



ORGANIZACIÓN INTERNACIONAL DEL CAFÉ  
ORGANIZAÇÃO INTERNACIONAL DO CAFÉ  
ORGANISATION INTERNATIONALE DU CAFÉ

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107<sup>th</sup> Session  
26 – 30 September 2011  
London, United Kingdom

## **Post of Executive Director of the ICO Voting procedures**

### **Background**

1. At its 107<sup>th</sup> Session from 26 to 30 September 2011, Members will consider the appointment of a new Executive Director. Four candidates have been nominated by the Governments of Brazil, Gabon, India and Mexico.
2. Document ICC-105-22, which was approved by the Council in September 2010, sets out procedures, a schedule and terms of reference for the post, while document ICC-106-15 Rev. 1, which was approved by the Council in March 2011, sets out a format for the review of candidates in September 2011. It establishes that the Council should take a decision as provided for in paragraph 1 of Article 14 (Decisions of the Council) of the 2007 Agreement, i.e. it should endeavour to take a decision by consensus or, if consensus cannot be reached, by a distributed majority vote of 70% or more of exporting Members, present and voting, and 70% or more of importing Members, present and voting. As Article 14 is the main reference for Council decisions and provides for decisions to be taken by a vote, it provides the necessary legal reference for the appointment of the Executive Director, who would be the choice of the majority of Members through this process.

### **Action**

The Council is requested to consider this document.

**POST OF EXECUTIVE DIRECTOR OF  
THE INTERNATIONAL COFFEE ORGANIZATION (ICO)  
VOTING PROCEDURES**

**Requirements for voting**

1. For the purposes of paragraph 4 of Article 11 (Quorum required for the Council) the presence of more than half of the number of exporting and importing Members representing respectively at least two-thirds of the votes for each category, is required. Therefore, only Members of the 2007 Agreement with voting rights (i.e. who are not in arrears with contributions) count for the purpose of a quorum.
2. Paragraph 2 of Article 13 (Voting procedure of the Council) provides that any exporting Member may authorize in writing any other exporting Member, and any importing Member may authorize in writing any other importing Member, to represent its interests and to exercise its right to vote at any meeting or meetings of the Council. In addition, Rule 14 (Quorum) of the Rules of the ICO provides that the Executive Director, at each meeting of a session of the Council, shall advise the Chairman whether the quorum prescribed in paragraph 4 of Article 11 is present and which Members are authorized to represent which other Members under the provisions of paragraph 2 of Article 13.
3. On the basis of the above and of the current membership of the ICA 2007 as at 25 August 2011, at least 14 out of the 26 exporting Members with voting rights and at least four out of the six importing Members with voting rights<sup>1</sup> would need to be physically present at any time a vote was taken, or if not attending the meeting, to have authorized another Member to represent them. If a quorum is not achieved at the start of each meeting, the opening of the meeting may be postponed for two periods of at least two hours as provided for in paragraph 4 of Article 11, following which the matter on which a decision is required will need to be deferred to the next Council Session.
4. Document ED-2115/11 Rev. 1 sets out a model for authorization of votes. If Members are absent at the time of a vote, or unable to attend the meeting in person, the necessary authorization should have reached the Executive Director before a vote takes place.

**Voting procedures**

5. The procedures for a vote are outlined in Articles 12, 13 and 14, and Rules 30-33. Rule 31 provides that voting shall normally be by roll-call from the list of exporting and importing Members in the English alphabetical order, that the result of each vote, including affirmative and negative votes and abstentions shall be announced, and that only affirmative and negative votes shall count for the purpose of recording how many votes are cast. As provided for in paragraph 1 of Article 13, Members are not entitled to divide their votes.

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<sup>1</sup> See document ED-2116/11 and subsequent revisions.

6. In the case of multiple candidates this would imply that a separate vote would need to be taken for each candidate to enable votes to be counted on a yes/no basis. However, such a procedure would open the possibility of a Member voting yes to more than one candidate. Another procedure could be for the Secretariat to read out the names of the candidates, following which each Member would state the name of the candidate for whom it wishes to vote. The total votes for each candidate would be announced at the end.

7. If, in the votes where more than two candidates remain in contention, no candidate obtains a distributed majority in accordance with paragraph 1 of Article 14, Members may wish to consider whether the candidate receiving the least number of votes should be excluded from subsequent votes.

8. Members may also wish to consider whether in the event that two of the candidates gain the same number of votes in joint lowest position a run-off vote should be held between them, and the candidate gaining the lowest number of votes should be eliminated from future rounds of voting.

9. When the stage is reached where only two candidates remain in contention and if no candidate then obtains a distributed majority in accordance with paragraph 1 of Article 14, Members may wish to consider holding run-off votes until a distributed majority vote is obtained.

10. **Credentials:** Rules 1 – 4 provide for accreditation and require the competent authorities of Members to issue credentials as early as possible after receiving notification of a Council Session and not later than 48 hours before the opening of the Session. Document ED-2115/11 Rev. 1 requested Members to send their credentials by 8 September 2011, and included a model credential. Given that Members will need to be accredited to participate in the meetings, the Chairman will report to the Council at the beginning of each session in which a vote is scheduled to be taken on the status of credentials received by Members. A Member which is attending but which has not submitted credentials would not be eligible to participate in the voting process until accredited or unless it has authorized another Member to represent its interests in accordance with paragraph 2 of Article 13.

11. **Payment of arrears:** In the case of countries in arrears who notify the ICO that they have paid their contribution, confirmation of receipt of funds will need to be given by the ICO's bank to the Secretariat for the votes to be restored.

12. **New Members:** In the case of new Members depositing instruments during the week of the Session, votes will be attributed on the date the instrument is deposited.

13. **Redistribution of votes:** The votes document will be updated each day, if necessary, to reflect changes to the status of membership and payment of arrears.