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**Executive Board
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ORGANIZATIONAL AND PROCEDURAL MATTERS

Agenda item 12

For approval

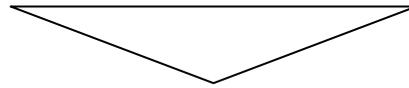


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A PROPOSAL FOR HANDLING SUCCESSION PLANNING ISSUES IN THE EXECUTIVE BOARD BUREAU

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DRAFT DECISION*



Having reviewed document WFP/EB.2/2007/12-B on succession planning issues in the Executive Board Bureau, the Board approves the proposed amendments to Rule IV of its Rules of Procedure, which will read as follows:

Rule IV: Election of the Bureau

1. The Board shall, at its first session of each year, elect from among the representatives of its members a President, a Vice-President, and three other members of the Bureau (collectively designated as the Bureau) as well as an alternate.
2. Each member of the Bureau shall be chosen from one of the Lists of States as defined in Appendix A to the General Regulations of WFP. In the election of the President, the Vice-President and the other members of the Bureau, consideration shall be given to the equitable geographical rotation of their offices among the Lists of States.

Each alternate will replace the Bureau member if he/she is temporarily or permanently unavailable. The designated alternate shall have the same rights and responsibilities as the Bureau member he/she is replacing. Alternates may also attend Bureau meetings as non-participating observers at other times.

Notwithstanding the foregoing, if the President becomes temporarily or permanently absent, unavailable, otherwise unable to fulfil the duties of the position or ceases to represent a member of the Board, the following procedure applies:

- i) If the President becomes temporarily unavailable, the Vice-President will take over his functions and responsibilities.
- ii) If the President becomes permanently unavailable, the procedure for replacement will depend on when this occurs:
 - a) if it occurs at or before the Annual Session of the Board, the President will be replaced by the alternate referred to in Rule IV.1 until the end of the period of tenure;
 - b) if it occurs after the Annual Session of the Board, the Vice-President will take over the functions and responsibilities of the outgoing President until the end of the period of tenure.
3. The President of the Board shall not, except in exceptional cases as decided by the Board, be eligible for re-election. The Vice-President and the other members of the Bureau shall be eligible for re-election.

* This is a draft decision. For the final decision adopted by the Board, please refer to the Decisions and Recommendations document (document WFP/EB.2/2007/15) issued at the end of the session.



INTRODUCTION

1. This document considers succession matters affecting the Executive Board Bureau and sets out proposals for (i) dealing with a potential change of the President of the Board, the Vice-President or any other member, (ii) resolving the issues raised and (iii) amending the Rules of Procedure of the Executive Board accordingly.

LEGAL FRAMEWORK

2. Rule IV of the Rules of Procedure of the Executive Board, which deals with the election of the Bureau, provides as follows:
 - “1. The Board shall, at its first session of each year, elect from among the representatives of its members a President, a Vice-President and three other members of the Bureau (collectively designated as the Bureau) who shall hold office until their successors are elected.
 2. Each member of the Bureau shall be chosen from one of the lists of States as defined in Appendix A to the General Regulations of WFP. In the election of the President, the Vice-President and the other members of the Bureau, consideration shall be given to the equitable geographical rotation of their offices among the lists of States.
 3. The President of the Board shall not, except in exceptional cases as decided by the Board, be eligible for re-election. The Vice-President and the other members of the Bureau shall be eligible for re-election.
 4. If the President, the Vice-President or any other member of the Bureau, during the course of the calendar year in which he or she is elected, is unable to carry out his or her functions, or ceases to be a representative of a member of the Board, he or she shall cease to hold office. In such case, the Board may elect a new President or other member of the Bureau for the unexpired term.
 5. If the Board is not in session at such time as the President ceases to hold office, his or her functions shall devolve upon the Vice-President.”
3. The relevant part of Rule VI states:
 - “1. The President, or in the President’s absence the Vice-President, shall preside at the session, and exercise such functions as are attributed to the President by these Rules of Procedure (...).
 4. The Vice-President, acting as President, shall have all the powers and be subject to the same restrictions as the President.”

OTHER APPLICABLE PROCEDURES AND CUSTOMARY ARRANGEMENTS

4. At its First Regular Session in 1996, the Board decided that: "... Annually, the President's position should alternate between a Bureau member from lists A, B, or C and a Bureau member from lists D or E".¹ It was, however, left to the electoral Lists to finalize arrangements for implementing that rotation. The Board also decided at that session that "... Each year, the President should normally be replaced by the Vice-President".

ISSUES NOT ADDRESSED BY THE REGULATIONS

The List from which the Next President is to be Elected

5. In view of the foregoing, particularly Rule IV.5, when a President ceases to hold office during the course of a calendar year and at a time when the Board is not in session, the functions devolve upon the Vice-President. The Vice-President thus becomes Acting President until such time as the new President is elected. For the election of a new President, the Board could decide to wait until its next regular session or to hold a special session under the terms of Rule I.3.²
6. In accordance with Rule IV.4, the Board may "... elect a new President ... for the unexpired term". For example, in a situation where the President ceases to hold office in the early months of a year, the Vice-President takes over as Acting President until the Board meets and decides to elect a new President for the unexpired term; the Board may do this at its subsequent session or at a special session held in accordance with Rule I.3. The issue that arises, which is not covered under the current Rules, is the List from which the new President should be elected.
7. The only guidance the Rules offer on this issue is that of "equitable geographical rotation", to which consideration must be given in electing the Bureau members.³ The custom hitherto has been to elect the Vice-President as President. The Rules are silent on how the Lists should be represented throughout the year.
8. In a situation such as that envisaged in paragraph 6, the devolution of the functions of the President to the Vice-President means that the List from which the outgoing President was elected will have held the Presidency for a short period only. Because the Vice-President normally succeeds the President at the beginning of the subsequent term, it follows that in the situation envisaged above, the List of the Vice-President would hold the office of President for a disproportionately long period.
9. The Vice-President's List could take the view that this period as President covers for the outgoing President only, and could argue that a member of the List – presumably the person who covered for the Presidency – should be eligible for election as President for the subsequent term.

¹ WFP/ExB.1/96/3, p. 2.

² Rule I.3 states that "The Board may hold special sessions, in exceptional circumstances: (a) at the written request of at least one third of the members of the Board; or (b) on the call of the Secretary-General of the United Nations and the Director-General of the FAO, with the concurrence of one third of the members of the Board; or (c) on the call of the Executive Director."

³ See Rule IV.2 of Rules of Procedure of the Executive Board, on the preceding page.



Geographical Representation

10. The Rules of Procedure do not oblige the Board to elect a new President at its next session, whether regular or special. Thus the Board could decide to retain the Vice-President as Acting President until the next First Regular Session, when the new President would be elected in accordance with Rule IV.1.
11. In such a case, the List from which the Vice-President is elected would be Acting President for the remaining term of the absent President, and President for the following year – nearly two terms rather than the prescribed one term. This would inevitably affect the rotation of the Presidency among the Lists. The Rules do not offer any guidance on application of the principle of geographical representation in such cases.

THE PRINCIPLE OF LIST REPRESENTATION IN THE BUREAU

12. The principle of List representation in the Bureau is enshrined in the General Regulations: Appendix B sets out the distribution of seats on the Board by list of countries, Rule IV.2 of the Rules of Procedure provides that “Each member shall be chosen from one of the lists of States as defined in Appendix A to the General Regulations of WFP”, and Rule IV.1 provides for the constitution of the Bureau “... from among representatives of its members”.
13. The agreed principle is therefore that the interests of the entire membership, who are States Members of the United Nations and Member Nations of FAO, shall be represented by Member States elected from Lists A, B, C, D, and E. Similarly, members of the Bureau hold office as representatives of their Lists.

THE BUREAU’S POSITION

14. A solution is required to the problems that arise when Bureau members are temporarily or permanently unable to perform their functions, taking into account the principles discussed above.
15. On the basis of a preliminary legal opinion by the Legal Services Division (LEG), the Bureau noted at its meeting on 15 December 2006 the need for a system that enabled full participation by List representatives and was of the view (i) that the Vice-President should in all cases succeed as President, (ii) that the President’s alternate should assume the President’s powers only if the President became permanently unavailable, for example by being posted away from Rome and (iii) that if the President became unavailable at or after the Second Regular Session, the Vice-President would assume the position for the remainder of the term of office.



PROPOSED CHANGES TO THE RULES OF PROCEDURE OF THE EXECUTIVE BOARD

16. To reflect the position of the Bureau in the Rules of Procedure of the Executive Board, the following changes to the Rules are recommended:

- i) **Rule IV.1** be changed to: “The Board shall, at its first session of each year, elect from among the representatives of its members a President, a Vice-President, and three other members of the Bureau (collectively designated as the Bureau), as well as an alternate.”
- ii) **Rule IV.2** be extended by adding the following: “Each alternate will replace the Bureau member if he/she is temporarily or permanently unavailable. The designated alternate shall have the same rights and responsibilities as the Bureau member he/she is replacing. Alternates may also attend Bureau meetings as non-participating observers at other times.

Notwithstanding the foregoing, if the President becomes temporarily or permanently absent, unavailable or otherwise unable to fulfil the duties of the position, or ceases to represent a member of the Board, the following procedure applies:

- i) If the President becomes temporarily unavailable, the Vice-President will take over his functions and responsibilities.
- ii) If the President becomes permanently unavailable, the procedure for replacement will depend on when this occurs:
 - (a) if it occurs at or before the Annual Session of the Board, the President will be replaced by the alternate referred to in Rule IV.1 until the end of the period of tenure;
 - (b) if it occurs after the Annual Session of the Board, the Vice-President will take over the functions and responsibilities of the outgoing President until the end of the period of tenure.”

17. **Rule IV.3** remains unchanged.

18. To harmonize the new Rule IV.2 with the rest of Rule IV, the following additional changes are recommended:

- i) Rule IV.4 should be deleted because it is irrelevant in the light of the new Rule IV.2.
- ii) Rule IV.5 should be deleted because it is irrelevant in the light of the new Rule IV.2.

For ease of reference, the entire Rule IV as proposed is reproduced in the Annex.

AMENDMENT TO THE RULES OF PROCEDURE

19. It should be noted that Amendments to the Rules of Procedure may be adopted by a two-thirds majority of the members present and voting at any meeting of the Board, provided that the intention to propose the amendment has been communicated to the representatives not less than 24 hours before the meeting at which the proposal is to be considered.



ANNEX

RULE IV: ELECTION OF THE BUREAU

1. The Board shall, at its first session of each year, elect from among the representatives of its members a President, a Vice-President, and three other members of the Bureau (collectively designated as the Bureau) as well as an alternate.
2. Each member of the Bureau shall be chosen from one of the Lists of States as defined in Appendix A to the General Regulations of WFP. In the election of the President, the Vice-President and the other members of the Bureau, consideration shall be given to the equitable geographical rotation of their offices among the Lists of States.

Each alternate will replace the Bureau member if he/she is temporarily or permanently unavailable. The designated alternate shall have the same rights and responsibilities as the Bureau member he/she is replacing. Alternates may also attend Bureau meetings as non-participating observers at other times.

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3. The President of the Board shall not, except in exceptional cases as decided by the Board, be eligible for re-election. The Vice-President and the other members of the Bureau shall be eligible for re-election.