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# COMMITTEE ON CONSTITUTIONAL AND LEGAL MATTERS

## Hundred and Tenth Session

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**The GFFA 2020's call upon FAO's Governing Bodies**  
***“to support a process” for “the establishment of an International Digital***  
***Council for Food and Agriculture”***

This document is submitted to the Committee on Constitutional and Legal Matters (CCLM) and is for consideration by the Finance Committee (FC) and the Programme Committee (PC), either in their separate sessions and/or in the Joint Meeting of the Programme and Finance Committees (“the Joint Meeting”), following the GFFA Communiqué of 18 January 2020 calling upon FAO's governing bodies “to support a process” for “the establishment of an International Digital Council for Food and Agriculture”.

The CCLM, as well as the FC and PC, either in their separate sessions and/or in the Joint Meeting, are requested to review this document and provide their respective inputs as indicated in Section V of the document.

## I. Background

1. Digital technologies are rapidly transforming how people, business and governments work. They affect the entire food system and every actor of that system and already generate significant benefits in agriculture by reducing the costs of information, transactions and supervision.

2. While digital technologies can make significant contributions towards the achievement of the 2030 Agenda for Sustainable Development, including its Sustainable Development Goals (SDGs), they raise economic, social and ethical concerns, in particular with respect to privacy and security, but also in terms of the disruptive impact that they can have on business, employment and markets. While these concerns are common across all sectors of the economy, the transformational impact that digital technology can have specifically on the food and agricultural sector is particularly broad.

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## II. The GFFA's call to FAO

3. In a Communiqué adopted on 19 January 2019 by the 74 ministers of agriculture assembled for the 11<sup>th</sup> Berlin Agriculture Ministers' Conference on the occasion of the Global Forum for Food and Agriculture (GFFA 2019) on the theme of "*Agriculture Goes Digital – Smart Solutions for Future Farming*", FAO was requested to "*draw up, in consultation with stakeholders (...) a concept for considering the establishment of an International Digital Council for Food and Agriculture that will advise governments and other relevant actors, drive the exchange of ideas and experiences and consequently help everyone harness the opportunities presented by digitalization*", for discussion at the 12<sup>th</sup> Session of the GFFA (GFFA 2020)<sup>1</sup>.

4. To address that request, FAO developed, through an open and inclusive consultation process with multiple stakeholders and other international organizations, a concept note, which was discussed at a side event during the GFFA 2020.

5. In a Communiqué adopted on 18 January 2020 by the 71 ministers of agriculture assembled for the GFFA 2020 on the theme of "*Food for All! Trade for Secure, Diverse and Sustainable Nutrition*", FAO's efforts were welcomed, and its governing bodies called upon "*to support a process*" for "*the establishment of an International Digital Council for Food and Agriculture*"<sup>2</sup>.

## III. FAO's proposal responding to the GFFA's call

6. To respond to the 18 January 2020 GFFA's call, it is proposed that FAO host a platform that will pursue the objectives set by the GFFA.

### A. Hosting of a platform

7. The proposed platform could be established under FAO's mandate and institutional framework, operating under FAO's programme of work and budget. This would follow the example of other collaborative mechanisms hosted by FAO which bring together a variety of stakeholders such as the Global Bioenergy Partnership (GBEP), the Global Forest Observations Initiative (GFOI), the Global Soil Partnership (GSP), and the Global Framework on Water Scarcity (WASAG).

### B. Objectives and activities of the proposed platform

8. The proposed platform would aim at: (i) promoting coordination and strengthening the linkages between international *fora* for agriculture and those for the digital economy to enhance the awareness of the international community to issues specific to the digitalization of the food and agriculture sectors; and (ii) supporting governments with policy recommendations, best practices, and voluntary guidelines that can enhance the benefits of digital technology applications on agriculture, while addressing potential economic, social and ethical impacts and concerns.

### C. Operating mechanisms of the proposed platform

9. In order to achieve its purpose and objectives, an important tool of the proposed platform would be an online multi-stakeholder platform, which would ensure broad participation, inclusivity and a bottom-up approach in the identification of relevant issues and policies to be addressed by the platform in a cost-effective manner.

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<sup>1</sup> The Communiqué of 19 January 2019 may be found at the following link: <https://www.gffa-berlin.de/wp-content/uploads/2015/10/GFFA-2019-Communiqué.pdf>.

<sup>2</sup> The Communiqué of 18 January 2020 may be found at the following link: <https://www.gffa-berlin.de/wp-content/uploads/2020/01/2020-GFFA-Communiqué.pdf>.

10. The proposed platform would otherwise operate on the basis of a group composed exclusively of government representatives, including experts nominated by governments, responsible for deciding and prioritizing the issues to be addressed by the platform and discussing and approving any policy recommendations and guidelines that the platform may issue. This group would be supported by a technical advisory group composed of representatives of relevant international organizations and other relevant scientific/technical entities that it would choose<sup>3</sup>, as well as by any other group that it could create to increase the capacity for evidence-based analysis of specific topics.

11. A unit within FAO would provide the day-to-day operational and administrative support to the platform's activities.

#### **D. Legal nature of the proposed platform**

12. Consistent with the established arrangements for the hosting of similar networks and partnerships, the operational and administrative support provided by FAO to the platform would be in accordance with FAO's rules, procedures and policies. This means, in particular, that the employment of any personnel would be in accordance with the FAO rules and procedures and employees working for the platform would be FAO employees subject to FAO rules, and that any procurement would follow the FAO rules and procedures. It also means that any funds made available to the platform would be administered in accordance with FAO's financial regulations, rules and procedures. Furthermore, any website or web-based tool created for the platform would belong to FAO and be subject to FAO's standard terms of use. Moreover, the participation of non-State actors in the platform would be subject to the requirements laid down in FAO's policies and guidelines for collaboration with the private sector, academia and the civil society.

13. The hosting of such a platform would, therefore, not result in the creation of an autonomous legal entity nor a new FAO body but, rather, in a flexible, light and consensual coordination mechanism supported by FAO. In order to better reflect the nature of the proposed platform, it is suggested that it be called "*the International Platform for Digital Food and Agriculture*", rather than the "*International Digital Council for Food and Agriculture*".

#### **IV. Operational and financial implications**

14. The convening and servicing of consultations with governments and other relevant actors, the preparation of documentation and follow-up work, as well as administrative support will involve additional staff and possible contractual services. Based on experiences of other committees, the proposed platform would require a coordination unit comprised of three full-time staff: a director (D1-level), a professional staff (P-4 level) and a general support staff (G-3 level). Limited non-staff resources of up to USD 50,000 per year may be required to cover document preparation/translation costs and limited travel, if required.

15. These costs will be covered by extra-budgetary contributions for which a resource mobilization proposal will be developed. Expenses incurred by government representatives and technical/scientific advisors, if applicable, will be borne by the respective governments or organizations.

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<sup>3</sup> These include the World Bank Group (WBG), the African Development Bank (AfDB), the International Fund for Agricultural Development (IFAD), the Organisation for Economic Co-operation and Development (OECD), the World Trade Organization (WTO), the International Telecommunication Union (ITU), the World Organisation for Animal Health (OIE), the World Food Programme (WFP), and the Technical Centre for Agricultural and Rural Cooperation (CTA).

## V. Suggested actions by the CCLM, FC and PC

16. The CCLM is invited to provide any views it may have on the legal aspects of this proposed hosting arrangement. The CCLM is invited to consider the recommendation that the proposed platform be called “*the International Platform for Digital Food and Agriculture*”.

17. The FC and PC, either in their separate sessions and/or in the Joint Meeting, are invited to review this document, as well as the outcome of the deliberations of the CCLM, and provide their recommendations thereon as appropriate.