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COMMITTEE ON CONSTITUTIONAL AND LEGAL MATTERS

Ninety-seventh Session

Rome, 21 - 23 October 2013

**PROPOSED ABOLITION OF THE RESOLUTIONS COMMITTEE
OF THE CONFERENCE**

BACKGROUND

1. The item has been placed on the provisional agenda of the Committee on Constitutional and Legal Matters (CCLM) under Rule XXXIV, paragraph 8, of the General Rules of the Organization (GRO) whereby “*the Committee may (...) consider the legal and constitutional aspects of any other matters submitted to it by the Council or the Director-General*”. The Director-General has requested that the issue of the Resolutions Committee of the Conference be placed on the provisional agenda of the 97th Session of the CCLM (21-23 October 2013), in light of the considerations described in this document¹.

2. The Resolutions Committee has been a regular feature of Conference sessions since 1967 when it was established for the first time. At that time, the Conference used to hold sessions lasting for a period of three to four weeks. In that context, the Resolutions Committee was mandated to review all draft Conference resolutions, whatever their origin, from a procedural and editorial viewpoint, in order to facilitate the work of the commissions of the Conference and the adoption of resolutions by the Conference. The duration of Conference sessions has been gradually shortened in the course of the last two biennia,²

¹ The CCLM has, on three previous occasions, considered matters relating to resolutions of the Conference, namely at its 23rd Session (1971), 27th Session (1973) and 30th Session (1975). During these sessions, the CCLM examined questions related to the arrangements for the Resolutions Committee of the Conference and, in particular, to the criteria for the formulation of Conference resolutions as well as the functions and operating procedures of the Resolutions Committee.

² In 1993, the Conference mandated the Council to review the working methods of the Conference and to set the duration of the subsequent session of the Conference in November 1995, not to exceed two weeks (C1993/Rep, para.335; C93/PV/19). Later, in 2003, the Conference decided that the subsequent 33rd Session of the Conference be from Saturday to Saturday (C2003/Rep, para.146; C2003/PV, part V, section 24).

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mechanisms for a more efficient management of the work of the Conference have been put in place, and the Resolutions Committee has played an increasingly marginal role in reviewing draft Conference resolutions. There has been, at times, since the mid Nineties, a sense of inefficiency or duplication of work, because most of the draft resolutions examined by the Resolutions Committee had already been reviewed by the Council, either on the recommendation of the Programme Committee, the Finance Committee or the CCLM, or on the recommendation of the Technical Committees. Since 2007, informal proposals have been made for the discontinuation of the Resolutions Committee. As will appear from this document, the functions *de facto* performed by the Resolutions Committee have been confined to the review of very few draft Conference resolutions proposed by delegates during Conference sessions³.

3. This document provides information on the history of the Resolutions Committee and the rationale underlying its foundation and, drawing on recent proposals and experience, suggests that it be discontinued as part of an effort towards streamlining Conference proceedings and increasing efficiency.

ESTABLISHMENT, COMPOSITION AND FUNCTIONS OF THE RESOLUTIONS COMMITTEE

4. The Resolutions Committee is a committee established by the Conference at each session, since 1967, on the basis of Rule XV, paragraph 1 of the General Rules of the Organization (GRO), which specifies that “*the Conference may appoint, or authorize the appointment of, any temporary or special committees which it deems necessary*”. At each session, the Conference establishes, upon recommendation of the Council, a Resolutions Committee and sets out its functions and operating procedures.

5. In its current form, the Resolutions Committee consists of seven Members, one per Region. The Chairperson is elected among Members of the Resolutions Committee. Its composition, with slight variations, has remained substantially the same over the years⁴. It is useful to review briefly the practice of the Resolutions Committee until 1999 and since that date.

(a) Practice until 1999

6. The Resolutions Committee was first established by the Conference at its 14th Session (1967), upon recommendation of the Council and the Programme Committee.⁵ Up to the 8th

³ At its 38th Session held in June 2013, the Conference established the Resolutions Committee upon recommendation of the 146th Session of the Council in April 2013. However, the Resolutions Committee was never convened by its Chairperson or by the General Committee as no formal proposals of draft resolutions were transmitted to it for review.

⁴ Since 1975, the Resolutions Committee has been constituted by seven Members, one from each FAO Region. Whereas the Membership of the Resolutions Committee remained unchanged, the Chairmanship of the Committee has changed many times. In 1975 (18th Conference Session), the Chairperson of the Resolutions Committee was elected from among its Members. From 1977 to 1985, the Committee has been chaired by the Chairperson of the Programme Committee. In 1987 (24th Conference Session), the Resolutions Committee was chaired by the Chairperson of the Finance Committee. Finally, since 1989 (25th Conference Session), the Conference has appointed the Chairperson of the Resolutions Committee from among its Members.

⁵ CL 147/22 and CL147/Rep, paras.167-169.

Session of the Conference (1955) there was no Resolutions Committee as such, but *ad hoc* Committees and Drafting Committees were set up to deal with drafting and editing of Conference decisions in the form of resolutions. The first reference to a “Sub-Committee” to deal with draft Conference resolutions appears at the 9th Session of the Conference (1957).⁶ The first Committee entrusted with the review of Conference resolutions was established at the 11th Session of the Conference (1961),⁷ but was still referred to as a “*Drafting Committee on Resolutions*”. The first formal “Resolutions Committee” of the Conference was set up at the 14th Session of the Conference (1967)⁸. At its 16th Session (1971), the Conference, following a recommendation of the Resolutions Committee, endorsed by the General Committee, decided that the criteria for the formulation of resolutions should be reviewed by the Council⁹, which requested the CCLM to review the criteria and propose any amendments or additions to a future Council session.¹⁰

7. At its 30th Session (1975), the CCLM reviewed the criteria for the formulation of resolutions, and noted that the Resolutions Committee had been established at each Conference session since 1967 and its functions and operating procedures had remained substantially the same¹¹. As the Resolutions Committee appeared as a regular feature of the Conference sessions and there was no indication that the practice would change in the foreseeable future, the CCLM considered it appropriate to group together the criteria for the formulation of resolutions and the functions and the operating procedures of the Resolutions Committee in the same document: “*Criteria for Conference Resolutions and Functions and Operating Procedures of the Resolutions Committee*”¹². On that occasion, the CCLM considered whether the Resolutions Committee should be transformed into a committee, foreseen in the GRO such as the Nominations Committee, the General Committee and the Credentials Committee. Since the functioning of the Resolutions Committee had not raised any difficulties, the CCLM concluded that there was no need to include it in the GRO as a statutory committee of the Conference.

8. The “*Criteria for Conference Resolutions and Functions and Operating Procedures of the Resolutions Committee*” were reviewed by the Council at its 66th Session (1975) and approved by the Conference at its 18th Session (1975)¹³. Since then, the “*Criteria for Conference Resolutions and Functions and Operating Procedures of the Resolutions Committee*” is approved by each Conference session on the basis of a recommendation of the Council and the General Committee. The functions of the Resolutions Committee are *inter alia* to: (a) “*examine all draft resolutions, whatever their origin, unless determined otherwise by the General Committee*”; (b) “*endeavor to keep the number of resolutions to a minimum, and to ensure that resolutions conform to the criteria set forth*” in the Criteria for Conference

⁶ C1957/Rep, Resolution No. 1/57.

⁷ C1961, para.6.

⁸ C1967, para.15-25.

⁹ C71/Rep, para.19.

¹⁰ CL60/Rep, para.154.

¹¹ CL66/5; CCLM 30/5.

¹² CCLM30/5, Appendix B.

¹³ C1975/Rep, para.19, and C75/12 Appendix D.

Resolutions (adopted by each Conference session); and (c) “*make editorial or similar amendments not affecting the substance of draft resolutions*”¹⁴.

(b) Practice since 1999

9. A major development occurred in connection with the 30th Session of the Conference (1999). At that time, the Conference decided, on the basis of the report of the Council and the General Committee proposing arrangements for the Session, that the Resolutions Committee should review all draft Conference resolutions “*with the exception of those submitted to the Conference by the Council*”¹⁵. This proposal had been made as a result of some factors¹⁶. First, there had been at times, since the mid Nineties, a sense of inefficiency or duplication of work, because most of the draft Conference resolutions examined by the Resolutions Committee had already been reviewed by the Council, either on the recommendation of the Programme Committee, the Finance Committee or the CCLM, or on the recommendation of the Technical Committees. Furthermore, at times, some of the resolutions were the result of extensive negotiation processes and it did not seem that the Resolutions Committee could bring value added to the review of draft resolutions. Second, the fact that the Resolutions Committee only dealt with the editorial review of resolutions without entering into issues of substance resulted in a sense that such task could be done by other means, including at the Secretariat level. Occasionally the Resolutions Committee had to consider draft resolutions of a complex or controversial nature, and there were attempts to reopen compromises reached. In turn, this led at times to protracted discussions in the Resolutions Committee.

10. The change which intervened in 1999 resulted in a drastic decrease in the number of resolutions reviewed by the Resolutions Committee. Prior to 1999, the Resolutions Committee used to consider almost all the resolutions submitted to the Conference (*e.g.* amendments to the Basic Texts, establishment of Article VI Bodies, scale of contributions, adoption of Agreements under Article XIV of the Constitution, audited accounts, etc.) and used to review an average of 14-16 resolutions at each session. At its 33rd Session (2005), 34th Session (2007), 36th Session (2009) and 37th Session (2011), the Resolutions Committee reviewed 3, 0, 1, and 2 resolutions respectively (see Annex I) regarding matters such as anniversaries and declarations of international years (see Annex I). It should be noted that in some cases the resolutions had been agreed through informal mechanisms such as groups of contact or groups of friends of the Chair. At the 38th Session of the Conference (2103), no review by the Resolution Committee of any draft Resolution took place.

RELEVANT CONSIDERATIONS

11. It would seem from the above that the practice of establishing the Resolutions Committee at each session of the Conference had some justification in the past when the sessions would last about three to four weeks. This practice would need to be reassessed in

¹⁴ Criteria for Conference Resolutions and Functions and Operating Procedures of the Resolutions Committee, C2013/12, Appendix B.

¹⁵ Criteria for Conference Resolutions and Functions and Operating Procedures of the Resolutions Committee, C99/16, para.2(c).

¹⁶ C2011/LIM/20; C2005/LIM/12.

the light of the current duration of the Conference of seven working days, as well as the evolution that has taken place regarding the number of resolutions and the availability of alternative means to ensure editorial review of draft Conference Resolutions. The number of new Conference resolutions presented during a Conference session has also dramatically decreased during the last decades and in particular, since 1999 when the review undertaken by the Resolution Committee was limited to all draft Conference resolutions. During the last Session, the Resolutions Committee, whilst formally established, was not convened since no new Conference resolution was presented during the Session.

12. Consideration could therefore be given to discontinuing the practice of establishing the Resolutions Committee. This would not imply impossibility to present draft resolutions during Conference sessions. Whenever draft resolutions would be presented during Conference sessions, the Conference could, as necessary, establish an *ad hoc* mechanism (e.g. group of contact or groups of friends of the Chair) or an *ad hoc committee* either as a committee of one of the commissions under Rule XIV of the GRO, or as a committee of the Conference under Rule XV of the GRO. As a matter of fact, some of the draft resolutions presented at recent sessions of the Conference had already been considered and negotiated by informal *ad hoc* groups. These solutions would allow for editorial review of the resolutions. As an alternative, draft resolutions eventually proposed could also be considered by the General Committee, in pursuance of its general mandate set forth in Rule X, paragraph 3 of the GRO, although, given the heavy agenda of the meetings of the Committee, this solution might not be an effective one. Editorial review of draft resolutions could also be entrusted to the Secretariat.

13. The discontinuation of the practice of establishing the Resolutions Committee would not affect the criteria for Conference resolutions as approved at each session of the Conference upon recommendation of the Council. The criteria will continue to be that which has been adopted up until now and which is reproduced in Annex II of this document.

SUGGESTED ACTION BY THE COMMITTEE

14. The Committee is invited to review this document and make such observations thereon as appropriate. Should the CCLM concur with proposals contained in this document, the CCLM is invited to recommend to the Council that:

- a) the practice to establish the Resolutions Committee be discontinued;
- b) that, if necessary, the editorial review functions of the Resolutions Committee be taken over by an *ad hoc* contact group, or by a committee of the commissions established under Rule XIV of the GRO, by a committee of the Conference established under Rule XV of the GRO, or entrusted to the Secretariat, as appropriate;
- c) the arrangements for the sessions of the Conference examined by the Council and referred to the General Committee of the Conference session be amended, as appropriate, in light of the above; and

- d) to maintain the criteria for review of new draft Conference resolutions presented by Members during a Conference session, as recommended to the 38th Conference Session.¹⁷ These criteria would be reflected in the arrangements for the sessions of the Conference.

¹⁷ C2013/12, Appendix B; CL145/Rep, para.36.

ANNEX I

Resolutions reviewed by the Resolutions Committee and approved by the Conference		1967	1973	1977	1981	1987	1989	1991	1997	1999	2003	2005	2007	2009	2011	2013 ¹⁸
Resolutions within established criteria	a) Amendments to Basic Texts	3	4	7	1	2		3	3	1						
	b) Conventions and Agreements	2	1	1	1	1	1 (+1)*	1								
	c) Establishment of Bodies	1		1					(1)*	(1)*						
	d) Adoption PWB															
	e) Financial Matters	5	6	6	3	6	4	5	3							
	f) Major programme and policy matters	6	2	8	(1)*	3	6	1	4	1	1 ¹⁹	1	2	1		
	g) Recommendations to Member Nations, international organizations	1		1	3				2							
	h) Appointments (DG, Chairman of the Council)															
	i) Tributes and commemorations ²⁰		1		1	1		(1)	1			2			2	
	TOTAL	18	14	24	10	14	12	11	14	3	1	3	2	1	2	0
Resolutions outside established criteria	WFP	2	1	1	1	1	1	3	2							
	Membership of Governing Bodies	2		1												
	Support to conferences, IGOs, NGOs, CSOs		1			1 (+1)*		(1)*								
	TOTAL	4	2	2	1	3	1	4	2	0	0	0	0	0	0	0
TOTAL Resolutions reviewed by the Resolutions Committee		22	16	16	11	16	13	14	16	3	1	3	0 ²¹	1	2	0
Total Resolutions adopted by the Conference		33	20	29	21	23	18	18	18	13	16	13	14	18	16	14

*Figures within brackets concern Resolutions which include an element which permits to bring them within the scope of the criteria, although their main objectives do not meet the criteria.

¹⁸ In 2013, the Resolutions Committee didn't hold a session.

¹⁹ The Resolutions Committee examined the Resolution from an editorial viewpoint, but referred it to Commission I for substantial review.

²⁰ The criterion of "tributes and commemorations" includes anniversaries and declarations of international years.

²¹ In 2007, the Resolutions Committee considered two Resolutions and transmitted them to Commission I for consideration under a new item to be decided. The text of those resolutions was not reviewed or approved by the Resolutions Committee after consideration by Commission I.

ANNEX II

Criteria for the Formulation of Resolutions

(extract from the *Criteria for Conference Resolutions and Functions and Operating Procedures of the Resolutions Committee* as adopted by the Conference at its 38th Session in 2013)²²

Resolutions should be confined essentially to the following formal matters:

- a) Amendments to the Constitution, the GRO, and the Financial Regulations.
- b) Approval or confirmation of conventions or agreements and of amendments thereto.
- c) Establishment of bodies under Article VI of the Constitution and adoption or amendment of the Statutes of such Bodies.
- d) Adoption of the Programme of Work and Budget for the ensuing biennium.
- e) Decisions regarding financial matters such as the Working Capital Fund, the scale of contributions, and adoption of audited accounts.
- f) Major programme and policy matters.
- g) Recommendations to Member Nations or to international organizations.
- h) Matters relating to the appointment of the Director-General and the Chairperson of the Council.
- i) Tributes and commemorations of special importance to FAO.

²² C 2013/12, Appendix B.