

	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
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# COUNCIL

## Hundred and Thirty-sixth Session

Rome, 15 – 19 June 2009

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

Rome, 25 - 26 May 2009

## I. INTRODUCTION

1. The Eighty-seventh Session of the Committee on Constitutional and Legal Matters (CCLM) was held on 25 and 26 May 2009. The Session, open to silent observers, was chaired by Mr. Julio Fiol (Chile). The Members of the Committee listed below were represented, Lesotho being absent:

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

2. The CCLM noted that the issue of the change in name of the Regional Conference for Europe had been placed on the Provisional Agenda of the Committee in line with information provided to the Twenty-sixth FAO Regional Conference for Europe, held in Innsbruck on 26 and 27 June 2008. The CCLM was informed that consultation on the matter was still required and decided to defer consideration of the item.

3. The CCLM confirmed its earlier decisions that a consolidated appendix should be attached to its report showing all amendments to the Basic Texts and draft resolutions proposed for adoption by the Conference or Council (reviewed by the CCLM at its Eighty-fourth, Eighty-fifth, Eighty-sixth and Eighty-seventh sessions).

## II. CHARTER FOR THE OFFICE OF EVALUATION

4. The CCLM reviewed document CCLM 87/2 entitled “*Charter for the FAO Office of Evaluation*”. The CCLM noted that the document consisted of a short introduction, the Action Matrix of the IPA on “*evaluation, audit and organizational learning*”, the Charter for the FAO Office of Evaluation, an amendment proposed by the Secretariat to paragraph 42 regarding the recommendation and an extract of the report of the 101<sup>st</sup> Session of the Programme Committee, held in Rome from 11 to 15 May 2009. In this particular connection, the CCLM noted that the Programme Committee had examined an amendment proposed by the Secretariat on the procedure for the selection and appointment of the Director of Evaluation whereby a panel, after screening candidatures, would recommend appropriate candidates for appointment by the Director-General. The Programme Committee deferred consideration of this proposal pending the further advice of the CCLM at its forthcoming Eighty-seventh Session on 25 and 26 May 2009. The Programme Committee also requested the CCLM to examine further the issue of the procedures for the renewal of the appointment of the Director of the Office.

5. After an extensive debate on the matter, the CCLM proposed the following text for Paragraph 42 of the Charter:

*42. A competitive procedure applies for appointment of the Director of Evaluation. A panel, consisting of representatives of the Director-General and the Programme Committee, as well as evaluation specialists from other UN agencies will review the terms of reference and statement of qualifications for the post. Based on the review, a vacancy announcement will be prepared, issued widely and a list of qualified candidates for interview compiled. The panel will then review these candidates and make a final recommendation regarding candidates appropriate for appointment by the Director-General.*

6. The CCLM recommended the following procedure for the renewal of the appointment of the Director of Evaluation:

*43. The Director of Evaluation serves for a term of four years with a possibility of reappointment only once for a further term of four years. The renewal of the appointment of the Director of Evaluation is subject to consultation with the Programme Committee. Likewise, the Director-General shall consult with the Programme Committee before the termination of the appointment of the Director of Evaluation. The Director of Evaluation may not be reappointed within FAO to another post or recruited as a consultant during a period of one year following the expiry or termination of the appointment.*

7. The Charter for the FAO Office of Evaluation, as amended by the CCLM, is set out in Appendix II of this report.

### **III. IMPLEMENTATION OF THE ACTIONS OF THE IMMEDIATE ACTION PLAN REGARDING THE COUNCIL AND RELATED MATTERS**

8. The CCLM made a detailed review of document CCLM 87/3 entitled "*Implementation of the actions of the Immediate Plan of Action regarding the Council and related matters*". The CCLM observed that, as had been the case with other submissions, a number of amendments to the Basic Texts, with particular reference to the General Rules of the Organization, were interrelated. The CCLM also noted in general that document CCLM 87/3 dealt with a number of important issues including not only the implementation of the Action Matrix regarding the functions of the Council, but also the implications of the new cycle of sessions of the Conference upon the terms of office of the Members of the Council and the Chairperson, and the need for transitional measures described in detail in the document. The CCLM also stressed that transitional measures would be required in respect of the terms of office of the Members of the Programme Committee, the Finance Committee and the Committee on Constitutional and Legal Matters.

9. The CCLM endorsed the proposed amendment to Rule XXII, paragraph 1 (c) and paragraph 2 of the GRO concerning the election of the Council set out in Appendix II of this report. These amendments were the consequence of the fact that the Conference would no longer meet in October or November but in June in a Conference year.

10. The CCLM noted that, under Rule XXII of the GRO, Council Members are elected for three-year terms and that membership is renewed partially every year on the basis of three groups of Members elected by the Conference. At each Conference session the Conference elects two groups of Members in order to ensure a staggered partial renewal of the membership of the Council. The CCLM examined the developments contained in document CCLM 87/3, including the diagram appended to it (Appendix I of this report), showing that insofar as the Conference will hold a session in November 2009 and another session in June 2011 (i.e. some six months earlier than planned), it would be necessary to implement transitional arrangements. Under these arrangements, the Conference at its session of November 2009 would elect two groups of Members for a term of two years and a half and in June 2011, the Conference would elect one group for two years and a half and a group for three years. After that process of adjustment, renewal of membership would be a normal one under the revised procedures. The CCLM underlined that the reduction in the term of office would concern only appointments to be made after the amendment of the GRO and would not affect the term of office of any Member of the Council already elected, consistent with the principle that changes to tenure of office should not have retroactive effect.

11. The CCLM noted that since the Conference, which elects the Independent Chairperson of the Council, will hold a session in November 2009 and another in June 2011, the appointment of the Independent Chairperson at the forthcoming session would be for about one year and a half, i.e. until the election of a new Chairperson in June 2011.

12. The CCLM also noted that there would be a need for transitional measures as regards the term of office of the Members of the Programme Committee, Finance Committee and the CCLM. The Members of these Committees would be elected at the session of the Council held immediately after the forthcoming session of the Conference

and would serve for a period of about one year and a half until the election of new Members at a session of the Council held after the session of the Conference in June 2011.

13. The CCLM endorsed these arrangements and recommended that they be brought to the attention of all Members so that they are fully informed of such arrangements. The CCLM also requested that the diagram describing membership phases in the Council be appended to its report. As a general observation, the CCLM stressed that these arrangements would not raise any issues of a legal nature, as prospective Members of the Council, the Independent Chairperson of the Council as well as the Members of the committees would be elected under the new regime and would be informed before the election of the reduced duration of the mandate.

14. The CCLM endorsed the proposed amendment to Rule XXIV, paragraph 1 of the GRO on the functions of the Council in respect of the “*world food and agriculture situation and related matters*”, reflecting the fact that in future these functions will be primarily matters for the Technical Committees and the Conference. The proposed amendment is set out in Appendix II of this report.

15. The CCLM endorsed the proposal that other actions of the Action Matrix be addressed through the adoption of a Conference resolution which would be set out in Volume II of the Basic Texts. The CCLM revised and endorsed the proposed Conference resolution to that effect (Appendix II of this report).

16. The CCLM noted that for many years a “*Note on Working Methods of the Council*” had been distributed to the Members on a regular basis. The CCLM recommended that this note be revised in the near future. Together with the revised Rules of the GRO and the Conference resolution this note would define the new operating pattern of the Council. The CCLM also recommended that the Chairpersons of the Council should systematically draw attention of the Members of the Council to the revised note.

#### **IV. PROPOSED AMENDMENTS TO THE CONSTITUTION ON THE REFORM OF THE COMMITTEE ON WORLD FOOD SECURITY**

17. The CCLM noted that on 28 April 2009, through a letter to the Director-General, 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 World Food Security*”. Subsequently, the Permanent Representative of France sent another letter to the Director-General setting forth the draft amendments as well as an explanatory note.

18. Under this proposal, Article III of the Constitution, on the “*Conference*” as it stands at present would be supplemented with a paragraph 9, as follows:

*“The Conference shall be assisted by a Committee on World Food Security. This Committee shall report to the Conference and to the United Nations General Assembly (UNGA), through the Economic and Social Council*

*(ECOSOC) and the Conference. Its composition and terms of reference shall be governed by rules adopted by the Conference”.*

19. In addition, the references to the Committee on World Food Security (CFS) in Article V, paragraph 6 of the Constitution would be deleted.

20. The CCLM noted the rationale for the proposed amendment, including the important policy dimensions involved, as explained in the explanatory note submitted by the Permanent Representation of France. The note indicated that as a first step towards a global reform of the mandate and *modus operandi* of the CFS, the Committee would “*have to be distinguished from the other Committees and be placed at a more significant level in the FAO Constitution and in the general architecture of the Committees of the Organization*”. The CFS would be linked to the Conference, and through the Conference, the supreme governing body of FAO, to the United Nations.

21. The CCLM examined the implications of the proposed status of the CFS vis-à-vis the Economic and Social Council and the General Assembly of the United Nations. In particular, this new status would seem to imply that these main organs of the United Nations should be willing and committed to exercising duties and responsibilities in respect of the CFS. The CCLM recommended that FAO should send a communication at an appropriate level to the United Nations in order to ascertain that the United Nations will be exercising such duties and responsibilities.

22. In order to clarify the status of the CFS *vis-à-vis* the Council on programme and budget matters, the CCLM recommended that Rule XXXIII, paragraph 8 of the GRO be amended. An addition to this Rule would read as follows: “*The Committee may report as necessary to the Council of the Organization on programme and budget matters*”. The full set of proposed amendments, endorsed by the CCLM, is reproduced in Appendix II of this report. The CCLM noted that at its September session additional amendments to the GRO on the CFS might be considered.

23. The CCLM noted that in accordance with Article XX, paragraph 4 of the Constitution, notice of the proposed amendment to the Constitution would have to be despatched to Member Nations at least 120 days before the opening of the session.

24. While not objecting to the intent of the amendment to raise the profile of the Committee on Food Security, the representative of the United States of America expressed reservations on the position and wording of the proposed amendment, pending further legal clarification as well as general information on the status of the future CFS.

## V. OTHER MATTERS

25. The CCLM was informed that on 22 May 2009 Working Group II of the Conference Committee for the Follow-up to the Independent External Evaluation of FAO received a progress report on the work of the CCLM and expressed satisfaction at the work accomplished so far. Working Group II noted that almost all actions of the IPA involving amendments to the Basic Texts had been completed.

26. On that occasion, Working Group II requested the CCLM to examine two issues regarding representation and participation in the work of the Programme and Finance Committees.

27. The first issue was related to the fact that, at the recently concluded sessions of the Programme and Finance Committees, representatives of one Member to each of the Committees, after having been able to participate in the sessions, had to leave Rome unexpectedly and doubts arose as to whether they could be replaced by an official of their country who could participate in the remainder of the proceedings of the Committees. This situation is not foreseen under current Rules<sup>1</sup>.

28. The CCLM advised that such exceptional situations should be addressed in light of the spirit and purpose of the GRO regarding replacement of Members aimed at ensuring continuity in the representation of a Member through an official possessing the required qualifications. The CCLM further advised that should situations arise where, after the beginning of a session, there would be an unexpected need to replace a representative, a designated official of the same Member should be able to take part in the proceedings. The CCLM considered that, given the exceptional nature of these situations, there would be a need for some flexibility in the implementation of this solution. The CCLM recommended that the Rules of Procedure of the Committees (Rule II, paragraph 7 of the Rules of Procedure of the Programme Committee and Rule II, paragraph 6 of the Rules of Procedure of the Finance Committee) should be amended along the following lines:

*“If the representative of a Member of the Committee is expected to be unable to attend one full session, 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 as soon as possible, and may designate a substitute representative who shall have the qualifications and experience referred to (in paragraph 1 of Rule XXVI or Rule XXVII) of the General Rules of the Organization. Should a representative of a Member of the Committee be unable to continue to attend a session of the Committee for unforeseen reasons, a designated official of that Member shall be able to replace the representative and participate in the proceedings. Such designation shall be reflected in the report”.*

29. The second question was whether two representatives of the same Member could participate in the proceedings of a Committee. The CCLM was of the view that this situation could not arise because the representative of a Member in a Committee was specifically elected by the Council or otherwise designated under applicable procedures and only the designated representative could take part in the proceedings.

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<sup>1</sup> Under current Rules 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 is required to inform the Director-General and the Chairperson as soon as possible and may designate a substitute representative who will have the required qualifications and experience (cf. Rule XXVI, paragraph 4 and Rule XXVII, paragraph 4 of the GRO).

30. The CCLM noted that it would have a longer session in September in the course of which it would deal with the only two Action Matrixes of the IPA which had still to be implemented. On that occasion the CCLM would examine the issue of how the Basic Texts of the Organization should be structured in future, as well as any issues related to the implementation of the IPA that would need to be addressed. The CCLM would also deal with its normal business, as well as any matters which it could not address this year.

31. The CCLM agreed that the secretariat could work out proposed amendments to the Constitution, to be circulated to Member Nations at least 120 days before the opening of the session of the Conference, regarding adjustments required to make the Constitution gender-neutral.

**APPENDIX I**  
**Council Membership Phases**



\* denotes conference year:  
 2009 – November  
 2011 – June  
 2013 – June  
 2015 – June  
 2017 – June



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**APPENDIX II**

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**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**

**Proposal regarding the Committee on World Food Security**

“ARTICLE III

**The Conference**

(...)

*9. The Conference shall be assisted by a Committee on World Food Security. This Committee shall report to the Conference and to the United Nations General Asssembly (UNGA), through the Economic and Social Council (ECOSOC) and the Conference. Its composition and terms of reference shall be governed by rules adopted by the Conference.*”

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

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

“ARTICLE IV

**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.*”

**Reporting lines of the Technical Committees (IPA Action 2.56) and proposal regarding the Committee on World Food Security**

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

“ARTICLE V

**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, and 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:

“ARTICLE VII

**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~~ 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.”*

**Changes to terms of office of Council members due to the change of date of the Conference Session** (IPA Actions 2.7 and 3.9)

Revised paragraphs 1 and 2 of **Rule XXII** of the GRO:

“Rule XXII

### **Election of the Council**

1. (a) Except as provided in paragraph 9 of this Rule, the Council shall be elected for a term of three years.
  - (b) The Conference shall make such provisions as will ensure that the terms of office of sixteen Members of the Council shall expire in each of two successive calendar years and seventeen in the third calendar year.
  - (c) The terms of office of all members of any one group shall expire simultaneously either on the termination of the regular session of the Conference in a year in which such a session is held, or on ~~31 December~~ 30 June in other years.
2. The Conference shall, at each regular session, and after considering any recommendations of the General Committee, fill all vacancies due to the expiration of the terms of office of Council Members at the end of that session or at the end of June of the following year, in conformity with the provisions of the preceding paragraph.
 

(...)"

### **Changes to Functions of the Council and reporting lines of the Technical Committees** (IPA Actions 2.23, 2.25, 2.56, 3.5 and 3.9)

Revised paragraphs 1 and 2 of **Rule XXIV** of the GRO:

“Rule XXIV

#### **Functions of the Council**

The Council, subject to the provisions of paragraph 3 of Article V of the Constitution, shall, between sessions of the Conference, act on behalf of the Conference as its executive organ and make decisions on matters that need not be submitted to the Conference. In particular, the Council shall exercise the functions described below:

1. World food and agriculture situation and related matters

The Council shall:

~~(a) keep under review the state of food and agriculture in the world, and consider the programmes of Member Nations and Associate Members;~~

~~(b) tender advice on such matters to governments of Member Nations and Associate Members, intergovernmental commodity councils or other commodity authorities and through the Director-General to other specialized international agencies;~~

~~(c) draw up a provisional agenda for the review by the Conference of the state of food and agriculture, drawing attention to specific policy issues which would require Conference consideration or could be the subject of a formal recommendation by the Conference under paragraph 3 of Article IV of the Constitution, and aid the Director-General to prepare the report and agenda for the review by the Conference of the programmes of Member Nations and Associate Members;~~

- ~~(d) (i) examine current developments in proposed and existing intergovernmental agricultural commodity arrangements, particularly those developments affecting adequacy of food supply, utilization of food reserves and famine relief, changes in production or pricing policies and special food programmes for undernourished groups;~~
- ~~(ii) promote consistency and integration of agricultural commodity policies, national and international, with regard to (a) overall objectives of the Organization; (b) the interrelationships of production, distribution and consumption; and (c) interrelationships of agricultural commodities;~~
- ~~(iii) initiate and authorize groups to study and investigate agricultural commodity situations which are becoming critical, and propose appropriate action, if necessary, under paragraph 2 (f) of Article I of the Constitution;~~
- ~~(iv) advise on emergency measures such as those relating to the export and import of food and materials or equipment needed for agricultural production, in order to facilitate implementation of national programmes and, if necessary, request the Director General to submit such advice for action to the Member Nations and Associate Members concerned;~~
- ~~(v) perform the foregoing functions under (i), (ii) and (iii) in conformity with the Economic and Social Council's Resolution of 28 March 1947<sup>2</sup> relating to international commodity arrangements, and generally act in close cooperation with the appropriate specialized agencies and intergovernmental bodies.~~

(b) examine and advise on any issues pertaining to or arising out of the world food and agriculture situation and related matters, specially any such issues of an urgent nature, which would call for action by the Conference, the Regional Conferences, the Committees referred to in Article V, paragraph 6 of the Constitution or the Director-General;

(c) examine and advise on any other issues pertaining to or arising out of the world food and agriculture situation and related matters which may have been referred to the Council in accordance with decisions of the Conference or any applicable arrangements.

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 Chairman ~~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 ~~120~~ *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 Chairman ~~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 ~~420~~ 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:

“Rule XXVI

**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 ~~Chairman~~ Chairperson 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, t~~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 Strategic Framework, as well as the long-term programme objectives of the Organization, and the Medium-Term Plan and any adjustments thereto;
- (ii) the ~~summary and draft~~ Programme of Work and Budget of the Organization for the ensuing biennium, particularly with respect to:
- content and balance of the programme, having regard to the extent to which it is proposed that existing activities be expanded, reduced in scope or discontinued;
  - the extent of coordination of work between the different technical divisions of the Organization and between the Organization and other international organizations;
  - the priorities to be given to existing activities, extension of such activities and to new activities;
- ~~(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 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.

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.”

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

Revised **Rule XXVII** of the GRO:

“Rule XXVII

**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~~ Chairperson 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 person 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~~person 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~~person acting on his own initiative or in pursuance of a decision of the Committee or of a request submitted in writing to the ~~Chairman~~person 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.

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.”

**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:

“Rule XXIX

**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:

"Rule XXXII

**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 paragraphs 1, 6 (a), 8 and 9 of **Rule XXXIII** of the GRO:

"Rule XXXIII

**Committee on World Food Security**

1. The Committee on World Food Security provided for in paragraph 6 ~~2~~ of Article ~~V~~ *III* of the Constitution shall be open to all Member Nations of the Organization and all Member States of the United Nations. It shall be composed of those States which notify the Director-General in writing of their desire to become Members of the Committee and of their intention to participate in the work of the Committee.

(...)

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;

(...)

8. The Committee shall report to the ~~Council~~ *Conference* of the Organization and tender advice to the Director-General, and relevant international organizations as appropriate, on any matter considered by the Committee, it being understood that copies of its reports, including any conclusions, will be transmitted without delay to interested governments and international organizations. The Committee may report as necessary to the Council of the Organization on programme and budget matters.

9. The Committee shall provide ~~regular~~ *annual* reports to the United Nations General Assembly (UNGA), through the Economic and Social Council ~~of the United Nations (ECOSOC), through and the Council~~ *Conference* of the Organization.

(...)"

#### **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 (c) 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~~<sup>ii</sup>) 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~~<sup>iv</sup>) 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~~<sup>vi</sup>) 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~~<sup>person</sup> 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 Director-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.”<sup>2</sup>

##### **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~~*person*, a first ~~Vice-Chairman~~*person* and a second ~~Vice-Chairman~~*person* from among the representatives of its Members, who shall remain in office until the election of a new ~~Chairman~~*person* and new ~~Vice-Chairmen~~*persons* and who will act as a Steering Committee between sessions and during sessions.”<sup>3</sup>

#### **F. RECOMMENDED AMENDMENTS TO RULES II AND IV OF THE RULES OF PROCEDURE OF THE PROGRAMME AND FINANCE COMMITTEES**

The CCLM recommended to the Council that the Programme and Finance Committees be requested to amend Rules II and IV of their Rules of Procedure along the following lines:

“Rule II

**Sessions and meetings**

<sup>2</sup> *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.

<sup>3</sup> *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.

(...)

(7 or 6). If the representative of a Member of the Committee is expected to be unable to attend one full session, 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~~<sup>Chairperson</sup> as soon as possible, and may designate a substitute representative who shall have the qualifications and experience referred to (in paragraph 1 of Rule XXVI or Rule XXVII) of the General Rules of the Organization. Should a representative of a Member of the Committee be unable to continue to attend a session of the Committee for unforeseen reasons, a designated official of that Member shall be able to replace the representative and participate in the proceedings. Such designation shall be reflected in the report.

(...)<sup>4</sup>

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

“Rule IV

(...)

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

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

(other paragraphs renumbered)”

## **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:

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<sup>4</sup> Cfr. Paragraph 4 (a) of Rules XXVI and XXVII of the GRO.



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.”

**E. PROPOSED CONFERENCE RESOLUTION REGARDING THE COUNCIL OF  
FAO**

“CONFERENCE RESOLUTION

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

The Conference:

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

Considering further that, in accordance with the Immediate Plan of Action for FAO Renewal (2009-11), the Council should play a more dynamic role in the development of the programme and budget, drawing as appropriate on the advice of the Programme and Finance Committees, and increase its oversight and monitoring function over the implementation of governance decisions;

Noting that, in such context, the Council will have a major role in deciding and advising on matters pertaining to the implementation of programme and budget execution, monitoring of activities under the new results-based framework, monitoring of implementation of governance decisions and oversight of the administration of the Organization;

Noting further that amendments to Rules XXIV and XXV of the General Rules of the Organization have been adopted by the Conference to implement the actions of the Immediate Plan of Action for FAO Renewal (2009-11) regarding the Council;

Realizing that it is desirable, under the framework established by the above provisions, and in the light of the spirit of the Immediate Plan of Action for FAO Renewal (2009-11,) to clarify the new role of the Council under that framework;

1. Decides that the Council will exercise a major role in respect of:
  - (a) planning of work and definition of performance measures for the Council itself and for other Governing Bodies with the exception of the Conference;
  - (b) monitoring and reporting performance against performance indicators;
  - (c) defining strategy, priorities and establishing the budget of the Organization;
  - (d) overseeing the implementation of the new Programming, Budget and Results Based Monitoring System;
  - (e) approving and overseeing any major organizational changes which do not require approval by the Conference.
2. Decides that the Council will monitor the implementation of governance decisions.
3. Decides that, in the context of its oversight functions, the Council will ensure that:
  - (a) the Organization operates within its legal and financial framework;

- (b) there is transparent, independent and professional audit and ethics oversight;
  - (c) there is transparent, professional and independent evaluation of the Organization's performance;
  - (d) there are functioning results-based budgeting and management systems;
  - (e) appropriate and functional policies and systems are in place for human resources management, information and communication technology, contracting and purchasing; and
  - (f) extra-budgetary resources are effectively contributing to the Strategic Objectives and the Organizational Results Framework .
4. Decides that the Council will monitor the performance of the Organization against established performance targets.
5. Decides that in the performance of its functions, the Council shall generally act in close cooperation with the appropriate specialized agencies and intergovernmental bodies”.

### **III. PROPOSED CHARTER**

[To be adopted by the Council and reproduced in Volume II of the Basic Texts.]

#### **CHARTER FOR THE FAO OFFICE OF EVALUATION**

##### **I. Evaluation in FAO**

1. The FAO Evaluation Service was established in 1968 to assure the effective operation of evaluation in the Organization. The evaluation function is one part of the oversight regime of FAO, which also includes external audit, internal audit, inspection and investigation.
2. Evaluation provides accountability to member countries and to the Director-General. It gives member countries a more in-depth understanding and objective basis for their decisions in the governing bodies and for cooperation in the Organization's programmes. Evaluation also contributes to corporate learning, feeding lessons into a robust feedback loop. Evaluation provides a sound basis for improvements in the Organization's programmes in terms of their relevance to countries, definition of objectives, their design and implementation. FAO also participates in system-wide evaluation initiatives. Thus evaluation contributes to assessments of development effectiveness by the UN system.
3. All work of FAO financed from the regular budget of the Organization (mandatory assessed contributions) as well as that financed from voluntarily contributed extra-budgetary resources, is subject to evaluation. The policies for evaluation are set by member countries in the governing bodies.
4. Evaluation is an integral element of a functioning results-based management (RBM) system. It provides accountability on results, in particular on outcomes and impacts of FAO's work. It informs the formulation of programmes, the definition of priorities and the arrangements to maximise institutional effectiveness.

## II. Purpose and Principles of Evaluation

### A. DEFINITION OF EVALUATION

5. An evaluation is “an assessment...of an activity, project, programme, strategy, policy, topic, theme, sector, operational area, institutional performance, etc. It focuses on expected and achieved accomplishments, examining the results chain, processes, contextual factors and causality, in order to understand achievements or the lack thereof. It aims at determining the relevance, impact, effectiveness, efficiency and sustainability of the interventions and contributions of the organizations of the UN system. An evaluation should provide evidence-based information that is credible, reliable and useful, enabling the timely incorporation of findings, recommendations and lessons into the decision-making processes of the organization and its members”<sup>5</sup>.

### B. PRINCIPLES OF EVALUATION

6. FAO strives for the highest international standards in its evaluation practice. It adheres to norms and standards established by the United Nations Evaluation Group (UNEG)<sup>6</sup>. These norms and standards provide a benchmark against which all organizations and programmes of the UN system can gauge their performance and aim to strengthen, professionalize and improve the quality of evaluation throughout the UN system.

7. The primary principles underpinning evaluation in FAO are: Independence, Impartiality, Credibility, Transparency and Usefulness. These are inter-related.

8. **Independence:** Independence should be protected throughout the evaluation process: policy, institutional framework, management of the evaluation function, conduct of evaluations and follow-up. The evaluation function must be located in the Organization outside the line management that it is mandated to evaluate, and have a direct line of reporting to the governing bodies and the Director-General. In this way, it remains separate from those responsible for the design and implementation of the policies and operations that are evaluated. It must be free from undue influence by management through independent control of the financial and human resources allocated to evaluation, including independent performance assessment of evaluation staff. It must have freedom to design and conduct evaluations according to professional quality standards.

9. **Impartiality:** Evaluation must be free from bias. This means that evaluators must demonstrate professional and personal integrity and conflicts of interest must be avoided. Independence and quality of evaluation design are additional pre-requisites for impartiality. Evaluations must value the input of the main stakeholders, demonstrating a degree of empathy while at the same time maintaining intellectual rigour. Because no individual is totally impartial, evaluation teams must balance different perspectives and backgrounds.

10. **Credibility:** Evaluations must command a high degree of credibility, both from the governing bodies and from managers who must make and implement decisions. Besides impartiality and independence, the credibility of evaluation also requires that the team of evaluators has proven technical competence in the area under evaluation and its context as well as

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<sup>5</sup> Adapted to become specific to FAO from the “Norms for Evaluation in the UN System”, United Nations Evaluation Group, 2005.

<sup>6</sup> **The United Nations Evaluation Group (UNEG)** [HTTP://WWW.UNEVAL.ORG](http://www.uneval.org) is a professional network that brings together the units responsible for evaluation in the UN system including the specialised agencies, funds, programmes and affiliated organisations. UNEG currently has 43 such members. UNEG aims to strengthen the objectivity, effectiveness and visibility of the evaluation function across the UN system and to advocate the importance of evaluation for learning, decision making and accountability. UNEG provides a forum for members to share experiences and information, discuss the latest evaluation issues and promote simplification and harmonisation of reporting practices.



demonstrated competence in evaluation. Independent peer review of evaluation reports also reinforces their credibility.

11. **Transparency:** Evaluation reports and management responses are in the public domain. Evaluations follow a consultative process, whereby evaluators and evaluation managers engage in dialogue to the maximum extent possible with main stakeholders throughout the evaluation process

12. **Usefulness:** Usefulness should always be a prime consideration for selection of a topic for evaluation. Evaluations will be most useful when addressing key areas of concern for the governing bodies and/or FAO management, especially when there are perceived to be problems, priorities are changing or if there are new opportunities. Evaluation should be timed to fit into the management decision-making process.

### III. Types of Evaluation in FAO

13. It is FAO policy that all the work carried out by the Organization is subject to evaluation, regardless of the source of funds, through three types of evaluation.

14. **Evaluations for the governing bodies** are decided upon by the Council on the advice of the Programme Committee. Such evaluations focus on key elements of the results-based hierarchy, including strategic and functional objectives, impact focus areas, organizational results and core functions<sup>7</sup>. They also include thematic and programmatic studies and strategic partnership agreements. Major evaluations include all aspects of the work in the area covered, regardless of funding source, and deal with work at headquarters, regional and country levels.

15. **Country evaluations** comprehensively examine the results of all of FAO's work at country level, including technical cooperation, use made of normative work and functioning of the country office. Synthesis reports consolidating the results across country evaluations are considered by the governing bodies.

16. **Evaluations of individual programmes and projects, usually funded from extra-budgetary resources.** Results of such evaluations are directly used by stakeholders including managers, funders and others directly concerned, often at country level.

### IV. Evaluation Scope and Methodology

17. Evaluation in FAO is governed by guidelines that direct and ensure consistency in evaluation processes and methodologies. The key components are:

18. Scoping the evaluation and terms of reference: An approach paper for each major evaluation is developed by the Evaluation Office in consultation with the units most closely involved in implementing the strategy or programme and other stakeholders, including, as appropriate, national government representatives and the representatives of donors.

19. Scope of Evaluations: All evaluations follow UNEG criteria and assess relevance, effectiveness, efficiency, sustainability and impact.

20. Evaluations include examination of:

- relevance to the needs and priorities of the member countries and the international community;
- functionality and clarity of the objectives, strategy, design and implementation plan to meet those needs and priorities;
- institutional strengths and weaknesses;
- changes in the external environment in which FAO functions;

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<sup>7</sup> The Charter may need to be revised in the future, to take account of experience with Results-Based Management approaches and its implications for the Organization's evaluation programme.

- quality and quantity of outputs, in relation to resources deployed in undertaking the work (efficiency);
- outcomes resulting from the activities and outputs in relation to resources deployed for the work (effectiveness);
- impacts and their sustainability in terms of benefits to present and future generations for food security, nutrition, social and economic well-being, gender equity, the environment, etc.; and
- FAO's comparative advantage in addressing the priority needs.

21. Evaluation methodology: The methods and tools used are tailored to the individual evaluations and to answer specific evaluation questions. Triangulation of information across stakeholders is a key tool for gathering and validation of evidence. Evaluations are carried out using a participatory approach, seeking and sharing opinions with stakeholders at different points in time, as this is important for learning and acceptance of evaluation findings. Tools most frequently used include semi-structured interviews, focus groups, checklists, desk studies, direct observation through field visits and surveys.

22. Evaluations seek to identify and measure long-term changes induced through interventions. Separate impact assessments are undertaken for country and other major evaluations, in areas where FAO has had a substantial volume of work. In some cases where impact evaluation is not possible or cost-effective, beneficiary assessments or other forms of field enquiries may be used to gather key information from the targeted population. The intent is to determine whether the Organization has contributed to change and impact in a meaningful line of causality.

23. The evaluation team: Evaluations are managed by the Office of Evaluation. Teams are led and largely composed of independent external consultants<sup>8</sup>. Evaluation team leaders are consulted where possible on the composition of the remainder of the team. The size of the teams is related to both the scale and complexity of the evaluation, 3-4 lead consultants being a typical number.

24. The evaluation report: The evaluation team is solely responsible for its findings and recommendations, subject to quality assurance by the Office of Evaluation. The Office assures adherence to the terms of reference and recognised quality standards, timeliness, and to provide information and methodological support to the evaluation.

## **V. Mechanisms for Evaluation Follow-up**

25. In order to develop an effective evaluation system, mechanisms must be in place to ensure that evaluation reports are fully considered and agreed recommendations are acted upon. In FAO, this is done through management responses to each evaluation undertaken and follow-up reports on the implementation of the management response.

26. Management response: Each evaluation has a management response, including management's overall view of the evaluation, comments on each recommendation and an operational plan for implementation of agreed recommendations. The Office of Evaluation checks that responses meet required standards of comprehensiveness and clarity, but responsibility for the substance of a response lies with the manager(s) concerned.

27. Follow-up report: The follow-up report ensures compliance with agreed recommendations and, if necessary, accounts for any variation between actions decided in the management response and those actually implemented. The follow-up report is prepared by the organizational unit responsible for the management response and the Office of Evaluation ensures that it meets required standards.

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<sup>8</sup> Office of Evaluation staff but not other staff of FAO may also serve as evaluation team members

28. For reports presented to the governing bodies, both the management response and the follow-up report are also considered by the Programme Committee.

29. All evaluation reports, management responses and follow-up reports are available to all members and posted on the FAO evaluation website. Consultative groups and workshops will be used to bring key evaluation reports to the attention of member countries.

## **VI. Quality Assurance**

30. Mechanisms are instituted to ensure that the evaluation function in FAO corresponds to needs of Members and conforms to UNEG norms and standards. These measures include: a) peer review of major evaluation reports; b) biennial review by a small group of independent peers for conformity of evaluation work to best practice and standards; c) independent evaluation of the evaluation function every six years.

31. The biennial review and independent evaluation of the evaluation function will result in a report to the Director-General and the Council, together with the recommendations of the Programme Committee.

## **VII. Institutional Arrangements**

32. The institutional arrangements for evaluation ensure independence of the evaluation function so as to fulfil its accountability role while ensuring use of evaluation results by the governing bodies and management.

### **A. THE OFFICE OF EVALUATION**

33. The Office of Evaluation is responsible for ensuring the relevance, effectiveness, quality and independence of evaluation in FAO. It is located inside the FAO Secretariat structure, reporting to the Director-General and to the Council through the Programme Committee.

34. The Office receives guidance from the Council and its Programme Committee and consults with the Evaluation Committee (Internal). It is solely responsible for the conduct of all evaluations (with the exception of auto-evaluations), including the selection of evaluators and the terms of reference. It is thus operationally independent within the Organization. In addition to its responsibilities for the conduct of evaluations, the Office also:

- 1) facilitates feedback from evaluation through follow-up to individual evaluations and in communicating lessons for more general application;
- 2) ensures timely reporting on the implementation of those evaluation recommendations accepted by the governing bodies, management and other concerned stakeholders;
- 3) has an institutionalised advisory role on results-based management and programming and budgeting;
- 4) contributes to the enhancement of evaluation within the UN through active participation in the United Nations Evaluation Group (UNEG);
- 5) contributes to the evaluation of the effectiveness of the UN system and other partners as it relates to areas of FAO's mandate through joint evaluations;
- 6) coordinates its work programme with the rest of the UN system, taking into account the work of the Joint Inspection Unit (JIU); and
- 7) for staff training, provides comments on training requirements to the Human Resources Management Division.

## **B. ROLE OF THE GOVERNING BODIES IN EVALUATION**

35. The Council is the decision-making body on evaluation policy and work programme. It exercises oversight over evaluation and ensures that there is transparent, professional and independent evaluation of the Organization's performance in contributing to its planned outcomes and impacts, including feedback of evaluation into planning and programming.

36. The Programme Committee is the direct recipient of evaluation reports for the governing bodies. Reports involving financial or administrative matters may be referred to the Finance Committee. The functions of the Programme Committee with respect to evaluation are to advise the Council on overall policies and procedures for evaluation and to:

- 1) approve the rolling workplan for major evaluations;
- 2) consider major evaluation reports and the management response to the evaluation and its findings and recommendations. The Committee presents its conclusions on both the evaluation and the management response to the Council in its report as well as its recommendations for follow-up action; and
- 3) receive progress reports on the implementation of evaluation findings and recommendations and provide recommendations to the Council.

## **C. ROLE OF THE DIRECTOR-GENERAL**

37. The role of the Director-General with respect to evaluation is to:

- 1) make proposals on the work programme of the Office of Evaluation and request specific independent evaluations of FAO programmes and activities;
- 2) for evaluations to the governing bodies, present the Management Response through the Programme Committee, including whether each recommendation is accepted, partially accepted or rejected, and an operational plan on follow-up;
- 3) prepare and present to the governing bodies through the Programme Committee, follow-up reports on actions taken with respect to agreed recommendations;
- 4) facilitate feedback from evaluation to improve learning from strategic planning results-based management; and
- 5) ensure that the Evaluation Office functions within its approved budget and work programme and the agreed rules and procedures.

## **D. THE EVALUATION COMMITTEE (INTERNAL)**

38. The Committee advises the Director-General and the Office of Evaluation on matters pertaining to evaluation in FAO with respect to the Organization as a whole. Its aim is to assist the Organization in implementing an evaluation regime which is efficient and responsive to the needs of both the Organization's Members and its Secretariat. It also exercises a quality control function on management responses and follow-up reports. In line with the decisions of the Council, the Committee will support the independent role of the Office of Evaluation within FAO and will review and advise the Director-General on all policy matters pertaining to evaluation. The Committee interacts with the Programme Committee as appropriate.

39. Subject, to any organizational changes which may occur as a result of the implementation of the Immediate Plan of Action for FAO Renewal, the Committee is chaired by the Deputy Director-General and also comprises two permanent members: the Assistant Director-General, Technical Cooperation Department (TC), and the Director, Office of Strategy, Planning and Resources Management; and, rotating on a two-year term: the Assistant Directors-General of two

technical departments and one Assistant Director-General/Regional Representative. Other members may be co-opted as required by the Chairperson. The Director of the Office of Evaluation serves as Secretary.

40. The scope of the Committee's work includes:
- a) advice on the implementation of decisions of the governing bodies on evaluation;
  - b) maximise the benefits from evaluation in feedback to planning, programming and management decision-making;
  - c) review of the coverage of evaluation, proposals for the evaluation work programme and the terms of reference of major evaluations;
  - d) review of Management Responses to major evaluations for consideration by the governing bodies;
  - e) assessment and oversight of progress in implementation of management follow-up actions to evaluations;
  - f) advice on the adoption of measures to ensure the Evaluation Office applies international quality standards to its work; and
  - g) review of available resources for evaluation in the light of the Organization's needs.

### **VIII. Staffing of the Office of Evaluation**

41. All appointments for evaluation, including that of the Director of the Office of Evaluation, staff and consultants follow transparent and professional procedures with the primary criteria being those of technical competence and behavioural independence but also with considerations of regional and gender balance. The Director of Evaluation will have the responsibility for the appointment of evaluation staff and the appointment of consultants, in conformity with FAO procedures.

42. A competitive procedure applies for appointment of the Director of Evaluation. A panel, consisting of representatives of the Director-General and the Programme Committee, as well as evaluation specialists from other UN agencies will review the terms of reference and statement of qualifications for the post. Based on the review, a vacancy announcement will be prepared, issued widely and a list of qualified candidates for interview compiled. The panel will then review these candidates and make a final recommendation regarding candidates appropriate for appointment by the Director-General.

43. The Director of Evaluation serves for a term of four years with a possibility of reappointment only once for a further term of four years. The renewal of the appointment of the Director of Evaluation is subject to consultation with the Programme Committee. Likewise, the Director-General shall consult with the Programme Committee before the termination of the appointment of the Director of Evaluation. The Director of Evaluation may not be reappointed within FAO to another post or recruited as a consultant during a period of one year following the expiry or termination of the appointment.

### **IX. Budget for Evaluation in FAO**

44. The Regular Programme budget for evaluation will attain the level of at least 0.8% of the total Regular Programme Budget. In consideration of the fact that the Evaluation Office also reports to the governing bodies of the Organization, the evaluation budget will be allocated in full to the Evaluation Office upon approval by the Council and Conference as part of the Programme of Work and Budget.

45. The translation and reproduction of evaluation documents for the governing bodies, and certain indirect costs of evaluation such as office space, are covered outside the evaluation budget.

46. An allocation for evaluation is included in all extra-budgetary supported activities. Two Trust Fund pool accounts have been established to receive the evaluation funds: one for emergency and rehabilitation projects and another for technical cooperation for development projects, including programme support to normative work. The Trust Funds will be utilised to finance thematic, programme and country evaluations. Emergency and rehabilitation evaluations will be carried out in an integrated way, examining the relevance, efficiency and sustainable benefit from the FAO response to the totality of the emergency and rehabilitation needs.

47. Large projects of technical cooperation for development (including those financed through Unilateral Trust Funds) will have a separate independent evaluation at least once in their lifetime. The criteria for separate evaluation and the levels of allocation in project budgets for evaluation will be in accordance with published guidelines that may be reviewed periodically by the governing bodies.