

INTERNATIONAL RENEWABLE ENERGY AGENCY

Third meeting of the Council

Abu Dhabi, 05 – 06 June 2012

**Report of the facilitators on the issue of Council composition,
election and rotation****A. Background**

The Statute of IRENA (Article X.A.), states that the members of the Council will be elected on a rotating basis as laid down in the Rules of Procedure of the Assembly, with a view to ensuring effective participation of developing and developed countries and achieving fair and equitable geographical distribution and effectiveness of the Council's work. It further determines that the members of the Council shall be elected for a term of two years.

The Decision on the Appointment of Facilitators on Council Composition, Election and Rotation (A/2/DC/3), adopted during the second session of the Assembly, appointed Luxembourg and Peru as facilitators, acting under the guidance of the President of the Assembly, charged with soliciting views from all Members of IRENA, Signatories, and States in accession to the IRENA Statute, in order to generate recommendations for an appropriate mechanism for Council composition, election and rotation in an open, inclusive and transparent process.

The decision also encouraged Members of IRENA, Signatories, and States in accession to provide their recommendations and observations on Council composition, election and rotation to the facilitators and the Director-General of IRENA within 30 days of the adoption of the Assembly decision, and requested him to circulate the recommendations and observations received to all delegations. Furthermore, it requested the facilitators, with the support of the Secretariat, to conduct consultations with Members, Signatories, and States in accession on the various proposals on Council composition, election, and rotation, taking advantage of the opportunity to do so provided by the Assembly and the meetings of subsidiary bodies of IRENA.

Decision A/2/CD/3 requested the two facilitators, under the guidance of the President of the Assembly, to “propose relevant amendments to the Rules of Procedure of the Assembly to the third meeting of the Council or as soon as possible thereafter for the Council’s consideration at its fourth meeting, or to otherwise report the outcomes of its process to both the President of the Assembly and the Chair of the Council”.

B. Process of consultations

On the basis of this decision, the two facilitators, Mr. Guy Lentz of Luxemburg and Mr. Romulo Acurio of Peru, have carried out, in the weeks and months following the second session of the Assembly, with the assistance of the Secretariat, a process of consultations consisting of the following stages:

- 1. Solicitation of views.** On the 23rd of January the Secretariat circulated a communication on behalf of the facilitators inviting Members, Signatories and States in accession to submit their observations on the matter. The request for observations established a first deadline (February 9th), which was later extended (February 28th).
- 2. Dissemination of relevant examples from other organizations.** The communication sent by the Secretariat included a table with an overview of structures and procedures followed by other international organizations in respect of the composition of organs comparable to the IRENA Council and of the election and rotation of their members. A similar table had been circulated by the Director-General in December 2011.
- 3. Circulation of feedback.** On behalf of the facilitators, the Secretariat circulated on March 1st the observations and comments received from Members, Signatories and States in accession.
- 4. Informal meeting in Abu Dhabi.** The two facilitators held an informal luncheon meeting at IRENA headquarters on March 11th to further consult with Members, Signatories and States in accession. The meeting was attended by representatives of embassies and consulates in the United Arab Emirates, some of whom shared their country’s observations on the issue.
- 5. One to one consultations.** In addition to the above, before and after the March 11th meeting, the facilitators have held telephone conferences and in-person conversations with officials from several States, at their request, to discuss their respective views. The facilitators have found useful to guide those exchanges by a set of general questions submitted to their interlocutors. Numerous and constructive proposals were formulated in the course of these consultations.
- 6. Meeting on June 4th, on the margins of the third Council meeting.** On the basis of the consultations made so far, and in coordination with the Secretariat, the facilitators have deemed

useful to convene a meeting on June 4th, a day before the Council meeting on 5 and 6 June 2012. The purpose of this meeting is to continue consultations and enter into a more focused discussion of the emerging options on the main issues with a view to approaching a consensus on the appropriate mechanism for Council composition, election and rotation in due time prior to the third session of the Assembly. With this goal in view, the facilitators will stand ready to hold bilateral dialogues with interested delegations during the days of the Council meeting.

C. Main issues, general consensus and emerging options

The contributions received and the consultations carried out through this process have helped the facilitators to recognize some main issues, confirm areas of general consensus on several matters and also identify the principal options which seem to emerge for future dialogue.

1. Main issues

From the beginning of the consultations, it has been clear that the main issues to tackle are:

- The issue of **fair representation**, which refers to the evaluation of criteria for appropriate geographic distribution of membership, as well as the examination of possible additional criteria, different from geographic distribution, such as level of financial contribution, involvement in IRENA activities, country population and GDP, or national renewable energy development;
- The issue of **continuity**, which deals with the consideration of possible rules to allow or to restrict immediate re-election and re-election in general;
- The issue of **rotation**, which entails the questions of rotation intervals, partial rotation rules and procedures to enhance such a rotation of membership;
- The issue of **inclusiveness**, related to the means to stimulate the participation of non-members of the Council in the deliberations of the Council; and
- The issue of the **election process**, which refers to the consideration of the procedures and institutional actors to be involved in the consultations leading to the nomination of candidatures for the Council.

2. General consensus

With these main issues in mind, the consultations carried out by the facilitators have helped to confirm general consensus on several issues, such as, among others:

- the importance of ensuring effective participation for developing and developed countries and of achieving fair and equitable geographical distribution, in line with article X.A. of the Statute;
- the need to avoid in the future, as much as possible, an unstructured and extensive process of consultations prior to the election of the Council;
- the importance of promoting the active participation of members in the work and deliberations of the Council;
- the convenience of assigning to the regional groupings, however they are defined, the main task of nominating the candidatures of their groups for Council membership;
- the importance of rules of procedure which ensure renewal within the Council while, at the same time, allowing some level of continuity;
- the need to stimulate non-Council members to bring their concerns to the attention of the Council, and find venues for such processes;
- the importance of taking into consideration, in defining the rules for Council composition, the evolving nature of IRENA membership; and
- the convenience of requiring candidatures to be submitted directly by each interested Member.

3. Emerging options

The process of consultations has also allowed the facilitators to highlight several other issues on which views remain divergent. On each issue, it is however possible to identify the main options that seem to emerge for future dialogue. Some are the following:

a. On the question of **criteria for nominations**, two general options seem to emerge. I. On the one hand, many delegations have indicated their preference for a Council composition based only on the criterion of geographic distribution, however this is defined. II. On the other hand, some other delegations, while recognizing that geographic distribution is the main criterion to follow, propose the addition of other criteria for Council membership. Some delegations argue in favor of assigning from 1 up to 5 seats, according to the proposal, to non-geographic criteria. The two main non-geographic criteria proposed are the level of voluntary contributions to the Agency and the affiliation to a special needs group, such as the group of Small Island Developing States (SIDS), the group of Least Developed Countries (LDC), or the Pacific islands group. Some proposals combine more than one criterion.

Those delegations proposing nominations based on the level of voluntary contributions (financially and in-kind, as referred to in Article 5.b and Article 7 and Article 9.3 of the Interim Financial Regulations), argue that this mechanism will create incentives for additional engagement with the Agency, beyond the mandatory assessed contributions. A few countries have also called for including nominations based on the national contributions to the field of renewable energies. Other criteria, such as involvement in IRENA activities, country population or GDP, have been mentioned informally but have not been included in any specific proposal. Many have expressed the concern that these non-geographic criteria may not be objective or measurable. Finally, a few delegations have expressed their explicit opposition to including any non-geographic criteria, including financial contributions, for Council composition.

b. On the question of the **frame of reference** the options seem to be three. I. Some delegations consider that the number of members per region must be established with regard to the total United Nations membership (193), in order to take appropriately into account the universal vocation and expected future of IRENA's constituency towards universality. II. Other delegations argue that regional distribution should be determined in function of the number of Members and Signatories. III. Alternatively, others propose as reference, more restrictively, the number of ratifications. A Member defending this latter position has suggested defining a formula to recalculate the regional distribution of seats at every election in proportion to the shares of the regional groups at the Assembly. Whatever the frame of reference chosen, there is agreement, as indicated above, on the importance of taking into account the evolving nature of IRENA's membership.

c. The rationale for **regional groupings** also presents two main options. I. A majority of delegations prefer to follow the UN regional groupings. Many delegations argue that, while the UN groupings may need to be reformed, they are a proven, functioning standard and that a redefinition of regions in IRENA would create unnecessary complications for the new organization. II. On the contrary, a few other delegations have argued strongly in favor of regions solely defined in terms of geography (for example by assigning all European countries to one single group), insisting that IRENA has the opportunity to innovate and does not need to follow the UN model. Some delegations have proposed five regional groups so defined, while one delegation has suggested seven such groups.

d. Naturally, the issue of the **number of members per region** will follow directly from a definition on the sets of options indicated for the three previous issues. Several delegations have already proposed a specific number of seats for each region. A few have indicated the minimum number of seats they expect for their own groups.

e. With regard to the question of **continuity**, two general options appear. I. A few delegations consider that no rule should be established on the matter and that each regional group should

define its own practices. II. On the contrary, several countries favor an explicit rule, although with some variations. Some delegations prefer a one-term rule, with no re-election possible. Several countries argue for the possibility of immediate re-election, with a two-term limitation. Others proposed no more than two consecutive terms. Finally, some others do not fix restrictions on the number of consecutive terms of Council membership.

f. Regarding the issue of **rotation**, two main options have been expressed. I. Several countries have proposed a mechanism of partial (30% or 50%) renewal of membership every year. Logically, this would entail that some of the countries to be elected for the next Council would, exceptionally, need to limit their membership to a one-year period. II. On the other hand, many other delegations have not expressed interest in modifying the current rule of two-year total renewal of Council membership, since this would imply a modification of the Statute.

g. Finally, on the question of **inclusiveness**, also two options appear. I. Most delegations have not indicated the need to introduce new rules to stimulate the participation of non-members of the Council in the proceedings of the Council, while acknowledging the importance of such participation. II. On the other hand, one delegation, supported by others, has proposed to introduce a rule to nominate and elect, amongst Members of IRENA, a number of alternate members which would sit at the Council with the same rights as the members, except that of voting.

D. Next steps to build consensus in due time prior to the third session of the Assembly

After the June 4th informal meeting on Council composition, election and rotation, and the informal consultations to be held at the side-lines of the third Council meeting, mindful that the Assembly must elect a new Council at its third session and that an appropriate mechanism needs to be in place by then, the facilitators will continue their dialogue with all interested delegations in order to build on the existing general consensus, continue to clarify the main emerging options and try to bridge the differences that may lead to common grounds on the main relevant issues.

On that basis, and in conformity with Decision A/2/CD/3, the facilitators have the intention of pursuing their efforts, under the guidance of the President of the Assembly, to propose relevant amendments to the Rules of Procedure of the Assembly for the Council's consideration at its fourth meeting to be held in October/November 2012.