

164th Session of the Council

Item 8 - Report of the 110th Session of the Committee on the Constitutional and Legal Matters (Document CL 164/2)

It is my pleasure to present the Report of the 110th Session of the Committee on Constitutional and Legal Matters (CCLM), which was held virtually on 28 and 29 May 2020. This was the first virtual session of an FAO Governing Body, which, thanks to all concerned, Members and FAO Secretariat, was completed, in my view, very satisfactorily.

The CCLM considered the following subject-matters:

- Voting procedures under Rule XII, paragraph 10 of the General Rules of the Organization;
- The use of unspent balance of biennial appropriations;
- The International Platform for Digital Food and Agriculture; and
- The Organization's voluntary adherence to the United Nations reporting system for allegations of sexual exploitation and abuse.

Under Any Other Matters, the Independent Chairperson of the Council (ICC) provided a comprehensive updated report on the progress of his consultations regarding the appointment of Secretaries of Article XIV Bodies.

With respect to the voting procedures, the CCLM requested the development of a draft code of conduct addressing the candidates, Members and the Secretariat, consistent with Rule XII and the Organization's General Rules of the Organization, to be finalized prior to the 42nd Session of the Conference. The code should facilitate further the ICC consultations with the Regional Groups. The CCLM recommended that it be a member-led exercise and participatory process.

In the context of its deliberations on use of unspent balance of biennial appropriations, the CCLM reaffirmed the importance of Financial Regulation 4.2 and underscored that FAO should operate in accordance with its regulations and policies. It recognized the authority of the Conference to make exceptions to Financial Regulation 4.2 but considered that these should be limited and made in accordance with a clear, well-defined and transparent process. The CCLM recommended that it reconsider the matter and provide advice on legal arrangements, upon review by the Programme and Finance Committees of the technical and policy aspects of the use of unspent balances.

Finally, the CCLM, by consensus, warmly welcomed the Organization's voluntary adherence to the United Nations reporting system for allegations of sexual exploitation and abuse observing that it will increase the transparency and accountability of the Organization.

I invite the Council, through the Independent Chairperson of the Council, to:

- Approve the request for the development of a Code of Conduct both for Members and the Organization related to the voting procedures to be prepared before the upcoming Conference session;
- Approve the CCLM Report and the recommendations and conclusions set out therein.

Ms Daniela Rotondaro, Chairperson of the Committee on Constitutional and Legal Matters