

IUCN
THE WORLD CONSERVATION CONGRESS
5–14 October 2008, Barcelona, Spain

**Proposed Amendment to the Rules of Procedure of
the World Conservation Congress concerning
the Election of Commission Chairs**

Action Requested: The World Conservation Congress is requested to APPROVE the addition of Rule 79*bis* as an amendment to the Rules of Procedure of the World Conservation Congress as proposed by Council and set out below.

1. Article 40 of the IUCN Statutes provides in relevant part that “*only two* Chairs of Commissions ... shall be from the *same State*” (italics added). However, and notwithstanding this clear, express limitation on the number of Commission Chairs who may be elected from the same State, IUCN constituent instruments do not provide any procedure either (a) to prevent more than two Commission Chair nominees from the same State from receiving the highest number of votes or ranking from Congress, or (b) to address and resolve such a voting result in a way that is consistent with the above Article 40 provision.
2. Three candidates on the list of nominees to be voted upon by the Barcelona Congress for the office of Commission Chair (for CEC, CEESP and SSC, respectively) are from the United States. However, Article 40 provides that not more than two of them may be elected by Congress. In order to resolve the resulting potential conflict, the Legal Adviser, at the request of and in collaboration with the Chair of the Nominations Committee and with the valuable input of Dr Wolfgang Burhenne and of the Election Officer, has prepared a new proposed Rule 79*bis*, which is intended to ensure compliance with Article 40 and to provide for a process to fill those Commission Chair posts which, as a consequence of that compliance, may become vacant.
3. By way of clarification, the new proposed Rule 79*bis* does not concern or affect the voting process for the individual Commission Chair positions, and that process will be carried out in accordance with current statutory procedures. Instead, Rule 79*bis* is intended to (and will) apply only if and when the voting process produces a result that is contrary to Article 40 (i.e., more than two Commission Chair nominees from the same State receive the highest number of votes or ranking).
4. The text of the new proposed Rule 79*bis* is set forth in the attached table, and Council, in accordance with the provisions of Article 29(c) of the Statutes (“The Council may propose a motion for amendment of the Rules of Procedure”), requests that Congress approve it as an amendment to the Rules of Procedure of the World Conservation Congress, with immediate effect.

Current Rule 79	Proposed New Rule 79bis	Current Rule 80
<p>79. Should a sole candidate for the post of the President, Treasurer or Chair of Commission withdraw or become ineligible, the Council shall meet in extraordinary session and, having considered the views of the members of IUCN, shall propose a new candidate to the World Congress.</p>	<p><u>79bis. Where three or more candidates from the same State, each nominated for a different Commission Chair post, receive the highest number of votes or the highest ranking for the respective posts for which they were nominated, only the two candidates who receive the highest percentage of the votes in the voting for their respective Commission Chair posts shall be elected. With regard to each of the remaining candidates who received the highest number of votes or the highest ranking for the posts for which they were nominated, the vote on each such candidate ipso facto shall be vacated by the election of the two candidates who received the highest percentage of votes, and the vacant post of Commission Chair for such candidate's Commission shall be filled as follows:</u></p> <p><u>(a) If there was a runner-up candidate from a different State who received at least eighty percent (80%) of the votes received by the candidate for whom the vote was vacated, then such runner-up shall be elected to the vacant post of Commission Chair.</u></p> <p><u>(b) If there was no runner-up from a different State who received at least eighty percent (80%) of the votes received by the candidate for whom the vote had been vacated, then the post of Commission Chair for that Commission shall be filled by the new Council.</u></p>	<p>80. Where the number of candidates for Regional Councillors is the same or less than the number of vacancies in the Region for which they are nominated, each candidate shall be voted on individually. Should a candidate not receive a simple majority of votes cast by each Category of member eligible to vote, the position of the Regional Councillor shall be filled by the new Council.</p>