dijo mi querido colega de Japón, que es usar el mismo paralelo que pasó durante COVID-19, que trabajamos en un escenario excepcional. Durante COVID-19, la realidad es que no había otra alternativa para trabajar. O se trabajaba de manera virtual o no se trabajaba. Ahora tenemos mecanismos. Lo ideal es el acuerdo, pero si el tipo de acuerdo pone en crisis los textos básicos o no tenemos la unanimidad entre los Miembros, entonces habrá que buscar las soluciones que los propios textos básicos nos determinan.

Y lamento lo que estoy diciendo porque, sinceramente, fui uno de los que se puso muy feliz cuando vio a la embajadora de Venezuela y de Francia juntas expresando que habían llegado a un acuerdo. Sinceramente era uno de los que más feliz estaba, pero creo que no podemos arriesgar ni poner en riesgo lo que significa la seguridad jurídica de esta Organización. Por lo tanto, repito, salvo que hubiera unanimidad de todos los Miembros, que estuvieran en condiciones de soportar esa laguna jurídica, entonces ahí sí podríamos discutirlo, pero creo que con las preocupaciones que nos dejó la Consejero Legal y la no unanimidad estamos en problemas para poder avanzar con este acuerdo así como está. No tengo una solución, es simplemente compartir una reflexión.

CHAIRPERSON

I think that at this moment we do not have any unanimous decision on any way forward, even procedurally.

Ms Demitu Hambisa BONSA (Ethiopia)

When the law is clear, no ambiguity, why do we go for interpretation? Therefore, the Rule said majority rule. Therefore, whatever the time, we should have to go in line with the Rule. If we start to violate this Rule and it goes for interpretation, which there is no force majeure where there is no ambiguity, no stop always we are going, giving space for interpretation, which is not good. I am a lawyer, so I go with China and America, very important to keep what the Rules said.

Mr Mina Rizk ATTIA RIZK (Egypt)

I am in between your hands on the way forward, we are just sharing our remarks. Unlike most of the previous speakers and yourself, I am not a lawyer, I am not an international lawyer, but I have, my understanding is we have two questions, a legal question and a political question. I do not think that postponing the meeting will give a different answer for both questions because what is legal today will be legal on Wednesday. What is not legal today will not be legal on Wednesday.

As for the political question, I understand very well that we have seen a political will, at least from the dear Ambassadors from France and Venezuela, that they can come up to an agreement and I do not think also having another chance to postpone the meeting will make any difference.

I would also like to raise to your kind attention what you have mentioned this morning, that we do not want to exhaust the resources that we have, including human resources. We have been very committed to come to the Council Session when we were informed earlier that the Council Session was on 10

July 2023, but not all the Permanent Missions have enough staff to guarantee that we can be available in our next Session, because we also need to consult with our missions.

That is why I am not trying to oppose your kind suggestion to postpone to Wednesday, I am just trying to highlight some remarks.

Finally, I would like, also this is not a new suggestion but we should look into having another round of voting, maybe this could be the only legal answer to the question that we have today.

Ms Emma HATCHER (Australia)

Like others, I was very enthusiastic when I saw Venezuela and France enter the room smiling and approach you, but having listened to their suggestion and the advice from the Secretary-General and the Legal Counsel, it does give us pause for thought in terms of the implications potentially of this arrangement. Unlike I guess COVID-19 where the Basic Texts were entirely silent on the inability for Members to come together and meet in person, in this case the Basic Texts do anticipate that a vote may not result in an outcome and that a further vote is required.

As I heard from my colleague from Argentina, if we did have an overwhelming sense of satisfaction and comfort with that, perhaps there is an ability to move forward, but I pause and believe we should act with caution, having considered fully what the implications of that may be for not only the Committee on Constitutional and Legal Matters, but the ongoing work of this Council and this body more generally.

So in that sense, I believe and I do appreciate the Legal Counsel has had to look at this new issue in a very short period of time and assess. I think perhaps further time for us to consider that and determine whether a further vote is warranted, which I believe is the case, or whether some alternate arrangement can be comfortably embraced by all Members of this Council. We are not there yet.

Mr Akeel HATOOR (Qatar) (Original Language Arabic)

I will keep it brief and succinct. We set up a vote to appoint the Chairperson of the Committee on Constitutional and Legal Matters (CCLM). The outcome was a tie. You have asked the regions to discuss a solution to avoid another vote, another ballot, which is why we have been working for hours on end to find an alternative, a different solution to avoid another round of voting.

That is why I currently fail to understand why on the back of France and Venezuela's agreement, we have not come to an agreement ourselves. What we have seen, what we have heard is that we cannot split the term of the CCLM chairpersonship. Why exactly then have we waited up until now since midday? If the Basic Texts cannot be interpreted, then that means that elections will have to be held during this session in any case.

CHAIRPERSON

I see my list growing of speakers. I do not want to continue this discussion because we are not there yet. Neither would be on the compromise, neither would be on the interpretation, neither would be on how to proceed.

My suggestion would be to break until 19:15 hours to give the regions. Please do not say no before you have heard my proposal. I think now many people want to sit on this Chairperson, but you should have done that two weeks ago then. My proposal would be to break, to consult with each other, because we have options on the table which are not flying, or at least are difficult with the interpretation of the Basic Texts.

But perhaps listening to this discussion, where we see that we are still not there yet, the regions could consult to see what other solutions will be feasible on finding a way out of this deadlock.

I do not want to sit here all night nor it is not my preferred position to postpone any Council Session, because I was hoping to finalize it before 17:30 hours. However, my idea is that perhaps if the Chairpersons of the Regional Groups would sit together to find a solution whether or not we should go for another vote to reach consensus, because that is the direct text of the Basic Texts. If there is no decision made, we go for another vote, because that could be done at 19:15 hours, or if another solution has been found with consensus of the Council.

Therefore, my proposal would be, please consult. If there is no solution, then I think we should follow what was stated by the Basic Texts, that we go for another round of vote because there is no consensus support for the compromise

My suggestion would be let us give ourselves half an hour, and then if there is no other solution found, we go for another vote.

Mr Rodney M. HUNTER (United States of America)

Just as a point of order, a question was asked for the Legal Counsel. I was wondering if you were going to give her the floor to respond.

Ms Donata RUGARABAMU (Legal Counsel)

If I recall correctly, the United States of America had asked whether, if something was not explicitly excluded, could the Members do it, and would it set a precedent?

Here I would note, firstly in a way as a preliminary observation and indeed as quite accurately noted by the Distinguished Delegate of Uganda, here we are talking about mandatory language and I think that needs to be the starting point.

The language of Rule XXXIV Paragraph 1 says, "*Members of the Council shall be elected for a period of two years at the Session of the Council following the regular Session of the Conference.*" This is normal language, I would observe, for Rules of Procedure. They do not say, "*shall be elected for a period of two years at a session of the Council which cannot be split or shared.*" That is not how Rules of Procedures work. Thus, while this arrangement is not specifically excluded, the language is mandatory.

Nevertheless, as regards the specific question of the United States, would such a matter set a precedent? I think here we look at what has taken place in the past, how matters have evolved in the Organization. Exceptions tend to become the exceptional norm and tend to be applied more and more frequently.

In that context, I would urge great caution in moving away from the literal language of the Basic Texts, which, as observed by the Independent Chairperson of the Council (ICC), do state that where there is no majority, a further ballot shall be held.

That I hope addresses the query of the United States of America. In this regard, I would once again mention the Conference and refer to Rule XLIX.

I had mentioned in my first advice to the Members, that these General Rules of the Organization are adopted by the Conference. It is the Conference that has set this framework, including the framework within which the Council undertakes its business. The Conference has therefore mandated through the adoption of these General Rules of the Organization, it has mandated the Council to elect a Chairperson for a period of two years. It is not the Council's authority to then modify those Rules. This is the sovereign authority of the Conference.

Thus, I would truly suggest caution in going forward and departing from the literal reading of the Rules.

Mr Akeel HATOOR (Qatar) (Original Language Arabic)

Apologies for requesting the floor again. I am not willing to stay in this room to take part in another ballot. We have other commitments. Therefore, a 30 minutes break will not help us. We have tried to find an alternative and we have not managed. Therefore, there is no room for manoeuvre. Negotiations were held between the two parties, however there is no agreement around that. I do not see that there would be a better solution. Therefore, I would suggest that we have another ballot because we cannot stay any longer to take part in that ballot.

CHAIRPERSON

As this is a point of order, I think there is a clear now proposal to go for another ballot, not with a break, but directly now, to go for another ballot and see where we are after the ballot.

Applause
Applaudissements
Aplausos

With that, we now start because that was what I proposed. We are now going to start another round of a secret ballot for the position of Chairperson of the Committee on Constitutional and Legal Matters (CCLM).

I give the floor back to the Election Officer to announce the procedure for the secret ballot.

ELECTIONS OFFICER

The secret ballot voting procedure will elect the Chairperson of the Committee on Constitutional and Legal Matters (CCLM), from this Session until the Council Session immediately after the 44th Session of the Conference. There were two candidates by now well-known, and in accordance with Paragraph 3 of Rule XXXIV of the General Rules of the Organization (GROs), the vacancy will be filled in accordance with Paragraphs of Rule XII. The voting procedures will also continue to apply established practices around secret ballot voting procedures.

The one reminder I need to make is the need for absolute secrecy, both on the part of voting Delegates and on the part of any staff involved in the supervision of a balloting procedure. That will include that we will ask you to hand over communication appliances at the entrance of the voting area. Delegates will be called in alphabetical order starting with the letter A, as we have done earlier, and the same tellers will supervise this election.

Then if a voting Delegate in the voting area invalidates a ballot paper, and invalidating a ballot paper means placing any other mark other than needed to express a vote within the voting area, a ballot paper can be substituted.

The candidate who receives the majority of the votes cast will be elected. Votes cast means votes for either of the two candidates but does not include abstentions or defective ballots.

Then before we proceed to the vote, we need to establish that we have a quorum, and I am told that we have still 47 Members in the room. With that, we are going to vote.

CHAIRPERSON

May I ask the tellers and the scrutineers to go to the back of the room so that we can start our proceedings? I now give the floor to the Assistant Secretary-General to start the secret ballot.

Vote
Vote
Votación

CHAIRPERSON

We now again temporarily suspend the Council for the counting of the votes. I do hope that it goes quicker than the last time, so please stay in or around the room so that we can reconvene the moment the votes have been counted.

The meeting was suspended between 19:05 and 19:24
La séance est suspendue de 19 h 05 à 19 h 24
Se suspende la sesión de las 19.05 a las 19.24

CHAIRPERSON

Excellencies, distinguished delegates, dear friends, I now give you the results of the secret ballot.

Ballot papers deposited, 47. Abstention, 1. Votes cast, 46. Majority needed, 24. Ms Céline Jurgensen 24. Ms Haifa Aissami Madah, 22.

REPORT OF BALLOT RÉSULTAT DU SCRUTIN RESULTADO DE LA VOTACIÓN	2	ELECTION OF THE CHAIRPERSON OF THE COMMITTEE ON CONSTITUTIONAL AND LEGAL MATTERS (2023-2025) ELECTION DU PRÉSIDENT DU COMITÉ DES QUESTIONS CONSTITUTIONNELLES ET JURIDIQUES ELECCIÓN DE LA PRESIDENTA DEL COMITÉ DE ASUNTOS CONSTITUCIONALES Y JURÍDICOS	2023-2025
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1. Ballot papers deposited Bulletins déposés Papeletas depositadas	47
2. Abstentions Abstentions Abstenciones	1
3. Defective ballots Bulletins nuls Papeletas defectuosas	0

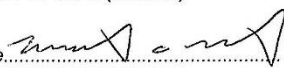
4. Votes cast Suffrages exprimés Votos emitidos	46
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5. Majority (more than one half of the votes cast)	24
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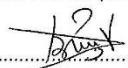
Elected – Élu(s) – Elegido(s)		Not elected – Pas élu(s) – No elegido(s)		Eliminated – Eliminé(s) – Eliminado(s)	
Ms Céline Jurgensen (France)	24	Ms Haifa Aissami Madah (Venezuela)	22		

Tellers/Scrutateurs/Escurtadores

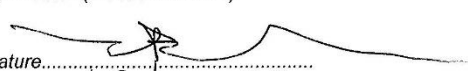
Mr Maarten de Groot (Canada)

Signature.....
Date..... July 10 2023.....

Mr Bienvenu Ntsouanva (Congo)

Signature.....
Date..... 10/07/2023.....

Mr Iija Betlem (Elections Officer)

Signature.....
Date..... 10/7/2023.....

Applause
Applaudissements
Aplausos

With that, I congratulate Ms Céline Jurgensen for the Chairperson of the Committee on Constitutional and Legal Matters (CCLM).

Now we continue with Membership of the CCLM. Regions with the same number of candidates as seats: Africa, Senegal, Mr Madiagne Tall. Asia and the Pacific, Indonesia, Mr Purna Cita Nugraha. Europe, Luxembourg, Ms Marie-Lise Stoll. North America, Canada, Ms Julie Émond. Australia, Ms Emma Hatcher.

As these are the regions with the same number of candidates as seats, can we agree to their nominations?

Applause
Applaudissements
Aplausos

We continue with the same practice, and that is the nomination on behalf of the Near East Region, although they were not received before the deadline of 19 June 2023. We received afterwards the nomination from Sudan, Mr Sayed Altayeb Ahmed.

Can we agree to the nomination on behalf of the Near East Region?

Applause
Applaudissements
Aplausos

Then, we have the region with more candidates than seats, and that is the Latin America and the Caribbean region, because we have the nomination of Nicaragua, Ms Monica Robelo Raffone, and for Venezuela Ms Haifa Aissami Madah.

Does any candidate want to withdraw herself?

Sra. Monica ROBELO RAFFONE (Nicaragua)

En vista del resultado, Nicaragua retira su candidatura para darle paso a Venezuela para ocupar la Membresía en el Comité por parte del Grupo América Latina y el Caribe (GRULAC).

CHAIRPERSON

With that, we have now all positions fulfilled in the Committee on Constitutional and Legal Matters (CCLM).

Sr. Carlos Bernardo CHERNIAK (Argentina)

Quería felicitar a la Embajadora de Francia por el resultado y, al mismo tiempo, hacer un reconocimiento público por el compromiso de la Embajadora de Venezuela con la flexibilidad, con la búsqueda de encontrar un mecanismo de consenso que, quizás, la propia situación del marco legal de la FAO no fue funcional para poder llegar a ese consenso.

Pero su actitud desde el principio fue una actitud absolutamente flexible en la cual intentó representar y defender un esquema que para los países del G77 implicaba respetar una política de rotación. Será un tema para debate posterior, pero hoy es el día para felicitar a la Embajadora de Francia y para felicitar a la Embajadora de Venezuela por su actitud absolutamente constructiva, privilegiando siempre el bienestar de esta Organización.

Sra. Haifa AISSAMI MADAH (Venezuela, República Bolivariana de) (Observador)

Como no podía ser de otro modo, deseo felicitar a la Embajadora de Francia por su elección, desearle el mayor de los éxitos y, como se lo dije al inicio de este proceso, las mujeres siempre protestamos por la falta de solidaridad y empatía entre las mujeres y debemos nosotras practicar la solidaridad entre las mujeres. Ha sido una formidable contrincante y ha sido un honor competir contigo y estoy segura que harás un gran papel en el Consejo de Asuntos Jurídicos. Gracias.

Deseo agradecerle a mi grupo regional, al Grupo América Latina y el Caribe (GRULAC), por su apoyo en este proceso, en este camino andado, al G77 y China por su apoyo, sin el cual nosotros no hubiésemos tomado la decisión de tratar de hacer buena la letra y el acuerdo de caballeros y damas que hemos mantenido de la rotación. A todos ustedes mi agradecimiento y a todos los Estados Miembros, los que votaron por nosotros y lo que no lo hicieron, estoy segura que entre todos podremos buscar un consenso. Esta ha sido nuestra prédica siempre. Y a mi equipo, finalmente, no menos importante por su apoyo. Me siento muy orgullosa por todo lo que hemos hecho y hemos logrado y seguiremos venciendo.

Mme Céline JURGENSEN (France) (Observateur)

Je voudrais tout d'abord remercier tous les membres du Conseil pour leur patience, je voudrais surtout féliciter, saluer ma collègue, l'Ambassadrice Haifa Aissami Vous l'avez entendu, nous avons travaillé ensemble, dans un esprit de compromis, de coopération, dans un esprit sportif. Je voudrais saluer aussi son élégance, et celle de son équipe, que je remercie.

Nous avons essayé toutes les deux, de faire preuve de créativité, d'esprit de coopération. La solution que nous avons proposée n'a pas pu prospérer, mais telle était la volonté du Conseil, et bien sûr, nous le reconnaissons. Je voudrais aussi assurer les Membres que ce sera un plaisir et un honneur pour moi, pour la France de présider ce Comité avec la neutralité et l'indépendance nécessaire, toujours dans l'esprit de coopération et j'aurais plaisir dans cette capacité, à travailler avec la collègue du Venezuela et avec tous les collègues qui ont été élus et que je salue.

En conclusion, permettez-moi aussi de remercier les collègues bien sûr, de mon groupe européen, et surtout mon équipe, toujours fidèle au poste et qui a su faire montre de son excellence, comme toujours. Je les en remercie, encore merci à tous et en conclusion, je salue l'esprit de diplomatie multilatérale féministe dans lequel ce Conseil s'est tenu.

CHAIRPERSON

I do not have any other speakers on my list.

Now we have to go for the Adoption of the Report. The report has to be finalised, and for that we need some time. We do it in a fast-track manner, as effective and efficient possible. That means that, and it has to be in conformity with the Rules of Procedures, have to be available in all languages, so we hope to start adopting the report at 20:30 hours. I hope to see you in this room again at 20:30 hours for the adoption of the report.

The meeting was suspended between 19:35 and 21:07

La séance est suspendue de 19 h 35 à 21 h 07

Se suspende la sesión de las 19.35 a las 21.07

ADOPTION OF REPORT

ADOPTION DU RAPPORT

APROBACIÓN DEL INFORME

CHAIRPERSON

Excellencies, distinguished delegates, dear friends, we had a very long day. It has been an historical day, but we have to see how historical it was and how we look back to it. It was historical because never in the history of FAO, and we checked, on the Monday meeting after the Conference, we have had such a long meeting, and we never had four votes on a Monday morning meeting.

Therefore, it is time to reflect on that as well. But the great thing, looking to the bright side of life, we have a result. We have a result which is now in the Report of the 173rd Meeting of the Council.

We have a result for all the Committees, at the end by consensus, or at least by a vote. Therefore, we can start our work for the next two years.

Now in front of you, we have the report in the six UN languages, that is another basic principle of the UN that we work in all languages. You hopefully have time to read it, I see that the United States of America is asking for the floor.

I give the floor to the United States of America before adopting the Report. I do hope that after the remarks of the United States of America, we can adopt the report by acclamation or by consensus.

Mr Rodney M. HUNTER (United States of America)

Just one small change to the Report. It is noted in two footnotes that the United States of America dissociated from nominations. I do not know that it is possible. We opposed a few nominations, but we do not need those two footnotes at all. It is in the Verbatim Records, we do not need it in there, so we would request that those be removed.

CHAIRPERSON

So my question to all of you is on the late hour of the Monday evening, can we adopt the report *en bloc*?

Applause
Applaudissements
Aplausos

I wish to congratulate the Chairpersons of the Programme Committee (PC), the Finance Committee (FC) and the Committee on Constitutional and Legal Matters (CCLM) for their appointment. I wish to congratulate all the Members of the Programme Committee, Finance Committee and the CCLM for their appointment.

Sra. Haifa AISSAMI MADAH (Venezuela, República Bolivariana de) (Observador)

Me disculpo por tomar la palabra, pero quiero advertir de un error material que hay en la versión en inglés del reporte, cuando se refiere al período de tiempo de los Miembros del Comité de Asuntos Constitucionales y Legales. En inglés dice que es julio 2021 a julio 2023. Entonces, le agradecería, por favor, que se haga las rectificaciones de rigor.

CHAIRPERSON

Thank you very much also for this remark. I was informed by the Secretary-General that it is already corrected. When you see the final version of the report, it will be corrected.

With that, we could close for this long day. As I said, it was an historical day, and I do think it is important to reflect on it. The good thing is we decided for all the Committees to do their work.

Again I thank you so much for the support that was given to me as your Independent Chairperson of the Council. It was by acclamation, but now I return it to you, because I need your support to make these two years successful. And successful means implementing the noble mandate of our Organization.

I said also in my speech thanking you, that the only way we can do it is to work together. We know that we are confronted with a perfect storm of crises. We know that we speak often about climate change. However, the biggest challenge and the biggest crisis we are facing is food insecurity.

Not only in Rome, but it should be the biggest challenge for our Heads of States. That can only mean if we want to be successful, and I said it also last week, that we overcome our differences. We have shown in the last two years many important items, and we did it even last week. We were so divided on the budget, but because of our informal consultations, because meeting each other, discussing our differences, see where we have a lot of issues in common instead of dividing us. That is the way how to work towards consensus.

I know the next two years will be exciting, and if not I will make it exciting, but we have to stand together. Often we heard last week and also today that we are getting politicized. However, when we look to the mandate of FAO, that is not a politicized mandate.

We know our Heads of States have their differences, but one thing is clear, we have a mandate where we have to achieve food security, sustainable food systems, sustainable agriculture, fight against hunger and malnutrition. In the next two years, we can only do it when we find each other again. Today it was historical because we have never seen four votes on a Monday after the Conference.

Let us help to bring us together. We saw the candidates for the two chairs, who found each other and gave a remarkable statement this afternoon. That is an example of how we have to find our way forward, because only an intensified dialogue between the Members of the Council, between all Members, we can show and pave the way. Not only here in Rome, but wherever we are and certainly also in New York, to show a way forward on our biggest challenge, food security for all, get rid of malnutrition for all.

And we have to do it with respect. We have to do it with dignity. We have to do it with solidarity. We have to do it with equality. Certainly, we have to do it to be open and transparent, to listen to each other, not what divides us, but what brings us together.

As you have elected me for the next two years, even if you try to get rid of me, I will make sure that I remind you about that, because I have seen also when it is discussed about the budget, that we can overcome our differences, and I believe in a multilateral system. I believe strongly in the principle of consensus, because I have seen too many years that we cannot do it.

It is an historical Council today, but let us make it historical to join our endeavour for where we have to be in December, summer next year, in two years time and even later on.

Sr. Carlos Bernardo CHERNIAK (Argentina)

Por supuesto, todos los Miembros del Consejo confían en su liderazgo después de haber sido votado por aclamación en la última Conferencia. Quiero agradecer a la Secretaría General. Quiero agradecer a todo el personal de la Secretaría General y a todos los intérpretes y messengers, pero en realidad yo creo que este es el momento también para hacer un fuerte aplauso por un querido colega que creo es el último Consejo que compartirá con nosotros y me parece que todos nosotros hemos aprendido a apreciarlo, a respetarlo y a quererlo.

Te pido, Mr Yoshihiro Kuraya, creo que este es el momento en el cual todos los colegas tenemos que hacer un fuerte aplauso para agradecer todo tu compromiso, toda tu dedicación, toda tu capacidad y profesionalismo al servicio de esta Organización. Creo que Japón tiene que estar absolutamente orgulloso del funcionario que ha puesto aquí a lidiar con cada uno de nosotros porque te has convertido en alguien que todos vamos a extrañar. Gracias, y pido un aplauso para Yoshihiro.

Applause

Applaudissements

Aplausos

CHAIRPERSON

Before I was going to close the Council, I was going to thank my dear friend from Japan. You did a remarkable job and we have enjoyed your work in the Finance Committee and the Councils, and always starting to apologize for your English.

In the Netherlands, we have the saying it is double Dutch, but for you it was never double English because you were absolutely clear about your message, where you want to be. I was especially admiring you when we had the informal consultations about the budget, where you were in tremendous constraints between your instruction, informal discussions and sometimes where unrightly you were attacked by some.

Then you see besides the diplomat, you see the person behind the argument, and you stood straight forward for your opinion, but also stood straight forward for the Organization and where we should arrive at. That is what I always admire in people, giving their personality and their personal strength, combined with their instructions, much more weight in discussions. I really would like to thank you from my position, but also from my heart, for what you have done for this Organization. Thank you so much.

Mr Yoshihiro KURAYA (Japan)

Thank you, Mr Hans Hoogeveen and Mr Carlos Cherniak, for your kind words. Every single day during the two years, I faced new challenges happening and incidents, including today. I struggled and

I was at a loss every single day, but every single day I was helped by you and encouraged by you, and I could complete my work thanks to your guidance and assistance.

I will leave Rome this week, but today I reconfirm that definitely I was the happiest man here in Rome. Thank you very much and sincerely back to you Chairperson, thank you very much.

CHAIRPERSON

Dear friends, I will close this Council again with the words respect, dignity, solidarity, equality, open and transparent, standing shoulder to shoulder for the work to be done the next two years.

Thank you so much.

The meeting rose at 21:25 hours

La séance est levée à 21 h 25

Se levanta la sesión a las 21.25