



COUNCIL

Hundred and Seventy-fourth Session

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Participation of private sector observers in sessions of the FAO Governing Bodies

Executive summary

At the 171st Session of the FAO Council, the complexity of the topic of the participation of private sector observers in sessions of FAO Governing Bodies was noted, and the Council requested that a consensus should be reached on general principles for participation, including the feasibility and desirability of participation prior to embarking on designing draft guidelines.

On the request of the FAO Council, a background information note was circulated in June 2023 addressing questions, remarks and observations raised by Members, and was discussed during the second informal discussion on 31 October 2023.

This document summarizes the analysis of current rules and practices for private sector participation in FAO Governing and Statutory Bodies, and proposes Members agree:

- to principles for their participation in Governing and Statutory Bodies; and
- for FAO to undertake further work to ensure greater consistency to guide participation of International Non-Governmental Organizations (INGOs), including those classed as private sector, in FAO meetings in accordance with its rules.

Suggested action by the Council

The Council is invited to agree to the following principles to guide the implementation of participation of INGOs, including those classed as private sector, in FAO Governing and Statutory Bodies:

- a) FAO remains an intergovernmental body, which means that decisions are taken by its Members. INGOs, including the private sector, are observers and cannot participate in the negotiations and decision-making process;
- b) procedures for participation of INGOs should be transparent;
- c) INGOs should be given meaningful opportunities to make a concise statement at the beginning and/or conclusion of a Governing Body or Statutory Body meeting that they participate in, recognizing the investment they are making to engage in FAO's work and processes;
- d) participation should be inclusive, flexible and regionally balanced, including regionally based and regionally focused INGOs who can contribute to FAO's work. In this regard, FAO Regional Conferences could give further guidance; and
- e) individual companies are excluded from participating in Governing and Statutory Body meetings.

The Council is invited to recommend that FAO examines possibilities for clearer guidance to the Secretariats of its Governing and Statutory Bodies on the participation of INGOs in its meetings and develops further proposals for practical modalities for participation, where necessary. FAO will initiate this process in early 2024 and will report back to Members in late 2024. The Committee on Constitutional and Legal Matters (CCLM) will be involved in this process.

Queries on the substantive content of this document may be addressed to:

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I. Introduction

1. The private sector has played an active role in the work of the United Nations (UN) for decades. Notably, over the past decade the private sector and other non-governmental organizations have increasingly become active partners in helping the UN achieve its goals and targets, as a complement to government action.
2. Private sector engagement and participation in Governing Bodies is implemented within the framework of the FAO Strategy for Private Sector Engagement, 2021-2025 (the Strategy). Under this Strategy, FAO views private sector engagement as a key tool to bringing about transformative change and innovation, as well as measurable, sustainable impact and benefits to meet our aspiration of agrifood systems that are more efficient, inclusive, resilient and sustainable for *better production, better nutrition, a better environment, and a better life, leaving no one behind*.
3. The Basic Texts (2017 edition) Volume II Sections L, M and N define the Organization's relationship with international non-governmental organizations (INGOs) which state the importance of consultation, cooperation and liaison with INGOs for FAO to fulfil its mandate. The Basic Texts provide a classification of those ties and a formalization of ongoing cooperation in the form of Formal Status. Formal Status is classified into three forms according to the importance of the field of activities in relation to FAO's activities. These are consultative status, specialized consultative status or liaison status.
4. Following a survey of a representative sample of each type of its Governing and Statutory Bodies¹ on their approach to observer participation, it was revealed that each body implements different approaches under the umbrella of the Basic Texts. The procedures, as described by the Secretariats, follow a similar pattern with various degrees of diversification and complexity.
5. Of the 128 INGOs that currently have formal status with FAO, 16.4 percent is comprised of INGOs (that are non-profit) that represent private sector interests, in line with the definition of private sector in the Strategy. These are representative private sector organizations that also fall under the category of INGOs. In accordance with Rule XVII of the General Rules of the Organization participation of individual companies is not allowed.
6. FAO's survey of a number of technical bodies indicated that there are inconsistencies in the application of approaches of the technical bodies to the participation of observers; however, there is no evidence that current processes are regularly deviating from the Basic Texts concerning participation of the private sector. That is, Governing Bodies and Committees are only inviting international non-governmental organizations also considered to be private sector, rather than individual companies, in accordance with Section M, Volume II of the Basic Texts.
7. The analysis above, and informal discussions with Members, indicate that the current rules for observer participation in FAO meetings are adequate and do not require revision.

II. Next steps for Council guidance

8. Based on informal feedback received from Members, the following principles should guide the implementation of participation of INGOs, including those classed as private sector, in FAO Governing and Statutory Bodies:
 - a) FAO remains an intergovernmental body, which means that decisions are taken by its Members. INGOs, including the private sector, are observers and cannot participate in the negotiations and decision-making process;
 - b) procedures for participation of INGOs should be transparent;

¹ FAO has expanded the original scope to include Statutory bodies (e.g. Codex Alimentarius, Commission on Genetic Resources for Food and Agriculture), to ensure the full range of FAO bodies are captured in the guidance and next steps.

- c) INGOs should be given meaningful opportunities to make a concise statement at the beginning and/or conclusion of a Governing Body or Statutory Body meeting that they participate in, recognizing the investment they are making to engage in FAO's work and processes;
- d) participation should be inclusive, flexible and regionally balanced, including regionally based and regionally focused INGOs who can contribute to FAO's work. In this regard, the FAO Regional Conferences could give further guidance; and
- e) individual companies are excluded from participating in Governing and Statutory Body meetings.

9. To ensure consistency in implementation of the rules between these Committees, FAO will examine possibilities for clearer guidance to the Secretariats of its Governing and Statutory Bodies on the participation of INGOs in its meetings and develop further proposals for practical modalities for participation, where necessary. FAO will initiate this process in early 2024 and will report back to Members in late 2024. CCLM will be involved in this process.