



منظمة الأغذية
والزراعة
للأمم المتحدة

联合国
粮食及
农业组织

Food
and
Agriculture
Organization
of
the
United
Nations

Organisation
des
Nations
Unies
pour
l'alimentation
et
l'agriculture

Продовольственная и
сельскохозяйственная
организация
Объединенных
Наций

Organización
de las
Naciones
Unidas
para la
Agricultura
y la
Alimentación

COUNCIL

Hundred and Thirty-sixth Session

Rome, 15 – 19 June 2009

REPORT OF THE EIGHTY-SIXTH SESSION OF THE COMMITTEE ON CONSTITUTIONAL AND LEGAL MATTERS (CCLM)

Rome, 7 – 8 May 2009

I. INTRODUCTION

1. The Eighty-sixth Session of the Committee on Constitutional and Legal Matters (CCLM) was held on 7 and 8 May 2009. The Session, open to silent observers, was chaired Mr. Julio Fiol (Chile). The Members of the Committee listed below were represented:

Chile, Gabon, Indonesia, Lesotho, Netherlands, Syrian Arab Republic, and United States of America

2. So that the Conference Committee for the Follow-up to the Independent External Evaluation of FAO (hereinafter referred to as CoC-IEE) and all Members could have a complete view of all proposed amendments agreed upon up to now and also in consideration of the fact that the secretariat of the CoC-IEE was required to make a detailed report to the Council at its forthcoming session, the CCLM decided to attach to this report a consolidated appendix showing all amendments to the Basic Texts (reviewed by the CCLM at its Eighty-fourth, Eighty-fifth and Eighty-sixth sessions), including draft Conference resolutions proposed for adoption.

II. DEFINITION OF GOVERNING BODIES

3. The CCLM examined document CCLM 86/2 “*Definition of Governing Bodies*”. The CCLM noted that the matter had attracted attention in the course of the discussions within the CoC-IEE where Members made enquiries about the concepts of “*governance*” and “*Governing Bodies*”. The CCLM noted that the document included information on the practice of other organizations of the United Nations system confirming that, despite designations which could vary from organization to organization, “*governing bodies*” were the bodies which directly, or indirectly through their parent bodies, contribute within their respective mandates, to (a) the definition of the overall policies and regulatory frameworks of the Organization; (b) the

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establishment of programme and planning documents and the budget and (c) contribute to the oversight of the administration of the Organization.

4. The CCLM examined the options proposed in light of the practice of other organizations of the United Nations system and recommended that the option whereby a suitable note should be inserted in the Basic Texts of the Organization be followed. The content of the note would be as follows:

“The Governing Bodies of FAO are the bodies which directly, or indirectly through their parent bodies, contribute within their respective mandates, to (a) the definition of the overall policies and regulatory frameworks of the Organization; (b) the establishment of the Strategic Framework, the Medium-Term Plan and the Programme of Work and Budget and (c) exercise, or contribute to the oversight of the administration of the Organization. The Governing Bodies comprise the Conference, the Council, the Programme Committee, the Finance Committee, the Committee on Constitutional and Legal Matters, the Technical Committees (i.e. Committee on Commodity Problems, Committee on Fisheries, Committee on Forestry, Committee on Agriculture, Committee on World Food Security) and the Regional Conferences (i.e. for Africa, Asia and the Pacific, Europe, Latin America and the Caribbean and the Near East)”.

5. As to the place of where the note could be inserted in the Basic Texts, various options were examined. The CCLM concurred with the view that a recommendation on the matter would be made later in the year in light of all changes made to, and the future structure of the Basic Texts.

III. IMPLEMENTATION OF THE ACTIONS OF THE IMMEDIATE PLAN OF ACTION REGARDING THE CONFERENCE

6. The CCLM reviewed document CCLM 86/3 entitled *“Implementation of the actions of the Immediate Plan of Action regarding the Conference”*.

7. The CCLM endorsed the text of revised Rule I, paragraph 1 of the GRO regarding the date of the regular session of the Conference reproduced in the appendix to this report.

8. In this connection, the CCLM noted that a consequential amendment to Rule XXV on the sessions of the Council was required which would be addressed through a separate document. The CCLM noted further that IPA Action 2.8, on the definition of the Organization’s Priorities, Strategy and Budget would be reviewed in the context of the implementation of the actions regarding the Reform of Programming, Budgeting and Results-Based Monitoring.

9. The CCLM considered that, in order to better reflect the Action Matrix of the IPA regarding the Conference it would be desirable that IPA actions 2.5, 2.6 and 2.10 be covered through a Conference resolution which should be included in Volume II of the Basic Texts. This draft resolution is set out in the appendix to this report.

10. The CCLM considered that other actions contained in the Action Matrix regarding the Conference should be addressed through appropriate changes to current working practices. In this regard, the CCLM noted that, for every session of the Conference, a document entitled *“Arrangements for the session of the Conference”* is prepared. The CCLM recommended that the secretariat be invited to update this document in light of the amendments to the Basic Texts that will be approved by the Conference and that, as appropriate, any recommended changes to

working practices be incorporated in that document. The CCLM also recommended that, in future, such document be duly publicized and brought to the attention of all relevant officers and Members of the Organization.

IV. INDEPENDENT CHAIRPERSON OF THE COUNCIL

11. The CCLM reviewed document CCLM 86/4 entitled “Independent Chairperson of the Council”. The CCLM noted that the document reflected comprehensive research into the origin, status, functions and term of office of the Independent Chairperson of the Council and that the issues covered by the Action Matrix had already, for the most part, been examined in detail in the past by the CCLM, the Council and the Conference.

12. The CCLM noted that the issue of a possible detailed definition of the functions of the Independent Chairperson had been discussed in the past. At that time, the general conclusion had been reached that it would be appropriate to continue to define the functions of the Chairperson in a broad and extensive manner, as emerging from the very nature of that office, because a detailed definition of the functions could result in the establishment of restrictions to the functions in the light of possible unforeseen circumstances.

13. The CCLM also noted that the issue of the definition of desirable qualifications for the Independent Chairperson had already been addressed in the past between 1968 and 1971. The CCLM agreed with the proposal that, building upon the review of the matter made at the time, in nominating candidates for the office of Independent Chairperson of the Council, Member Nations should pay due regard to the qualities that a Chairperson should possess, including among others, the ability to be objective, sensitive to political, social and cultural differences and have appropriate experience in areas relevant to the Organization’s work. The CCLM concurred with the proposal that it would not be appropriate to go beyond this generic statement.

14. The CCLM agreed with the proposed approach for the implementation of the Action Matrix proposed in document CCLM 86/4. The CCLM recommended that the Conference should adopt a resolution on the Independent Chairperson of the Council, set out in the appendix to this report, and that it should be included in Volume II of the Basic Texts.

15. The CCLM also recommended that, for the sake of clarity and in order for the membership to have a complete view of all applicable legal provisions governing a given subject matter, the main instruments of the Basic Texts, with particular reference to the General Rules of the Organization, could contain footnotes drawing attention to, and referencing relevant Conference resolutions set out in Volume II of the Basic Texts. The secretariat will make proposals in that connection later in the year.

V. REFORM OF PROGRAMMING, BUDGETING AND RESULTS-BASED MONITORING

16. The CCLM made a detailed review of document CCLM 86/5 entitled “Reform of Programming, Budgeting and Results-Based Monitoring”. In this connection, the CCLM noted the interrelated nature of most of the actions required for the implementation of the Action Matrix on this matter. The CCLM also concurred with the approach proposed for the implementation of the actions which, consistent with its earlier discussions regarding criteria for distribution of proposed amendments to the Basic Texts, involved amendments to the General Rules of the Organization, the Financial Regulations and the adoption of a resolution by the Conference setting forth the main features of the new planning and budget system.

17. In particular, the CCLM:
- (a) Endorsed the proposed amendment to Rule XXV of the GRO on the sessions of the Council. In this connection, the CCLM noted that some adjustments to current practices and functions of the Council regarding preparations for the Conference might be required;
 - (b) Endorsed the proposed amendment to Rule II, paragraph 2 of the GRO regarding the agenda of the Conference;
 - (c) Endorsed the proposed amendment to Rule XXIV, paragraph 2 of the GRO on the functions of the Council;
 - (d) Endorsed the proposed amendment to Rule XXVI, paragraph 7 of the GRO on the functions of the Programme Committee;
 - (e) Endorsed the proposed amendment to Rule XXVII, paragraph 7 (a) of the GRO on the functions of the Finance Committee;
 - (f) Endorsed the proposed amendment to Rule XXVIII on concurrent sessions and joint meetings of the Programme and Finance Committees;
 - (g) Endorsed the proposed amendment to Financial Regulations 3.4 and 3.6 and the deletion of Financial Regulation 3.5.
18. The CCLM endorsed a draft Conference resolution entitled “Reform of Programming, Budgeting and Results Based Monitoring” and recommended that it be inserted in Volume II of the Basic Texts.
19. The text of the amendments to the General Rules of the Organization, the Financial Regulations, and the Conference resolution endorsed by the CCLM are set forth in the appendix to this report.

VI. ANY OTHER MATTERS

20. The CCLM noted that on 24 March 2009 the CoC-IEE had acknowledged with appreciation the progress made by the CCLM in reviewing and proposing amendments to the Basic Texts.

21. The CoC-IEE discussed and agreed unreservedly with the proposal examined at the 84th Session of the CCLM to harmonize the status of the CCLM and the Programme and Finance Committees so that, in addition to its seven elected members, the CCLM would have a Chairperson elected by the Council on the basis of individual qualifications. The Chairperson would not represent a country or region and would not have the right to vote. Accordingly, the CCLM recommended to the Council an amendment to Rule XXXIV of the GRO which it had already examined at its Eighty-fourth Session, as set out in the appendix to this report.

22. In the course of the meeting of the CoC-IEE it was pointed out that, in accordance with the Immediate Plan of Action for FAO Renewal, the Programme Committee, the Finance Committee and the CCLM should be open to silent observers. Exceptionally, a Committee could decide to hold a closed meeting to discuss specific items should it consider that there were important reasons for that. The CoC-IEE requested that the matter be further considered by the CCLM, as it appeared that the formulation proposed by the CCLM and the possibility for the

Programme and Finance Committees to decide to hold meetings in private seemed to be drafted in too broad terms and allow the Committees to close sessions in a manner inconsistent with the spirit and purpose of the relevant IPA action.

23. After an extensive discussion on the matter, the CCLM recommended the following wording for revised Rule XXVI, paragraph 9 and Rule XXVII, paragraph 9 of the GRO:

“The sessions of (the Programme or Finance as the case may be) Committee shall be open to silent observers, unless otherwise decided by the Committee. The reasons for such a decision shall be stated in the report of the session. Silent observers shall not take part in any debates”.

24. The Committee noted that no concerns had been expressed regarding the situation at the CCLM and that the above provision would apply only to the Programme and Finance Committees, as in the case of the CCLM, because of the nature of issues under discussion, it might not be appropriate that the reasons for a decision to close a particular meeting should be stated in the report. In the case of the CCLM, the revised provision of Rule XXXIV of the GRO would read as follows:

“The sessions of the Committee shall be open to silent observers, unless otherwise decided by the Committee. Silent observers shall not take part in any debates”.

25. The CCLM requested the secretariat to present at one of its next sessions a complete review of all editorial adjustments to the Basic Texts required to make them gender-neutral.

26. The secretariat informed the CCLM that through a letter to the Director-General of 28 April 2009 the Permanent Representative of France had requested the insertion in the Provisional Agenda of the Hundred and Thirty-sixth Session of the Council (15-19 June 2009) of an item entitled “Proposed amendments to the Constitution on the reform of the Committee on Food Security (CFS)”. Subsequently, on 6 May 2009, the Permanent Representative of France sent another letter to the Director-General setting forth draft amendments to Articles III and IV of the Constitution. These draft amendments, together with any views which may have arisen from the CFS Contact Group, will be referred to the Eighty-seventh session of the CCLM.

APPENDIX

I. PROPOSED AMENDMENTS TO THE BASIC TEXTS

In the text of the draft amendments reproduced below, the proposals made by the Committee on Constitutional and Legal Matters regarding deletions are indicated using ~~struck out text~~ and the proposals for insertions are indicated using *underlined italics*.

A. AMENDMENTS TO THE CONSTITUTION

Regional Conferences (IPA Actions 2.52, 2.53, 2.54 and 2.55)

New paragraph 6 of **Article IV** of the Constitution:

“Functions of the Conference

(...)

6. There shall be such Regional Conferences as the Conference may establish. The status, functions and reporting procedures of the Regional Conferences shall be governed by rules adopted by the Conference.”

Technical Committees (IPA Action 2.56)

Revised paragraph 6 and new paragraph 7 of **Article V** of the Constitution:

“Council of the Organization

(...)

6. In the performance of its functions, the Council shall be assisted;

(a) by a Programme Committee, a Finance Committee, and a Committee on Constitutional and Legal Matters, which shall report to the Council; and

(b) by a Committee on Commodity Problems, a Committee on Fisheries, a Committee on Forestry, a Committee on Agriculture and a Committee on World Food Security which shall report to the Council on programme and budget matters and to the Conference on policy and regulatory matters.

7. ~~These Committees shall report to the Council and their~~ The composition and terms of reference of the Committees referred to in paragraph 6 shall be governed by rules adopted by the Conference.”

Director-General (IPA Action 2.101)

Revised paragraphs 1 and 3 of **Article VII** of the Constitution:

“The Director-General

1. There shall be a Director-General of the Organization who shall be appointed by the Conference for a term of *four* ~~six~~ years. *The Director-General* ~~He~~ shall be eligible for reappointment only once for a further term of four years.
2. The appointment of the Director-General under this Article shall be made by such procedures and on such terms as the Conference may determine.
3. Should the office of Director-General become vacant prior to the expiry of his term of office, the Conference shall, either at the next regular session or at a special session convened in accordance with Article III, paragraph 6 of this Constitution, appoint a Director-General in accordance with the provisions of paragraphs 1 and 2 of this Article. ~~However, the~~ duration of the term of office of the Director-General appointed at a special session shall expire ~~at~~ *after* the ~~end of the year of the third~~ *second* regular session of the Conference following the date of his appointment, *in accordance with the sequence for the term of office of the Director-General established by the Conference.*
4. Subject to the general supervision of the Conference and the Council, the Director-General shall have full power and authority to direct the work of the Organization.
5. The Director-General or a representative designated by him shall participate, without the right to vote, in all meetings of the Conference and of the Council and shall formulate for consideration by the Conference and the Council proposals for appropriate action in regard to matters coming before them.”

**B. AMENDMENTS TO THE GENERAL RULES OF
THE ORGANIZATION (GRO)**

Conference to meet in June (IPA Actions 2.7 and 3.9)

Revised paragraph 1 of **Rule I** of the GRO:

“Rule I

Sessions of the Conference

1. The regular session of the Conference shall be held at the seat of the Organization in the months of *June* ~~October or November~~, unless it is convened elsewhere or at a different time in pursuance of a decision of the Conference at a previous session, or, in exceptional circumstances, of a decision by the Council (...)

Reporting lines of the Technical Committees and Review by the Conference of the Medium-Term Plan and Strategic Framework (IPA Actions 2.56 and 3.3)

Revised paragraph 2 of **Rule II** of the GRO concerning the agenda of the Conference:

“Rule II

Agenda

Regular sessions

1. (...)

2. The provisional agenda for a regular session shall include:

(...)

(c) (...)

(...)

(iii) review of the Medium-Term Plan and, as appropriate, of the Strategic Framework;

(other sub-paragraphs renumbered)

(xii) review, in accordance with Article V, paragraph 6 of the Constitution, the reports on policy and regulatory matters of the Committee on Commodity Problems, the Committee on Fisheries, the Committee on Forestry, the Committee on Agriculture and the Committee on World Food Security;

(xiii) review, in accordance with Article IV, paragraph 6 of the Constitution and Rule XXXV of these Rules the reports on policy and regulatory matters of the Regional Conferences.”

Reporting lines of the Technical Committees and Council functions regarding the Strategic Framework, the Medium-Term Plan and the Programme of Work and Budget as well as elimination of the summary Programme of Work and Budget (IPA Actions 2.56, 3.5 and 3.9)

Revised paragraph 2 of **Rule XXIV** of the GRO:

“Functions of the Council

(...)

2. *Current and prospective activities of the Organization, including its Strategic Framework, Medium-Term Plan and Programme of Work and Budget*

The Council shall:

(a) consider, and make recommendations to the Conference on, ~~policy issues regarding: (i) the summary and draft Programme of Work and Budget and supplementary estimates submitted by the Director General for the following~~

~~financial period; (ii) the activities of the Organization in connection with the United Nations Development Programme; the Strategic Framework, the Medium-Term Plan and the Programme of Work and Budget;~~

(b) make a recommendation to the Conference regarding the level of the budget;

~~(b)~~ (c) take any necessary action, within the approved Programme of Work and Budget, with respect to the technical activities of the Organization and report to the Conference on such policy aspects as may require decisions by the Conference;

(d) decide on such adjustments to the Programme of Work and Budget as may be required in the light of the decisions of the Conference on the budget level;

(e) review, in accordance with Article V, paragraph 6 of the Constitution, the reports on programme and budget matters of the Committee on Commodity Problems, the Committee on Fisheries, the Committee on Forestry, the Committee on Agriculture and the Committee on World Food Security;

(f) review, in accordance with Article IV, paragraph 6 of the Constitution and Rule XXXV of these Rules the reports on programme and budget matters of the Regional Conferences.

(...)"

Revised cycle of Programme and Budget preparation and of Council sessions (IPA Actions 3.7 to 3.10)

Revised **Rule XXV** of the GRO:

“Rule XXV

Sessions of the Council

1. The Council shall hold a session as often as it considers necessary or on the call of its Chair~~man~~person or the Director-General, or on request submitted in writing to the Director-General by ~~five~~ fifteen or more Member Nations.

2. The Council shall in any event hold ~~three~~ five sessions ~~between the regular sessions of the Conference, in a biennium~~ as follows:

(a) one session immediately after the regular session of the Conference;

(b) ~~one~~ two sessions in the first year of the biennium ~~approximately midway between the regular sessions of the Conference; and~~

(c) one session not less than ~~420~~ 60 days before the regular session of the Conference; and

(d) one session towards the end of the second year of the biennium.

3. At its session held immediately after a regular session of the Conference the Council shall:

- (a) elect the Chair~~men~~*persons* and Members of the Programme Committee, the Finance Committee and the Committee on Constitutional and Legal Matters;
- (b) take any action of an urgent nature arising out of decisions of the Conference.

~~4. — At its session held in the first year of the biennium, approximately midway between the regular sessions of the Conference, the Council shall in particular conduct on behalf of the Conference a world review of the state of food and agriculture and exercise the function provided in paragraph 1 (b) of Rule XXIV of these Rules.~~

~~5~~ 4. At its session held in the second year of the biennium, not less than ~~120~~ 60 days prior to the regular session of the Conference, the Council shall in particular exercise the functions provided in paragraphs 1 (c), 2 (a) and (b) and, insofar as possible, those provided in paragraph 5 (b) of Rule XXIV of these Rules.

(other paragraphs of this Rule to be re-numbered).”

Programme Committee (IPA Actions 2.44 to 2.47, 3.5 and 3.9)

Revised **Rule XXVI** of the GRO:

“Programme Committee

1. The Programme Committee provided for in paragraph 6 of Article V of the Constitution shall be composed of representatives of ~~eleven~~ twelve Member Nations of the Organization. Such Member Nations shall be elected by the Council in accordance with the procedure set forth in paragraph 3 of this Rule. Members of the Committee shall appoint as their representatives individuals who have shown a continued interest in the objectives and activities of the Organization, have participated in Conference or Council sessions and have special competence and experience in economic, social and technical matters pertaining to the various fields of the Organization's activities. Members of the Committee shall be elected for a period of two years at the session of the Council ~~immediately~~ following the regular session of the Conference. Their term of office shall expire upon election by the Council of new Members. They shall be eligible for reappointment.

2. A Member Nation of the Organization seeking election as a Member of the Committee shall, as soon as possible but not later than ~~ten~~ twenty days before the opening date of the Council session at which the election is to be held, communicate to the Secretary-General of the Conference and Council the name of the representative that it would appoint if elected and details of his qualifications and experience. The Secretary-General of the Conference and Council shall circulate this information in writing to Members of the Council before the Council session at which the election is to be held. The same procedure shall apply to the nomination of the Chairperson.

3. The following procedures shall apply to the election of the Chairperson and the Members of the Committee:

- (a) The Council shall first elect a Chair~~man~~person from among the designated nominated representatives of ~~the prospective Members of the Committee~~ Member Nations of the Organization. The Chairperson shall be elected on the basis of individual qualifications and shall not represent a region or a country.

- (b~~a~~) Member Nations shall present their candidature for election *as Members of the Committee* in respect of a specific region as determined by the Conference for the purpose of Council elections.
- (c) ~~After the election referred to in subparagraph (b) above, the Council shall proceed to the election of~~ *elect* the other Members of the Committee, in two stages, making the necessary adjustment to take into account the Member Nation of which the Chairman is a national and the region to which that Member Nation belongs *as follows*:
- (i) ~~the first stage shall be to elect eight Members from the following regions~~ *two members from each of the following regions*: Africa, Asia and the Pacific, ~~Near East~~; *Europe*, Latin America and the Caribbean, *and Near East*.
 - (ii) ~~the second stage shall be to elect three Members from the following regions~~ *one member from each of the following regions*: ~~Europe~~, North America; and Southwest Pacific.
- (d) Except as provided in subparagraph ~~(b)~~ *3(a)* above, the ~~election of Members of the Committee~~ *elections* shall be conducted in accordance with the provisions of paragraphs 9 (b) and 13 of Rule XII of these Rules, one election being held to fill simultaneously all the vacancies occurring in each ~~group of regions~~ *region* specified in subparagraph (c) above.
- (e) The other provisions on voting arrangements in Rule XII of these Rules shall apply *mutatis mutandis* to the election of Members of the Committee.
4. (a) If the representative of a Member of the Committee is expected to be unable to attend a session of the Committee, or if, due to incapacity, death or any other reason he is prevented from exercising his functions for the remainder of the term for which the Member he represents has been elected, that Member shall inform the Director-General and the Chairman ~~person~~ as soon as possible, and may designate a substitute representative who shall have the qualifications and experience referred to in paragraph 1 of this Rule. The Council shall be informed of the qualifications and experience of the substitute representative.
- (b) ~~The provisions of subparagraph (a) shall also apply to the Chairman of the Committee except that, in the absence of the Chairman elected by the Council, If the Chairperson of the Committee elected by the Council is unable to attend a session of the Committee, the his~~ functions shall be exercised by the Vice-Chairman ~~person~~ elected in accordance with the Rules of Procedure of the Committee. *If due to incapacity, death or any other reason the Chairperson of the Committee elected by the Council is prevented from exercising his functions for the remainder of the term, the functions shall be exercised by the Vice-Chairperson elected in accordance with the Rules of Procedure of the Committee until the election by the Council, at its first session following the occurrence of the vacancy, of a new Chairperson. The new Chairperson shall be elected for the remainder of the vacated term of office.*
5. The Chairman ~~person~~ of the Programme Committee ~~may~~ *should* attend sessions of the Conference or Council when the report of the Programme Committee is considered.

6. The ~~Chairman~~^{person} of the Council may attend all meetings of the Programme Committee.
7. The Programme Committee shall have the following functions:
- (a) to review:
- (i) the current activities of the Organization;
- ~~(ii) the summary and draft Programme of Work and Budget of the Organization for the ensuing biennium, particularly with respect to:~~
- (ii) the Strategic Framework, as well as the long-term programme objectives of the Organization, and the Medium-Term Plan and any adjustments thereto;
- (iii) the programme aspects of the United Nations Development Programme with which the Organization is concerned;
- (iv) any required adjustments to the current Programme of Work and Budget, or to the Programme of Work and Budget for the next biennium as may be required in the light of the decision of the Conference on the budget level;
- (b) to consider the matters listed in Rule XXVIII of these Rules;
- ~~(c) to advise the Council on the long term programme objectives of the Organization;~~
- ~~(d)~~ to adopt and amend its own rules of procedure, which shall be consistent with the Constitution and the General Rules of the Organization;
- ~~(e)~~ to consider any matters submitted to it by the Council of the Director-General;
- ~~(f)~~ to report to the Council or tender advice to the Director-General, as appropriate, on matters considered by the Committee.

8. The Programme Committee shall hold sessions as often as necessary, either:

(a) on the call of its ~~Chairman~~ Chairperson acting on his own initiative or in pursuance of a decision of the Committee or of a request submitted in writing to the Chairperson by seven Members of the Committee; or

(b) on the call of the Director-General acting on his own initiative or in pursuance of a request submitted in writing to him by fifteen or more Member Nations.

~~The Programme Committee shall in any event hold one-two sessions annually.~~

9. The sessions of the Programme Committee shall be open to silent observers, unless otherwise decided by the Committee. The reasons for such a decision shall be stated in the report of the session. Silent observers shall not take part in any debates.

9/10. Representatives of Members of the Committee shall be reimbursed for the cost of their travel expenses, properly incurred in travelling, by the most direct route, from their duty station to the site of the Committee session and return to their duty station. They shall also be paid a subsistence allowance while attending sessions of the Committee, in accordance with the travel regulations of the Organization."

Finance Committee (IPA Actions 2.44 to 2.47, and 3.5 and 3.9)

Revised **Rule XXVII** of the GRO:

"Finance Committee

1. The Finance Committee provided for in paragraph 6 of Article V of the Constitution shall be composed of representatives of ~~eleven~~ twelve Member Nations of the Organization. Such Member Nations shall be elected by the Council in accordance with the procedure set forth in paragraph 3 of this Rule. Members of the Committee shall appoint as their representatives individuals who have shown a continued interest in the objectives and activities of the Organization, have participated in Conference or Council sessions and have special competence and experience in economic, social and technical matters pertaining to the various fields of the Organization's activities. Members of the Committee shall be elected for a period of two years at the session of the Council ~~immediately~~ following the regular session of the Conference. Their term of office shall expire upon election by the Council of new Members. They shall be eligible for reappointment.

2. A Member Nation of the Organization seeking election as a Member of the Committee shall, as soon as possible but not later than ~~ten~~ twenty days before the opening date of the Council session at which the election is to be held, communicate to the Secretary-General of the Conference and Council the name of the representative that it would appoint if elected and details of his qualifications and experience. The Secretary-General of the Conference and Council shall circulate this information in writing to Members of the Council before the Council session at which the election is to be held. The same procedure shall apply to the nomination of the Chairperson.

3. The following procedures shall apply to the election of the Chairperson and the Members of the Committee:
- (a) The Council shall first elect a ~~Chairman~~person from among the ~~designated~~ nominated representatives of ~~the prospective Members of the Committee~~ Member Nations of the Organization. The Chairperson shall be elected on the basis of individual qualifications and shall not represent a region or a country.
- (b) Member Nations shall present their candidature for election as Members of the Committee in respect of a specific region as determined by the Conference for the purpose of Council elections.
- (c) ~~After the election referred to in subparagraph (b) above, the Council shall proceed to the election of~~ elect the other Members of the Committee, in two stages, making the necessary adjustment to take into account the Member Nation of which the Chairman is a national and the region to which that Member Nation belongs as follows:
- (i) ~~the first stage shall be to elect eight Members from the following regions~~ two members from each of the following regions: Africa, Asia and the Pacific, Near East; Europe, Latin America and the Caribbean, and Near East.
- (ii) ~~the second stage shall be to elect three Members from the following regions~~ one member from each of the following regions: Europe, North America, and Southwest Pacific.
- (d) Except as provided in subparagraph ~~(b)~~ 3(a) above, the ~~election of Members of the Committee~~ elections shall be conducted in accordance with the provisions of paragraphs 9 (b) and 13 of Rule XII of these Rules, one election being held to fill simultaneously all the vacancies occurring in each ~~group of regions~~ region specified in subparagraph (c) above.
- (e) The other provisions on voting arrangements in Rule XII of these Rules shall apply *mutatis mutandis* to the election of Members of the Committee.
4. (a) If the representative of a Member of the Committee is expected to be unable to attend a session of the Committee, or if, due to incapacity, death or any other reason he is prevented from exercising his functions for the remainder of the term for which the Member he represents has been elected, that Member shall inform the Director-General and the ~~Chairman~~person as soon as possible, and may designate a substitute representative who shall have the qualifications and experience referred to in paragraph 1 of this Rule. The Council shall be informed of the qualifications and experience of the substitute representative.
- (b) ~~The provisions of subparagraph (a) shall also apply to the Chairman of the Committee except that, in the absence of the Chairman elected by the Council, If the Chairperson of the Committee elected by the Council is unable to attend a session of the Committee, the~~ his functions shall be exercised by the Vice-Chairman~~person elected in accordance with the Rules of Procedure of the Committee. If due to incapacity, death or any other reason the~~

Chairperson of the Committee elected by the Council is prevented from exercising his functions for the remainder of the term, the functions shall be exercised by the Vice-Chairperson elected in accordance with the Rules of Procedure of the Committee until the election by the Council, at its first session following the occurrence of the vacancy, of a new Chairperson. The new Chairperson shall be elected for the remainder of the vacated term of office.

5. The ~~Chairman~~Chairperson of the Finance Committee ~~may~~should attend sessions of the Conference or Council when the report of the Finance Committee is considered.

6. The ~~Chairman~~Chairperson of the Council may attend all meetings of the Finance Committee.

7. The Finance Committee shall (...) have (...) the following functions:

(a) to review the Strategic Framework, the Medium-Term Plan and the Programme of Work and Budget for the ensuing biennium, as well as the financial implications of ~~the other~~ Director-General's ~~budgetary~~ proposals including proposals for supplementary estimates, and to make recommendations thereon to the Council regarding important matters;

(...)

8. The Finance Committee shall hold sessions as often as necessary, either:

(a) on the call of its ~~Chairman~~Chairperson acting on his own initiative or in pursuance of a decision of the Committee or of a request submitted in writing to the ~~Chairman~~Chairperson by ~~three~~ seven Members of the Committee; or

(b) on the call of the Director-General acting on his own initiative or in pursuance of a request submitted in writing to him by ~~five~~ fifteen or more Member Nations.

The Finance Committee shall in any event hold ~~one~~two sessions annually. ~~Additional sessions may be held to provide consultation on financial matters with the appropriate commissions of the Conference.~~

9. The sessions of the Finance Committee shall be open to silent observers, unless otherwise decided by the Committee. The reasons for such a decision shall be stated in the report of the session. Silent observers shall not take part in any debates.

910. Representatives of Members of the Committee shall be reimbursed for the cost of their travel expenses, properly incurred in travelling, by the most direct route, from their duty station to the site of the Committee session and return to their duty station. They shall also be paid a subsistence allowance while attending sessions of the Committee, in accordance with the travel regulations of the Organization.”

Programme and Finance Committees functions regarding the Strategic Framework, the Medium-Term Plan and the Programme of Work and Budget as well as elimination of the summary Programme of Work and Budget (IPA Actions 3.5 and 3.9)

Revised **Rule XXVIII** of the GRO:

“Rule XXVIII

Concurrent sessions and joint meetings of the Programme and Finance Committees

1. ~~In the second year of the biennium~~ The Programme and the Finance Committee shall hold concurrent sessions *as required*. At these sessions the two Committees shall, *inter alia*, review separately *the Strategic Framework, the summary and draft Medium Term Plan, and the* Programme of Work and Budget submitted by the Director-General for the following biennium. The Programme Committee shall consider the programme and relevant financial aspects of the ~~summary and draft~~ Programme of Work, while the Finance Committee shall consider *substantive aspects of management and administrative services and the overall* financial aspects of the ~~summary and draft~~ Programme of Work and Budget without concerning itself with the merits of the Programme.
2. ~~Towards the end of~~ *During* the concurrent sessions mentioned above, the two Committees shall hold joint meetings to consider, *as appropriate*:
 - (a) the financial implications of the technical, *management and administrative* aspects of the ~~summary and draft~~ Programme of Work;
 - (b) the implications of the ~~summary and draft~~ Programme of Work insofar as the level of the budget is concerned;
 - (c) the financial implications with respect to future years of the activities provided for in the *Medium-Term Plan and the* ~~summary and draft~~ Programme of Work and Budget;
 - (d) the format to be adopted for the presentation of *the Strategic Framework, the Medium-Term Plan and the* ~~summary and draft~~ Programme of Work and Budget in order to facilitate the review thereof;
 - (e) any other matters of joint interest to the two Committees which fall within their terms of reference.
3. The Programme and Finance Committees shall submit to the Council a consolidated report on such aspects of *the Strategic Framework, the Medium-Term Plan and the* ~~summary and draft~~ Programme of Work and Budget as are of joint interest, setting out the main features thereof and emphasizing policy issues for consideration by the Council or the Conference.
4. *In the second year of the biennium, the Programme and Finance Committees shall consider and propose adjustments to the Programme of Work and Budget for the next biennium, as required in the light of the decisions of the Conference on the budget level.”*

Committee on Commodity Problems (IPA Action 2.62)

Revised paragraph 7 of **Rule XXIX** of the GRO:

“Committee on Commodity Problems

(...)

7. The Committee shall take full account of the responsibilities and activities of the Committee on World Food Security and of the ~~Committee on Food Aid Policies and Programmes~~ *Executive Board of the World Food Programme* in order to avoid overlapping and unnecessary duplication of work. *In discharging its functions, the Committee shall, as appropriate, seek to strengthen inter-action with the United Nations Conference on Trade and Development, the World Trade Organization and the Common Fund for Commodities.*

(...)”

Committee on Agriculture (IPA Action 2.61)

Revised paragraph 6 (b) of **Rule XXXII** of the GRO:

“Committee on Agriculture

(...)

6. The Committee shall:

(...)

(b) advise the Council on the overall medium- and longer-term programme of work of the Organization relating to agriculture *and livestock*, food and nutrition, with emphasis on the integration of all social, technical, economic, institutional and structural aspects related to agricultural and rural development in general;

(...)”

Committee on World Food Security (IPA Action 2.65)

Revised paragraph 6 (a) of **Rule XXXIII** of the GRO:

“Committee on World Food Security

(...)

6. The Committee shall serve as a forum in the United Nations system for review and follow-up of policies concerning world food security, including food production, sustainable use of the natural resource base for food security, nutrition, physical and economic access to food and other food security-related aspects of poverty eradication, the implications of food trade for world food security and other related matters and shall in particular:

- (a) examine major problems and issues affecting the world food situation, including through the report on the State of Food Insecurity in the World, and the steps being proposed or taken to resolve them by Governments and relevant international organizations, bearing in mind the need for the adoption of an integrated approach towards their solution;

(...)"

Committee on Constitutional and Legal Matters (IPA Actions 2.48 to 2.51)

Revised **Rule XXXIV** of the GRO:

"Rule XXXIV

Committee on Constitutional and Legal Matters

1. The Committee on Constitutional and Legal Matters provided for in paragraph 6 of Article V of the Constitution shall be composed of ~~not more than~~ representatives of seven Member Nations of the Organization. Such Member Nations shall be elected by the Council in accordance with the procedure set forth in paragraph 3 of this Rule. Members of the Committee shall appoint as their representatives individuals who have shown a continued interest in the objectives and activities of the Organization, have participated in Conference or Council Sessions and, as far as possible, have competence and expertise in legal matters. Members of the Committee shall be elected for a period of two years at the Session of the Council ~~immediately~~ following the regular session of the Conference. Their term of office shall expire upon election by the Council of new Members. They shall be eligible for reappointment.

2. ~~Nomination of any candidate for election to the Committee shall be submitted in writing by one or more Member Nations to the Secretary General of the Conference and Council by a deadline to be determined by the Chairman of the Council in time to be circulated on the morning of the day set for the election. A Member Nation may nominate itself. Member Nations nominated shall signify their willingness to serve on the Committee if elected. The provisions on voting arrangements of Rule XII of these Rules shall apply mutatis mutandis to the election of Members of the Committee. A Member Nation of the Organization seeking election as a Member of the Committee shall, as soon as possible but not later than twenty days before the opening date of the Council session at which the election is to be held, communicate to the Secretary-General of the Conference and Council the name of the representative that it would appoint if elected and details of his qualifications and experience. The Secretary-General of the Conference and Council shall circulate this information in writing to Members of the Council before the Council session at which the election is to be held. The same procedure shall apply to the nomination of the Chairperson.~~

3. The following procedures shall apply to the election of the Chairperson and the Members of the Committee:

- (a) The Council shall first elect a Chairperson from among the nominated representatives of the Member Nations of the Organization. The Chairperson shall be elected on the basis of individual qualifications and shall not represent a region or a country.

(b) Member Nations shall present their candidature for election as Members of the Committee in respect of a specific region as determined by the Conference for the purpose of Council elections.

(c) The Council shall elect one Member of the Committee from each of the following regions: Africa; Asia and the Pacific; Europe; Latin America and the Caribbean; Near East; North America; and Southwest Pacific.

(d) The elections shall be conducted in accordance with the provisions of paragraphs 9 (b) and 11 of Rule XII of these Rules, one election being held to fill the vacancy occurring in each region specified in subparagraph (c) above.

(e) The other provisions on voting arrangements in Rule XII of these Rules shall apply *mutatis mutandis* to the election of Members of the Committee.

4. (a) If the representative of a Member of the Committee is expected to be unable to attend a session of the Committee or if, due to incapacity, death or any other reason, he is prevented from exercising his functions for the remainder of the term for which the Member he represents has been elected, that Member shall inform the Director-General and the Chairperson as soon as possible, and may designate a substitute representative who shall have the qualifications and experience referred to in paragraph 1 of this Rule. The Council shall be informed of the qualifications and experience of the substitute representative.

(b) If the Chairperson of the Committee elected by the Council is unable to attend a session of the Committee, the functions shall be exercised by the Vice-Chairperson elected by the Committee. If due to incapacity, death or any other reason the Chairperson of the Committee elected by the Council is prevented from exercising functions for the remainder of the term, the functions shall be exercised by the Vice-Chairperson until the election by the Council, at its first session following the occurrence of the vacancy, of a new Chairperson. The new Chairperson shall be elected for the remainder of the vacated term of office.

5. The Chairperson of the Committee on Constitutional and Legal Matters should attend sessions of the Conference or Council when the report of the Committee is considered.

6. The Chairperson of the Council may attend all meetings of the Committee on Constitutional and Legal Matters.

3 7. The Committee shall hold sessions to consider specific items referred to it by the Council or the Director-General which may arise out of:

- (a) the application or interpretation of the Constitution, these Rules and the Financial Regulations or amendments thereto;
- (b) the formulation, adoption, entry into force and interpretation of multilateral conventions and agreements concluded under Article XIV of the Constitution;
- (c) the formulation, adoption, entry into force and interpretation of agreements to which the Organization is a party under Articles XIII and XV of the Constitution;
- (d) any other problems relating to conventions and agreements concluded under the aegis of the Organization or to which the Organization is a party;

- (e) the establishment of commissions and committees under Article VI of the Constitution, including their membership, terms of reference, reporting procedures and rules of procedure;
- (f) matters relating to membership in the Organization and its relations with nations;
- (g) the desirability of requesting advisory opinions from the International Court of Justice in accordance with paragraph 2 of Article XVII of the Constitution, or with the Statute of the Administrative Tribunal of the International Labour Organisation;
- (h) the policy regarding privileges and immunities to be sought from host governments for the Organization's headquarters, regional offices, country representations, conferences and meetings;
- (i) problems encountered ensuring the immunity of the Organization, its staff and its assets;
- (j) problems relating to elections and procedure for nominations;
- (k) standards for credentials and full powers;
- (l) reports on the status of conventions and agreements provided for in Rule XXI, paragraph 5 of these Rules;
- (m) policy aspects of relations with international governmental or non-governmental organizations, national institutions or private persons.

4 8. The Committee may also consider the legal and constitutional aspects of any other matters submitted to it by the Council or the Director-General.

5 9. In considering items referred to it under paragraphs 3 6 and 4 7, the Committee may make recommendations and give advisory opinions, as appropriate.

6 10. The Committee shall elect a ~~Chairman and a Vice-Chairman~~ person from among its Members.

7 11. The ~~meetings~~ sessions of the Committee shall be open to silent observers held in private, unless otherwise ~~determined~~ decided by the Committee. Silent observers shall not take part in any debates.

8 12. The Committee may adopt and amend its own Rules of Procedure, which shall be consistent with the Constitution and these Rules.

13. The Chairperson and the representatives of Members of the Committee shall be reimbursed for the cost of their travel expenses, properly incurred in travelling, by the most direct route, from their duty station to the site of the Committee session and return to their duty station. They shall also be paid a subsistence allowance while attending sessions of the Committee, in accordance with the travel regulations of the Organization."

Regional Conferences (IPA Actions 2.52, 2.53, 2.54 and 2.55)

New **Rule XXXV** of the GRO (other Rules will be re-numbered accordingly):

“Regional Conferences

1. There shall be Regional Conferences for Africa, Asia and the Pacific, Europe, Latin America and the Caribbean and the Near East, which shall normally meet once every biennium in non-Conference years.
2. The functions of the Regional Conferences shall be:
 - (a) To provide a forum for consultation on all matters pertaining to the mandate of the Organization within the region, including any special issues of interest to the Members in the concerned region;
 - (b) To provide a forum for the formulation of regional positions on global policy and regulatory issues within the mandate of the Organization or having implications in respect of the mandate and activities of the Organization, including with a view to promoting regional coherence on global policy and regulatory matters;
 - (c) To advise on and identify the special problems of their respective regions and priority areas of work which should be taken into account in the preparation of the planning, programme and budgetary documents of the Organization and suggest adjustments to these documents;
 - (d) To review and advise on the plans, programmes or projects carried out by the Organization which impact upon the region;
 - (e) To review and advise on the performance of the Organization in the region in contributing to the achievement of results against relevant performance indicators, including any pertinent evaluations.
3. The Regional Conferences shall report to the Council, through the Programme and Finance Committee, in the areas of their respective mandates, on programme and budget matters and to the Conference on policy and regulatory matters. The reports of the Regional Conferences shall be presented by the Chairperson.
4. (a) At least six months prior to the proposed date for the Regional Conference, the Regional Representation of the Organization in the concerned region, after consultation with the Chairperson, shall send a communication to the Members of the Regional Conference. The communication shall contain a brief outline of the programmes of the Organization of interest to the region and of the outcome of the previous session of the Regional Conference and invite Members to formulate suggestions as to the organization of the next session of the Regional Conference, with particular reference to the agenda of the session..
 - (b) The Director-General shall, in consultation with the Chairperson of the Regional Conference, and taking into account the process mentioned in

subparagraph (a) above, prepare a provisional agenda and despatch it to Members not less than 60 days in advance of the session.

- (c) Any Member of the Regional Conference may request the Director-General, not less than 30 days before the date of a session, to insert an item in the provisional agenda. The Director-General shall thereupon, if necessary, circulate a revised provisional agenda to all Members together with any necessary papers.
5. The Regional Conferences will adopt such arrangements, consistent with the Constitution and these Rules, as may be necessary for their internal working, including the appointment of a rapporteur. The Regional Conferences may also adopt and amend their own Rules of Procedure, which shall be consistent with the Constitution and these Rules.”

Appointment of the Director-General (IPA Actions 2.95 to 2.99 and 2.100)

Revised **Rule XXXVI** of the GRO:

“Appointment of the Director-General

1. In pursuance of paragraph 1 of Article VII of the Constitution, the Director-General of the Organization shall be appointed under the following conditions:

- (a) When the term of office of the Director-General is due to expire, the appointment of a new Director-General shall be placed on the agenda of the regular session of the Conference immediately preceding the expiry of the term of office; whenever, for other reasons, the office of the Director-General is vacant, or notice is received of a pending vacancy, the appointment of a new Director-General shall be placed on the agenda of the next session of the Conference which opens not less than ~~90~~ 120 days from the occurrence or notice of the pending vacancy.
- (b) In consideration of the expiry of the term of office of the Director-General, the Council shall set the dates for a period during which Member Nations may submit nominations for the office of Director-General. The nomination period shall have a duration of not less than twelve months and end at least 60 days prior to the beginning of the session of the Council referred to in sub-paragraph (c) of this paragraph. The nomination period shall be communicated to all Member Nations and Associate Members by the Secretary-General of the Conference and Council. Nominations validly made in accordance with Rule XII.5 of these Rules shall be communicated to the Secretary-General of the Conference and Council by the date set by the Council. The Secretary-General shall circulate these nominations to all Member Nations and Associate Members by the date likewise set by the Council, it being understood that in the case of an election taking place at a regular session of the Conference, such date set by the Council shall be not later than 30 days before the session of the Council provided for in subparagraph (c) of this paragraph ~~Rule XXV.2 (e) of these Rules.~~
- (c) Subject to such arrangements as the Council may make consistent with these Rules aimed at ensuring equality among candidates, candidates shall address the session of the Council which will be scheduled not less than sixty days before the session of the Conference and respond to such questions as may be put to them by Member Nations and Associate Members of the Organization. There

shall be no debate and the Council shall not draw any conclusion or recommendation from any of the statements or interventions made.

- (d) As soon as possible after the opening of the Conference session, the General Committee shall determine and announce the date of the election, it being understood that the appointment of the Director-General at a regular session shall begin and be effected within three working days following the opening date of such session. Candidates shall address the Conference and respond to questions that Member Nations and Associate Members may put to them, subject to such arrangements as the Conference may make consistent with these Rules aimed at ensuring equality among candidates.
- (e) Travel expenses of each candidate, properly incurred in travelling, by the most direct route from his/her duty station to the site of the Council and Conference sessions referred to in sub-paragraphs (c) and (d) of this paragraph and return to his/her duty station, as well as a subsistence allowance for up to five days per session, shall be borne by the Organization in accordance with its travel regulations.
- ~~2.(b)~~ The Director-General shall be elected by a majority of votes cast. Until a candidate obtains the required majority, the following procedure shall apply:
- (~~a~~) two ballots shall be held among all candidates;
- (~~b~~) the candidate having received the smallest number of votes in the second ballot shall be eliminated;
- (~~c~~) thereafter, successive ballots shall be held, and the candidate having received the smallest number of votes in any one of these ballots shall be eliminated, until only three candidates remain;
- (~~d~~) two ballots shall be held among the three remaining candidates;
- (~~e~~) the candidate having received the smallest number of votes during the second ballot referred to in subparagraph (~~d~~) above shall be eliminated;
- (~~f~~) a subsequent ballot, or successive ballots if necessary, shall be held among the two remaining candidates until one candidate obtains the required majority;
- (~~g~~) in the event of a tie between two or more candidates having received the smallest number of votes in one of the ballots referred to in subparagraphs (~~b~~) or (~~c~~) above, a separate ballot or, if necessary, separate ballots shall be held among such candidates, and the candidate having received the smallest number of votes in such ballot or ballots shall be eliminated;
- (~~h~~) in the event of a tie between two candidates having received the smallest number of votes in the second of the two ballots referred to in subparagraph (~~d~~) above, or if all three candidates have received the same number of votes in that ballot, successive ballots shall be held among all three candidates until one candidate has received the smallest number of votes, after which the procedure provided in subparagraph (~~f~~) above shall apply.

3. Should the office of Director-General become vacant prior to the expiry of the term of office, the Council shall promptly make the necessary arrangements for the election of a new Director-General, subject to the provisions of sub-paragraph 1(a) of this Rule.

~~4(e)~~. Subject to the provisions of Article VII, paragraphs 1 to 3 of the Constitution, the terms and conditions of appointment of the Director-General, including the salary and other emoluments attached to the office, shall be determined by the Conference, having regard to any recommendations submitted by the General Committee, and shall be embodied in a contract signed by him and by the ~~Chairman~~person of the Conference on behalf of the Organization.

~~52~~. The Deputy Director-General with greater seniority in the position shall act as Director-General in any case where the Director-General is unable to act or in the case of a vacancy in the office of the Director-General. In case the Deputy Directors-General were appointed at the same time, the functions shall be exercised by the Deputy Director-General with greater seniority with the Organization, or if both have the same seniority, by the Deputy Director-General who is older.”

Delegation of authority by the Director-General (IPA Action 3.43)

Addition of a new paragraph 5 to **Rule XXXVII** of the GRO:

“Functions of the Director-General

(...)

5. The Director-General may delegate authority and responsibility conferred upon him by this Rule to other officers of the Organization in accordance with the agreed principle of delegation of authority to the lowest appropriate levels. The Director-General shall remain accountable to the Conference and Council for the direction of the work of the Organization, in accordance with Article VII, paragraph 4 of the Constitution.”

Appointment to the posts of Deputy Directors-General (IPA Action 2.100)

Revised paragraph 1 of **Rule XXXIX** of the GRO:

“Provisions relating to staff

1. The staff of the Organization shall be appointed by the Director-General, having regard to paragraph 3 of Article VIII of the Constitution. Selection and remuneration shall be made without regard to race, nationality, creed or sex. The terms and conditions of appointment shall be fixed in contracts concluded between the Director-General and each member of the staff. Appointments to the posts of Deputy Directors-General shall be made by the Director-General, subject to confirmation by the Council.

(...)”

C. NOTE TO BE INSERTED IN THE BASIC TEXTS

Definition of Governing Bodies (IPA Action 2.73)

A note will be introduced in a suitable part of the Basic Texts stating the following definition [exact place to be decided later on]:

“The Governing Bodies of FAO are the bodies which directly, or indirectly through their parent bodies, contribute within their respective mandates, to (a)

the definition of the overall policies and regulatory frameworks of the Organization; (b) the establishment of the Strategic Framework, the Medium-Term Plan and the Programme of Work and Budget and (c) exercise, or contribute to the oversight of the administration of the Organization. The Governing Bodies comprise the Conference, the Council, the Programme Committee, the Finance Committee, the Committee on Constitutional and Legal Matters, the Technical Committees (i.e. Committee on Commodity Problems, Committee on Fisheries, Committee on Forestry, Committee on Agriculture, Committee on World Food Security) and the Regional Conferences (i.e. for Africa, Asia and the Pacific, Europe, Latin America and the Caribbean, and the Near East).”

D. AMENDMENTS TO THE FINANCIAL REGULATIONS

Revised cycle of Programme and Budget preparation and of Governing Body sessions and elimination of the summary Programme of Work and Budget (IPA Actions 3.7 to 3.10 and 3.5)

Revised paragraphs 4 to 6 of **Financial Regulation III**:

“Regulation III

The budget

(...)

3.4 The Director-General shall submit to the regular session of the Conference detailed budget estimates for the ensuing financial period. The estimates shall be dispatched to all Member Nations and Associate Members not less than 90 ~~60~~ days before the date fixed for the opening of the session.

~~3.5 The Director-General shall arrange for the summary budget to be considered by the Council not less than 90 days before the dated fixed for the opening of the regular session of the Conference.~~

~~3.56. The Council shall prepare a report to the Conference on the estimates submitted by the Director-General. This report shall be transmitted to all Member Nations and Associate Members at the same time as the estimates.~~

(other paragraphs to be renumbered)”

E. RECOMMENDED AMENDMENTS TO THE RULES OF PROCEDURE OF THE TECHNICAL COMMITTEES

Reporting lines of the Technical Committees (IPA Action 2.56)

The CCLM recommended to the Council that the Technical Committees be requested to amend their Rules of Procedure, in order to reflect their new reporting lines, as follows:

“At each session, the Committee shall approve a report embodying its views and recommendations ~~and decisions~~, including when requested, a statement of minority views. The Committee shall make every effort to ensure that

recommendations are precise and can be implemented. Policy and regulatory matters shall be referred to the Conference whereas programme and budget matters shall be referred to the Council. Any recommendations adopted by the Committee which affect the programme or finances of the Organization shall be reported to the Council with the comments of the appropriate committees of the Council.”¹

Chairperson to remain in office between sessions (IPA Action 2.57)

The CCLM recommended to the Council, with the necessary adjustments to take into account the number of officers in each Committee, that the Technical Committees be requested to amend their Rules of Procedure along the following lines:

“1. At the first session in each biennium, the Committee shall elect a ~~Chairman~~*Chairperson*, a first ~~Vice-Chairman~~*Vice-Chairperson* and a second ~~Vice-Chairman~~*Vice-Chairperson* from among the representatives of its Members, who shall remain in office until the election of a new ~~Chairman~~*Chairperson* and new ~~Vice-Chairmen~~*Vice-Chairpersons* and who will act as a *Steering Committee between sessions and during sessions.*”²

F. RECOMMENDED AMENDMENTS TO RULE IV OF THE RULES OF PROCEDURE OF THE PROGRAMME AND FINANCE COMMITTEES

Chairperson not to vote unless Vice-Chairperson is acting as Chairperson

The CCLM recommended to the Council that Rule IV of the Rules of Procedure of the Programme and Finance Committees be amended as follows:

“1. The Chairperson of the Committee elected by the Council shall not vote.

2. Each representative of a Member of the Committee, including a Vice-Chairperson acting as Chairperson, shall have one vote.”

¹ *Cfr.* Rule VI paragraph 1 of the Rules of Procedure of the Committee on Commodity Problems, Committee on Fisheries, Committee on Forestry and Committee on Agriculture; and Rule VIII paragraph 1 of the Rules of Procedure of the Committee on World Food Security.

² *Cfr.* Rule I of the Rules of Procedure of the Committee on Commodity Problems, Committee on Fisheries, Committee on Forestry and Committee on Agriculture; and Rule II of the Rules of Procedure of the Committee on World Food Security.

II. PROPOSED CONFERENCE RESOLUTIONS

The Committee on Constitutional and Legal Matters recommended the adoption of the following resolutions by the Conference and that they be reproduced in Volume II of the Basic Texts.

A. PROPOSED CONFERENCE RESOLUTION ON MINISTERIAL MEETINGS (IPA Actions 2.66 and 2.67)

“CONFERENCE RESOLUTION

The Conference:

Having noted that “Ministerial Meetings” have been held occasionally after sessions of standing committees, established under Article V, paragraph 6 of the Constitution,

Having noted further the need to clarify the conditions regarding the convening of such “Ministerial Meetings” in the future, as called for by the Immediate Plan of Action for FAO Renewal (2009-2011),

Recalling Article V, paragraph 5 of the Constitution,

Decides:

1. Ministerial Meetings, held in conjunction with sessions of technical committees established under Article V, paragraph 6 of the Constitution, may be convened from time to time as decided by the Conference or Council, when matters developed at technical level are deemed to require political endorsement or visibility.
2. Subject to the decision of Conference or Council, Ministerial Meetings should not deal with programme and budget matters which are addressed in the context of the programme of work and budget process, nor with matters primarily of a regional, technical or scientific nature which are normally considered by statutory bodies of the Organization.
3. Ministerial Meetings shall normally report to the Conference, except that any relevant issues having programme or budget implications shall be referred to the Council.”

B. PROPOSED CONFERENCE RESOLUTION ON THE IMPLEMENTATION OF THE ACTIONS REGARDING THE CONFERENCE

(IPA Actions 2.5, 2.6 and to 2.10)

“CONFERENCE RESOLUTION

Implementation of the actions of the Immediate Action Plan (IPA) for FAO
Renewal (2009-11) regarding the Conference of FAO

The Conference:

Considering that Conference Resolution 1/2008 “Adoption of the Immediate Plan of Action (IPA) for FAO Renewal (2009-11)” calls for a number of actions regarding the Conference;

Considering that in accordance with the Immediate Plan of Action for FAO Renewal (2009-11) the Conference will remain the ultimate decision making body of the Organization, determine its overall policy and strategy and take the final decision on objectives, strategy and budget;

Considering further that a series of measures were agreed to make the Conference more action oriented, focused and attractive to participation by Ministers and senior officials and to emphasize its distinctive functions, thus reducing duplicative discussions and overlapping of roles with the Council;

Noting that while such measures do not involve amendments to the Constitution and the General Rules of the Organization, given the manner in which the functions of the Conference, as the supreme body of the Organization are defined, it would be nevertheless appropriate to reflect in a Conference Resolution some distinct features of the Conference future role in accordance with the spirit of the Immediate Plan of Action for FAO Renewal (2009-11);

1. Decides that, without prejudice to the statutory functions defined in the Constitution and the General Rules of the Organization, each session of the Conference will usually have one major theme, normally defined on the recommendation of the Council;
2. Decides that, without prejudice to the statutory functions defined in the Constitution and the General Rules of the Organization, the Conference will give more attention to global policy issues and international regulatory frameworks, acting normally on the recommendation of the Technical Committees and Regional Conferences and, where appropriate, the Council;
3. Decides that plenary meetings of the Conference should be more focused on issues of interest to Members.”

C. PROPOSED CONFERENCE RESOLUTION ON THE INDEPENDENT CHAIRPERSON OF THE COUNCIL

(IPA Actions 2.26 to 2.34)

“CONFERENCE RESOLUTION

The Conference:

Having noted that according to Article V, paragraph 2 of the Constitution the Independent Chairperson of the Council is appointed by the Conference and exercises such functions as are inherent in that office, or are otherwise defined in the Basic Texts of the Organization,

Having regard to Rule XXIII of the General Rules of the Organization;

Having noted that, through the Immediate Plan of Action (IPA) for FAO Renewal (2009-2011) adopted by Resolution 1/2008, the Conference decided that the Independent Chairperson of the Council should play an enhanced role in facilitating the exercise by the Council of its governance functions and oversight

of the administration of the Organization, and “drive forward the continuous improvement of the efficiency, effectiveness and ownership of governance by the membership of the Organization”;

Conscious of the need to ensure that an enhanced role of the Independent Chairperson of the Council should not create any potential for conflict of roles with the managerial functions of the Director-General in the administration of the Organization, as called for by the IPA;

Mindful that the IPA Actions regarding the Independent Chairperson of the Council should be clarified in a resolution and be implemented in the above spirit;

Decides:

1. The Independent Chairperson of the Council shall, under the framework established by the Constitution and the General Rules of the Organization regarding the status and functions of the office, and without restricting in any manner the general nature of those functions:

- (a) whenever necessary, take such steps as may be required to facilitate and achieve consensus among Member Nations, especially on important or controversial issues;
- (b) liaise with the Chairpersons of the Programme Committee, the Finance Committee and the Committee on Constitutional and Legal Matters regarding the work programmes of these Committees as well as, as appropriate, with the Chairpersons of the Technical Committees and Regional Conferences. Insofar as possible the Independent Chairperson of the Council shall attend the sessions of the Programme Committee, Finance Committee and Regional Conferences;
- (c) as required or appropriate, convene informal consultative meetings with representatives of Member Nations or informal regional consultations on issues of an administrative and organizational nature for the preparation and conduct of Council sessions;
- (d) liaise with the Director-General and other senior officials of the Organization in respect of any concerns of the membership, as expressed through the Council, Programme Committee, Finance Committee and Regional Conferences;
- (e) ensure that the Council is kept informed of developments in other fora of relevance for FAO’s mandate and that dialogue is maintained with other Governing Bodies as appropriate, in particular the Governing Bodies of the organizations based in Rome dealing with food and agriculture.

2. In nominating candidates for the office of Independent Chairperson of the Council, Member Nations should have regard to the qualities that the Chairperson should possess, including among others, ability to be objective, sensitivity to political, social and cultural differences, and appropriate experience in areas relevant to the Organization’s work.

3. The Independent Chairperson of the Council shall be required to be present in Rome for all sessions of the Council and will normally be expected to spend at least six to eight months of the year in Rome.”

**D. PROPOSED CONFERENCE RESOLUTION ON REFORM OF
PROGRAMMING, BUDGETING AND RESULTS BASED MONITORING**
(IPA Actions 3.1 to 3.11)

“CONFERENCE RESOLUTION

Reform of Programming, Budgeting and Results-Based Monitoring System

The Conference:

Considering that Conference Resolution 1/2008 “Adoption of the Immediate Plan of Action (IPA) for FAO Renewal (2009-11)” calls for a reform of programming, budgeting and results-based monitoring;

Noting that this decision involves amendments to the Basic Texts, in particular to the General Rules of the Organization and the Financial Regulations, to make provision for the Strategic Framework as well as the Medium-Term Plan and establish a basis for revised arrangements for the preparation of the Programme of Work and Budget;

Noting further that it is highly desirable to define in a resolution of the Conference the main features of the new Programming, Budget and Results-Based Monitoring System while allowing for the necessary managerial flexibility;

Noting also that the new Programming, Budgeting and Results-Based Monitoring System involves important changes in the cycle of sessions of the Governing Bodies of the Organization, in particular of the Conference, in accordance with amendments made to Rule I, paragraph 1 of the General Rules of the Organization, and of the Council in accordance with amended Rule XXV of the General Rules of the Organization;

Emphasizing that, under the above revised Rules, and the framework established by the General Rules of the Organization and the Rules of Procedure of the Programme and the Finance Committees, the Technical Committees and the Regional Conferences will need to change the cycle of their sessions in order to play their due roles in the new Programming, Budgeting and Results-Based Monitoring System;

1. Decides to introduce revised programme and budget documentation consisting of the following components which, as appropriate, could be incorporated in a single document:

- (a) a Strategic Framework prepared for a period of ten to fifteen years, reviewed every four years and including, inter alia, an analysis of the challenges facing food, agriculture and rural development and populations dependent thereon, including consumers; a strategic vision, the goals of Members in areas of FAO’s mandate, as well as Strategic

Objectives to be achieved by Members and the international community with support from FAO, including targets and indicators of achievement;

- (b) a Medium-Term Plan covering a period of four years and reviewed each biennium, including:
 - (i) Strategic Objectives for achievement by Members and the international community with support from FAO, in accordance with the Strategic Framework;
 - (ii) Frameworks for organizational results including specific outcomes which shall contribute to the achievement of the Strategic Objectives by FAO Members and the international community. Insofar as possible organizational results will have specific achievement targets, performance indicators, relevant assumptions, show the contribution of FAO and indicate the budgetary provisions from assessed contributions and estimated extra-budgetary resources, which may condition the attainment of targets. Gender will be fully integrated into the Strategic-Framework and Medium-Term Plan and will no longer have a separate Gender and Development Plan of Action;
 - (iii) an identification of impact focus areas, as priority groups of results aimed at mobilizing extra-budgetary resources, improving oversight of extra-budgetary resources in key impact areas and increasing coherence between activities financed by the Regular Programme and extra-budgetary resources;
 - (iv) functional objectives aimed at ensuring that organizational processes and administration work towards improvements in a results-based framework.
- (c) a Programme of Work and Budget covering biennial periods, clearly identifying the share of resources devoted to administrative work, anchored in a results-based framework and including the following elements:
 - (i) organizational results framework (outcomes) established in accordance with the Medium-Term Plan, including organizational responsibility for each result;
 - (ii) quantification of costs for all organizational results and related commitments;
 - (iii) calculation of cost increases and planned efficiency gains;
 - (iv) provision for long-term liabilities and reserve funds;
 - (v) a draft Conference resolution of approval of the programme of work and the appropriations.

2. Decides to introduce a revised system of monitoring of performance based on achievement of planned results, including a revised biennial Programme Implementation Report. Each report will cover the previous

biennium and provide information on delivery, targets and indicators of results, as well as efficiency indicators for functional objectives.

3. Decides to introduce a revised schedule of sessions of the Governing Bodies of the Organization for the implementation of the new Programming, Budget and Results-Based Monitoring system. The revised schedule of sessions will take into account the fact that the Conference shall hold its regular session in June of the year prior to the beginning of the biennium and will allow the Governing Bodies to participate in the process of preparation and adjustment of the Strategic Framework, the Medium-Term Plan and the Programme of Work and Budget and to monitor performance against relevant performance indicators. The new schedule of sessions of the Governing Bodies will be generally in accordance with the attached table, subject however to necessary adjustment to meet unforeseen circumstances or particular requirements.”