

April 2007



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

Organización  
de las  
Naciones  
Unidas  
para la  
Agricultura  
y la  
Alimentación

E

## COUNCIL

### Hundred and Thirty-second Session

Rome, 18-22 June 2007

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

Rome, 4-5 April 2007

### Table of Contents

	Pages
I. INTRODUCTION	1
II. AMENDMENT OF THE CONSTITUTION AND THE GENERAL RULES OF THE ORGANIZATION (ADOPTION OF RUSSIAN AS A LANGUAGE OF THE ORGANIZATION)	1
III. PROCESS FOR A CHANGE IN THE NATURE OF A STATUTORY BODY OF FAO ESTABLISHED UNDER ARTICLE XIV OF THE CONSTITUTION INTO A BODY OUTSIDE THE FRAMEWORK OF FAO (CHANGE IN STATUS OF THE INDIAN OCEAN TUNA COMMISSION)	2

For reasons of economy, this document is produced in a limited number of copies. Delegates and observers are kindly requested to bring it to the meetings and to refrain from asking for additional copies, unless strictly indispensable.

---

IV.	FINANCIAL DISCLOSURE REQUIREMENTS FOR DESIGNATED STAFF MEMBERS OF THE ORGANIZATION (AMENDMENT OF THE STAFF REGULATIONS)	6
V.	PERSONAL STATUS FOR PURPOSES OF STAFF ENTITLEMENTS	7
VI.	REPRESENTATION OF THE NEAR EAST REGION IN THE FINANCE COMMITTEE	8
VII.	ACCESS BY MEMBERS TO REPORTS OF THE OFFICE OF THE INSPECTOR-GENERAL	8

**APPENDIX I:** Draft Conference Resolution - Amendment of Article XXII of the FAO Constitution - Authentic Russian text of the FAO Constitution

**APPENDIX II:** Draft Conference Resolution - Amendment of Rule XLVII of the General Rules of the Organization - Adoption of Russian as a language of the Organization

## I. INTRODUCTION

1. The 81<sup>st</sup> Session of the Committee on Constitutional and Legal Matters (CCLM) was held on 4 and 5 April 2007. The Session was chaired by Mr. John Cornet d'Elzius (Belgium). All the Members of the Committee, as listed below, were represented:

**Belgium, Czech Republic, Gabon, Guatemala, Philippines, Syrian Arab Republic and United States of America.**

## II. AMENDMENT OF THE CONSTITUTION AND THE GENERAL RULES OF THE ORGANIZATION (ADOPTION OF RUSSIAN AS A LANGUAGE OF THE ORGANIZATION)

2. The CCLM examined document CCLM 81/2 entitled "*Amendment of the Constitution and the General Rules of the Organization (Adoption of Russian and a language of the Organization)*", in the light of the membership of FAO by the Russian Federation. The CCLM was informed of relevant historical background. Thus, at its 1<sup>st</sup> Session in 1945, the Conference decided that the rules of FAO governing the use of languages in its proceedings and documentation should be those of the United Nations. Subsequently, at its Special Session of 1950, since the Constitution had been formulated in English only, the Conference approved an amendment to Article XXII of the Constitution to the effect that the English, French and Spanish texts of the Constitution should be equally authoritative and adopted authentic French and Spanish versions of the Constitution. The CCLM also noted that in 1969 the Conference approved the Arabic text of the Constitution and amended Article XXII to the effect that the Arabic, English, French and Spanish texts of the Constitution should be equally authoritative and that, in 1977, the same approach was taken in respect of the Chinese text of the Constitution.

3. The CCLM concurred with the proposal that, subject to review of budgetary and programme aspects, the same course of action could be taken in respect of the Russian text of the Constitution. Therefore, the Conference could approve an authentic text of the Constitution of FAO, as well as an amendment to Article XXII, whereby the Arabic, Chinese, English, French, Russian and Spanish texts of the Constitution would be equally authoritative. The CCLM noted that the proposed revision of Article XXII was straightforward and did not call for any observation on its part. However, insofar as the proposal involved an amendment of the Constitution, it was subject to the procedural requirements set out in Article XX of the Constitution. Under this Article, proposals for amendment of the Constitution may be made either by the Council or by a Member Nation, and no such proposal may be included in the agenda of any session of the Conference unless notice thereof has been dispatched by the Director-General to Member Nations and Associate Members at least 120 days before the opening of the Conference session. The CCLM recommended to the Council that, should it decide to make a proposal to the Conference to amend Article XXII of the Constitution, notice of the proposed amendment, together with a Russian version of the Constitution of FAO would have to be circulated by the Director-General to the Members on 20 July 2007 at the latest.

4. The CCLM also noted that Rule XLVII of the General Rules of the Organization, entitled, "*Languages*" would need to be amended to read as follows: "*Arabic, Chinese, English, French, Russian and Spanish are the languages of the Organization*".

5. In this connection, the CCLM was informed that, since a decision taken by the Conference in 1977, no distinction was made between official and working languages, but that a pragmatic approach to the use of languages in the Organization should be maintained. The CCLM noted that the adoption of Russian as a language of the Organization could have an impact upon the Rules of Procedure of some bodies established under Article VI or Article XIV of the Constitution where such rules existed, but that this would be a matter for review by the bodies concerned. Finally, the CCLM underlined that the matter had to be seen in the light of its budgetary and financial implications which would be reviewed by the Programme and Finance Committees and the Council.

6. The CCLM recommended to the Council, at its 132<sup>nd</sup> Session in June 2007 that, subject to review of the programme and financial implications of the proposal, it should propose to the Conference the adoption of an authentic Russian text of the Constitution, as well as an amendment to Article XXII of the Constitution as per draft Conference resolution attached to this report as **Appendix I**. The CCLM also recommended to the Council that consideration be given to proposing an amendment to Rule XLVII of the General Rules of the Organization, as per draft Conference resolution attached to this report as **Appendix II**.

### **III. PROCESS FOR A CHANGE IN THE NATURE OF A STATUTORY BODY OF FAO ESTABLISHED UNDER ARTICLE XIV OF THE CONSTITUTION INTO A BODY OUTSIDE THE FRAMEWORK OF FAO (CHANGE IN STATUS OF THE INDIAN OCEAN TUNA COMMISSION)**

7. The CCLM took note of a detailed presentation of document CCLM 81/3 “*Process for a change in the nature of a statutory body of FAO established under Article XIV of the Constitution into a body outside the framework of FAO (Change in status of the Indian Ocean Tuna Commission)*” by the Secretariat of FAO:

- It was underlined, first, that in the event that the Members of a particular statutory body established by international agreement under Article XIV of the FAO Constitution should express the desire that such body be removed from the framework of FAO and be no longer operated by FAO, the wishes of the Members should be taken into account and FAO should take a proactive approach towards the process, provided that such process was compatible with its own rules. Second, insofar as the preparation, negotiation and conclusion agreements under Article XIV of the Constitution involved various governing bodies of FAO and through them all FAO membership, during a process which, in the case of IOTC, lasted for many years, the change in the nature of the IOTC concerned FAO as a whole. Third, no procedure for the removal of a statutory body from the framework of FAO to outside the Organization had been foreseen either in the Basic Texts or in any policies or procedures established by the Conference or Council, or in the constituent agreement, and the matter could concern potentially a number of other conventions or agreements. It was therefore essential that the matter be addressed in a legally correct manner so that the future situation of the Commission should be clear in the interest of all concerned parties and that any possible legal uncertainty or potential liabilities for the FAO and its Members be eliminated.

- The FAO Secretariat recalled that the report of the 3<sup>rd</sup> Special Session of IOTC indicated that the Members present at that Session had reached consensus on a comprehensive set of amendments reproduced in Appendix I to document CCLM 81/3. The purpose of the set of amendments was, *inter alia*, to remove all references to FAO in the IOTC Agreement, which were an expression of its nature as a statutory body of FAO, placed within the framework of and operated by FAO. Once adopted by IOTC, the Commission would cease to be a statutory body of FAO under Article XIV of the Constitution. It was envisaged that the Members would act under provisions of Article XX of the Agreement. Under this Article, *“proposals for amendments may be made by any Member of the Commission or by the Director-General”*. A distinction was made between amendments not involving new obligations and amendments involving new obligations. *“Amendments not involving new obligations for Members of the Commission shall take effect for all Members from the date of their adoption by the Commission (...)”*. On the contrary, *“amendments involving new obligations for Members of the Commission shall, after adoption by the Commission, (...) come into force in respect of each Member only upon its acceptance thereof. The rights and obligations of any Member of the Commission that has not accepted an amendment involving new obligations shall continue to be governed by the provisions of this Agreement in force prior to the Amendment”*.
- Subsequent to the 3<sup>rd</sup> Special Session of IOTC, the Chairperson of the Commission sent a number of letters to the Director-General, one of which requested the Director-General, under Article XX of the IOTC Agreement, to circulate to the Parties the set of amendments for formal adoption at the forthcoming 11<sup>th</sup> Session to be held from 14 to 18 May 2007. However, insofar as a number of concerns had been expressed, both formally and informally by various IOTC Members as to the legal correctness of the procedure being followed, including in the report of the 3<sup>rd</sup> Special Session of IOTC, the Director-General decided to refer the matter to the Governing Bodies of FAO with particular reference to the CCLM and the Council.
- The amendment procedure set out in Article XX of the IOTC Agreement was intended to allow for the adoption of amendments to an agreement concluded under Article XIV of the FAO Constitution and operated by FAO and had an inherent limitation, i.e. that it only concerned amendments to an agreement within the framework of FAO which retained that character. It was therefore questionable to consider that an amendment procedure intended to allow for the modification of an agreement within the framework of FAO, could be used to establish a new agreement outside the framework of FAO and set up a new entity, distinct from FAO. This was also confirmed by consultation with other organizations of the United Nations system, the Basic Texts of which made provision for agreements similar to those concluded under article XIV of the FAO Constitution, such as ILO, UNESCO, IMO and WIPO. It was not legally correct to follow an amendment procedure and, what is more, a simplified amendment procedure to deal with purely routine and technical matters, in order to set up a new international agreement and a new organization, as this could be viewed as the use of a procedure for purposes other than those for which it was instituted.

- As to the nature of the proposed amendments, although the question of whether or not a particular set of amendments involved new obligations was primarily a matter for IOTC Members, doubts were expressed to FAO by some IOTC Members as to whether they did not imply indeed new obligations and could thus enter into force upon adoption by IOTC. Amendments aimed at removing IOTC from the framework of FAO involved inherently new obligations for the Members. This was so because obligations currently borne by FAO as a result of its status, such as FAO legal personality, pre-existing agreements providing for privileges and immunities within the territories of most, if not all, FAO Members, including with the host country, availability of social security and pension schemes for staff, legal liability in respect of all activities of the Commission, would have to be borne entirely by the Commission and its Members, or negotiated with outside countries and other parties, once the Commission was placed outside FAO. In this connection, it was underlined that the criteria used by IOTC to determine whether amendments involved new obligations, formulated earlier by the CCLM and approved by the Council, had been developed in the context of the review of the amendment of agreements under the framework of FAO, which remained within that framework and, therefore, such criteria had been used by IOTC out of context. This was confirmed by the position of a number of IOTC Members which intended to follow internal ratification procedures which were incompatible with the procedure of Article XX, paragraph 4 of the IOTC Agreement. In addition, a request made to FAO, and the views of a number of IOTC Members expressed during the recently concluded session of the Committee on Fisheries, indicated that it was expected that FAO should continue to assume a number of obligations after the adoption of the amendments. This contradicted the position that the amendments did not involve new obligations for the Members and could enter into force upon adoption by the Commission.
- The FAO Secretariat proposed, in order to preserve the rights and obligations of all parties, that the Agreement of 1993 be terminated according to its withdrawal and termination clause set out in Article XXI, which had been specifically designed to deal with the situation under consideration, and that a new Agreement establishing a new legal entity – which would be no longer FAO - be adopted. In this connection, it was pointed out that despite limited possibilities of international action, IOTC had no legal personality, as it had been confirmed by the Council at its Session of November 2004. The new entity would have its own legal personality and not that of FAO, its own staff, its own rights and obligations, its own assets and liabilities, as well as its own capacity to sue and to be sued in accordance with international law and such national laws as might be applicable. It would have to negotiate agreements providing for privileges and immunities in its Members and its own headquarters agreement with the host country. Any risk of potential liabilities for the Organization and its Members in future would thus be dispelled.
- For this purpose, three recommendations were made. First, it was proposed that a Conference of Plenipotentiaries be convened open to the States and regional economic integration organizations, both from the region and from outside the region, that would wish to become Parties to the new Agreement, in accordance with the criteria of the existing Agreement. Second, the matter had to be addressed under Article XXI of the IOTC Agreement on withdrawal and termination and it was therefore proposed to implement a concomitant process of withdrawal and termination of the existing IOTC Agreement and entry into force of a new IOTC Agreement, including such practical measures as would be legally possible to expedite the process of withdrawal and termination of the existing IOTC Agreement and the entry into force of the new IOTC Agreement. Insofar as the consensual nature of the amendments had been emphasized, such process could be implemented expeditiously. Third, in parallel, if all IOTC Members so wished, FAO could operate the IOTC trust fund for a limited period of time until IOTC

was able to make or conclude such arrangements as would be necessary for it to be operational as a body distinct from FAO.

8. Having taken note of the above position of the FAO Secretariat, the CCLM also took note of a detailed presentation regarding the position of the IOTC made by the Chairperson of the CCLM in his capacity as representative of Belgium. He noted that the main purpose of the IOTC Agreement was that of ensuring the long term management of tuna in the Indian Ocean, but it was not functioning effectively in view of its inability to involve in its work a fishing entity accounting for a substantial part of tuna catches in the region. Therefore, the removal of IOTC from the framework of FAO had to be envisaged. The implementation of the procedure proposed by FAO would be a long process as evidenced by the process of ratification of the new Inter-American Tropical Tuna Convention where five years after the adoption of the Convention only 2 out of 13 States had ratified the new Convention. It was therefore proposed that the Commission should adopt an amendment under Article XX, paragraph 4 of the IOTC Agreement. In this connection, it was underlined that IOTC was of the view that IOTC Members had full capacity to amend the Agreement and it would be up to the Council of FAO to disallow any such amendments if they were inconsistent with the purposes and objectives of FAO or with the provisions of the FAO Constitution. The IOTC Members, which had authority to conclude the IOTC Agreement within FAO, had also authority to amend it and withdraw the Commission from the framework of FAO. In addition, IOTC had its own legal personality as recognized by Article XV of the IOTC Agreement, which foresees that IOTC may conclude agreements with external organizations and institutions. At present, FAO was legally responsible for the Commission (budget, personnel, legal capacity to sue and be sued) but nothing prevented this responsibility from being transferred to IOTC through an amendment of the Agreement. According to IOTC, the proposed amendments did not involve new obligations and would enter into force upon adoption, without being referred to a ratification procedure by IOTC Members. At present 4 percent of the budget was paid to FAO as Project Servicing Costs for administrative tasks and this was sufficient to allow IOTC to assume any additional responsibilities currently borne by FAO. All obligations and responsibilities borne by FAO at present would be transferred to IOTC, at a date to be determined in the context of a transitional agreement.

9. The CCLM considered that the situation was complex and unprecedented and, therefore, that it was essential to make a complete review of the matter, keeping in mind all the implications of any proposed option, including the fact that any decision in this respect will establish a precedent in international law which may have an impact upon other organizations of the United Nations system. The FAO Basic Texts provide explicitly for consultation with other organizations in connection with the negotiations of agreements under Article XIV of the Constitution.

10. In order for it to be able to review the matter and make a recommendation to the Council, the CCLM requested that an informal group of legal experts of all the IOTC Members, CCLM Members, as well as representatives of relevant organizations of the United Nations as might be deemed appropriate, should examine the matter. The CCLM would subsequently review the work of the informal group and provide its advice to the Council. The CCLM requested that the informal group should meet as soon as feasible, taking into account the calendar of the relevant sessions of the Governing Bodies of FAO, and subject to availability of funds.

11. The Chairperson of the CCLM, expressing himself as representative of Belgium, and the representative of the Czech Republic, expressed the view that the informal group should hold its meeting prior to the forthcoming Session of IOTC in May 2007.

#### **IV. FINANCIAL DISCLOSURE REQUIREMENTS FOR DESIGNATED STAFF MEMBERS OF THE ORGANIZATION (AMENDMENT OF THE STAFF REGULATIONS)**

12. The CCLM examined the comprehensive submission set out in document CCLM 81/4 “*Financial Disclosure Requirements for Designated Staff Members of the Organization (Amendments of the Staff Regulations)*”. The CCLM noted that as part of its efforts to uphold the highest standards of integrity and avoid or prevent situations of conflict of interest, the United Nations had introduced a financial disclosure requirement for designated officials. The CCLM noted that it was proposed to amend the Staff Regulations, based on the provisions currently in force at the United Nations, in order to provide a basis for the introduction of the system and that the content of the proposed Staff Regulations should be the same *mutatis mutandis* as that of the United Nations Staff Regulations. The CCLM was informed that a request for adoption of such provisions had been made by the Executive Director of WFP, and noted that the revised Staff Regulations would apply to the staff of the World Food Programme which, in accordance with Article VII, paragraph 6 of the General Regulations, is administered in accordance with FAO Staff Regulations and Rules and such special rules as may be established by the Executive Director in agreement with the Secretary-General of the United Nations and the Director-General of FAO.

13. The CCLM concurred with the proposed amendment to Article I of the Staff Regulations entitled “*Duties, obligations and privileges*”, as follows:

*“301.1.10. Staff members shall not be actively associated with the management of, or hold a financial interest in, any profit making, business or other concern, if it were possible for the staff member or the profit-making, business or other concern to benefit from such association or financial interest by reason of his or her position with FAO.*

*301.1.11. All staff members at the D-1 or above level may be required to file financial disclosure statements on appointment and at intervals thereafter as prescribed by the Director-General, in respect of themselves, their spouses and their dependent children, and to assist the Director-General in verifying the accuracy of the information submitted when so requested. The financial disclosure statements shall include certification that the assets and economic activities of the staff members, their spouses and their dependent children do not pose a conflict of interest with their official duties or the interests of FAO. The financial disclosure statements shall remain confidential and shall only be used as prescribed by the Director-General in making determinations pursuant to Staff Regulation 301.1.10. The Director-General may require other staff to file financial disclosure statements as he deems necessary in the interest of the Organization”.*

14. The CCLM recommended to the Council for approval, under Rule XXXIX, paragraph 3 of the General Rules of the Organization, the proposed amendment to the Staff Regulations.

15. The CCLM noted the broad scope of the system, and examined various legal, institutional and practical issues related to the implementation of the requirement based on the information received by the United Nations as well as from other organizations of the United Nations system. At the United Nations, the financial disclosure requirement applies to all staff members at the D-1



level and above, to staff members involved in procurement or investment of assets and to staff members in such positions as determined by the head of department and office. At the United Nations consultants and other short-term staff in designated positions were also required to fill in declaration of interest forms. The CCLM noted that at the United Nations the operation of the system was entrusted to an Ethics Office which, in turn, relied extensively on the advice of a private external reviewer, under strict conditions of confidentiality. The CCLM noted that while all organizations of the system considered desirable to introduce the same financial disclosure system as in force at the United Nations and were taking steps to do so, it turned out that the system was a complex one, the implementation of which required considerable resources. The CCLM was also informed that the funds and programmes of the United Nations, which accounted for a very substantial part of the activities of the United Nations, were not yet in a position to implement the system. The CCLM observed that if FAO were to implement with immediate effect a system modelled on that of the United Nations, that would involve the review, in conditions of strict confidentiality, of at least some 200 financial disclosure forms per year. The CCLM noted that this would have financial implications which would need to be reviewed.

16. The CCLM concurred with the Organization's proposal to take a pragmatic approach towards the implementation of the system, taking into account provisions of the Staff Rules which allow for the implementation of a simpler system of declaration of interest, as was the case with other Specialized Agencies. As a first step, FAO would start implementing a requirement of declaration of interests in respect of the staff members to whom the financial disclosure requirement was to apply, through a set of administrative procedures, taking into account all relevant circumstances and constraints, including budgetary constraints. The declaration of interest would be required upon initial appointment and regularly thereafter at such intervals as would be required by the Organization. The system will be subject to reassessment by the CCLM in 2008 on the basis of a submission by the secretariat; the CCLM will then make a determination as to whether, in the light of the experience gained in FAO as well as in all organizations of the system, a "*full-fledged system*" should be implemented. The CCLM also noted that during this period FAO would report to the CCLM any issue of a legal or institutional nature that might warrant review by the CCLM. In order better to reflect the approach being taken by the Organization, the CCLM concurred with a proposal that in the first sentence of proposed Staff Regulation 301.1.11. the word "*shall*" be replaced by "*may*".

## V. PERSONAL STATUS FOR PURPOSES OF STAFF ENTITLEMENTS

17. The CCLM recalled that this matter had been under review for a substantial period of time and had been referred to the Council on a few occasions. At its 80<sup>th</sup> Session, in October 2006, the CCLM was informed that a claim against FAO for spousal benefits was *sub judice* before the Administrative Tribunal and a judgment was expected to be delivered in early 2007. The CCLM was informed further that it would receive a detailed presentation of the outcome of the case at its Session in the Spring of 2007. The CCLM and the Council both noted, without prejudging the outcome of the case, that the Organization would have to apply the conclusions of the judgment to any other staff member in the same conditions of fact and law as the complainant.

18. The CCLM was provided detailed information on the judgment delivered in February 2007. As spousal benefits were refused on the basis of the provisions of the Administrative Manual, the matter was eventually referred to the Administrative Tribunal. The Tribunal concluded that the complainant was entitled to claim the dependency benefits provided for in the Staff Regulations and Rules in respect of the person to whom he was lawfully married. The CCLM was also informed that having accepted the Statute and the jurisdiction of the Tribunal for

the adjudication of labour disputes, the Organization was under a legal obligation to execute the judgment and was doing so.

19. The CCLM noted that, in line with the consistent practice followed in comparable situations in the past, reflected in the guidance provided by the CCLM and the Council, the Organization would be applying the conclusions of the judgment to any other staff members in the same conditions of fact and law as the complainant.

20. The CCLM also noted that a claim made by a staff member against a decision by the Organization to refuse to grant dependency benefits to his partner with whom he concluded a “*Pacte civil de solidarité*” (Pacs) was *sub judice* before the Appeals Committee of the Organization. The CCLM noted that in judgment N° 2193, involving Pacs, the Tribunal had said that, on the basis of the French texts submitted in the case, it could not be said that Pacs was a form of marriage. Consequently, the CCLM concurred with the position that the Organization should wait for the outcome of the proceedings under way in order to determine its position with regard to registered domestic or life partnerships. The CCLM noted that FAO would apply the conclusion of the judgment to any other staff member in the same conditions of fact and law as the complainant.

## **VI. REPRESENTATION OF THE NEAR EAST REGION IN THE FINANCE COMMITTEE**

21. The CCLM recalled that the Council, at its 129<sup>th</sup> Session in November 2005, had asked the regional groups to hold informal consultations in order to allow the Committee on Constitutional and Legal Matters to consider the matter and make recommendations to the Council. The CCLM was informed by its Member of the Near East region that it wished to have two seats in the Finance Committee, but informal consultations were still ongoing. The CCLM suggested that informal consultations take place among regions so that it could review the matter at its future session.

## **VII. ACCESS BY MEMBERS TO REPORTS OF THE OFFICE OF THE INSPECTOR-GENERAL**

22. At its 131<sup>st</sup> Session in November 2006, the Council noted that the CCLM had examined the matter in detail on the basis, *inter alia*, of criteria for modifying or withholding reports issued by the Office of the Internal Oversight Systems of the United Nations and had proposed “*Interim Criteria for Modifying or Withholding Reports issued by the Office of the Inspector General*”. However, in consideration of the fact that a recently-concluded “Comprehensive Review of the Governance and Oversight within the United Nations, Funds, Programmes and Specialized Agencies” had not yet been examined at the United Nations, and notwithstanding the interim nature of the proposed criteria, the Council postponed consideration of the issue and requested the CCLM to review the matter again at its Spring 2007 Session.

23. The CCLM was informed that, meanwhile, the matter was being examined on an inter-agency basis. It had been discussed at the Session of 19-20 March 2007 of the High Level Committee on Management (HLCM) of the United Nations System Chief Executives Board for Coordination. The HLCM reiterated its conclusion at its 9<sup>th</sup> Session of April 2005 that “*internal audit reports were an important management tool for executive heads and should therefore remain confidential*”. The HLCM noted that some organizations had been requested by a few

Members, both during formal sessions of their Governing Bodies and subsequently, in writing, to share internal audit reports. The HLCM decided that its Finance and Budget Network, in consultation with the Heads of Internal Oversight of the organizations, as well as with their External Auditors and with the Institute of Internal Auditors, should prepare a position paper on behalf of the HLCM as a document to support the discussion of the item by the Executive Heads at the upcoming session of the United Nations System Chief Executives Board for Coordination on 20 and 21 April 2007.

24. The CCLM decided to postpone consideration of the matter until its next session, so that it could have the benefit of the conclusions of the United Nations System Chief Executives Board for Coordination.

**APPENDIX I**

**Draft Conference Resolution**  
**Amendment of Article XXII of the FAO Constitution**  
**Authentic Russian text of the FAO Constitution**  
**CONFERENCE RESOLUTION .../...**

**THE CONFERENCE,**

**Recalling** the decision taken by the First Session of the Conference held in Quebec, Canada, 16 October-1 November 1945, that the languages of the Organization shall be those adopted by the United Nations Organization;


**Recalling** further the decision taken at its Special Session held in Washington in 1950 where the Conference expressed the view that consideration should be given to constitutional amendments to make the text of the Constitution in other languages of the Organization equally authentic;

**Considering** that the Russian Federation became a Member Nation of the Organization on 11 April 2006;

**Having considered** that, at its Hundred and Thirty-second Session, held from 18 to 23 June 2007, the Council, on the recommendation of the Committee on Constitutional and Legal Matters, at its Eighty-first session, held on 4 and 5 April 2007, proposed that the Russian text of the Constitution should be equally authoritative with the texts in Arabic, Chinese, English, French and Spanish, and that the Constitution should be amended to that effect;

1. **Decides** to amend Article XXII of the Constitution to read as follows:

*“The Arabic, Chinese, English, French, Russian and Spanish texts of this Constitution shall be equally authoritative”.*

2. **Approves** the authentic Russian text of the Constitution, which is set out in document .



**APPENDIX II****Draft Conference Resolution****Amendment of Rule XLVII of the General Rules of the Organization****Adoption of Russian as a language of the Organization****CONFERENCE RESOLUTION .../...****THE CONFERENCE,**

**Recalling** the decisions taken by the Thirty-fourth Session of the Conference to approve an authentic Russian text of the FAO Constitution and to amend Article XXII of the Constitution whereby “*the Arabic, Chinese, English, French, Russian and Spanish texts of this Constitution shall be equally authoritative*”;

**Considering** that the Russian Federation became a Member Nation of the Organization on 11 April 2006;

**Having considered** that, at its Hundred and Thirty-second Session, held from 18 to 23 June 2007, the Council, on the recommendation of the Committee on Constitutional and Legal Matters, at its Eighty-first session, held on 4 and 5 April 2007, proposed that Rule XLVII of the General Rules of the Organization be amended to the effect that Russian should be a language of the Organization;

**Decides** to amend Rule XLVII of the General Rules of the Organization as follows:

*“Arabic, Chinese, English, French, Russian and Spanish are the languages of the Organization”.*