Nomination and election procedures – CEP Chair

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Summary

This paper suggest that the CEP agree to procedures for nominating CEP Chair. Furthermore, it is suggested that the CEP Rules of Procedure be updated to reflect such nomination procedures, as well as earlier agreed upon procedures for election. A draft Decision to this effect is attached.

Formalization of nomination and election procedures – CEP Chair

The CEP Rules of Procedure (rule 15) indicate that the Committee should “select a Chairperson and two Vice-chairs from among the Consultative Parties”. However, the current CEP Rules of Procedure (2011) give no guidance to the nomination process, neither the election procedures.

At the 17th meeting of the Committee in 2014, the Committee found itself in an unprecedented situation where four candidates were nominated as candidates to the Chair position, although only one candidate had been nominated in advance of the start of the Meeting. This challenged the Committee both with regard to i) Members not having had a chance to pre-consider the candidates in advance of the Meeting and ii) the Committee being able to conduct a fair and structured election according to set procedures.

The Committee, before holding the election at that meeting, did however agree to the format of the election itself. This procedure has been recorded in the report of the Meeting, in para. 275 (CEP XVII):

The Chair outlined the following voting procedure, which was agreed by consensus:

* *A quorum was required for a valid election (this would be two thirds of the membership of the CEP).*
* *The outcome of elections would be decided by (simple) majority vote of the present and voting Members.*
* *In the case where there were more than two candidates for a position, rounds of voting should be conducted, eliminating the candidate with the least votes in each round. In the case of a tied result in such an elimination round a new vote between these two should be taken (after having identified which candidates have the least number of votes). Should the second result not differ from the first round, then elimination should be decided by the toss of a coin.*
* *When only two candidates were left, voting should continue until one candidate won a (simple) majority.*

The Committee noted that it would be desirable to incorporate this new procedure in a future revision of the Rules of Procedure (para 276).

As of yet no procedure has been discussed or agreed upon with regard to the nomination procedure. This leaves the Committee vulnerable to similar situations as that was encountered in 2014. It seems sensible to ensure that there is clarity with regard to the number of candidates and which candidates in advance of the meeting.

Two-meeting term rather than 2-year term

Rule 15 of the CEP RoP also notes that the “Chairperson and the Vice-chairs shall be elected for a period of two years and, where possible, their terms shall be staggered” and that “Chairperson and the Vice-chairs shall not be re-elected to their post for more than one additional two-year term”.

During the recent pandemic the CEP and ATCM was faced with the unprecedented situation that the annual meetings were cancelled (Helsinki 2020). The Chair was up for (re-)election at the Helsinki meeting, but it clearly was not possible to conduct such an election in the absence of the meeting, and thereby not possible to adhere to the two-year term indicated in the Rules of Procedure. Though it is not expected that this will be a frequently occurring situation, the experience from this particular year indicate that it may be sensible to formalize a two-meeting term rather than a two-year term for a Chair, the Chair thus presiding over two meetings regardless of unforeseen gaps in the meeting regularity, this in line with the initial intention of enabling a Chair to have a bit of continuity in effort.

Proposal

It is suggested that the Committee discuss and agree to procedures for nomination of candidates for the position of CEP Chair. It is suggested that these procedures could be as follows:

1. At least 180 days before the meeting of the Committee for Environmental Protection in which a CEP Chair will be elected, the current CEP Chair will issue a circular to: a) remind Members that there will be an election; b) notify Members of his/her willingness to stand a second term if this is the end of his/her first term; and c) invite for nomination of candidates according to point 2.
2. Members should submit nominations for candidates to the Secretariat at the latest 60 days before the start of the meeting of the Committee for Environmental Protection. Nominated candidates should:
3. be from among the Antarctic Treaty Consultative Parties;
4. have sound working knowledge of the Antarctic Treaty system, the practices and the work of the CEP and the issues under consideration by the Committee;
5. have the support of their Party to serve in the role for at least one term covering two meetings; and
6. be from a Party different from the Parties of the current Vice-chairs
7. At least 20 days before the start of the Meeting, the current CEP Chair will issue a circular summarising the results of any call for nominations.

It is suggested that the CEP Rules of Procedure be updated to reflect these nomination procedures. Furthermore, it is suggested that the earlier agreed upon procedures for election (as referred to in the above) be incorporated into the CEP Rules of Procedure.

It is also suggested that the CEP agree to amend Rule 15 so that the serving term for Chair and Vice-chair is specified to span two meetings, ie:

*The Committee shall elect a Chair and two Vice-chairs from among the Consultative Parties. The Chairperson and the Vice-chairs shall be elected for a period of two ~~years~~ meetings and, where possible, their terms shall be staggered.*

*The Chairperson and the Vice-chairs shall not be re-elected to their post for more than one additional two-~~year~~ meeting term. The Chairperson and Vice-chairs shall not be representatives from the same Party.*

Attached are i) a draft Decision to this end and ii) a draft updated RoP.

Decision X (20XX)

CEP Rules of Procedures: Nomination and election procedures

**The Representatives,**

*Recalling* Rule 15 of the CEP Rules of Procedure which specifies that the Committee should select a Chairperson from among the Consultative Parties;

*Noting* that Rule 15 of the CEP Rules of Procedure is silent as to the selection and nomination procedures to be followed in selecting the CEP Chair;

*Recalling* also the voting procedure, which was agreed by consensus at CEP XVII (para 275 of the CEP XXVII Final Report);

*Noting* also that Rule 15 furthermore specifies the serving terms for Chair and Vice-chairs;

**Decide:**

1. that CEP Chair candidates shall be nominated and elected in accordance with the following procedure:
2. At least 180 days before the meeting of the Committee for Environmental Protection in which a CEP Chair will be elected, the current CEP Chair will issue a circular to: a) remind Members that there will be an election; b) notify Members of his/her willingness to stand a second term if this is the end of his/her first term; and c) invite for nomination of candidates according to point 2.
3. Members should submit nominations for candidates to the Secretariat at the latest 60 days before the start of the meeting of the Committee for Environmental Protection. Nominated candidates should:
4. be from among the Antarctic Treaty Consultative Parties;
5. have sound working knowledge of the Antarctic Treaty system, the practices and the work of the CEP and the issues under consideration by the Committee;
6. have the support of their Party to serve in the role for at least one term covering two meetings; and
7. be from a Party different from the Parties of the current Vice-chairs
8. At least 20 days before the start of the Meeting, the current CEP Chair will issue a circular summarising the results of any call for nominations.
9. that the following procedure should be followed during elections for Chair and Vice-chairs (under the appropriate agenda item on the CEP agenda):

* At least two thirds of the Members must be present for a valid election.
* The Chairperson and the Vice-chairs are elected by simple majority vote of the present and voting Members.
* In the event that there are more than one candidate for any of the positions the following rules shall apply:

1. Rounds of voting shall be conducted until there are two candidates. The candidate with the least votes in each round is eliminated.
2. In the event that two candidates have the same number of votes in a round of voting according to a) a new vote between these two shall be conducted.
3. In the event that two candidates have the same number of votes when the procedures described in b) is followed elimination shall be decided by the toss of a coin.
4. In the event that two candidates have the same number of votes in the last round of voting, or in the event that there are two candidates for the position election shall be decided by the toss of a coin.
5. That the serving term for Chair and Vice-chairs shall be two meetings, with an option to be re-elected for a term of two meetings.

The Parties furthermore agree to update the CEP Rules of Procedure to reflect this Decision (Attachment).

Attachment: Draft revised CEP Rules of Procedure