



منظمة الأغذية
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des
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l'agriculture

Продовольственная и
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организация
Объединенных
Наций

Organización
de las
Naciones
Unidas
para la
Agricultura
y la
Alimentación

COMMITTEE ON CONSTITUTIONAL AND LEGAL MATTERS

Ninety-first Session

Rome, 20 - 22 September 2010

RULES OF PROCEDURE OF THE COMMITTEE ON CONSTITUTIONAL AND LEGAL MATTERS

I. BACKGROUND

1. At its Ninetieth Session (Rome, 28-29 April 2010), the Committee on Constitutional and Legal Matters (CCLM) was provided a brief on its *modus operandi* based on document CCLM 88/Inf. 2 “*Fifty-One Years of Activity of the Committee on Constitutional and Legal Matters*”. On that occasion, the CCLM also noted that, at the Hundred and Thirty-eighth Session (Rome, 25 November 2009) of the Council, a proposal had been made that the CCLM should have its own Rules of Procedure, as was the case with the Programme and the Finance Committees.

2. The CCLM acknowledged that it had been operating effectively since its establishment without Rules of Procedure, under the framework established by the General Rules of the Organization (GRO), as well as any relevant decisions of the Governing Bodies. However, for reasons of consistency with other committees, the CCLM concurred with a proposal that the secretariat should prepare draft Rules of Procedure for review at its next session. This would not prejudice the final decision of the CCLM as to whether the Rules of Procedure would be adopted eventually.

3. The CCLM is invited to review the attached draft Rules of Procedure, based on the Rules of Procedure of the Programme and Finance Committees. In preparing the draft Rules of Procedure, the Secretariat has been generally aware of the above consideration that the CCLM has operated for many years without Rules of Procedure and that a detailed framework governing the proceedings of the Committee did not appear to be needed.

4. On the substance, the CCLM is invited to note that under its new “*operating model*”, the Chairperson, or a Vice-Chairperson acting as Chairperson, may not vote and this is reflected in the proposed Rules of Procedure.

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5. The CCLM is also invited to observe that under Rule XXXIV, paragraph 7 of the GRO, “*the Committee shall hold sessions to consider specific items referred to it by the Council or the Director-General*”. However, the CCLM was informed at its Ninetieth Session (Rome, 28-29 April 2010) that, in practice, over the years a very flexible approach had been taken towards the interpretation and implementation of Rule XXXIV, paragraph 7 of the GRO. In particular, the Director-General has referred to the CCLM items of a legal nature that had arisen and which were deemed to require review by the Committee, including items arising from the activities of Governing Bodies, other than the Council. In addition, the Director-General had referred to the CCLM items of a legal nature whenever requested to do so by Members. Rule III of the proposed Rules of Procedure is consistent with Rule XXXIV, paragraph 7 of the GRO.

II. SUGGESTED ACTION BY THE COMMITTEE

6. The CCLM is invited to review the proposed Rules of Procedure of the CCLM set out in the appendix to this document, in the light of the above background information, and take such action as appropriate. Once adopted, the Rules of Procedure of the Committee on Constitutional and Legal Matters would be inserted in Volume I of the Basic Texts.

APPENDIX

PROPOSED RULES OF PROCEDURE OF THE
COMMITTEE ON CONSTITUTIONAL AND LEGAL MATTERS

Rule I
Officers

1. At its first session held after the election of the Chairperson and the Members by the Council, the Committee shall elect a Vice-Chairperson from among the representatives of its Members, who shall remain in office until the election of a new Vice-Chairperson. The Vice-Chairperson's term of office shall terminate at the end of the Committee's term of office. If the Vice-Chairperson is prevented from exercising functions for the remainder of the term of office, due to resignation, disability, death, or for any other reason, the Committee shall elect a new Vice-Chairperson from among the representatives of its Members for the remainder of the vacated term of office.
2. The Chairperson or, in his or her absence, the Vice-Chairperson shall preside at meetings of the Committee and exercise such other functions as may be required to facilitate its work. In the absence from any meeting of the Chairperson and the Vice-Chairperson, the Committee shall elect one of the representatives of its Members to take the chair.
3. If the Chairperson of the Committee is prevented from exercising functions for the remainder of the term of office, due to resignation, disability, death, or for any other reason, those functions shall be assumed by the Vice-Chairperson 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.

Rule II
Sessions and Meetings

1. The Committee shall hold sessions as provided in Rule XXXIV, paragraph 7 of the General Rules of the Organization.
2. Any number of separate meetings may be held during each session of the Committee.
3. The meetings of the Committee shall be open to silent observers, unless otherwise decided by the Committee. Silent observers shall not take part in any debates.
4. The sessions of the Committee shall be held at the seat of the Organization, or at another place in pursuance of a decision of the Council.
5. Notice of the date and place of each session shall be communicated to all Members of the Committee and to their elected representatives as early as possible in advance of the session.

6. If the representative of a Member of the Committee is expected to be unable to attend a session, or if due to incapacity, death or any other reason that representative is prevented from exercising functions for the remainder of the term for which the Member that he or she represents has been elected, that Member shall inform the Director-General and the Chairperson as soon as possible, and may designate a substitute representative who shall have the qualifications and experience referred to in paragraph 1 of Rule XXXIV of the General Rules of the Organization.

7. Presence of representatives of a majority of the Members of the Committee shall constitute a quorum for any formal action by the Committee.

Rule III Agenda

1. The Director-General, in consultation with the Chairperson of the Committee, shall prepare a provisional agenda for any session of the Committee. Every effort shall be made to circulate to all Members of the Committee and to their elected representatives, as early as possible in advance of that session, the provisional agenda and the documents to be considered by the Committee at the session.

2. The first item on the provisional agenda shall be the adoption of the agenda.

3. The Committee in session may amend the agenda by the deletion, addition, or modification of any item, provided that no matter referred to it by the Council, or on the request of the Conference, shall be omitted from the agenda as adopted.

Rule IV Voting and Proceedings

1. Each representative of a Member of the Committee shall have one vote.

2. The Chairperson of the Committee, or a Vice-Chairperson acting as Chairperson, shall not vote.

3. Decisions of the Committee shall be taken by a majority of the votes cast.

4. Upon the request of any representative of a Member, voting shall be by roll call, in which case the vote of each representative shall be recorded.

5. When the Committee so decides, voting shall be by secret ballot.

6. The provisions of Rule XII of the General Rules of the Organization shall apply *mutatis mutandis* to all matters which are not specifically dealt with under this Rule.

Rule V
Records and Reports

1. At each session, the Committee shall approve a report embodying its conclusions, recommendations and decisions, including, when requested, a statement of minority views. Such other records for its own use as the Committee may on occasion decide shall also be maintained.
2. Where necessary, appropriate arrangements will be made for safeguarding the confidential nature of documents used by the Committee.

Rule VI
Expenses

1. The travelling expenses of the Chairperson and the representative of each Member of the Committee properly incurred in travelling, by the most direct route, from the Chairperson's or representative's duty station, to the site of the Committee session and return to the duty station, shall be borne by the Organization.
2. Travelling expenses and subsistence allowances shall be payable in accordance with the travel regulations of the Organization.

Rule VII
Suspension of Rules

Any Rule of Procedure of the Committee may be suspended by the Committee, provided that 24 hours' notice of the proposal for the suspension has been given, and that the suspension is not incompatible with the Constitution and the General Rules of the Organization. The notice period may be waived if no representative of a Member objects.