

**INTER-AMERICAN INSTITUTE FOR
GLOBAL CHANGE RESEARCH**



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INTER-AMERICAN INSTITUTE FOR GLOBAL CHANGE RESEARCH (IAI)
Standing Committee on Rules and Procedures

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Dear Dr. Stewart:

The Conference of the Parties at its Eleventh Meeting (CoP-XI) asked the Standing Committee on Rules and Procedures to undertake two important tasks. The first of these was to:

“draft rules pertaining to nomination procedures for the Scientific Advisory Committee and to present them to the EC at its (the EC’s) next meeting.”

The second of these tasks was to:

“review the voting rules and mechanisms during the EC and CoP meetings in order to make them more clear, efficient and democratic ... to submit the appropriate documents electronically to the member country delegates who would send their comments to the Chair of the (Standing) Committee.”

There are two Chapters of the Rules of Procedure for the Conference of the Parties that are relevant in this respect. The first is Chapter VIII that refers to simply “Voting”. The second is Chapter XI that refers to “Election of Members of the Scientific Advisory Committee”. However, we propose to deal with these Chapters in reverse order in order to simplify the Conference’s consideration of these matters.

It should be noted that the Rules set forth in Chapter XI are intended to implement Article VII of the Agreement Establishing the Institute, especially Article VII, Paragraph 2, that states that the SAC “shall be composed on ten members, six of whom shall be elected “from nominations received from the Parties; three for nominations received from the SAC itself; and one from nominations received from the Institute’s Associates”.

These provisions of the Agreement are both straightforward and rigid. The Rules, therefore, focus on determining the numbers of nominations that the Conference should receive for each category of SAC membership. For the six seats to be filled from among nominations presented by the Parties, the Rules enable each Party to submit “up to two candidates”, but require no Party to submit any nominations at all. This limitation, combined with the Chapter’s call on the Conference to “take into account equitable geographic distribution’ seems intended clearly to assure that membership of the SAC should not be dominated by any one member or any one sub-region.

The Rules take a different approach regarding the SAC nominations – they require the SAC to “submit a slate of no less than twice ... the number of vacancies to be filled”. The intention here

appears to be to enable the Conference of the Parties to ensure "...representation from a variety of disciplines relevant to global change research" as called for in Article VII of the Agreement. However, this intent is not reflected in the relevant Rule of the CoP, Rule 64.

Rule 64 now reads:

The Scientific Advisory Committee shall submit a slate of no less than twice and not more than four times the number of vacancies to be filled.

However, the final provision of this Rule that allows a slate of nominations up to "four times the numbers of vacancies to be filled", when combined with the present provisions of the Rules that deal with "Voting", could result in a virtually endless set of CoP elections to fill SAC vacancies allocated for SAC nominations, with each such election simply eliminating one candidate at a time.

So, if the Conference of the Parties concurs with the above interpretation of the intention of the Agreement, then it might be advisable for the Conference to amend Rule 64 to read as follows to reduce the possible number of nominations:

"Rule 64 (proposed);

When multiple vacancies are to be filled, the Scientific Advisory Committee shall submit a slate of nominations of twice the number of vacancies to be filled, taking into account the need to ensure representation within the Scientific Advisory Committee from a variety of disciplines relevant to global change research. When a single vacancy is to be filled, the SAC shall submit a slate of three nominations."

Requiring the SAC to submit twice as many nominations as there are multiple positions to be filled should still enable the CoP to make a reasonable selection of candidates that would result in appropriate disciplinary and geographic representation.

With regard to voting in general, however, it should be born in mind that no election process is perfect. The following recommendation is also offered to simplify the overall CoP voting process in a manner that still provides the CoP with a reasonable choice of candidates. A key objective is to minimize the likelihood of endless elections each of which eliminates one candidate at a time.

The key rules regarding voting in general are Rules 49 and 50. These Rules presently read as follows:

Rule 49:

Whenever the voting does not result in any candidate obtaining the required majority, the candidate with the fewest votes shall be eliminated and the voting shall proceed.

Rule 50:

If, at any time, it becomes necessary to choose between candidates who have received the same number of votes, separate voting shall be conducted.

This can lead – and did lead at the most recent CoP – to an almost endless set of time-consuming and draining elections.

There are a number of ways in which these Rules could be improved, but it is suggested that a simple and direct approach be taken. Such an approach would involve revising both Rules 49 and 50 as follows. These changes, as follow, would likely minimize, but not eliminate, the possibility of a lengthy series of elections:

“Rule 49 (proposed):

“Whenever the voting does not result in enough candidates being elected to fill all of the open vacancies by obtaining the requisite majority, a runoff election shall be held including the top vote getters among the unsuccessful candidates, but eliminating from the ballot all but one more candidate than the number of vacancies to be filled.”

Rule 50 (proposed):

When it becomes necessary to choose between candidates who have received the required majority, but with the same number of votes, runoff voting shall be conducted.”

Even with these changes, however, the possibility remains that a lengthy series of ballots could become necessary to choose the most appropriate candidate (or candidates). This possibility could be resolved as well by adding a new Rule (perhaps 50A) that would enable the Conference of the Parties to, after a single runoff election, accept the leading candidates even if they have not achieved a majority vote. Such a new Rule could read as follows:

“Rule 50A (proposed):

If a runoff election is required under Rule 49 and/or Rule 50, and the runoff election still does not result in the requisite candidate (or candidates) receiving the required majority, the remaining vacancy (or vacancies) shall be filled by the candidate (or candidates) receiving the highest numbers of votes.”

Please bear in mind that, while CoP Rule 47 encourages that the CoP make decisions by “majority vote”, this Rule provides for decisions to be made by other than majority vote if “otherwise specified ... in the Rules” as would be the case if the above alternative were to be adopted.

An alternative method to the Conference of the Parties simply accepting candidates who have not achieved majority votes would be to empower the Bureau to make the final election.

“Rule 50A (alternative proposed):

If a runoff election is required under Rule 49 and/or Rule 50, and the runoff election does still not result in the requisite candidate (or candidates) receiving the required majority, the Bureau shall make the final selection. If such a case involves filling a vacancy on the Scientific Advisory Board, the Bureau shall consult with the SAC Chair prior to making its final election.”

Please also note that Rule 74 states that:

Amendments to these Rules shall enter into force on the date established by the Conference of the Parties.

As a result, the Conference could adopt amendments to its Rules of Procedure as recommended above or otherwise and apply these amended Rules to elections to be held at this Conference of the Parties.