



CONFERENCE

Forty-third Session

Rome, 1-7 July 2023

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

Extract from the Report of the 172nd Session of Council (24-28 April 2023)

38. The Council reviewed document CL 172/15, *Draft Voluntary Code of Conduct for Voting procedures under Rule XII of the General Rules of the Organization as referred to in the Conference and Council Reports*, and:

- a) commended the ICC for leading open, transparent and inclusive consultations on the draft text;
- b) took note of the technical adjustments made by the CCLM; and
- c) recommended the submission of the *Draft Voluntary Code of Conduct for Voting procedures under Rule XII of the General Rules of the Organization as referred to in the Conference and Council Reports*, as amended by the CCLM, and reproduced in *Appendix E* to the Report, to the 43rd Session of the Conference for adoption.

Resolution .../2023

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

I. Introduction

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

II. Status and scope of the Code

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

3. The Code does not amend the *Basic Texts* and, in case of any ambiguity or inconsistency, the *Basic Texts* prevail.

III. General principles

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

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

5. Member Nations and the FAO Secretariat should make this Code publicly known and easily accessible, including through relevant channels of communication of the Organization, such as the FAO Members Gateway.

IV. Rights, obligations and responsibilities

6. Member Nations recognize the rights, obligations, and authorities established in the *Basic Texts* and decisions of the Conference.

7. The Code does not amend the Basic Texts that constitute the sole references governing

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

election processes at FAO.

8. The Code applies to the voting procedures or proceedings during the election of the FAO Director-General.

A. Members and Candidates

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

B. Employees of FAO

10. Employees of FAO, especially those involved in supporting the voting procedures, have the duties and obligations under Article VIII of the Constitution, to respect the principles of integrity, impartiality, and independence with respect to all candidates for the post of Director-General of FAO.

11. The same employees of FAO are also subject to obligations under the Staff Regulations and the Standards of Conduct for the International Civil Service, including obligations of confidentiality.

12. Any actions or behaviour inconsistent with the above-mentioned obligations should be addressed in accordance with the administrative rules and procedures, including disciplinary procedures, applicable to the employee concerned.

V. The vote

13. Member Nations should abide strictly by the Basic Texts and should respect the integrity, legitimacy, and dignity of the voting proceedings. As such, delegates and candidates should avoid behaviours and actions, both inside and outside the plenary hall that could be perceived as aiming at influencing the outcome of the voting proceedings.

14. An Elections Officer will be appointed by the Director-General for the Conference Session who is responsible for ensuring adherence to the provisions of the Basic Texts during the voting and electoral procedure (GRO Rule XII, paragraph 16).

15. The Elections Officer and all FAO personnel involved in the voting procedure are subject to the obligations of impartiality, neutrality and confidentiality set out at paragraphs above. Any failure to adhere to these obligations will result in the initiation of administrative processes, which may include disciplinary processes.

A. The complete Secrecy of the Ballot

16. Member Nations should respect the confidentiality of the proceedings and abide by the procedures to ensure the complete secrecy of the ballot.

17. They should refrain from communicating or broadcasting the proceedings during the conduct of the vote.

18. The Secretary-General should remind delegates of the importance of complete secrecy of the ballot and request them to refrain from any action which may tend to undermine the complete secrecy of the ballot, including the display of filled ballot papers during the conduct of the vote. The Secretary-General should also remind all those responsible for the supervision of any vote by complete secret ballot of the requirement not to disclose to any unauthorized person any information which might tend, or be presumed to tend, towards destroying the complete secrecy of the ballot.

19. Voters should best leave their recording devices, including but not limited to cameras, mobile phones, or smartwatches, outside of the voting area or the room where counting is conducted.

20. Any delegate or Secretariat employee participating in the supervision of the count of the vote should leave any electronic record devices outside the room or area where the count is to take place. This requirement may be enforced by any means deemed appropriate by the Elections Officer.

21. The above measures are without prejudice to any further arrangements that the Conference may consider necessary to ensure that the results of ballots remain undisclosed until the formal announcement of the outcome of the ballot.

B. Arrangements for voting, transparency of the vote

22. Access to the voting area will be limited to tellers, scrutineers, electors, and Secretariat employees who are directly involved in supporting the electoral process.

1. Voting Booths

23. As provided in Rule XII, paragraph 10(e), one or more voting booths shall be set up, supervised in such a manner as to ensure complete secrecy of the ballot.

24. The voting area should be arranged, and be sufficiently separated from plenary or other accessible spaces so that observation of the votes being cast by those outside the voting area is prevented.

25. The booths in the voting area should be visible to representatives during the vote.

26. In accordance with established practice, and in light of its mandate to supervise and coordinate all preparatory work for Conference sessions under Rule XXIV, paragraph 5(c), the Council could make recommendations to the Conference on arrangements, including arrangements to ensure complete secrecy of the ballot, taking into consideration the other good practices and booths used in the broader UN System.

2. Tellers

27. The Chairperson of the Conference will appoint two tellers from among the delegates who are not parties directly interested in the election. The duties of the tellers are to supervise the balloting procedure, count the ballot papers, decide on the validity of a ballot paper in any case of doubt, and certify the result of each ballot (GRO Rule XII, paragraph 10(c)).

28. The tellers should be chosen in a fair and impartial manner. Member Nations should not attempt to influence the teller selection.

29. The duties of the tellers should be considered independent and separate from their role as delegates or representatives, or their alternates. The tellers should perform their duties in a manner that is strictly impartial and neutral. They should refrain from any actions or behaviour which may influence electors to vote for or against a candidate. Tellers should not attempt to discover the intention or choice of an elector.

30. The tellers should have unimpeded access to the voting area and counting room at all times in order to visually confirm that proper procedures are followed.

31. Tellers should preserve the secrecy of the ballot and should not disclose the outcome of a ballot to any unauthorized person before the formal announcement of the results by the Chairperson.

32. At the beginning of the Conference, the tellers will be offered a briefing by the Secretariat on duties to be carried out.

3. Scrutineers

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

34. Candidates or scrutineers appointed by them may only observe the counting process. They do not take part in the count.

35. Candidates and scrutineers should preserve the secrecy of the ballot and should not disclose the outcome of the count to any unauthorized person before the formal announcement of the results by the Chairperson.

C. Casting and counting of the vote

36. The Chairperson of the Conference and the tellers shall satisfy themselves that the ballot box is empty and, having locked it, the tellers shall hand the key to the Elections Officer.

37. Delegations shall be called in turn to cast their vote by the Secretary of the Conference, in English alphabetical order of the names of the Member Nations.

38. When their names are called, delegations shall proceed to the voting area, receive the ballot paper and put their ballot paper in the ballot box.

39. To indicate the recording of each Member's vote, the Secretary of the Conference and one of the tellers shall sign or initial the list in the margin opposite the name of the Member in question.

40. At the conclusion of the calling, the Chairperson of the Conference shall declare the ballot closed and announce that the votes are to be counted.

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

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

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

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

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

45. The Chairperson of the Conference shall announce the decision resulting from the vote.

46. The lists on which the tellers have recorded the results of the vote shall, after signature by the Chairperson of the Conference, the Elections Officer, and by the tellers, constitute the official record of the ballot, and shall be deposited in the archives of the Organization.

VI. Voluntary adherence to the Code

47. Member Nations and candidates are encouraged to observe and respect this Code. Personnel of the Secretariat are obliged to adhere to their contractual obligations, as set out herein.

VII. Review of the Code

48. The Code and Procedures outlined in this code, including its application to other secret ballot elections, may be reviewed by the Conference upon request of the Council.

(Adopted on ... 2023)