



COMMITTEE ON CONSTITUTIONAL AND LEGAL MATTERS

Ninetieth Session

Rome, 28 – 29 April 2010

RULES OF PROCEDURE FOR THE TECHNICAL COMMITTEES (COMMITTEE ON COMMODITY PROBLEMS, COMMITTEE ON FISHERIES, COMMITTEE ON FORESTRY AND COMMITTEE ON AGRICULTURE)

PURPOSE AND BACKGROUND

1. The purpose of this document is to allow the Committee on Constitutional and Legal Matters (CCLM) to make a first review of possible amendments to the Rules of Procedure of the Technical Committees (Committee on Commodity Problems, Committee on Fisheries, Committee on Forestry and Committee on Agriculture) for the implementation of the Immediate Plan of Action (IPA) for FAO Renewal, approved by the Conference of FAO at its Thirty-fifth (Special) Session. Any such amendments would need to be reviewed and approved by the relevant Committees.

2. The IPA contained the following general observations regarding the Technical Committees:

“The Technical Committees are fundamental to FAO’s work. They are committees of the whole membership and have distinct roles: firstly, developing global information exchange, policy coherence and instruments for their areas of competence; and secondly, providing proposals to the Council and the Conference on the Strategy and Programme of the Organization. Technical Committees, as committees of the whole, deal with world issues as well as FAO’s programme and will report directly to the FAO Conference on global issues and to the Council on FAO programme priorities and performance” (paragraph 26).

3. The following specific actions were also contained in the relevant Action Matrix:

The Technical Committees “will report to Council on FAO’s budget and priorities and strategies for the programmes and directly to the FAO Conference on global policy and regulation becoming Committees of the Conference (action 2.56), and:

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- (a) *Chairs will remain in office between sessions and provide their reports to the Council and Conference (action 2.57);*
- (b) *Ways of working – Technical Committees will:*
- *Meet more flexibly as to duration and frequency, according to needs, normally once in each biennium. They will address priority emerging issues and may be convened especially for this purpose (action 2.58);*
 - *The Chair will facilitate full consultation with Members, on agendas, formats and duration (action 2.59);*
 - *More use will be made of parallel sessions and side events, taking care that countries with small delegations can participate (informal sessions will include NGOs and the private sector including representation from developing countries) (action 2.60);*
 - *The Committee on Agriculture (COAG) will specifically include and devote adequate time in its agenda to livestock with a livestock segment (action 2.61);*
 - *The Committee on Commodity Problems (CCP) will strengthen interaction with UNCTAD, WTO and the Common Fund for Commodities (action 2.62);*
 - *The Committee on World Food Security (CFS) will revitalise its role in monitoring and driving progress on the World Food Summit commitment and reviewing the State of Food Insecurity in the world” (action 2.63).*

4. According to the IPA these actions were to be implemented through “*changes in practice, including ways of working and reporting lines*” (2.64) and through “*Basic Texts changes for functions, reporting lines, etc*” (action 2.65).

5. At its Eighty-fourth Session (2-4 February 2009), the CCLM reviewed document CCLM 84/3 entitled “*Technical Committees*”, which was intended to implement actions 2.56 to 2.65 of the IPA. In its Report, the CCLM considered that some of the IPA actions could be implemented through changes in practice and others through amendments of the Basic Texts. As a consequence, the CCLM endorsed amendments to the Basic Texts which were later approved by the Hundred and Thirty-sixth and Hundred and Thirty-seventh Sessions of the Council (15-19 June 2009 and 28 September to 2 October 2009) and the Thirty-sixth Session of the Conference (19-23 November 2009). Of particular importance were the amendments to Article V of the Constitution regarding the reporting lines of the Committees, which were approved by the Conference at its Hundred and Thirty-sixth Session. A few amendments to the General Rules of the Organization (GRO) reflecting actions of the IPA were also adopted by the Conference.

6. The Technical Committees have been given an enhanced status as a result of these amendments to the Basic Texts. However, further amendments might be needed, specifically to the Rules of Procedure of the Technical Committees. For example, through Resolution 10/2009, regarding the Reform of the Programming, Budgeting and Results-based Monitoring System, the Conference emphasized that, under the revised Rules and the framework established by the General Rules of the Organization and the Rules of Procedure of Programme and Finance

Committees, the Technical Committees would need to change the cycle of their sessions in order to play their role in the new Programming, Budgeting and Results-Based Monitoring System.

7. Authority to adopt and amend Rules of Procedure is vested in the Committees. The Committees may have specific functional needs and one of them, the CCP, has a particular structure insofar as a number of intergovernmental groups report to it. The CCLM may wish to recommend that a harmonized format be followed in consideration of the fact that the Committees remain under the general authority of the Conference and the Council. Such harmonized Rules of Procedure could be adjusted by the Committees to their specific needs within certain parameters and provided that they are compatible with the Constitution and the GRO.

8. This document reviews areas where amendments to the Rules of Procedure of the Committee on Commodity Problems (CCP), the Committee on Fisheries (COFI), the Committee on Forestry (COFO) and the Committee on Agriculture (COAG) may have to be considered¹.

ISSUES FOR CONSIDERATION

Role of the Chairperson and other officers during and between sessions

9. The IPA calls for an **enhanced role of the Chairpersons of the Technical Committees** with particular reference to the performance of a number of functions during intersessional periods. Specifically, the IPA requires the Chairperson to facilitate full consultation with Members in relation to agendas, formats and other matters (action 2.59). This concerns only the Chairperson, but in past discussions at the CCLM the broader issue was raised as to whether the Chairperson and other officers should act as a Steering Committee not only during the sessions but also during intersessional periods.

10. Although all of the Committees were established on the same legal bases and operate in accordance with similar procedures, there has been some variation in their practices and the functions of their officers, as reflected to some extent in their respective Rules of Procedure. Some Committees provide the only world forum for the discussion of particular topics. They may have been more active than others, and their chairpersons and other officers may have performed more or less active roles during intersessional periods.

11. At present, the Rules of Procedure of two of the Technical Committees (COFI and COFO) provide for a Steering Committee, which performs its functions “*during sessions*” (Rule I, paragraph 1 of their Rules of Procedure). At its Eighty-fourth Session (2-4 February 2009) the CCLM recommended that the Technical Committees be requested to amend their Rules of Procedure to provide for a Steering Committee that would act not only during sessions but also between sessions. The CCLM recommended that consideration be given to the following revised Rule, building upon the Rules of Procedure of COFI and COFO:

“At the first session in each biennium, the Committee shall elect a Chairperson [...], who shall remain in office until the election of a new Chairperson and new Vice-Chairpersons and who will act as a Steering Committee between sessions and during sessions”.

¹ This review does not take into account the Committee on World Food Security (CFS) in light of Conference’s Resolution 14/09 “*Reform of the Committee on World Food Security, Amendments to the General Rules of the Organization*” which invited the Bureau of the CFS to review and propose adjustments to the revised Rules of Procedure of the CFS for adoption by the CFS at its session of 2010, drawing, as appropriate, on the advice of the CCLM.

12. The Technical Committees could be invited to review this particular provision and advise on whether it should be incorporated into the Rules of Procedure.

13. In this connection, a further issue arises as to whether the **generic reference to a “Steering Committee” is sufficient, or whether it would be desirable to go further and clarify its functions.** There would be no fundamental need to explicitly define the functions of the Steering Committee between sessions. However, given the fact that the IPA made a specific reference to an increased role of the Chairperson on consultation with Members “*on agendas, formats and duration*” (action 2.59), it might be useful to make a reference to the functions of the Steering Committee. This could be just a generic reference to the functions of the Steering Committee such as “*ensuring preparations for the sessions*” that could be added to the Rules of Procedure. A more detailed description of the functions might not be required in consideration of the dynamic nature of the functions of such bodies.

14. A related question concerns **the number of officers elected by each Committee to make up a Steering Committee.** Currently, there are substantial differences in the numbers of officers elected by the Committees. The Rules of Procedure of COFI and COFO provide that their Steering Committees are composed of the Chairperson, the first Vice-Chairperson, and four or five other Vice-Chairpersons (Rule I, paragraph 1), whereas CCP and COAG elect only one Chairperson and two Vice-Chairpersons (Rule I, paragraph 1).

15. Broader Membership to ensure representation of the regions could be achieved through an increase in the number of Members to seven (one Member per region) or six Members, as is the case with COFI and COFO. However, this is a matter to be reviewed by each Committee individually, and which would take into consideration whether there is an actual need for an increase in the number of officers and the fact that some regions may have difficulties in filling the positions.

16. **Consideration also needs to be given to the timing of the election of officers and, in particular, whether this should happen at the beginning or the end of the sessions.** Under current Rules the Chairperson and the other officers remain in function until the election of a new Chairperson and other officers, without specifying whether the election takes place at the beginning or at the end of the sessions of the Committees. Often elections have taken place at the beginning of the sessions. However, a debate has arisen in some technical committees and at some statutory bodies of FAO regarding the timing of the elections and a proposal that they should take place at the end of the session has benefited from some support. The rationale for this is that officers elected at the end of a session would follow preparatory work for the implementation of actions decided upon at that session until their actual approval. They would then follow up with the implementation of the work prepared during the intersessional period.

17. Subject to such views as the CCLM may hold, the current wording of the Rules of Procedure seem to be sufficiently flexible to allow the Committees to hold the election at the beginning or at the end of a session. Any arrangements during the transition period could be accommodated under the current formulation of the Rules.

18. The CCLM is invited to offer its views on the issues reviewed above and, as appropriate, to recommend that the Technical Committees examine whether their Rules of Procedure, with particular reference to Rule I, should be amended to reflect the role of the Chairperson and the other officers and related matters.

Reporting lines and structure of the reports

19. The IPA provides that the Technical Committees will report to the Council on programme and budget matters and to the Conference on policy and regulatory matters (action

2.56). In order to implement this action the Conference adopted, at its Thirty-sixth Session, amendments to Article V, paragraphs 5 and 6 of the Constitution and to Rules II, paragraph 2 (c) (xii) and XXIV paragraph 2 (e) of the GRO.

20. The implementation of this action involves consequential amendments to the Rules of Procedure of the Committees. At its Eighty-fourth Session (2-4 February 2009) the CCLM recommended such amendments along the following lines:

“At each session, the Committee shall approve a report embodying its views and recommendations, including when requested, a statement of minority views. The Committee shall make every effort to ensure that recommendations are precise and can be implemented. Policy and regulatory matters shall be referred to the Conference whereas programme and budget matters shall be referred to the Council. Any recommendations adopted by the Committee which affect the programme or finances of the Organization shall be reported to the Council with the comments of the appropriate committees of the Council” (insertions are indicated using underlined text).

21. The CCLM may wish to examine whether this wording, proposed by the CCLM in 2009, should be improved. Eventually, this would require amendments to Rule VI, paragraph 1 of the Rules of Procedure of CCP, COFI, COFO and COAG.

22. Moreover, the structure of the Committees' reports might need to be adapted to these new reporting lines. A distinction might need to be made between issues related to programme and budget matters and issues related to policy and regulatory matters. The CCLM may wish to consider that this could be implemented through changes in practice or, alternatively, may wish to recommend an amendment to the Committees' Rules of Procedure. This issue was the subject of some discussions in the recent past, and a number of delegates have underlined that, at times, it may not be easy to establish a clear distinction between policy and regulatory matters, and programme and budget matters. This distinction is important also in consideration of its implications in respect of the review of the reports of the Technical Committees by the Council and the Conference.

23. The CCLM is invited to offer its views on the matter and to recommend that the Technical Committees amend Rule VI, paragraph 1 of their Rules of Procedure as appropriate.

Timing of sessions

24. Through Resolution 10/2009, the Conference decided to introduce a revised schedule of sessions of the Governing Bodies of the Organization for the implementation of the new Programming, Budgeting and Results-Based Monitoring system. The revised schedule of sessions will take into account the fact that the Conference will hold its regular session in June of the year prior to the beginning of the biennium and will allow the Technical Committees to participate in the process of preparation and adjustment of the Strategic Framework, the Medium-Term Plan and the Programme of Work and Budget, and to monitor performance against relevant performance indicators. The new schedule of sessions of the Governing Bodies will be generally in accordance with the table attached to Conference Resolution 10/2009, which indicates that the Technical Committee meetings will take place in the third quarter of the first year of the biennium, subject however to necessary adjustments to meet unforeseen circumstances or particular requirements.

25. The timing of the sessions of the Technical Committee outside this table could prevent the Programme and Finance Committees from taking into consideration their reports in formulating advice to Council. This is already the case in 2010-11 due to the late timing of the Twenty-ninth Session of COFI. The CCLM is invited to offer its views on this issue and, as

appropriate, to recommend that the Technical Committees examine whether their Rules of Procedure, with particular reference to Rule II, should be amended to reflect the timing of sessions.

SUGGESTED ACTION BY THE COMMITTEE

26. The CCLM is invited to review this document and make such recommendations thereon as appropriate.

27. The CCLM is, in particular, invited to recommend to the Council that the Technical Committees (CCP, COFI, COFO and COAG) should be invited to examine their Rules of Procedure in the light of the above considerations.