



International Coffee Council/
Finance and Administration Committee
131st Session (Special)
9 and 10 February 2021
London, United Kingdom

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

Background

1. The Council at its 130th Session decided to recommend two candidates to present their candidacy to the 131st Special Session of the Council from 9 to 10 February 2021, as follows:

- Ms Vanússia Maria Carneiro NOGUEIRA, endorsed by the Government of Brazil
- Mr Tran Kim Long, endorsed by the Government of Vietnam

2. Document [ICC-129-6](#), which was approved by the Council during its 129th Session in April 2021, sets out the terms of reference for the post. Members are reminded that paragraph 1 of Article 14 (Decisions of the Council) of the ICA 2007, stipulates that the Council shall endeavour to take all decisions and to make all recommendations 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, counted separately. 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 International Coffee Agreement (ICA) 2007 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 30 November 2021, at least 70% of exporting Members with voting rights and at least 70% of importing Members with voting rights 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 of the ICA 2007, following which the matter on which a decision is required will need to be deferred to the next Council Session.
4. If Members are absent at the time of a vote, or unable to attend the meeting in person, in accordance with paragraph (2) of Article 13 of the 2007 Agreement, any exporting Member may authorise in writing any other exporting Member, and any importing Member may authorise 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. This authorization should reach the Executive Director before a vote takes place. The Annex to this document contains a model of an authorization letter.

Voting procedures

5. The procedures for a vote are outlined in Articles 12, 13 and 14 of the ICA 2007, and Rules 30-33 of the Rules of the ICO. Rule 31 provides that voting shall normally be by roll-call from the list of exporting and importing Members in the English alphabetical order, beginning with the name of a Member selected at random by the Chairperson; 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 of the ICA 2007, Members are not entitled to divide their votes.

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 of the ICA 2007, 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 of the Rules of the ICO provide for accreditation and require the competent authorities of Members to issue credentials as early as possible after receiving notification of a Council Session. 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 of the ICA 2007.

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.

MODEL

**EXAMPLE OF AUTHORIZATION TO REPRESENT A MEMBER'S INTERESTS AND
EXERCISE ITS VOTING RIGHTS (IF THE MEMBER IS UNABLE TO ATTEND THE SESSION)**

[Date]

Mr José Sette
Executive Director
International Coffee Organization
222 Gray's Inn Road
London WC1X 8HB

Dear Mr Sette,

131st Session of the International Coffee Council
(London, United Kingdom, 9 and 10 February 2022)

I have the honour to inform you that my Government will not be represented at the 131st Session but has authorised [*insert name of another Member country*] to represent its interests and to exercise its right to vote at the 131st Session of the International Coffee Council on 9 and 10 February 2022.

Yours sincerely,

[Signature]*

[Name]

[Title]

[Member country]

* To be signed by a representative of the competent authorities of the Member country.