



منظمة الأغذية
والزراعة
للأمم المتحدة

联合国
粮食及
农业组织

Food
and
Agriculture
Organization
of
the
United
Nations

Organisation
des
Nations
Unies
pour
l'alimentation
et
l'agriculture

Продовольственная и
сельскохозяйственная
организация
Объединенных
Наций

Organización
de las
Naciones
Unidas
para la
Agricultura
y la
Alimentación

COMMITTEE ON CONSTITUTIONAL AND LEGAL MATTERS

Eighty-fourth Session

Rome, 2 – 4 February 2009

REGIONAL CONFERENCES

BACKGROUND

1. The Immediate Plan of Action (IPA) indicates in general terms that
“Regional Conferences will have an important role to play in governance for: policy coherence for development in their region; discussion of global priorities as they related to the region; providing inputs to the Council and Conference on FAO priorities and in discussing such issues as intra-regional trade and investment. This role may vary from region to region. They will become a full part of the governance structure, feeding into the Conference and Council”¹.
2. More specifically, the relevant action matrix reads as follows:
“Changes in lines of reporting, functions and ways of working will be introduced immediately in practice and followed up by Basic Text changes, including changing the status of the Regional Conferences to Committees of the FAO Conference (IPA Action 2.52):
 - (a) *Functions will include:*

¹ Paragraph 25

This document is printed in limited numbers to minimize the environmental impact of FAO's processes and contribute to climate neutrality. Delegates and observers are kindly requested to bring their copies to meetings and to avoid asking for additional copies.

Most FAO meeting documents are available on the Internet at www.fao.org

(i) *Develop issues for regional policy coherence & regional perspective on global policy issues & regulation – presenting its report to the FAO Conference;*

(ii) *Review and advise on the FAO programme for the region and the overall FAO programme as it affects the region – presenting its report to the Council through the Programme and Finance Committees (IPA Action 2.53)*

(b) *Ways of working – Regional Conferences will:*

(i) *be convened normally once in every biennium on the decision of the Members of FAO from the region and with full consultation among members on agendas, formats, dates & duration and need for the Conference;*

(ii) *appoint a rapporteur;*

(iii) *the Chair and rapporteur will remain in office between sessions and the Chair, or if not available the rapporteur, will present the Regional Conference report to the FAO Council and Conference (with consideration also by the Programme and Finance Committees as appropriate) in line with the new cycle of governing body oversight and decision making for the programme and budget process;*

(iv) *to the extent possible, hold sessions in tandem with other intergovernmental regional bodies concerned with agriculture;*

(v) *papers for Regional Conferences will be focused with actionable recommendations (IPA, Action 2.54).*

Introduce Basic Text changes for functions, reporting lines, etc “(IPA, Action 2.55).

3. The IPA also includes a number of actions regarding the reform of the programming, budgeting and results based monitoring systems which impact upon the role of the Regional Conferences. More specifically, under the new programme and budget cycle, in “*Year 1 of the biennium*”, “*the Regional Conferences will with respect to their Regions, review and make recommendations on:*

- *FAO performance in contributing to results against performance indicators, including any pertinent evaluations;*

- *priorities and results planned under the Medium Term Plan, and suggest adjustments for the next biennium; and*

- *policy issues for the region to be considered at global level or through additional action at regional level*" (IPA, Action 3.8).

ISSUES FOR CONSIDERATION

4. The actions set out in the IPA are clear as regards the overall objective of strengthening the role and status of Regional Conferences within the governance structure of FAO. However, their reflection through amendments to the Basic Texts is not an easy exercise because of the range of options that could be considered to that effect, as evidenced by some preliminary discussions². Some of the actions are of a general nature, whereas other actions are rather specific and detailed and this could also have implications in respect of the manner in which they should be reflected in the Basic Texts. In addition, some of the actions may require clarification in a number of respects.

General recognition of an enhanced role for the Regional Conferences

5. Aside from the general action referred to in paragraph 1 of this document, the action matrix calls for "*changes in lines of reporting, functions and ways of working*" to be introduced immediately in practice and followed up by Basic Texts changes, "*including changing the status of the Regional Conference to Committees of the FAO Conference*".

6. The CCLM is invited to note the reference to the change of the Regional Conferences into "*Committees of the FAO Conference*" and advise whether clarification of this sentence from the Conference Committee would be required. It is possible that what is meant by this formulation is that Regional Conferences should in future report to the Conference directly as suggested by the sentence as a whole. Still, if one considers the letter of that particular segment, the question arises as to whether the proposal is correct from a legal point of view. It does not seem that the Regional Conferences could be considered as "*commissions of the Conference*" as per Rule XIII of the General Rules of the Organization (GRO) or "*committees of commissions (of the Conference)*" within the meaning of Rule XIV of the GRO. Indeed, these commissions and committees are internal bodies of the Conference, usually set up for the duration of the Conference session and operate in accordance with the procedures set out in those Rules.

7. It could also be assumed that what is meant in the IPA is that the Regional Conferences should have an enhanced role, brought fully within the realm of the governance structure of the Organization, and that they should report to the Conference. On this assumption, the question that arises is how this new general status should be reflected in the Basic Texts. Two options could be considered in this connection.

8. First option: The action could be implemented through an amendment to Resolution N^o 14/69 of the fifteenth session of the Conference entitled "*Authority, terms of reference and constitutional status of Regional Conferences*" set out in Volume II, Part S of the Basic Texts. However, while legally correct, this approach might not correspond precisely to the wishes of the

² This was the subject of some discussion at the 83rd session of the CCLM as reflected in document CCLM 83/2 and the report of the session (CCLM 135/9). 135/9, paragraphs 20 and 24.

Conference Committee and its clear call for an increased role for the Regional Conferences. It could also be observed that the various bodies which form part of the governance structure of FAO are mentioned in the Constitution of FAO. Following the same logic, it would be appropriate that Regional Conferences be also explicitly referred to in the Constitution. Inter-agency consultation indicates that two Specialized Agencies have made provision for Regional Conferences in their constituent instruments. The Constitution of the World Health Organization (WHO) contains extensive provisions on Regional Arrangements, including Regional Committees³. However, the regional governance and administrative structures of WHO are different from those of FAO in a number of important respects and, therefore, do not provide a proper basis of comparison with FAO on the status of Regional Conferences. The Constitution of the International Labour Organization (ILO) provides that ILO may convene regional conferences and establish regional offices, and that “*the powers, functions and procedure of regional conferences shall be governed by rules drawn up by the Governing Body and submitted to the General Conference for confirmation*” (article 38, paragraph 2).

9. The CCLM could consider an enabling provision drafted along lines similar to those of the Constitution of ILO. In order to maintain the current structure of the Constitution, a paragraph could be added to Article IV of the Constitution. The provision should be drafted in general terms in order to take due account of the different contexts of the regions. Indeed this approach would reflect the fact that the deliberations within the Conference Committee, as well as a general discussion in the course of the Eighty-third session of the CCLM, showed that whereas some regional groups consider that Regional Conferences have a fundamental role to play in the future, other regional groups do not share that view because the heads of their food and agriculture departments, as well as their administrations in general, maintain regular contacts in other fora. Paragraph 6 of Article IV of the Constitution could thus read as follows:

“There shall be such Regional Conferences as the Conference may establish. The status, functions and reporting procedures of the Regional Conferences shall be as determined by the Conference”

10. On the basis of such provision, the Conference could establish, either through the GRO or through resolutions, the rules required for the operation of the Regional Conferences as provided for in the IPA. If it is decided to amend the Constitution in order to provide a constitutional basis for the Regional Conferences, the proposed amendment would need to be circulated to the membership, in accordance with Article XX, paragraph 4 of the Constitution, at least 120 days prior to the opening of the session at which it would be considered.

³ The WHO Constitution provides for the establishment of “*regional organizations*” that are an integral part of the “*Organization*” (article 45). Each regional organization consists of a regional committee and a regional office (article 46). Regional committees meet as often as necessary and determine the place of their meetings (article 48). The functions of the regional committees are, *inter alia*, (a) to formulate policies governing matters of an exclusively regional character; (b) to supervise the activities of the regional office; (c) to suggest to the regional office the calling of technical conferences and such additional work or investigation in health matters as in the opinion of the regional committee would promote the objective of the Organization within the region; (d) to co-operate with the respective regional committees of the United Nations and with those of other specialized agencies and with other regional international organizations having interests in common with the Organization; (e) to tender advice, through the Director-General, to the Organization on international health matters which have wider than regional significance; (f) to recommend additional regional appropriations by the Governments of their respective regions if the proportion of the central budget of the Organization allotted to that region is insufficient for the carrying out of the regional functions and (g) such other functions as may be delegated to them by the Health Assembly, the Board or the Director-General.

11. **Second option:** As mentioned in an earlier submission to the CCLM, the above provision could be set out in the GRO. However, for the reason put forward in paragraph 7, this course of action might not constitute a proper legal reflection in the Basic Texts of the future role that the IPA wishes to confer upon the Regional Conferences.

Regional Conferences to be established

12. At present, Conference resolution 14/69 on “*Authority, Terms of Reference and Constitutional Status of Regional Conferences*” (Part S of the Basic Texts) provides for the following five Regional Conferences: Regional Conference for Africa, Regional Conference for Asia and the Pacific, Regional Conference for Europe, Regional Conference for Latin America and the Caribbean and Regional Conference for the Near East.

13. Presumably these Regional Conferences will continue to exist under their current names and would be referred to, either in the GRO, or in the above mentioned resolution, together with the relevant provisions on other matters covered by the IPA.

14. The CCLM is requested to advise whether the rules regarding Regional Conferences should be set out in the GRO or in a Conference resolution. While the enhanced status for the Regional Conferences called for in the IPA would normally lead to the definition of their status in the GRO (as is the case with the other bodies which are part of the governance structure of FAO), this remains a working hypothesis for review by the CCLM. Should the CCLM consider that it would be appropriate to define the main rules regarding the Regional Conferences in the GRO, this could be done through the addition to the GRO of new Rule XXXV, other Rules being re-numbered.

Functions of the Regional Conferences

15. The functions of the Regional Conference would also need to be defined in general terms in the GRO. The following is a proposed broad definition of the functions of the Regional Conferences, taking into account both Action 2.55 and Action 3.8, which is referred to the CCLM for further review:

“The functions of the Regional Conferences shall be:

- (a) To provide a forum for consultation on all matters pertaining to the mandate of the Organization within the region, including any special issues of interest to the Members in the concerned region;*
- (b) To provide a forum for the formulation of regional positions on global policy and regulatory issues within the mandate of the Organization or having implications in respect of the mandate and activities of the Organization, including with a view to promoting regional coherence on global policy and regulatory matters;*

- (c) *To advise on and identify the special problems of their respective regions and priority areas of work which should be taken into account in the preparation of the planning, programme and budgetary documents of the Organization and suggest adjustments to these documents in respect of future periods;*
- (d) *To review and advise on the programmes or projects carried out by the Organization which impact upon the region;*
- (e) *To review and advise on the performance of the Organization in the region in contributing to the achievement of results against relevant performance indicators, including any pertinent evaluations”.*

16. The CCLM is invited to review this text and advise whether it should be referred to the Conference Committee. This text reflects a desire to define through new legal provisions the actions of the IPA while, at the same time, maintaining a broad formulation for the functions of the Regional Conferences.

Reporting lines

17. The IPA action matrix implies that the Regional Conferences would have reporting lines comparable to those of the Technical Committees. They would report to the Conference on policy and regulatory issues and to the Council, through the Programme and Finance Committees, on programme and budget matters which impact upon the region.

18. The proposed Rule of the GRO could include a general provision on the reporting lines. For the sake of consistency, it could be drafted along lines similar to the proposed amendments to Article V of the Constitution regarding the new reporting lines of the Technical Committees of the Council. On this occasion a reference could be made to the reporting functions of the Chairperson. The new provision could read:

“The Regional Conferences shall report to the Council, through the Programme and Finance Committee, in the areas of their respective mandates, , on programme and budget matters, and to the Conference on policy and regulatory matters. The reports of the Regional Conferences shall be presented by the Chairperson”.

Agenda, format and duration

19. The IPA refers to a number of changes regarding the agenda, the format and the duration, as well as the fact that the agenda should be more “*focused*” with actionable recommendations. There might be no need for each of these issues to be reflected in a revised Rule. A provision on the preparation of the provisional agenda would normally suffice to cover the matter, from a practical standpoint, since it is usually on the occasion of the preparation of the agenda that matters regarding the organization of the sessions are addressed.

20. The issue of the preparation of the agenda of the Regional Conferences has been the subject of discussion and review within FAO. Action 2.54 of the IPA clearly indicates that the agenda of the Regional Conference should correspond fully to the wishes of the Members of the regions and be prepared with their full involvement in an inclusive and participatory context. Prior to proposing any rules, the secretariat examined the rules and practices of ILO and WHO, where Regional Conferences play an important role.

21. In ILO, Regional Meetings⁴ are convened once every two years. In general, aside from procedural matters, Regional Meetings have only one item. It is the Governing Body of ILO which decides which item is to be included in the agenda on the proposal of the Director-General. However, while a decision is taken by the Governing Body, in practice the concerned Regional Office of ILO is much involved in proposing that item through informal consultations with the Members of the Region⁵.

22. The role that the Regional Committees play within WHO is substantially different from the current role of Regional Conferences within FAO and, presumably, from the role which they will play in future. This is reflected in many provisions regarding the WHO Regional Committees, including the rules regarding the preparation of the agenda. Regional Committees meet once every year. The provisional agenda is drawn up by the Regional Director in consultation with the Chairperson and is despatched to Member States eight weeks before the commencement of the session. In preparing the provisional agenda, account is taken of the need to include the items proposed by the Health Assembly, the Executive Board, Member States or the Director-General. In practice, the Regional Committees themselves are instrumental in the determination of the items that the Committees examine at subsequent sessions, as the matters examined are primarily matters which have been prescribed by the Regional Committee at previous sessions. Subsequent to the circulation of the provisional agenda, the Regional Director may, in consultation with the Chairperson, add items to the agenda "*which may arise or reach him up to twenty-one days before the opening day of the session*", in a supplementary agenda which the Committee shall examine together with the provisional agenda. Any items arising or submitted later may be included in the supplementary agenda provided that the Committee agrees to do so.

23. Based on the above, and taking into consideration the rules and practices usually followed in FAO on this matter, two options are proposed for the preparation of the provisional agenda of the sessions of the Regional Conferences.

24. First option: In order to ensure full consultation of Members of the region, a three-step process for the preparation of the provisional agenda could be considered as follows:

⁴ In 1995, the Governing Body decided to replace the ILO's Regional Conferences by shorter Regional Meetings with a single agenda item, which would still be considered as Regional Conferences for the purposes of article 38 of the ILO Constitution. These Regional Meetings offer the opportunity for tripartite delegations to express their views on the programming and implementation of the ILO's regional activities. Rules for ILO Regional Meetings are set out in ILO document RM/2008/SO.

⁵ The structure of delegations to Regional Meetings is the same as that of the delegations to the General Conference of ILO in that each national delegation is composed of four delegates: two from Governments and one each from Employers and Workers organizations.

- (a) First, the Director-General or the Regional Representative would, following consultation with the Chairperson of the concerned Regional Conference, consult the Members of the region through a circular communication issued some six months prior to the proposed date of the session of the Regional Conference.
- (b) Subsequently, on that basis, a provisional agenda could be drawn up in consultation with the Chairperson and dispatched to the Members of the region sixty days before the opening of the session.
- (c) Finally, it could be also proposed, based on the practice of the Organization, especially the practice regarding the Council, that any Member of a Regional Conference could request that an item be inserted in the provisional agenda. This could be done not less than thirty days before the opening of the session.

25. The revised Rule of the GRO could be as follows:

“At least six months prior to the proposed date for the Regional Conference, the Director-General, after consultation with the Chairperson, shall send a communication to the Members of the Regional Conference. The communication shall contain a brief outline of the programmes of the Organization of interest to the region and of the outcome of the previous session of the Regional Conference and invite Members to formulate suggestions as to the organization of the next session of the Regional Conference, with particular reference to the agenda of the session.

The Director-General, in consultation with the Chairperson of the Regional Conference, having regard to suggestions made by any Member of the Regional Conference and the outcome of the previous session of the Regional Conference, shall prepare a provisional agenda and despatch it to Members not less than 60 days in advance of the session.

Any Member of the Regional Conference may request the Director-General, not less than 30 days before the date of a session, to insert an item in the provisional agenda. The Director-General shall thereupon, if necessary, circulate a revised provisional agenda to all Members together with any necessary papers”.

26. Second option: Another option could be considered. It would not involve a communication to Members sent at least six month prior to the session as this might not be an essential step. It could be considered that consultation with the Chairperson of the Regional Conference would allow the Director-General to prepare a provisional agenda which would be in line with the wishes and expectations of the Members of the region. It would, in any case, be possible for Members to request the insertion of additional items in the provisional agenda.

27. Revised provisions under this option would be as follows:

“The Director-General, in consultation with the Chairperson of the Regional Conference, having regard to suggestions made by any Member of the Regional Conference and the outcome of the previous session of the Regional Conference, shall prepare a provisional agenda and despatch it to Members not less than 60 days in advance of the session.

Any Member of the Regional Conference may request the Director-General, not less than 30 days before the date of a session, to insert an item in the provisional agenda. The Director-General shall thereupon, if necessary, circulate a revised provisional agenda to all Members together with any necessary papers”⁶.

28. The first option, which is fairly elaborate, draws on the rules and practices of a number of Governing Bodies and other statutory bodies of FAO. The second option is simpler. Insofar as there would be new dynamics in the operation of the Regional Conferences, both options should normally respond to the functional requirements of the Conferences. In normal circumstances, the agendas would reflect the concerns and wishes of Members of the regions as determined by the Regional Conferences.

Other “ways of working”

29. The IPA includes a number of other actions on “ways of working”. Subject to such views as the CCLM may hold, it does not seem that such actions should be reflected in a revised GRO as they are essentially matters of practice. That is the case when provision is made for sessions of the Regional Conference which should be held in “*tandem with other intergovernmental regional bodies concerned with agriculture*” or that “*papers for Regional Conferences will be focused with actionable recommendations*”. As regards the possibility for the Regional Conferences to appoint a rapporteur, a generic provision on the matter could be added to the GRO. This provision would deal also with a number of practical matters and arrangements for the Regional Conferences and could be tailored for the needs of specific regions. It could read as follows:

“The Regional Conferences may adopt such arrangements, consistent with the Constitution and these Rules, for their internal working, including the appointment of a rapporteur. The Regional Conferences may also adopt and amend their own Rules of Procedure, which shall be consistent with the Constitution and these Rules.”

30. The appendix to this document presents a consolidated set of proposed amendments to the Constitution and GRO. A number of related issues, which do not call for specific observations, are covered in the amendments.

⁶ In the case of the Codex Alimentarius Commission and its subsidiary bodies, items inserted in the provisional agenda at the request of Members are placed on a supplementary list. The Commission and its subsidiary bodies may obviously discuss them but only if there is time to do so. The rationale for this is that what is generally considered by the Commission and its subsidiary bodies at their sessions is the result of the “regular” programme of their activities and should be given priority, whereas items added shortly before a session may not benefit from the required preparatory work and documentation in order to allow for a meaningful and useful discussion. In normal circumstances, items considered by the Codex Alimentarius Commission and its subsidiary bodies originate in, and are the result of earlier sessions of these bodies.

SUGGESTED ACTION BY THE COMMITTEE

31. The Committee is invited to review this document, including its appendix, which contains the proposed amendments, and provide such guidance as it deems appropriate.

31. The Committee is also invited to refer to the Conference Committee any issues that, in the opinion of the CCLM, would require guidance. In particular, it is invited to advise whether the issues raised in paragraphs 5 and 6 regarding the general status of the Regional Conferences and the issue of the preparation of the agenda of the Regional Conferences would require guidance from the Conference Committee.

APPENDIX**Proposed amendments of the Constitution and
the General Rules of the Organization****Proposed amendments to the Constitution**New Article IV, paragraph 6 of the ConstitutionFirst option

There shall be such Regional Conferences as the Conference may establish. The status, functions and reporting procedures of the Regional Conferences shall be as determined by the Conference.

Second option

No amendments to the Constitution.

Proposed amendments to the General Rules of the Organization

New Rule XXXV of the General Rules of the Organization

1. *There shall be Regional Conferences for Africa, Asia and the Pacific, Europe, Latin America and the Caribbean, and the Near East.*
2. *The functions of the Regional Conferences shall be:*
 - (a) *To provide a forum for consultation on all matters pertaining to the mandate of the Organization within the region, including any special issues of interest to the Members in the concerned region;*
 - (b) *To provide a forum for the formulation of regional positions on global policy and regulatory issues within the mandate of the Organization or having implications in respect of the mandate and activities of the Organization, including with a view to promoting regional coherence on global policy and regulatory matters;*
 - (c) *To advise on and identify the special problems of their respective regions and priority areas of work which should be taken into account in the*

preparation of the planning, programme and budgetary documents of the Organization and suggest adjustments to these documents in respect of future periods;

- (d) To review and advise on the programmes or projects carried out by the Organization which impact upon the region;*
- (e) To review and advise on the performance of the Organization in the region in contributing to the achievement of results against relevant performance indicators, including any pertinent evaluations.*

3. The Regional Conferences shall report to the Council, through the Programme and Finance Committee, in the areas of their respective mandates, on programme and budget matters and to the Conference on policy and regulatory matters. The reports of the Regional Conferences shall be presented by the Chairperson.

First option:

4. (a) At least six months prior to the proposed date for the Regional Conference, the Director-General, after consultation with the Chairperson, shall send a communication to the Members of the Regional Conference. The communication shall contain a brief outline of the programmes of the Organization of interest to the region and of the outcome of the previous session of the Regional Conference and invite Members to formulate suggestions as to the organization of the next session of the Regional Conference, with particular reference to the agenda of the session..

(b) The Director-General, in consultation with the Chairperson of the Regional Conference, having regard to suggestions made by any Member of the Regional Conference and the outcome of the previous session of the Regional Conference, shall prepare a provisional agenda and despatch it to Members not less than 60 days in advance of the session.

(c) Any Member of the Regional Conference may request the Director-General, not less than 30 days before the date of a session, to insert an item in the provisional agenda. The Director-General shall thereupon, if necessary, circulate a revised provisional agenda to all Members together with any necessary papers.

Second option:

4. (a) The Director-General, in consultation with the Chairperson of the Regional Conference, having regard to suggestions made by any Member of the Regional Conference and the outcome of the previous session of the Regional

Conference, shall prepare a provisional agenda and despatch it to Members not less than 60 days in advance of the session.

(b) Any Member of the Regional Conference may request the Director-General, not less than 30 days before the date of a session, to insert an item in the provisional agenda. The Director-General shall thereupon, if necessary, circulate a revised provisional agenda to all Members together with any necessary papers.

5. The Regional Conferences may adopt such arrangements, consistent with the Constitution and these Rules, for their internal working, including the appointment of a rapporteur. The Regional Conferences may also adopt and amend their own Rules of Procedure, which shall be consistent with the Constitution and with these Rules.