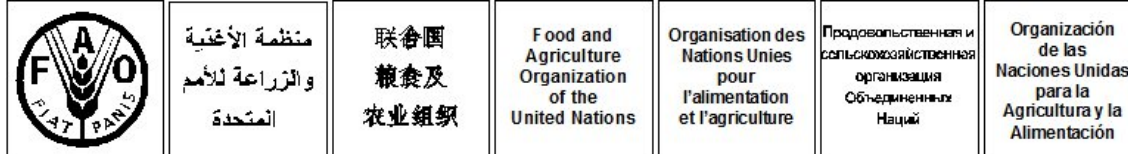


August 2011



COMMITTEE ON CONSTITUTIONAL AND LEGAL MATTERS

Ninety-third Session

Rome, 21 - 23 September 2011

**Multi-year programme of work for the Committee on Constitutional and
Legal Matters**

I. Background

1. At its 91st session in September 2010, the Committee on Constitutional and Legal Matters (CCLM) considered the possible adoption of a Multi-Year Programme of Work (MYPOW) for the Committee. This was in response to actions 2.70 to 2.72 of the Immediate Plan of Action for FAO Renewal (IPA), requiring Governing Bodies, including the CCLM, to develop MYPOWs for a duration of at least four years, and submit reports of progress against them once per biennium.

2. At that session, the CCLM examined the matter in much detail. The CCLM noted that, in accordance with Rule XXXIV, paragraph 7 of the General Rules of the Organization (GRO), it held sessions to consider items which were referred to it, as necessary, by the Council or by the Director-General and that there were no standing or recurrent items on its mandate, or its agenda, which the CCLM could examine at pre-established dates. The Committee considered that it would not be possible for it to establish a multi-year programme of work as was the case with other committees. Notwithstanding this, the CCLM decided to keep the issue of its multi-year programme of work under review but recommended to the Council that the distinctive features of its *modus operandi* be duly taken into account¹.

3. At its 140th Session in October 2010, the Council:

“(...) noted that, as requested by the IPA, the CCLM had reviewed its draft Multi-year Programme of Work. The Council concurred with the view of the CCLM that its Multi-year Programme of Work had to take account of distinct features of the statutory

¹ CL 140/6, paragraphs 28-31.

functions of the Committee, as per Rule XXXV, paragraph 7 of the GRO, as the CCLM held sessions to consider items referred to it as necessary and, in general, there were no standing or recurrent items on its agenda to be examined at pre-established dates. The Council noted that the CCLM intended to keep the matter under review at its future sessions”².

4. To date, three Governing Bodies have approved their MYPOWs, namely the Programme and Finance Committees, and the Council. There is an important feature in the mandate of these Committees which is that, as it appears from the Rule XXVI of the General Rules of the Organization (Programme Committee), Rule XXVII (Finance Committee) and Rule XXIV (Council), these Governing Bodies exercise specific functions of a recurrent nature, requiring them to examine at each of their sessions, or at pre-established dates, items of a standing nature.

II. Scope of MYPOWs

5. The IPA did not provide a definition of the MYPOWs, nor did it specify their scope. The MYPOWs prepared so far have, therefore, been developed without explicit guidance from the IPA. Initially, the Governing Bodies were somewhat unclear about the precise nature and scope of these novel instruments. In particular, there was a perception that MYPOWs could be designed mainly as “*rolling agendas*” over their intended period of coverage, partly due to the name given to these documents (“programmes of work”), partly due to the fact that in order to prepare a programme of work it is necessary to know which work is to be accomplished. The previous discussion of this matter by the CCLM reflected these considerations.

6. Experience gained through recent deliberations of other Governing Bodies indicates that the scope of the MYPOWs is actually broader than the restrictive view of “*rolling agendas*”³.

7. In particular, the work undertaken by the Programme Committee, and subsequently by the Finance Committee and the Council, in developing their MYPOWs, has helped in clarifying that these documents could be seen as tools for the concerned bodies to examine their own performance in a structure manner, under the new results-based system, and not simply as attempts to anticipate future agendas. They could also be seen as means to allow for constant review of working methods and practices. As such, MYPOWS could be considered useful in conveying, through progress reports on the implementation of their activities, the results achieved by the concerned bodies in a more concrete way, based on pre-defined indicators and targets where possible. In this perspective, the Programme and Finance Committees and the Council sought to give due importance in their MYPOWs to objectives and expected results, and to planned outputs and related activities, consistent with the enhanced results-based culture inherent in the IPA.

8. In the light of the above understanding of the broader scope and purposes of the MYPOWs, and taking into account the specific mandate of the CCLM as set out in Rule XXXIV of the GRO, as well as the characteristics of its work, the attached draft MYPOW for the CCLM was prepared,

² CL 140/REP, paragraph 62.

³ As noted above, the Programme and Finance Committees, as well as the Council, have adopted their MYPOWs in 2010, respectively in April, October and December. Moreover, progress on the implementation of two MYPOWs was also reported: first by the Programme Committee to the Council in May 2011; then by the Council to the Conference in June-July 2011. In addition, preparations are under way for the future MYPOWs of the CFS, Technical Committees and Regional Conferences.

reflecting the special nature of the mandate and work of the Committee in accordance with the guidance of the Council at its session of October 2010 on the MYPOW of the CCLM.

Annex

| |
|---|
| <p style="text-align: center;">Draft Multi-year Programme of Work 2012-15 of the Committee on Constitutional and Legal Matters</p> |
|---|

Objectives and mandate

1. The Committee on Constitutional and Legal Matters provides well-founded advice and action-oriented recommendations, in its areas of mandate, to the Council and to the Director-General as required.
2. The Committee operates efficiently and effectively, interacting as appropriate with relevant Governing and Statutory Bodies of the Organization
3. The Committee holds sessions to consider specific items referred to it under Rule XXXIV, paragraph 7 of the General Rules of the Organization, which include the following matters:
 - the application or interpretation of the Constitution, the General Rules of the Organization and the Financial Regulations or amendments thereto;
 - the formulation, adoption, entry into force and interpretation of multilateral conventions and agreements concluded under Article XIV of the Constitution;
 - 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;
 - any other problems relating to conventions and agreements concluded under the aegis of the Organization or to which the Organization is a party;
 - the establishment of commissions and committees under Article VI of the Constitution, including their membership, terms of reference, reporting procedures and rules of procedure;
 - matters relating to membership in the Organization and its relations with nations;
 - 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;
 - the policy regarding privileges and immunities to be sought from host governments for the Organization's headquarters, regional offices, country representations, conferences and meetings;
 - problems encountered ensuring the immunity of the Organization, its staff and its assets;
 - problems relating to elections and procedure for nominations;
 - standards for credentials and full powers;
 - reports on the status of conventions and agreements provided for in Rule XXI, paragraph 5 General Rules of the Organization;
 - policy aspects of relations with international governmental or non-governmental organizations, national institutions or private persons.

Working methods and practices

4. In carrying out its functions, the Committee will seek to abide by working methods and practices recognized as 'best practice', and keep them under review. In particular, the Committee will:

- Seek to formulate clear, precise, consensual and actionable recommendations to be submitted for endorsement by the Council.
- Seek to work, in close collaboration with relevant FAO Governing and Statutory Bodies.
- Consult, through its Chairperson, with the Independent Chairperson of the Council.
- Seek to examine any relevant practices developed in relevant institutions, particularly across the United Nations System.
- Without prejudice to the need for the Committee to obtain full information on all relevant aspects of the legal issues under discussion, seek to prepare succinct documents that have a standardized cover page with a box containing an executive summary and suggesting the proposed action.
- Ensure that Committee documents are available in relevant FAO languages at least two weeks before the session commences.

5. The Committee will examine once every year its working methods and activities, to consider matter such as improvements in the formulation of agendas, preparation of documents, conduct of session, drafting of reports.

6. As necessary, the Chairperson shall facilitate continuity of work between Committee sessions with proactive support from the Secretariat, including through consultations with Members, as appropriate.

7. The Committee will report biennially to the Council on the implementation of its MYPOW.