



منظمة الأغذية
والزراعة
للأمم المتحدة

联合国
粮食及
农业组织

Food
and
Agriculture
Organization
of
the
United
Nations

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

Продовольственная и
сельскохозяйственная
организация
Объединенных
Наций

Organización
de las
Naciones
Unidas
para la
Agricultura
y la
Alimentación

COUNCIL

Hundred and Thirty-sixth Session

Rome, 15 – 19 June 2009

REPORT OF THE EIGHTY-FIFTH SESSION OF THE COMMITTEE ON CONSTITUTIONAL AND LEGAL MATTERS (CCLM) Rome, 23 – 24 February 2009

I. INTRODUCTION

1. The Eighty-fifth Session of the Committee on Constitutional and Legal Matters (CCLM) was held on 23 and 24 February 2009. The Session, open to silent observers, was chaired by Mr Julio Fiol (Chile). The Members of the Committee listed below were represented:

Chile, Gabon, Indonesia, Lesotho, Netherlands and United States of America

II. COMPLETION OF THE REVIEW OF AMENDMENTS INITIATED AT THE EIGHTY-FOURTH SESSION

2. The CCLM agreed with the arrangements proposed for the session and, in particular, stressed that it was important to conclude the review of the proposed amendments to the Constitution of FAO, which had been initiated at its Eighty-fourth Session.

3. So that the Conference Committee and all Members could have a complete view of all proposed amendments agreed upon up to now, the CCLM requested the secretariat to prepare an appendix to its report presenting all proposed amendments to the Basic Texts agreed to by the CCLM so far, as well as amendments to the Rules of Procedure recommended for adoption by the Committees concerned.

(a) **Appointment and term of office of the Director-General and related matters**

4. The CCLM resumed the review of the issue of the appointment and term of office of the Director-General and outstanding related matters examined at its previous sessions on the basis of document CCLM 85/2 containing draft amendments to Article VII of the Constitution and to Rule XXXVI of the General Rules of the Organization (GRO).

5. The CCLM endorsed the text of revised Article VII, paragraphs 1 and 3 of the Constitution, reproduced in the appendix to this report.

6. The CCLM reviewed the proposed procedure to deal with an unexpected vacancy in the office of the Director-General set out in revised paragraph 3 of Rule XXXVI of the GRO. The CCLM recalled that it had asked the secretariat to make a proposal for an *ad hoc* accelerated procedure building upon current procedures of Article VII, paragraph 3 of the Constitution. The CCLM agreed with the proposed amendment which, without defining the substance of the accelerated procedure, called upon the Council to make promptly the required arrangements for the election of a new Director-General.

7. The CCLM noted its earlier discussions on current provisions of paragraph 2 of Rule XXXVI of the GRO whereby the Deputy Director-General acts as Director-General in the event of a vacancy in the office of Director-General or in the event that the Director-General should be unable to act. The CCLM noted that it had requested the secretariat to make proposals to deal with the matter, following inter-agency consultation as appropriate, in the light of the decision taken that there should be in future two Deputy Directors-General. The CCLM endorsed the proposal that the Deputy Director-General with greater seniority in the position should act as Director-General in any case where the Director-General is unable to act or in the event of a vacancy in the office of the Director-General. In case both Deputy Directors-General were appointed at the same time, the functions should 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 (new paragraph 5 of Rule XXXVI of the GRO).

8. In connection with the above, the CCLM noted the proposal whereby an acting Director-General should exercise caretaker functions and functions of an interim nature and facilitate the process of election of a new Director-General. Following review of the matter, the CCLM considered that the proposal could raise difficulties of interpretation and should be removed. In this connection, the CCLM noted that no doubts could arise as to the need for the Governing Bodies to take prompt steps for the election of a new Director-General in the event of a vacancy, but in the meanwhile it was important that the acting Director-General should be able to manage the Organization effectively.

9. The CCLM endorsed the revised provisions set out in Rule XXXVI of the GRO also reproduced in the appendix to this report.

(b) **Regional Conferences and Technical Committees**

10. The CCLM noted that, at its Eighty-fourth Session, it had endorsed the substance of the proposed amendments to Article IV and Article V of the Constitution regarding Regional Conferences and Technical Committees. While expressing its concurrence with the substance of the proposed amendments, the CCLM agreed to examine again the issue of whether they should be set out in Articles IV and V, or whether there should be a distinct new Article dealing only with Regional Conferences, or a distinct Article regarding both Regional Conferences and Technical Committees.

11. The CCLM noted the observations made by the secretariat regarding the need to follow a general principle of economy when amending important legal instruments, as well as a need for utmost caution when renumbering provisions of primary legislation, as this was likely to lead to misunderstanding in cross-references. The CCLM noted that the addition of a new, distinct Article to the Constitution would require renumbering of all subsequent Articles of the Constitution which would, in turn, involve considerable consequential amendments to other provisions of the Basic Texts and to working practices, terminology and nomenclature used in the Organization.

12. In the light of these observations, the CCLM concurred with the earlier recommendations of the Secretariat regarding the proposed amendments to Articles IV and V of the Constitution regarding Regional Conferences and Technical Committees, reproduced in the appendix to this report.

13. The CCLM reviewed and amended the content of proposed new Rule XXXV of the GRO, reproduced in the appendix to this report.

(c) **Other issues arising from the Eighty-fourth session**

14. The CCLM recalled that, at its Eighty-fourth Session, the issue of the deadline for submission of nominations by Member Nations to the office of Chairpersons of the Programme and Finance Committees had been left open. The CCLM agreed with the proposal of the secretariat, made after consultation with the relevant unit of the Organization, of a deadline for nomination of twenty days before the opening of the Council session at which the election is to be held. This deadline would concern nominations by Member Nations of both Members and Chairpersons of the Committees.

15. The CCLM also referred to its previous discussions regarding paragraph 8(b) of Rule XXVI of the GRO allowing five or more Member Nations of the Organization to request the Director-General to convene a session of the Programme Committee. The CCLM requested the secretariat to propose a revised figure for the number of such Member Nations, taking into account the number of Member Nations of the Organization at the time when the provision was introduced and the current number of Member Nations of the Organization. At the Eighty-fourth Session, the secretariat informed that it would research the matter and provide the required information.

16. The secretariat informed the CCLM that the Rule had been introduced in 1957 and that the Organization had 72 Members at that time. Given the current membership of the Organization (191 Members), the CCLM recommended that the figure of five Members be increased to fifteen. Therefore, revised paragraph 8(b) of Rule XXVI of the GRO would make provision for the Programme Committee to hold sessions on the call of the Director-General, or in pursuance of a request submitted in writing to him by fifteen or more Member Nations.

17. The CCLM examined the issue of whether, in the event that the Chairperson elected by the Council should be unable to attend a session of the Committee, or be unable to exercise his functions, the Vice-Chairperson should be able to vote and whether this should be reflected in revised Rule XXVI of the GRO. The Committee noted that, under the new procedures, the Council would first elect a Chairperson from among the nominated representatives of Member Nations of the Organization and that the Chairperson would be elected on the basis of individual qualifications and should not represent a region or a country. Under the new scheme the Chairperson would not vote. However, the Members of the Committee elected on a regional basis were expected to represent their regions and should vote.

18. The CCLM noted that the Committees were due to amend their Rules of Procedure in particular to reflect the fact that the Chairperson would not vote. On that occasion, it would be possible, though a revision of the Rules of Procedure, to clarify that a Vice-Chairperson acting as Chairperson would be able to vote. The CCLM noted that situations where a Vice-Chairperson would be acting as Chairperson would be of an exceptional nature and, furthermore, the normal decision making method of the Committees is by consensus.

19. The CCLM noted that the Committees could amend their Rules of Procedure to deal with the matter. Revised Rule IV of the Rules of Procedure of the Committees could read, *inter alia*, as follows:

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

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

(...)”

20. The CCLM endorsed revised Rule XXVI of the GRO, as reproduced in the appendix to this report. Revised Rule XXVII concerning the Finance Committee would be established on the basis of this Rule.

III. DELEGATION OF AUTHORITY OF THE DIRECTOR-GENERAL

21. The CCLM reviewed document CCLM 84/7 entitled “*Delegation of authority by the Director-General*” regarding implementation of IPA Action 3.43, on which there had been an informal exchange of information at its earlier session.

22. The CCLM noted that the document reflected extensive research and inter-agency consultation and that, in general, it was considered throughout the United Nations system that executive heads had inherently the right to delegate authority while retaining accountability towards the relevant Governing Bodies. The CCLM also noted that the Conference Committee had discussed the matter extensively and that IPA Action 3.43 was the outcome of a long process of review of the matter.

23. The CCLM endorsed the following new paragraph 5 of Rule XXXVII of the GRO:

“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”.

IV. CRITERIA FOR DISTRIBUTION OF PROPOSED AMENDMENTS IN THE BASIC TEXTS

24. The CCLM examined document CCLM 85/3 entitled “*Criteria for distribution of proposed amendments in the Basic Texts*”. The CCLM noted that the issue addressed in the document had been the subject of a general discussion at its Eighty-third session and that the document had been prepared in response to a request made on that occasion. The CCLM observed that the structure of what was commonly referred to as the Basic Texts was a complex one

consisting of instruments of different rank in the hierarchy of legal texts. The CCLM noted that Volume I of the Basic Texts consisted of the Constitution, the General Rules, the Financial Regulations, and the Rules of Procedure of the Council and of a number of committees, whereas Volume II included a number of Conference resolutions and other decisions on important matters.

25. The CCLM concurred with the views of the secretariat that the matter was of considerable practical importance for the preparation and review of draft amendments and noted that there was a need for the secretariat and the CCLM to continue to prepare and review amendments to the relevant Basic Texts in the framework of the IPA, including possible Conference and Council resolutions and decisions.

26. The CCLM agreed that the following criteria could be followed in the process under way:

26.1. Actions involving changes to provisions which are currently set out in the Constitution, the GRO, the Financial Regulations and the Rules of Procedure of the Council and the Committees should be implemented through amendments to these same instruments;

26.2. The provisions of the Constitution, the GRO and the Financial Regulations should continue to contain the main rules of the Organization and these rules should continue to be concise provisions of a general nature. This consideration was particularly important as regards the Constitution given its status as a treaty and constituent instrument of an intergovernmental organization;

26.3. Actions involving the preparation of detailed rules on processes, working methods and administrative structures, which may need to be adjusted from time to time, should be implemented through the appropriate legal instruments in the hierarchy of legal texts, including through Conference or Council resolutions and decisions;

26.4. The Conference at its thirty-sixth session should decide, on the basis of recommendations of the CCLM and the Council, which provisions should be incorporated in Volume II of the Basic Texts.

V. ANY OTHER MATTERS

27. There were no other matters.

APPENDIX

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*.

I. AMENDMENTS TO THE CONSTITUTION

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

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

“Functions of the Conference

(...)

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

Technical Committees (IPA action 2.56)

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

“Council of the Organization

(...)

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

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

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

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

Director-General (IPA action 2.101)

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

“The Director-General

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

II. AMENDMENTS TO THE GENERAL RULES OF THE ORGANIZATION (GRO)

Reporting lines of the Technical Committees (IPA action 2.56)

Addition of new sub-paragraphs (xi) and (xii) to paragraph 2(c) of **Rule II** of the GRO concerning the agenda of the Conference:

“Agenda*Regular sessions*

1. (...)
2. The provisional agenda for a regular session shall include:
 - (...)
 - (c) (...)
 - (...)

- (xi) review, in accordance with Article V, paragraph 6 of the Constitution, the reports 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;
- (xii) review, in accordance with Article IV, paragraph 6 of the Constitution and Rule XXXV of these Rules the reports of the Regional Conferences.”

Addition of new sub-paragraphs (c) and (d) to paragraph 2 of **Rule XXIV** of the GRO:

“Functions of the Council

(...)

2. *Current and prospective activities of the Organization, including its Programme of Work and Budget*

The Council shall:

(...)

(c) review, in accordance with Article V, paragraph 6 of the Constitution, the reports 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.

(d) review, in accordance with Article IV, paragraph 6 of the Constitution and Rule XXXV of these Rules the reports of the Regional Conferences.

(...)”

Programme Committee (IPA actions 2.44 to 2.47)

Revised **Rule XXVI** of the GRO:

“Programme Committee

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

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

circulate this information in writing to Members of the Council before the Council session at which the election is to be held. The same procedure shall apply to the nomination of the Chairperson.

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

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

5. The Chair~~man~~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 Chair~~man~~person of the Council may attend all meetings of the Programme Committee.

7. The Programme Committee shall have the following functions:

(...)

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

(a) on the call of its Chair~~man~~person 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. Unless otherwise decided by the Programme Committee, its sessions shall be open to silent observers who 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.”

Finance Committee (IPA actions 2.44 to 2.47)

Revised **Rule XXVII** of the GRO:

“Finance Committee

1. The Finance Committee provided for in paragraph 6 of Article V of the Constitution shall be composed of representatives of ~~eleven~~ twelve Member Nations of the Organization. Such Member Nations shall be elected by the Council in accordance with the procedure set forth in paragraph 3 of this Rule. Members of the Committee shall appoint as their representatives individuals who have shown a continued interest in the objectives and activities of the Organization, have participated in Conference or Council sessions and have special competence and experience in economic, social and technical matters pertaining to the various fields of the Organization’s activities. Members of the Committee shall be elected

for a period of two years at the session of the Council ~~immediately~~ following the regular session of the Conference. *Their term of office shall expire upon election by the Council of new Members.* They shall be eligible for reappointment.

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

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

- (a) The Council shall first elect a ~~Chairman~~ *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~~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) ~~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~~person elected in accordance with the Rules of Procedure of the Committee. If due to incapacity, death or any other reason the Chairperson of the Committee elected by the Council is prevented from exercising his functions for the remainder of the term, the functions shall be exercised by the Vice-Chairperson elected in accordance with the Rules of Procedure of the Committee until the election by the Council, at its first session following the occurrence of the vacancy, of a new Chairperson. The new Chairperson shall be elected for the remainder of the vacated term of office.

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

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

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

(...)

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

- (a) on the call of its ~~Chairman~~Chairperson acting on his own initiative or in pursuance of a decision of the Committee or of a request submitted in writing to the ~~Chairman~~Chairperson by ~~three~~ seven Members of the Committee; or
- (b) on the call of the Director-General acting on his own initiative or in pursuance of a request submitted in writing to him by ~~five~~ fifteen or more Member Nations.

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

9. Unless otherwise decided by the Finance Committee, its sessions shall be open to silent observers who 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.”

Committee on Commodity Problems (IPA action 2.62)

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

“Committee on Commodity Problems

(...)

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

(...)”

Committee on Agriculture (IPA action 2.61)

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

“Committee on Agriculture

(...)

6. The Committee shall:

(...)

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

(...)”

Committee on World Food Security (IPA action 2.65)

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

“Committee on World Food Security

(...)

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

(a) examine major problems and issues affecting the world food situation, *including through the report on the State of Food Insecurity in the*

World, and the steps being proposed or taken to resolve them by Governments and relevant international organizations, bearing in mind the need for the adoption of an integrated approach towards their solution;

(...)”

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

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

“Regional Conferences

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

suggestions as to the organization of the next session of the Regional Conference, with particular reference to the agenda of the session..

- (b) The Director-General shall, in consultation with the Chairperson of the Regional Conference, and taking into account the process mentioned in subparagraph (a) above, prepare a provisional agenda and despatch it to Members not less than 60 days in advance of the session.
- (c) Any Member of the Regional Conference may request the Director-General, not less than 30 days before the date of a session, to insert an item in the provisional agenda. The Director-General shall thereupon, if necessary, circulate a revised provisional agenda to all Members together with any necessary papers.
5. The Regional Conferences will adopt such arrangements, consistent with the Constitution and these Rules, as may be necessary for their internal working, including the appointment of a rapporteur. The Regional Conferences may also adopt and amend their own Rules of Procedure, which shall be consistent with the Constitution and these Rules.”

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

Revised **Rule XXXVI** of the GRO:

“Appointment of the Director-General

1. In pursuance of paragraph 1 of Article VII of the Constitution, the Director-General of the Organization shall be appointed under the following conditions:
- (a) When the term of office of the Director-General is due to expire, the appointment of a new Director-General shall be placed on the agenda of the regular session of the Conference immediately preceding the expiry of the term of office; whenever, for other reasons, the office of the Director-General is vacant, or notice is received of a pending vacancy, the appointment of a new Director-General shall be placed on the agenda of the next session of the Conference which opens not less than ~~90~~ 120 days from the occurrence or notice of the pending vacancy.
- (b) In consideration of the expiry of the term of office of the Director-General, the Council shall set the dates for a period during which Member Nations may submit nominations for the office of Director-General. The nomination period shall have a duration of not less than twelve months and end at least 60 days prior to the beginning of the session of the Council referred to in sub-paragraph (c) of this paragraph. The nomination period shall be communicated to all Member Nations and Associate Members by the Secretary-General of the Conference and Council. Nominations validly made in accordance with Rule XII.5 of these Rules shall be communicated to the Secretary-General of the Conference and Council by the date set by the Council. The Secretary-General shall circulate these nominations to all Member Nations and Associate Members by the date likewise set by the Council, it being understood that in the case of an election taking place at a regular session of the Conference, such date set by the Council shall be not later than 30 days before the session of the Council provided for in subparagraph (c) of this paragraph ~~Rule XXV.2 (e) of these Rules.~~

- (c) Subject to such arrangements as the Council may make consistent with these Rules aimed at ensuring equality among candidates, candidates shall address the session of the Council which will be scheduled not less than sixty days before the session of the Conference and respond to such questions as may be put to them by Member Nations and Associate Members of the Organization. There shall be no debate and the Council shall not draw any conclusion or recommendation from any of the statements or interventions made.
- (d) As soon as possible after the opening of the Conference session, the General Committee shall determine and announce the date of the election, it being understood that the appointment of the Director-General at a regular session shall begin and be effected within three working days following the opening date of such session. Candidates shall address the Conference and respond to questions that Member Nations and Associate Members may put to them, subject to such arrangements as the Conference may make consistent with these Rules aimed at ensuring equality among candidates.
- (e) Travel expenses of each candidate, properly incurred in travelling, by the most direct route from his/her duty station to the site of the Council and Conference sessions referred to in sub-paragraphs (c) and (d) of this paragraph and return to his/her duty station, as well as a subsistence allowance for up to five days per session, shall be borne by the Organization in accordance with its travel regulations.
- ~~2.(b)~~ The Director-General shall be elected by a majority of votes cast. Until a candidate obtains the required majority, the following procedure shall apply:
- (~~a~~) two ballots shall be held among all candidates;
- (~~b~~) the candidate having received the smallest number of votes in the second ballot shall be eliminated;
- (~~c~~) thereafter, successive ballots shall be held, and the candidate having received the smallest number of votes in any one of these ballots shall be eliminated, until only three candidates remain;
- (~~d~~) two ballots shall be held among the three remaining candidates;
- (~~e~~) the candidate having received the smallest number of votes during the second ballot referred to in subparagraph (~~d~~) above shall be eliminated;
- (~~f~~) a subsequent ballot, or successive ballots if necessary, shall be held among the two remaining candidates until one candidate obtains the required majority;
- (~~g~~) in the event of a tie between two or more candidates having received the smallest number of votes in one of the ballots referred to in subparagraphs (~~b~~) or (~~c~~) above, a separate ballot or, if necessary, separate ballots shall be held among such candidates, and the candidate having received the smallest number of votes in such ballot or ballots shall be eliminated;
- (~~h~~) in the event of a tie between two candidates having received the smallest number of votes in the second of the two ballots referred to in subparagraph (~~d~~) above, or if all three candidates have received the same number of votes in that ballot, successive ballots shall be held among all three candidates until one candidate has received the smallest number of votes, after which the procedure provided in subparagraph (~~f~~) above shall apply.

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

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

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

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

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

“Functions of the Director-General

(...)

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

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

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

“Provisions relating to staff

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

(...)”

III. PROPOSED CONFERENCE RESOLUTION ON MINISTERIAL MEETINGS (IPA actions 2.66 and 2.67)

The CCLM recommended the adoption of the following resolution by the Conference. The CCLM recommended that the resolution should be reproduced in Volume II of the Basic Texts.

“THE CONFERENCE:

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

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

Recalling Article V, paragraph 5 of the Constitution,

DECIDES:

1. Ministerial Meetings, held in conjunction with sessions of technical committees established under Article V, paragraph 6 of the Constitution, may be convened from time to time as decided by the Conference or Council, when matters developed at technical level are deemed to require political endorsement or visibility.

2. Subject to the decision of Conference or Council, Ministerial Meetings should not deal with programme and budget matters which are addressed in the context of the programme of work and budget process, nor with matters primarily of a regional, technical or scientific nature which are normally considered by statutory bodies of the Organization.

3. Ministerial Meetings shall normally report to the Conference, except that any relevant issues having programme or budget implications shall be referred to the Council.”

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

Reporting lines of the Technical Committees (IPA action 2.56)

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

“At each session, the Committee shall approve a report embodying its views and recommendations and decisions, including when requested, a statement of minority views. The Committee shall make every effort to ensure that recommendations are precise and can be implemented. Policy and regulatory matters shall be referred to the Conference whereas programme and budget matters shall be referred to the Council. Any recommendations adopted by the Committee which affect the programme or finances of the Organization shall be

reported to the Council with the comments of the appropriate committees of the Council.”¹

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

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

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

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

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

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

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

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

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

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