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COMMITTEE ON CONSTITUTIONAL AND LEGAL MATTERS

Hundred and First Session

Rome, 21 - 23 October 2015

**Independent Review of FAO Governance Reforms - Implementation of
Recommendation 6 on the Qualifications for the Independent Chairperson
of the Council**

I. INTRODUCTION

1. This item has been placed in the Provisional Agenda of the Committee on Constitutional and Legal Matters (“CCLM” or “the Committee”) under Rule XXXIV, paragraph 7 (a), of the General Rules of the Organization (“GRO”), whereby the Committee shall consider specific items referred to it which may arise out of “*the application and interpretation of the Constitution, [the General Rules of the Organization] and the Financial Regulations or amendments thereto*”.

II. BACKGROUND

2. In 2008, the Conference approved the Immediate Plan of Action for FAO Renewal (“IPA”) to implement the recommendations of the 2007 Independent External Evaluation (“IEE”). Action 2.74 of the IPA provided for the Conference to assess progress in implementation of the IPA in 2015 with an Independent Review contributing to this process.

3. The Council at its 148th Session in December 2013 endorsed “*arrangements for an Independent Review of Governance Reform*”,¹ including the appointment of an Independent Review Team (“IR Team”) to be supported by the FAO Office of Evaluation.

4. The IR Team issued its Final Report, containing sixteen Recommendations and twelve Suggestions, which was welcomed by the Council at its 151st Session in March 2015.² The Council also endorsed the proposed actions in response to each Recommendation and Suggestion of the IR

¹ CL 148/10; CL 148/REP, paragraphs 21-24.

² C 2015/25 and CL 151/REP.

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Team made in the “Assessment of FAO Governance Reforms” by the Open-ended Working Group established for this purpose.³

5. The Conference, at its 39th Session, in June 2015, “[e]ndorse[d] the actions proposed in the Assessment of the Independent Review of FAO Governance Reforms (C 2015/26 Rev.1) in response to the Recommendations and Suggestions contained in the Independent Review of FAO Governance Reforms (C 2015/25), and decide[d] that the actions foreseen in this document be implemented by the competent Governing Bodies of the Organization”⁴.

III. RECOMMENDATION 6

6. At its 86th Session, in May 2009, the CCLM reviewed proposals concerning the Independent Chairperson of the Council (“ICC”), following the Conference’s approval of the recommendation in the IPA that the “*functions of the Independent Chairperson... be specified in the Basic Texts*”⁵. The CCLM recommended that the Conference adopt a resolution on the ICC and that it be included in Volume II of the Basic Texts.⁶

7. At its 137th Session in October 2009, the Council endorsed the draft Conference Resolution on the ICC⁷ and, subsequently, the Conference, at its 36th Session in 2009, adopted Resolution 9/2009 on the Implementation of the Immediate Plan of Action on the Independent Chairperson of the Council. This Resolution is set out in Part E of Volume II of the Basic Texts.

8. Recommendation 6 of the Final Report concerns the qualifications for the ICC and proposes the amendment of paragraph 2 of Resolution 9/2009. The IR Team made this recommendation to address the “*sense of Members that having an ICC who is familiar with FAO governance is essential for the effective functioning of this office*”⁸. The IR Team concurred with the Members in this regard. The IR Team’s recommendation reads as follows:

“The Basic Texts dealing with the ICC should be revised to add the words ‘*and knowledge of the functioning of FAO governing bodies*’ to the existing text: ‘*appropriate experience in areas relevant to the Organization’s work*’ ”.⁹

IV. SUGGESTED ACTION BY THE COMMITTEE

9. The Committee is invited to review the proposed amendment to Resolution 9/2009 and to make such recommendations as it considers appropriate.

10. The Committee is, in particular, invited to endorse the draft Conference Resolution set out in the **Appendix** to this document and to forward it to the Council for subsequent transmission to the Conference.

³ CL 2015/26.

⁴ Conference Resolution 7/2015. C 2015/REP.

⁵ IPA, paragraph 23.

⁶ CL 136/19, paragraph 11 et seq.

⁷ CL 137 REP, paragraph 49 and Appendix F.

⁸ C 2015/25, paragraph 98.

⁹ C 2015/26 Rev. 1.

APPENDIX**RESOLUTION /2015*****Implementation of Recommendation 6 of the Final Report of the Independent Review of
FAO Governance reforms concerning the qualifications for the Independent Chairperson
of the Council*****(IPA Action 2.74)****THE CONFERENCE**

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

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

Recalling Resolution 9/2009 on Implementation of the Immediate Plan of Action regarding the Independent Chairperson of the Council, set out in Volume II of the Basic Texts which, inter alia, establishes the qualities that the Member Nations should have regard to in nominating candidates for the office of Independent Chairperson of the Council;

Further recalling that the Immediate Plan of Action for FAO Renewal ("the IPA"), adopted by the Conference in its Resolution 1/2008 at its Thirty-Fifth Session, provided that the Conference would assess progress in implementation of the IPA in 2015 with an Independent Review and that, at its One Hundred and Forty-Eighth Session (Rome, 2-6 December 2013), the Council approved the arrangements for an Independent Review of Governance Reform to assess the status of implementation of the IPA;

Considering that the Council, at its Hundred and Fifty-First Session (Rome, 23-27 March 2015), and the Conference at its Thirty-Ninth Session (Rome, 6-13 June 2015), endorsed the Final Report of the Independent Review of FAO Governance Reforms and proposed actions in response to the recommendations contained therein, including Recommendation 6 on the qualifications for the Independent Chairperson of the Council;

1. **Amends** paragraph two of Resolution 9/2009 as follows¹⁰:

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

2. **Affirms** that, subject to the foregoing, Resolution 9/2009 continues to apply in its entirety.

(Adopted [X] on 2017)

¹⁰ Insertions are indicated using underlined italics.