


November 2013

	منظمة الأغذية والزراعة للأمم المتحدة	联合国 粮食及 农业组织	Food and Agriculture Organization of the United Nations	Organisation des Nations Unies pour l'alimentation et l'agriculture	Продовольственная и сельскохозяйственная организация Объединенных Наций	Organización de las Naciones Unidas para la Alimentación y la Agricultura
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CL 148/2 Rev.1

## COUNCIL

### Hundred and Forty-eighth Session

Rome, 2-6 December 2013

### Report of the 97<sup>th</sup> Session of the Committee on Constitutional and Legal Matters (Rome, 21-23 October 2013)

#### Executive Summary

The 97<sup>th</sup> Session of the Committee on Constitutional and Legal Matters (CCLM):

- Examined** document “*Bureaus and Steering Committees of Technical Committees under Article V of the Constitution (Composition and Functions)*”, noted that issues covered by the document were under negotiation by the membership of Technical Committees and decided to review the matter again at a future session;
- Reviewed** the Organization’s practice concerning acceptance of credentials of delegations to the Conference and **endorsed** the proposals made in document CCLM 97/4 to streamline the overall process of review of credentials, as described in the CCLM report;
- Endorsed** a proposal to discontinue the practice to establish a Resolutions Committee of the Conference, noting that the editorial review functions of the Resolutions Committee could, if necessary, be taken over by an *ad hoc* committee established in accordance with the General Rules of the Organization or entrusted to the Secretariat, to accordingly amend the standard arrangements for the sessions of the Conference examined by the Council and the General Committee of the Conference and to maintain existing criteria for draft Conference Resolutions;
- Considered** a document “Review by the Finance Committee of the situation of Member Nations in arrears prior to a Conference session – Amendment to the Basic Texts”, **endorsed** a proposal that the Conference should adopt a Resolution setting forth the process of implementation of Article III, paragraph 4 of the Constitution, and **recommended** that the draft Resolution set out in Appendix 1 to its report be referred to the Finance Committee and the Council for subsequent transmission to the Conference. The CCLM further considered that the Council could recommend that the Resolution be implemented on a voluntary basis prior to the forthcoming session of the Conference;
- Examined** a document on “Voting procedures by the Conference (appointment of the Independent Chairperson of the Council and election of Council Members) – Amendment to the General Rules of the Organization”. Noting that the proposal involved political considerations, the CCLM, except for one Member, **decided** to forward the draft Conference

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Resolution entitled “Amendment of Rule XII, subparagraph 10(a) of the General Rules of the Organization” to the Council, for subsequent transmission to the Conference. The CCLM **agreed** with a proposal to introduce a unique procedure for multiple elections by the Conference and the Council, i.e. for elections to fill simultaneously more than one elective place, and **endorsed** a draft Conference Resolution entitled “Amendment of Rule XII, paragraphs 3, 4, 12 and 13 of the General Rules of the Organization”, which it transmitted to the Council for forwarding to the Conference;

- f) **Examined** document “Preliminary review of participation of international non-governmental organizations and civil society organizations in meetings of FAO - Legal Aspects”, **concluded** that it was essential to initiate a process for the reformulation of rules and procedures for the participation of NGOs and CSOs in meetings of FAO, with due regard being paid to the two recently adopted FAO Strategies for Partnerships with Civil Society Organizations and with the Private Sector and **emphasized** that the intergovernmental nature of FAO’s decision making process should be maintained;
- g) **Noting** the need to facilitate the work of the Ethics Committee during its trial period, **recommended** the renewal of the appointment of the current three external members of the Ethics Committee for a second term of two years until December 2015;
- h) **Concurred** with the recommendation that the GIAHS initiative be vested with formal status within the FAO framework, and **endorsed** the initiation of a process for the development of a draft Conference Resolution, as described in the CCLM report;
- i) Was **provided with** information on the activities of the Development Law Branch (LEGN) of the Legal Office, including on collaborative initiatives with other partners, took note of LEGN’s involvement in the work planning and the future implementation of the new FAO Strategic Framework and **recommended** that, as far as possible, it be provided with information reports on selected practical examples of activities undertaken by LEGN at its future sessions;
- j) **Endorsed** a Progress Report on the Multi-year Programme of Work for the CCLM and, in this connection, **reiterated** the distinctive features of the Committee’s work, in consideration of its nature and institutional mandate;
- k) **Noted** the information provided in Document CL 148/10 “*Arrangements for an Independent Review of Governance Reforms*” and considered that there were no issues of a legal nature therein which would require the advice or guidance of the Committee, at this point in time;
- l) **Noted** the information provided on working methods of Regional Conferences, on the International Rice Commission and on the document to the Finance Committee on allowances and conditions associated with the office of Independent Chairperson of the Council.

**The Council is invited to:**

- a) **Note** that the issue of the composition and functions of bureaus is under negotiation by the membership and its legal aspects might be reviewed by the CCLM at a future session;
- b) **Endorse** the proposals for streamlining of the Organization’s practice concerning acceptance of credentials of delegations to the Conference, as described in the CCLM report;
- c) **Approve** the proposal to discontinue the practice to establish a Resolutions Committee of the Conference, noting that the editorial review functions of the Resolutions Committee could, if necessary, be taken over by an *ad hoc* committee established in accordance with the General Rules of the Organization or entrusted to the Secretariat, to amend accordingly the standard arrangements for the sessions of the Conference examined by the Council and the General Committee of the Conference and to maintain existing criteria for draft Conference Resolutions;

- d) **Endorse**, following review by the Finance Committee, the draft Resolution set out in Appendix 1 to this Report setting forth the process of implementation of Article III, paragraph 4 of the Constitution (on restoration of voting rights of Members in arrears) and forward it to the Conference. The Council is also invited **to consider** whether it should recommend that the procedure be applied on a voluntary basis prior to the forthcoming session of the Conference;
- e) As appropriate, **endorse** the draft Conference Resolution set out in Appendix 2 to its Report entitled “*Amendment of Rule XII, subparagraph 10(a) of the General Rules of the Organization*” regarding the procedure for election of the Independent Chairperson of the Council (ICC) and forward it to the Conference;
- f) **Endorse** the draft Conference Resolution set out in Appendix 3 to this Report entitled “*Amendment of Rule XII, paragraphs 3, 4, 12 and 13 of the General Rules of the Organization*” regarding a unified procedure for multiple elections by the Conference or Council and forward it to the Conference;
- g) **Highlight** the need to initiate a process for the reformulation of rules and procedures for the participation of NGOs and CSOs in meetings of the Organization, with due regard being paid to the two recently adopted FAO Strategies for Partnerships with Civil Society Organizations and with the Private Sector, and **emphasize** that the intergovernmental nature of FAO’s decision making process should be maintained;
- h) **Approve** the proposed renewal of the appointment of the current three external members of the Ethics Committee for a second term of two years until December 2015;
- i) **Note** the information provided concerning the operation of the GIAHS and **endorse** the recommendation that a process be initiated for the development of a draft Conference Resolution, as proposed in the CCLM report;
- j) **Note** the information provided on the activities of the Development Law Branch (LEGN) and the CCLM’s proposal that, as far as possible, it be provided with information reports on selected practical examples of activities undertaken by LEGN at its future sessions;
- k) **Endorse** the Progress report on the Multi-year Programme of Work for the CCLM;
- l) **Note** that the CCLM concluded that there were no issues of a legal nature in the “*Arrangements for an Independent Review of Governance Reforms*” which would warrant the advice or guidance of the CCLM at this point in time;
- m) **Note** information provided on working methods of Regional Conferences, on the International Rice Commission and allowances and conditions associated with the office of Independent Chairperson of the Council.

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

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## I. INTRODUCTION

1. The Ninety-seventh Session of the Committee on Constitutional and Legal Matters (CCLM) was held from 21 to 23 October 2013.

2. The Session, open to silent observers, was chaired by Dr. Mónica Martínez Menduño, who welcomed all the members. The following members were present:

Mr. Rubaiyat Ashique (Bangladesh)

H.E. Lubomir Ivanov (Bulgaria)

Mr. Abdulsatar Chiyad Al- Sudani (Iraq)

H.E. Mohammed S. Sheriff (Liberia)

Mr. Lawrence Kuna Kalinoe (Papua New Guinea)

Mr. Gregory Groth (United States of America)

Mr. Oscar Gabriel Piñeyro Bentos (Uruguay)

3. The CCLM approved its Provisional Agenda. On this occasion the CCLM approved a proposal to discuss under the item “Any Other Matters” an additional item related to the status of the Independent Chair of the Council.

4. The CCLM was informed that Mr. Md. Mafizur Rahman (Bangladesh) was replaced by Mr. Rubaiyat Ashique.

## II. ELECTION OF THE VICE-CHAIRPERSON

5. The Committee elected H.E. Lubomir Ivanov as Vice-Chairperson.

## III. BUREAUS AND STEERING COMMITTEES OF TECHNICAL COMMITTEES UNDER ARTICLE V OF THE CONSTITUTION (COMPOSITION AND FUNCTIONS)

6. The CCLM had an extensive discussion on document CCLM 97/3 “*Bureaus and Steering Committees of Technical Committees under Article V of the Constitution (Composition and Functions)*”.

7. The CCLM noted that issues covered by the document were under negotiation by the membership of Technical Committees and decided to review the matter again at a future session.

## IV. REVIEW OF THE ORGANIZATION’S PRACTICE CONCERNING ACCEPTANCE OF CREDENTIALS OF DELEGATIONS TO THE CONFERENCE

8. The CCLM examined document CCLM 97/4 “*Review of the Organization’s practice concerning acceptance of credentials of delegation to the Conference*”. It noted that the matter was under review in the CCLM in 1999 and, at that time, a range of initiatives were implemented to streamline the practice of the Organization, in consideration of the significant reduction in the duration

of Conference sessions. Since 1999, the Credentials Committee have begun working before the beginning of the Conference session and a system of distribution of credentials in list A (including formal credentials in original form) and list B (copies of credentials considered to be information on composition of delegations) was introduced, with delegations on both lists being allowed to participate in proceedings. Despite these improvements, there were recent calls for further streamlining of the overall process, including through increased reliance on credentials issued by Permanent Representatives accredited to the Organization, taking into account further reduction in the duration of the Conference sessions, as well as the practice of other organizations of the United Nations System.

9. Upon review of the matter, including both FAO's practice and the practice of other organizations of the United Nations System and the proposals made in document CCLM 97/4, the CCLM recommended that:

- a) Delegates should continue to be seated provisionally, pending receipt of the report of the Credentials Committee, even if their credentials are not formally in order.
- b) The current system of Lists A and B be abolished and that the Credentials Committee should follow the prevailing practice in organizations of the United Nations System that credentials in electronic form be accepted with the understanding that formal credentials of Members and Associate Members in original form would be communicated to the Director-General in due course.
- c) Credentials could be validly communicated through documents such as Notes Verbale, Ordres de Mission and that, in general, consideration be given to increased reliance on credentials issued by Permanent Representatives accredited to the Organization.
- d) The Credentials Committee and the Conference should continue to follow the practice that issues of representation of Governments and States are to be dealt with by reference to the practice of the General Assembly of the United Nations.

## **V. PROPOSED ABOLITION OF THE RESOLUTIONS COMMITTEE OF THE CONFERENCE**

10. The CCLM examined document CCLM 97/5 "*Proposed Abolition of the Resolutions Committee of the Conference*". It noted that it had been established as a regular feature of Conference sessions since 1967 when it was established for the first time. It recalled some specific features of its historical functions and mandate and observed that a number of changes had taken place since 1967. It noted the very limited editorial review exercised by the Committee as well as the limited number of new resolutions presented recently which justified a reassessment of the establishment of a Resolutions Committee at each Conference Session.

11. The CCLM agreed to recommend to the Council:

- a) the practice to establish the Resolutions Committee of the Conference be discontinued;
- b) that if necessary, the editorial review functions of the Resolutions Committee be taken over by an *ad hoc* committee established under Rule XIV or under Rule XV of the GRO, or entrusted to the Secretariat, as appropriate;

- c) that the arrangements for the sessions of the Conference examined by the Council and referred to the General Committee of the Conference session be amended, as appropriate, in light of the above; and
- d) to maintain the criteria for review of new draft Conference resolutions presented by Members during a Conference session, as recommended to the 38<sup>th</sup> Conference Session.<sup>1</sup> These criteria would be reflected in the arrangements for the sessions of the Conference.

## **VI. REVIEW BY THE FINANCE COMMITTEE OF THE SITUATION OF MEMBER NATIONS IN ARREARS PRIOR TO A CONFERENCE SESSION – AMENDMENT TO THE BASIC TEXTS**

12. The CCLM considered document CCLM 97/6 “Review by the Finance Committee of the situation of Member Nations in arrears prior to a Conference session – Amendment to the Basic Texts”.
13. The CCLM noted that the issue of restoration by the Conference of voting rights of Members in arrears under Article III, paragraph 4 of the Constitution had been under discussion. In November 2005, the Conference recommended that the normal course of action with respect to Members in arrears should consist in encouraging them to submit an installment plan for the settlement of arrears, as a condition for restoration of voting rights. The Conference recommended that consideration be given that requests for restoration of voting rights be referred to the Director-General for submission to the Autumn Session of the Finance Committee<sup>2</sup> in Conference years, which would submit its views to the Conference, through the Council, for consideration by the General Committee, without prejudice to the authority of the Conference to make autonomous determinations, under Article III, paragraph 4 of the Constitution. In March 2013, the Finance Committee asked the CCLM to examine whether the implementation of the recommendation involved changes to the Basic Texts.
14. The CCLM examined two options for the implementation of the recommendation, i.e. either a formal amendment to the GRO or the adoption by the Conference of a Resolution setting forth the process for review by the Finance Committee of requests for restoration of voting rights.
15. The CCLM considered that it would be preferable for the Conference to adopt a Resolution setting forth the process of implementation of Article III, paragraph 4 of the Constitution, to be included in Volume II of the Basic Texts, which would allow for the definition of procedures in greater detail. In light of the experience gained, a formal amendment to the GRO could be envisaged at a later stage. The CCLM recommended that the draft Resolution set out in Appendix 1 to this report be referred to the Finance Committee and the Council for subsequent transmission to the Conference.
16. As to the possibility of implementing the procedure prior to the forthcoming session of the Conference, the CCLM considered that while the Resolution would only come into force upon adoption by the Conference, the Council could recommend that it be implemented on a voluntary basis prior to that session.

## **VII. VOTING PROCEDURES BY THE CONFERENCE (APPOINTMENT OF THE INDEPENDENT CHAIRPERSON OF THE COUNCIL AND ELECTION OF COUNCIL MEMBERS) – AMENDMENT TO THE GENERAL RULES OF THE ORGANIZATION**

17. The CCLM examined document CCLM 97/7 “Voting procedures by the Conference (appointment of the Independent Chairperson of the Council and election of Council Members) – Amendment to the General Rules of the Organization”.

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<sup>1</sup> C2013/12, Appendix B; CL145/Rep, para.36.

<sup>2</sup> The Spring Session as a result of the change in the cycle of the Conference.

18. The CCLM noted that the two issues had been under consideration in the past. The CCLM further noted that, during the 38<sup>th</sup> Session of the Conference, there were informal discussions on the procedures for election of the Independent Chairperson of the Council (ICC) and of Council Members, that the Council, at its 147<sup>th</sup> Session, heard proposals on the matter, and that there was a sense that it would be desirable to streamline voting procedures.

19. As regards the first issue, the CCLM recalled that the GRO required a secret ballot for the election of the ICC even when there was only one candidate for the office. The CCLM noted that, although the Conference had maintained this position over the years, there was a sense that an uncontested election of the ICC could be made by clear general consent.

20. The CCLM, except for one Member, decided to forward the draft Conference Resolution set out in Appendix 2 entitled “*Amendment of Rule XII, subparagraph 10(a) of the General Rules of the Organization*” to the Council for subsequent transmission to the Conference. The CCLM observed that the proposal involved political considerations, which would be a matter for the Conference.

21. As regards the procedure for the election by the Conference of Council Members, the CCLM agreed with a proposal to introduce a unique procedure for multiple elections by the Conference and the Council, i.e. for elections to fill simultaneously more than one elective place. The unified procedure would apply to multiple elections by the Conference and Council and be modeled on those followed by the Council since 1959. The CCLM observed that the proposed procedures would reduce the need for successive ballots, but would not obviate the need for additional ballots, in situations of a large number of candidates in relation to the number of elective places and dispersion of votes.

22. The CCLM endorsed the draft Conference Resolution set out in Appendix 3 entitled “*Amendment of Rule XII, paragraphs 3, 4, 12 and 13 of the General Rules of the Organization*” and decided to transmit it to the Council for forwarding to the Conference.

## **VIII. PRELIMINARY REVIEW OF PARTICIPATION OF INTERNATIONAL NON-GOVERNMENTAL ORGANIZATIONS AND CIVIL SOCIETY ORGANIZATIONS IN MEETINGS OF FAO – LEGAL ASPECTS**

23. The Committee examined document CCLM 97/8 “Preliminary review of participation of international non-governmental organizations and civil society organizations in meetings of FAO - Legal Aspects” on the basis of presentations by the Legal Office and the Office of Partnerships, Advocacy and Capacity Development. The Committee welcomed the comprehensive nature of the information provided which constituted an essential starting point for the re-definition of procedures for the implementation of the recently adopted “*FAO Strategy for Partnerships with Civil Society Organizations*”, especially as regards participation in meetings.

24. The CCLM considered that it was essential to initiate a process for the reformulation of rules and procedures for participation of NGOs and CSOs in meetings of the Organization, with due regard being also paid to private sector organizations and the recently adopted FAO Strategy for Partnerships with the Private Sector. The CCLM observed that the matter had been under general discussion in the Organization but, in view of the complexity of the issues involved, that process had not been effectively launched.

25. In the course of a debate, the CCLM emphasized that the intergovernmental nature of FAO’s decision making process should be maintained, i.e. that Member Nations have exclusive authority to take decisions; that norms, standards or policies should continue to be developed by FAO in an open and inclusive manner but without influence by any vested interests and that greater coherence should be achieved between rules and mechanisms for participation of NGOs and CSOs in the concerned Governing and Statutory Bodies, while taking into account, as appropriate, rules, procedures and practices in the United Nations System.

26. The CCLM requested that a process of redefinition of applicable procedures be initiated by the secretariat, involving such units as deemed appropriate, and in informal consultation with CCLM

Members. The CCLM would consider at its forthcoming session in March 2014 a first report on the activities carried out until then.

## **IX. ETHICS COMMITTEE – APPOINTMENT OF EXTERNAL MEMBERS**

27. The CCLM reviewed document CCLM 97/9 “*Ethics Committee - Appointment of External Members*” and the proposal contained therein to renew the appointment of the current three external members of the Ethics Committee (Mr Ngonlardje Kabra Mbaidjol from Chad, Ms Suomi Sakai from Japan and Mr José Zalaquett from Chile) for a second term of two years (period 2014-2015).

28. With a view to facilitating the work of the Ethics Committee during its trial period, the CCLM recommended the renewal of the appointment of Mr Mbaidjol, Ms Sakai and Mr Zalaquett as external members of the Ethics Committee until 31 December 2015, noting, however, that the evaluation of the Ethics Committee is due in June 2015.

## **X. WORKING ARRANGEMENTS AND CERTIFICATION PROCEDURES UNDER THE GLOBALLY IMPORTANT AGRICULTURE HERITAGE SYSTEM (GIAHS)**

29. The CCLM considered document CCLM 97/10 on “*Working arrangements and certification procedures under the Globally Important Agriculture Heritage System (GIAHS)*”, including the proposal contained therein to initiate a process leading to the formal approval of the GIAHS operational framework through the adoption of a Conference Resolution. The CCLM considered the information received concerning the current operation of the GIAHS and concurred with the recommendation that the GIAHS initiative be vested with formal status within the FAO framework.

30. The CCLM endorsed the initiation of a process for the development of a draft Conference Resolution, and agreed that:

- a) A Conference Resolution would provide a suitable basis for anchoring the GIAHS initiative within the Organization and for securing its international status;
- b) The draft Conference Resolution, the content of which would be addressed substantively in future negotiations, could essentially reflect the arrangements and procedures currently in place, and incorporate any required adjustments and additions arising from experience gained through GIAHS implementation or deemed appropriate by the Governing Bodies in further reviewing the GIAHS initiative;
- c) The draft Conference Resolution would be submitted to the CCLM in 2014 for review and endorsement, for subsequent discussion and approval by Council, and eventual consideration and adoption by Conference in June 2015. Prior to the CCLM’s next review of the matter, and to prepare for it, the Programme Committee, the Finance Committee and the Committee on Agriculture would be requested to discuss and advise on relevant budgetary, programmatic and technical aspects of GIAHS.

## **XI. ACTIVITIES OF THE DEVELOPMENT LAW BRANCH – LEGN (FOR INFORMATION)**

31. The CCLM took note of document CCLM 97/11 and of the information provided on the activities of the Development Law Branch (LEGN) of the Legal Office, including on collaborative initiatives with other partners. The CCLM acknowledged the invaluable legal assistance that LEGN has hitherto provided to FAO Members and expressed support for its work. It also took note of the involvement of LEGN in the work planning and the future implementation of the new FAO Strategic Framework.



32. The CCLM recommended that, as far as possible, it be provided with information reports on selected practical examples of activities undertaken by LEGN at its future sessions.

## **XII. MULTI-YEAR PROGRAMME OF WORK FOR THE COMMITTEE ON CONSTITUTIONAL AND LEGAL MATTERS (PROGRESS REPORT)**

33. The CCLM considered document CCLM 97/12 “*Multi-year Programme of Work for the Committee on Constitutional and Legal Matters – (Progress Report)*”.

34. The CCLM endorsed the Progress Report and, in this connection, reiterated the distinctive features of the Committee’s work, in consideration of its nature and institutional mandate. Moreover, the Committee noted that, notwithstanding the above considerations, the issue of the Multi-year Programme of Work will continue to be kept under review, while taking due account of the distinctive features of the Committee’s *modus operandi*.

## **XIII. ARRANGEMENTS FOR AN INDEPENDENT REVIEW OF GOVERNANCE REFORMS**

35. The CCLM reviewed document CL 148/10 – *Arrangements for an Independent Review of Governance Reforms*, on the basis of presentations by the Office of Conference, Council and Protocol Affairs, and the Office of Evaluation.

36. The CCLM took note of the information provided in Document CL 148/10 “*Arrangements for an Independent Review of Governance Reforms*”.

37. The CCLM considered that there were no issues of a legal nature therein which would require the advice or guidance of the Committee, at this point in time.

## **XIV. OTHER MATTERS**

### Working methods of Regional Conferences

38. The CCLM was informed that the Council at its 140<sup>th</sup> Session in November and December 2010 had recommended that Rules of Procedure, including Working Methods of Regional Conferences be informally discussed by regional groups with a view to facilitating their adoption by the concerned Regional Conferences. While noting that there might be no time to initiate a process of discussion of Rules of Procedure prior to the forthcoming sessions of Regional Conferences, the CCLM reminded the Council that the matter remained open.

### Update on the International Rice Commission

39. The CCLM was provided with an update on the International Rice Commission (IRC), a statutory body established by treaty under Article XIV of the FAO Constitution. In particular, the Committee was informed that during its Special Session in June 2013, the Commission decided to suspend its activities while recommending that a standing item on rice be included in the agendas of the Committee on Commodity Problems (CCP) and the Committee on Agriculture (COAG), as appropriate. The CCLM was also informed that in accordance with the IRC Constitution, the Commission could only be dissolved following the deposit of 53 instruments of withdrawal by its Members. The Committee requested to be updated on the status of the matter at future sessions of the CCLM, as appropriate.

### Allowances and conditions associated with the office of Independent Chairperson of the Council

The CCLM agreed to consider for information an item on the allowances and conditions associated with the office of Independent Chairperson of the Council. The CCLM was informed that Conference

Resolution 13/2013 on “*Appointment of the Independent Chairperson of the Council*” requested that the allowances and conditions associated with the office of the Independent Chairperson of the Council be reviewed by the Finance Committee at its session of November 2013, and that they be adjusted as may be recommended by that Committee. The CCLM was informed that a document had been prepared for the Finance Committee.

## Appendix 1

## RESOLUTION \_\_/2015

**Restoration of Voting Rights of Member Nations in Arrears  
pursuant to Article III, paragraph 4 of the Constitution****THE CONFERENCE,**

**Recalling** that under Article III, paragraph 4 of the Constitution the Conference may permit a Member Nation in arrears to vote if it is satisfied that the failure to pay is due to conditions beyond the control of the Member Nation;

**Considering** that, at its 33<sup>rd</sup> Session in November 2005, the Conference expressed its concern at the high number of Member Nations in arrears at that time and held the view that any past recommendations that voting rights be restored for all Member Nations on the first day of the Conference, or upon submission of a letter to that effect, should not be regarded as preventing the Conference from taking a different position in future;

**Noting** its recommendation that the normal course of action in respect of Member Nations in arrears should consist in actively encouraging them to submit an instalment plan for the settlement of such arrears, as a condition for the restoration of their voting rights;

**Noting further** its recommendation that consideration be given that requests for restoration of voting rights should be referred to the Director-General for submission to the Finance Committee, which would submit its views to the General Committee of the Conference, through the Council, without prejudice to the authority of the Conference to make autonomous determinations under Article III, paragraph 4 of the Constitution;

**Noting further** that in October 2012 the Committee on Constitutional and Legal Matters (CCLM) considered a document describing the main legal provisions and practice regarding restoration by the Conference of voting rights of Member Nations in arrears;

**Acknowledging** that the Finance Committee submitted a report of its 148<sup>th</sup> Session in March 2013 to the Council, in which the Committee supported the recommendation of the Conference at its 33<sup>rd</sup> Session that requests for restoration of voting rights be referred to the Director-General for submission to the Spring Session of the Finance Committee in Conference years;

**Having considered** the recommendation of the Council at its 148<sup>th</sup> Session on the basis of reports of the 97<sup>th</sup> Session of the CCLM and the 150<sup>th</sup> Session of the Finance Committee;

**Decides** to implement the following procedures for reviewing requests for restoration of voting rights of Member Nations in arrears:

- 1) Before the Spring Session of the Finance Committee in a Conference year, Member Nations that are in arrears of their contribution to the budget of the Organization under Article III, paragraph 4 of the Constitution may present to the Director-General for submission to the Finance Committee a request for the restoration of voting rights:
  - a. indicating that failure to pay is due to conditions beyond their control; or
  - b. proposing an installment plan, including, inter alia: the total amount of arrears of contributions; the number of years over which payments will be made; the

amount to be paid each year; and the date on which the payments will commence.

- 2) The Finance Committee shall examine thoroughly the Member Nations' requests and installment plans and submit its views to the General Committee of the Conference, through the Council.
- 3) The Secretariat may take such practical measures as may be necessary to facilitate the implementation of this resolution.
- 4) The procedure set out in this resolution shall be without prejudice to the authority of the Conference to make autonomous determinations under Article III, paragraph 4 of the Constitution.

(Adopted on )

## Appendix 2

**RESOLUTION \_\_/2015****Amendment of Rule XII, subparagraph 10(a) of the General Rules of the Organization****THE CONFERENCE,**

**Recalling** that during its 147<sup>th</sup> Session in June 2013, the Council heard proposals from Member Nations concerning, *inter alia*, elections and time spent in holding secret ballots;

**Noting** that the Committee on Constitutional and Legal Matters at its 97<sup>th</sup> Session in October 2013 recommended an amendment to Rule XII of the General Rules of the Organization and that the Council at its 148<sup>th</sup> Session in December 2013 endorsed the proposed amendment;

**Decides** to amend Rule XII of the General Rules of the Organization as follows<sup>3</sup>:

**“Rule XII****Quorum and Voting Arrangements at Meetings of Conference and Council**

(...)

10.

(a) The appointment of the ~~Chairperson of the Council and of the Director-General~~, *and* the admission of additional Member Nations and Associate Members shall be decided by secret ballot. Other elections shall likewise be decided by secret ballot, except that in the case of an election in which there are not more candidates than vacancies the Chairperson may submit to the Conference or Council that the appointment be decided by clear general consent.”

(Adopted on )

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<sup>3</sup> Deletions are indicated using ~~strikethrough text~~ and insertions are indicated using *underlined italics*.

## Appendix 3

## RESOLUTION \_\_/2015

## Amendment of Rule XII, paragraphs 3, 4, 12 and 13 of the General Rules of the Organization

## THE CONFERENCE,

**Recalling** that during its 147<sup>th</sup> Session in June 2013, the Council heard proposals from Member Nations concerning, *inter alia*, elections and votes;

**Noting** that while the procedures set out in Rule XII, subparagraph 3(b) and Rule XII, paragraph 12 of the General Rules of the Organization for simultaneous multiple elections by the Conference were used many times in the past, these procedures could be streamlined, taking into account the procedures followed for Council elections;

**Noting** that the Committee on Constitutional and Legal Matters at its 97<sup>th</sup> Session in October 2013 recommended amendments to Rule XII of the General Rules of the Organization insofar as it concerns simultaneous multiple elections by the Conference and that the Council at its 148<sup>th</sup> Session in December 2013 endorsed the proposed amendments;

**Decides** to amend Rule XII of the General Rules of the Organization as follows<sup>4</sup>:

## “Rule XII

## Quorum and Voting Arrangements at Meetings of Conference and Council

(...)

3.

(a) Except as otherwise provided in the Constitution or these Rules, the required majority for any decision or for any election to fill one elective place shall be more than one half of the votes cast.

~~(b) Except as otherwise provided in these Rules, in the case of an election by the Conference to fill simultaneously more than one elective place, the required majority shall be the smallest number of whole votes necessary to elect no more candidates than there are seats to be filled. This majority shall be obtained by the following formula:~~

$$\text{Required majority} = \frac{\text{number of votes cast}}{\text{number of seats} + 1} + 1$$

(disregarding any resultant fraction).

(...)

4.

~~(b) In the case of an election to fill simultaneously more than one elective place the phrase “votes cast” shall mean the total number of votes cast by the electors for all elective places.~~

<sup>4</sup> Deletions are indicated using ~~strikethrough text~~ and insertions are indicated using underlined italics.

(...)

12. In any election by the Conference to fill simultaneously more than one elective place the following shall apply:

(a) (i) In the Conference a majority of the Member Nations of the Organization and in the Council two-thirds of the Members of the Council shall constitute a quorum. (ii) More than one-half of the number of Members casting valid votes shall constitute the required majority.

~~(a)(b)~~ Each elector, unless he wholly abstains, shall cast one vote for each elective place to be filled. Each vote shall be cast for a different candidate. Any ballot paper which is not in conformity with these requirements shall be declared defective.

~~(b)(c)~~ Any The candidates who receives the required majority largest number of the votes cast as defined in paragraph 3(b) of this Rule shall be declared elected in a number equal to the number of elective places to be filled, provided they have received the required majority defined in subparagraph (a) above.

~~(c)(d)~~ If only some of the elective places have been filled after the first ballot, a second ballot shall be cast to fill the remaining elective places, under the same conditions as the first ballot. This procedure shall continue until all the elective places have been filled.

~~(d)~~ This procedure shall continue until all the elective places have been filled.

~~(e)~~ If, at any stage during the election, one or more vacant places cannot be filled because of an equal number of votes having been obtained by two or more candidates, a separate ballot shall be held among such candidates to determine which of them shall be elected, in accordance with the provisions of subparagraph (c) above. Such procedure will be repeated as necessary.

~~(f)~~ If in any ballot no candidate receives the required majority, the candidate that receives the smallest number of votes in that ballot shall be eliminated.

~~(f)~~ If in any ballot no candidate receives the required majority and more than one candidate receives the smallest number of votes, a separate ballot between these candidates shall be held and the candidate receiving the smallest number of votes shall be eliminated.

~~(g)~~ If in the separate ballot provided for in subparagraph (f) of this paragraph more than one candidate again receives the smallest number of votes, the above operation shall be repeated with respect to those candidates until one candidate is eliminated, provided that if all the same candidates receive the smallest number of votes in two successive separate ballots, such candidates as will have been designated by lot shall be eliminated.

~~(h)~~ If at any stage in an election other than a separate ballot all remaining candidates receive the same number of votes, the Chairperson of the Conference shall formally announce that if in the two following ballots the votes are again equally divided he will suspend balloting for a period which he shall determine and then hold two further ballots. If after applying this procedure the final ballot again results in an equally divided vote, such candidate as will have been designated by lot shall be declared elected

13. In any election by the Council to fill simultaneously more than one elective place, the following shall apply:

- ~~(a) Two thirds of the membership of the Council shall constitute a quorum and more than one half of the number of Council Members casting valid votes shall constitute the required majority.~~
- ~~(b) Each elector, unless he wholly abstains, shall cast one vote for each elective place to be filled. Each vote shall be cast for a different candidate. Any ballot paper which is not in conformity with these requirements shall be declared defective.~~
- ~~(c) The candidates who receive the largest number of votes shall be declared elected in a number equal to the number of elective places to be filled, provided they have received the required majority defined in subparagraph (a) above.~~
- ~~(d) If only some of the elective places have been filled after the first ballot, a second ballot shall be cast to fill the remaining elective places, under the same conditions as the first ballot. This procedure shall be continued until all the elective places have been filled.~~

~~If, at any stage during the election, one or more of the vacant elective places cannot be filled because of an equal number of votes having been obtained by two or more candidates, a separate ballot shall be held among such candidates to determine which of them will be elected, in accordance with the provisions of subparagraph (c) above. Such procedure will be repeated if necessary.”~~

(Other paragraphs, subparagraphs and internal references to amended or deleted provisions of Rule XII to be re-numbered accordingly)

(Adopted on )