



COUNCIL

Hundred and Seventy-fifth Session

Rome, 10-14 June 2024

Report of the 120th Session of the Committee on Constitutional and Legal Matters (Rome, 25-27 March 2024)

Executive summary

In the Report of its 120th Session, the Committee on Constitutional and Legal Matters:

- 1) **makes specific recommendations for decision by the Council** on the proposal to change the name of the FAO-OEA/CIE-IICA Working Group on Agricultural and Livestock Statistics for Latin America and the Caribbean and adopt its Statutes as reflected in the Draft Resolution in the **Annex** to this Report;
- 2) **brings to the attention of the Council for its endorsement** its considerations and conclusions regarding:
 - a) Dissemination of Memoranda of Understanding signed by FAO; and
 - b) Recommendation 7 of the JIU Report *Review of the state of the investigation function: progress made in the United Nations system organizations in strengthening the investigation function* (JIU/REP/2020/1);
- 3) **informs the Council** of its considerations related to:
 - a) the closure of the review of the jurisdictional set-up of the United Nations common system; and
 - b) any other matters.

Suggested action by the Council

The Council is invited to:

- 1) **adopt** the Draft Resolution changing the name of the FAO-OEA/CIE-IICA Working Group on Agricultural and Livestock Statistics for Latin America and the Caribbean to the “Latin American and the Caribbean Commission for Agricultural Statistics (LACCAS)”, and promulgating its Statutes;
- 2) **endorse the considerations and conclusions** of the Committee on:
 - a) Dissemination of Memoranda of Understanding signed by FAO; and
 - b) Recommendation 7 of the JIU Report *Review of the state of the investigation function: progress made in the United Nations system organizations in strengthening the investigation function* (JIU/REP/2020/1);
- 3) **note** the Committee’s considerations on:
 - a) the closure of the review of the jurisdictional set-up of the United Nations common system; and
 - b) any other matters.

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

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I. Introduction

1. The Hundred and Twentieth Session of the Committee on Constitutional and Legal Matters (CCLM) was held from 25 to 27 March 2024.
2. The Session, open to silent observers, was chaired by H.E. Ms Céline Jurgensen who welcomed all the participants.
3. The following Members joined the Session:
 - Ms Emma Hatcher (Australia)
 - Ms Julie Émond (Canada)
 - Mr Purna Cita Nugraha (Indonesia)
 - Ms Marie-Lise Stoll (Luxembourg)
 - Mr Madiagne Tall (Senegal)
 - H.E. Mr Sayed Altayeb Ahmed (Sudan)
 - H.E. Ms Haifa Aissami Madah (Venezuela [Bolivarian Republic of])
4. The CCLM Members participated in person at FAO headquarters.

II. Item 1: Adoption of the agenda and arrangements for the Session (CCLM 120/1 Rev. 1)

5. The Committee agreed to delete items 6 and 7 in the Provisional Agenda (CCLM 120/1 Rev.1) and approved its Agenda. The Committee subsequently agreed to move those two issues under Agenda item “Any other matters”. The CCLM Members took note of the arrangements for the Session.

III. Item 2: FAO-OEA/CIE-IICA Working Group on Agricultural and Livestock Statistics for Latin America and the Caribbean: proposal to change the name and adopt the Statutes (CCLM 120/2)

6. The Committee considered document CCLM 120/2, *FAO-OEA/CIE-IICA Working Group on Agricultural and Livestock Statistics for Latin America and the Caribbean: proposal to change the name and adopt the Statutes*.
7. The Committee endorsed the proposal to change the name to the “Latin American and the Caribbean Commission for Agricultural Statistics (LACCAS)”. The Committee reviewed and amended some paragraphs of the draft Statutes of the Commission.
8. The Committee also noted that there are no budgetary implications arising from the proposals.
9. The Committee endorsed the revised draft Council Resolution as set out in the **Annex** to this Report and recommended its adoption by the Council.

IV. Item 3: Update on the Dissemination of Memoranda of Understanding signed by FAO (CCLM 120/3)

10. The Committee reviewed document CCLM 120/3, *Update on the Dissemination of Memoranda of Understanding signed by FAO*.
11. The Committee welcomed the steps taken to initiate the dissemination of Memoranda of Understanding (MoUs) signed by FAO with other intergovernmental organizations. The Committee also welcomed the efforts to increase transparency.
12. The Committee recommended that all future MoUs concluded by the Organization should include a dissemination clause. The Committee noted the importance of complying with the requirements of FAO’s Data Protection Policy in the context of the dissemination process.

13. The Committee recalled that the Council did not limit the scope of the matter to MoUs signed with other intergovernmental organizations. The Committee therefore observed the importance of a similar approach being taken with respect to the dissemination of MoUs concluded with other partners and requested information in this respect.

14. The Secretariat recalled that updates on partnerships are regularly provided to the Programme Committee within its respective mandate.

15. The Committee recognized that this is an ongoing process and looked forward to further updates at its 121st Session.

V. Item 4: Review of the jurisdictional set-up of the United Nations common system – Update (CCLM 120/4)

16. The Committee welcomed document CCLM 120/4, *Review of the jurisdictional set-up of the United Nations common system – Update*, providing an update on the status of the review.

17. The Committee decided to close this matter, noting that the review had concluded and that the status quo is maintained.

VI. Item 5: Recommendation 7 of the JIU Report *Review of the state of the investigation function: progress made in the United Nations system organizations in strengthening the investigation function* (JIU/REP/2020/1) (CCLM 120/5)

18. The Committee reviewed document CCLM 120/5, *Recommendation 7 of the JIU Report “Review of the state of the investigation function: progress made in the United Nations system organizations in strengthening the investigation function” (JIU/REP/2020/1)*. This was complemented by an oral update on recent developments in other United Nations system organizations.

19. The Committee welcomed the update and recalled its recommendations at its 119th Session, which were endorsed by the Council. The Committee noted the complexity of this matter and highlighted the importance of balancing timeliness of proceedings with legal certainty. The Committee also discussed the informal written inputs from Indonesia among others.

20. The Committee looked forward to considering draft procedures at its 121st Session and recommended that these include options, with a summary of pros and cons presented for each option.

VII. Item 6: Any other matters

21. The Committee noted with appreciation the information on the proposal to organize the first Treaty Ceremony as a side event at the next Session of the Conference.

22. The Committee also noted the information about the JIU Report on the *Review of management and administration in the Food and Agriculture Organization of the United Nations* (CCLM 120/INF/1), and its upcoming consideration by the Council at its 175th Session.

23. The Chairperson drew the Committee’s attention to the ongoing discussions to strengthen the implementation of the *Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas (The Compliance Agreement)* in the Committee on Fisheries and its Sub-Committee on Fisheries Management. Without prejudice to the ongoing discussion, the Chairperson noted that this may ultimately lead to the referral of specific legal questions to the CCLM.

Annex

COUNCIL RESOLUTION .../..

LATIN AMERICAN AND THE CARIBBEAN COMMISSION FOR
AGRICULTURAL STATISTICS (LACCAS)¹

THE COUNCIL

Considering:

That the FAO-OEA/CIE-IICA Working Group on Agricultural and Livestock Statistics for Latin America and the Caribbean (hereinafter “the Working Group”) was originally established in 1958 as a joint initiative of the Food and Agriculture Organization of the United Nations (hereinafter “FAO” or “the Organization”) and the Inter-American Statistical Institute (IASI);²

That in 1994, IASI withdrew from the Working Group and was replaced by the Organization of American States (OEA) and the Inter-American Institute for Cooperation on Agriculture (IICA) in the framework of the Interamerican Conference for Statistics (CIE), as indicated in the Final Report of the 11th CIE and was henceforth known as the FAO-OEA/CIE-IICA Working Group on Agricultural and Livestock Statistics for Latin America and the Caribbean;

That the Working Group, during its Thirty-first Session held from 28 to 30 March 2023, recognized, *inter alia*, that “*the name of this current body does not reflect its character*” because “*the term ‘working group’ does not correspond to the nature of a technical commission of FAO and implies a less formal and less important mechanism. In addition, it implies a defined operational timeline and specific technical products*”;

The recommendation of the Working Group at its Thirty-first Session, that “[f]rom the next session in 2025, the group will be known as the Latin American and the Caribbean Commission for Agricultural Statistics (LACCAS). To achieve this objective, the group request that FAO begin the appropriate procedure to change the name”;

That in light of this request, on 21 November 2023, FAO consulted OEA/CIE and IICA to seek their non-objection to the change of the name of the Working Group and, considering that they provided their consent to such name change in writing on 30 November 2023 and 23 November 2023, respectively;

Hereby promulgates the following provisions of the Statutes of the Latin American and the Caribbean Commission for Agricultural Statistics (LACCAS).

MEMBERSHIP

1. Membership in the Latin American and the Caribbean Commission for Agricultural Statistics (hereinafter “the Commission”) shall be open to all Member Nations and Associate Members

¹ The term “agriculture” is used in a broad sense as reflected in the FAO Constitution, included but not limited to fisheries, marine products, forestry, primary forestry products and livestock.

² See United Nations, Economic and Social Council, [Informe de la Cuarta Reunión del Subcomité de Coordinación Estadística del Istmo Centroamericano](#), 24 May 1958.

of FAO whose territories are situated wholly or partly in the region concerned as defined by the Organization or who are responsible for the international relations of any non-self-governing territories in that region. Membership shall comprise such eligible nations as have notified the Director-General of the Organization of their desire to be considered as Members.

TERMS OF REFERENCE

2. The terms of reference of the Commission shall be to review the state of food and agricultural statistics in the region and advise Member Nations on the development and standardization of agricultural statistics within the general framework of FAO's work in statistics, and to convene study groups or other subsidiary bodies of national experts required for this purpose. The terms of reference shall include in particular:

- (a) the formulation of the programme of work of the Commission in relation to the promotion and development of food and agricultural statistics including periodical agricultural censuses and food consumption surveys, and continuous surveys and controlled experiments for current information, trade in food and agricultural products and requisites;
- (b) the setting up of a scheme of priorities taking into consideration both the immediate requirements and the long-term development of agricultural statistics on a sound and permanent basis;
- (c) working out a minimum programme for current agricultural statistics;
- (d) the formulation of recommendations regarding measures to be adopted by Member Nations for:
 - i. the standardization of concepts, definitions and methodology of food and agricultural statistics,
 - ii. the coordination of food and agricultural statistics as to their coverage, accuracy, timeliness and comparability,
 - iii. planning short- and long-term training programmes in statistics at all levels,
 - iv. organizing research on statistical problems of common interest to countries in the region;
- (e) the formulation of recommendations regarding ways and means in which FAO could assist Member Nations in the development of food and agricultural statistics including such measures as the organization of training centres and seminars; the promotion of fellowships; the provision of technical assistance through experts and regional statistical advisers; the promotion of research in statistical problems under local conditions;
- (f) the consideration of problems referred to the Commission by the FAO Conference and Council and FAO Regional Conferences and the preparation of suitable reports including relevant recommendations;
- (g) the organization of technical discussions between national experts on specific statistical problems related to the programme of work of the Commission by convening

working groups whose detailed terms of reference are to be worked out by the Commission;

(h) the compilation of data from Member Nations in relation to the programme of work of the Commission and its working groups;

(i) the preparation of a summary report to the Director-General of the Organization or presentation to the FAO Conference or Council incorporating the main recommendations of the Commission particularly those on policy, financial or programmatic matters which require FAO Conference or Council action.

OBSERVERS

3. Any Member Nation of the Organization and any Associate Member that is not a Member of the Commission but has a special interest in the work of the Commission, may, upon request communicated to the Director-General of the Organization, attend as observer, sessions of the Commission and of its subsidiary bodies and ad hoc meetings.

4. Nations which while not Member Nations or Associate Members of the Organization are Members of the United Nations, may, upon their request and with the approval of the FAO Council granted upon the recommendations of the Commission, be invited to attend in an observer capacity the sessions of the Commission, in accordance with the provisions relating to the granting of observer status to nations adopted by the FAO Conference.

INTERNATIONAL ORGANIZATIONS

5. Participation of international organizations in the work of the Commission and the relations between the Commission and such organizations shall be governed by the relevant provisions of the Constitution and the General Rules of the Organization as well as by the rules on relations with international organizations adopted by the FAO Conference or Council.

SESSIONS

6. The Commission shall hold at least one session every two years. The sessions of the Commission shall be convened and the place where they are to be held shall be determined by the Director-General of the Organization after consultation with the competent authorities of the host country, taking into consideration the recommendation of the Commission on the subject. Sessions of the Commission may, as necessary and appropriate, be held in person, using electronic means such as videoconferencing, or in a hybrid format.

REPORTS

7. The Commission shall submit to the Director-General of the Organization reports on its activities and recommendations at such appropriate intervals as to enable the Director-General of the Organization to take them into consideration when preparing the draft Programme of Work and Budget of the Organization and other submissions to the Organization's Governing Bodies.

8. The Director-General of the Organization shall bring to the attention of the FAO Conference, through the FAO Council, any recommendations adopted by the Commission which have policy implications, or which affect the programme or finances of the Organization.

9. Copies of each report of the Commission will be circulated to Member Nations and Associate Members of the Organization and international organizations for their information as soon as they become available.

10. Subject to the provisions of the preceding paragraphs, the Director-General of the Organization may request members of the Commission to supply the Commission with information on action taken on the basis of recommendations made by the Commission.

SUBSIDIARY BODIES

11. The Commission may establish such subsidiary bodies as it deems necessary for the accomplishment of its task, subject to the availability of the necessary funds in the relevant chapter of the approved budget of the Organization: the determination of such availability shall be made by the Director-General of the Organization. Before taking any decision involving expenditure in connection with the establishment of subsidiary bodies, the Commission must have before it a report from the Director-General of the Organization on the administrative and financial implications thereof.

12. The terms of reference and reporting procedure of the subsidiary bodies shall be determined by the Commission.

ADMINISTRATIVE AND FINANCIAL MATTERS

13. The Secretary of the Commission shall be appointed by the Director-General of the Organization and shall be administratively responsible to the Director-General. The expenses of the Secretariat of the Commission shall be determined and paid by the Organization within the limits of the relevant appropriations in the approved budget of the Organization.

14. The financial operations of the Commission and its subsidiary bodies shall be governed by the appropriate provisions of the Financial Regulations of the Organization.

15. Expenses incurred by representatives of members of the Commission while attending sessions of the Commission or its subsidiary bodies, as well as the expenses of observers at sessions, shall be borne by the respective governments or organizations.

16. Expenses of independent experts invited to attend in their individual capacity to provide technical support to the sessions of the Commission are to be borne by the Commission's budget.

LANGUAGES

17. English and Spanish shall be the working languages of the Commission.

RULES OF PROCEDURE

18. The Commission may adopt and amend its own Rules of Procedure which shall be in conformity with the Constitution and the General Rules of the Organization and with the Principles governing commissions and committees adopted by the FAO Conference. The Rules of Procedure and amendments hereto shall come into force upon approval by the Director-General of the Organization.