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COUNCIL

Hundred and Sixtieth Session

Rome, 3-7 December 2018

Report of the 107th Session of the Committee on Constitutional and Legal Matters (22-24 October 2018)

Executive Summary

The 107th Session of the Committee on Constitutional and Legal Matters (CCLM) examined transitional arrangements between the outgoing and incoming administrations, procedures for the appointment of Secretaries of bodies under Article XIV of the Constitution and for the address to the Council by candidates for the office of Director-General.

Suggested action by the Council

The Council is invited to approve the report of the CCLM. The Council is, more specifically, invited to:

- a) **take note** of the transitional measures and facilities proposed by the Director-General, within existing resources and authority, in the discharge of the obligation set out in Rule XXXVII, paragraph 6 of the General Rules to the benefit of the Director-General Elect, including a hand-over ceremony, as reflected in the CCLM Report;
- b) **agree** that the interim arrangements for the appointment of Secretaries of Article XIV Bodies it agreed on at its 155th Session and set out in document CCLM 107/3, be followed, until a lasting solution acceptable to the concerned Article XIV bodies and the FAO Management is found;
- c) **agree** with the CCLM views that, taking into consideration the number of candidates for the office of the Director-General, up to 90 minutes will be granted to each candidate to address the Council and respond to the questions Members may put to him/her; and
- d) **note** that the procedures it followed at its Hundred and Forty-first Session, in April 2011, and at its Hundred and Fifty-first Session, in April 2015, set out in document CCLM 107/4, would be adjusted by the Council, as required, following consultation through the Independent Chairperson of the Council.

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I. Introduction

1. The 107th Session of the Committee on Constitutional and Legal Matters (CCLM) was held from 22 to 23 October 2018.
2. The Session, open to silent observers, was chaired by H.E. (Mr) Godfrey Magwenzi, who welcomed all the members. The following members were present:
 - Mr Esala Nayasi (Fiji)
 - Mr Royhan Nevy Wahab (Indonesia)
 - H.E. (Mr) Ali Albsoul (Jordan)
 - H.E. (Ms) Lineo Irene Molise-Mabusela (Lesotho)
 - H.E. (Ms) Monica Robelo Raffone (Nicaragua)
 - H.E. (Ms) Daniela Rotondaro (San Marino)
 - Ms Emily Katkar (United States of America)
3. The CCLM was informed that Mr Esala Nayasi (Fiji) had been designated to replace H.E. (Mr) Ambassador Luke Daunivalu for the session.
4. The CCLM approved its Provisional Agenda.

II. Transition process between outgoing and incoming administrations – transitional arrangements

5. The CCLM considered document CCLM 107/2 “*Transition process between outgoing and incoming administrations – transitional arrangements*”.
6. The Committee was informed that existing budgetary allotments would absorb the costs associated with the proposed measures and facilities.
7. The Committee underlined the need for a smooth transition between outgoing and incoming administrations.
8. The Committee recalled the relevant provisions of the General Rules of the Organization, with particular reference to Rule XXXVII, paragraph 6, as follows:

“The Director-General shall take such measures as required to ensure that, as far as possible prior to taking office, a Director-General Elect is duly informed of the policies, programmes, staffing and activities of the Organization. The Director-General shall make arrangements to ensure that the Director-General Elect shall have the benefit of technical and administrative support during that period”.
9. The Committee took note of the transitional measures and facilities proposed by the Director-General, within existing resources and authority, in the discharge of the above obligation to the benefit of the Director-General Elect, including a hand-over ceremony but excluding the hiring of consultants.

III. Procedures for the appointment of Secretaries of bodies under Article XIV of the Constitution

10. The CCLM considered document CCLM 107/3 “*Procedures for the appointment of Secretaries of bodies under Article XIV of the Constitution*”.

11. The CCLM noted that this was a difficult issue and appreciated the efforts of the Independent Chair of the Council (“ICC”) to find a long-term solution for the appointment of Secretaries of bodies established under Article XIV of the FAO Constitution.

12. The Committee requested the ICC to continue his efforts to find a lasting and equitable solution acceptable both to the concerned Article XIV bodies and to FAO Management, and which would be compatible with the Basic Texts of FAO, as well as the provisions of the constituent instruments of the concerned Article XIV bodies.

13. The CCLM recommended that the interim arrangements for the appointment of Secretaries, agreed by the Council at its 155th Session, and set out in Annex 1 to Document CCLM 107/3, be followed until a lasting solution acceptable to the concerned Article XIV Bodies and the FAO Management could be found.

IV. Address to the Council by candidates for the office of Director-General

14. The CCLM took note of document CCLM 107/4 “*Address to the Council by candidates for the office of Director-General*”, submitted to the CCLM upon request of the CCLM Member representing the European Region.

15. The CCLM considered that each candidate should be granted sufficient time to address the Council. The CCLM noted in this respect that, under the current procedure concerning the address to the Council by candidates for the office of Director-General, each candidate was granted up to 15 minutes to make a statement to the Council, 15 minutes were available for questions by Members and only an additional maximum 15 minutes to respond to questions asked by Council Members.

16. The CCLM agreed that, taking into consideration the number of candidates for the office of the Director-General, up to 90 minutes will be granted to each candidate to address the Council and respond to the questions Members may put to him/her. The CCLM noted that the procedures set out in Appendix A and B to document CCLM 107/4 would be adjusted by the Council, as required, following consultation through the Independent Chairperson of the Council.

V. Any other matters

17. No other matter was raised under this item.