



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
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<b>COMMITTEE ON CONSTITUTIONAL AND LEGAL MATTERS</b>
<b>Eighty-sixth Session</b>
<b>Rome, 7-8 May 2009</b>
<b>IMPLEMENTATION OF THE ACTIONS OF THE IMMEDIATE PLAN OF ACTION REGARDING THE CONFERENCE</b>

## BACKGROUND

1. The Immediate Plan of Action (IPA) provides the following guidance regarding the FAO Conference:

*“The Conference will remain the ultimate decision making body of the Organization and determine overall policy and strategy. Its distinctive functions will be further emphasised, reducing duplicative discussions with the Council. A series of measures were agreed to make the Conference more action orientated, focused and attractive to participation by Ministers and senior officials. The Conference will:*

*a) be the ultimate venue for discussion and decision on global issues of food and agriculture and requirements for regulatory instruments, normally following their discussion in, and the receipt of recommendations from, the Technical Committees and the Regional Conferences;*

*b) make the final decision on the objectives, strategy and budget of the Organization following receipt of recommendations from the Council” (paragraph 21).*

2. The following specific actions are contained in the Conference Action Matrix:

*“Each session of the Conference will usually have one major theme agreed by the Conference, normally on the recommendation of the Council (IPA action 2.5);*

*Conference will give more attention to global policy issues and international frameworks (including treaties, conventions and regulations), normally acting on recommendations of the Technical Committees and Regional Conferences and*

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*where appropriate, Council (it will receive directly the pertinent sections of Technical Committee and Regional Conference reports) (IPA action 2.6);*

*Conference will meet in June of the second year of the biennium (IPA action 2.7);*

*Conference will approve the Organization's Priorities, Strategy and Budget having considered the recommendations of the Council (IPA action 2.8);*

*The Conference report will concentrate on conclusions and decisions, which may be defined in drafting committees and "friends of the Chair" as appropriate. The verbatim will provide the detail of interventions and will be published in all FAO languages (IPA action 2.9);*

*Formal plenary meetings will become more focused on issues of vital interest to members (IPA action 2.10);*

*Side events will be developed to provide a forum for informal interchange on development of issues (IPA action 2.11);*

*Changes in practice will be introduced, including ways of working and reporting lines [...] (IPA action 2.12);*

*Basic Text changes for functions, reporting lines, role in making recommendations to the Conference, etc. as detailed in the Action Matrix (IPA action 2.13)."*

3. The Action Matrix calls for a number of actions to be approved by the Conference in 2009 indicating, however, that some actions are "continuing" in nature, which suggests that they are on-going and are to be kept under review.

4. It should also be noted that some of the actions are linked to other matters addressed elsewhere, such as the Programming and Budgeting Process (see IPA actions 3.1 to 3.11, and CCLM document 86/5).

#### **CHANGE IN THE DATE OF THE REGULAR SESSIONS OF THE CONFERENCE – PROPOSED AMENDMENT TO THE GRO**

5. The IPA specifies that the "Conference will meet in June of the second year of the biennium" (IPA action 2.7). The CCLM may wish to determine that the implementation of this action requires an amendment to paragraph 1 of Rule I of the GRO, which currently provides that regular sessions of the Conference take place in October or November. Such an amendment would have to be approved by the Conference, and would read as follows:

*"Rule I*

##### ***Sessions of the Conference***

*1. The regular session of the Conference shall be held at the seat of the Organization in the months of **June** ~~October or November~~, unless it is convened elsewhere or at a different time in pursuance of a decision of the Conference at a previous session, or, in exceptional circumstances, of a decision by the Council.[...]"*

6. Consequential adjustments to the schedule of sessions of other Governing Bodies would be addressed for the most part through a Conference resolution setting out the new planning and budget process. However, in the case of the Council, there would be a need to amend Rule XXV of the GRO. This proposed amendment will be presented in a separate document (CCLM 86/4).

#### **IMPLEMENTATION OF OTHER ACTIONS**

7. The CCLM may wish to determine whether the implementation of the other actions reproduced above will require amendments to the Basic Texts or could be addressed through changes to working practices. In this regard, the CCLM has already noted that Article IV of the Constitution defines the functions of the Conference in a broad, extensive manner, on the assumption that, being the supreme Governing Body, the Conference has general competence on all matters within the mandate of FAO, in accordance with applicable rules of the Organization (CCLM 85/3). A detailed definition of specific functions or ways of working would not be in line with this approach and, what is more, would restrict the broad authority and functions of the Conference.

8. Therefore, the CCLM may wish to determine that the other IPA actions regarding the Conference could be implemented through changes to working practices and not through amendments to the Basic Texts. These actions are reviewed below.

#### **Each session of the Conference will usually have one major theme agreed by the Conference**

9. The IPA provides that “[e]ach session of the Conference will usually have one major theme agreed by the Conference, normally on the recommendation of the Council” (IPA action 2.5).

10. At present, paragraphs 2 and 4 of Rule II of the GRO list the items to be included in the provisional agenda of the Conference, and which can be decided upon by the Conference itself at a previous session or by the Council, after consultation with the Director-General. Therefore, the current Rule allows for a major theme to be agreed by the Conference or the Council at the time of deciding the items that should be included in the provisional agenda. Subject to such views as the CCLM may hold, there would be no need for any amendment of the existing rules to implement IPA action 2.5.

#### **Conference will give more attention to global policy issues and international frameworks**

11. Under the IPA the “*Conference will give more attention to global policy issues and international frameworks (including treaties, conventions and regulations), normally acting on recommendations of the Technical Committees and Regional Conferences and where appropriate, Council (it will receive directly the pertinent sections of Technical Committee and Regional Conference reports)*” (IPA action 2.6).

12. As discussed above, current Rule II of the GRO allows for considerable flexibility in the inclusion of items in the agenda of the Conference, upon decision by the Conference or Council. It therefore empowers the Conference to address items dealing with global policy issues and international frameworks.

13. Moreover, under paragraph 5 (c) of Rule XXIV of the GRO, the Council may recommend items for insertion in the agenda of any session of the Conference “*keeping in mind the desirability of confining, as far as possible, the provisional agenda of these sessions to major policy issues*”.

14. Furthermore, through amendments already proposed by the CCLM to Article IV, paragraph 6 and Article V, paragraph 6(b) of the Constitution, as well as to Rule II, sub-paragraphs 2(c)(xi) and (xii) and Rule XXXV, paragraph 3 of the GRO<sup>1</sup>, the Conference would receive the reports of the Technical Committees and the Regional Conferences on policy and regulatory matters, and hence would include their review in its provisional agendas. These reports may thus bring to the attention of the Conference such global policy issues and international frameworks (including treaties, conventions and regulations) as the Technical Committees and the Regional Conferences may deem appropriate<sup>2</sup>.

15. In light of the above, and subject to such views as the CCLM may hold, there would be no need for any additional amendments to the Constitution or the GRO to implement IPA action 2.6.

**Conference will approve the Organization's Priorities, Strategy and Budget having considered the recommendations of the Council**

16. The Conference is expected to “*approve the Organization's Priorities, Strategy and Budget having considered the recommendations of the Council*” (IPA action 2.8). The Action Matrix links this issue to the Programming and Budgeting Process (IPA actions 3.1 to 3.11), which is reviewed in document CCLM 86/5.

17. For the purposes of this document, the CCLM might simply note again that, as Article IV of the Constitution defines the functions of the Conference in a broad, extensive manner, no amendments are necessary to implement IPA action 2.8 since paragraph 1 of that article already provides that the “*Conference shall determine the policy and approve the budget of the Organization and shall exercise the other powers conferred upon it by its Constitution.*” Consistent with earlier discussions on this matter, the broad functions of the Conference as defined in this provision should not be modified.

18. However, it would be appropriate to consider amending the GRO in this regard. Insofar as the Organization's priorities and strategies will be set out in the Strategic Framework and the Medium-Term Plan, the approval of the priorities and strategies would be done in the context of the review of those instruments. Thus, Rule II, paragraph 2, sub-paragraph (c) of the GRO regarding the agenda of the regular sessions of the Conference would be amended in order to implement this action. This would also be in line with the approach taken by the early drafters of the GRO who, rather than defining the full spectrum of the functions of the Conference, addressed a number of matters through the agenda of the regular sessions of the Conference. This proposed amendment – together with a number of other amendments – is presented in document CCLM 86/5.

**The Conference report will concentrate on conclusions and decisions, and the verbatim will provide the detail of interventions and will be published in all FAO languages**

19. The IPA requires that the Conference report “*concentrate on conclusions and decisions, which may be defined in drafting committees and ‘friends of the Chair’ as appropriate. The verbatim will provide the detail of interventions and will be published in all FAO languages*” (IPA action 2.9).

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<sup>1</sup> Report of the 85<sup>th</sup> session of CCLM.

<sup>2</sup> The implementation of this action is also linked to the recommendations of the Evaluation of FAO's work on international instruments which will be reviewed by the Programme Committee at its Hundred and First Session (Document PC 101/5a).

20. This action could be implemented through appropriate changes in the preparation of the Conference report, which should, as far as possible, concentrate on conclusions and decisions, whereas the deliberations would be fully reflected in verbatim records published in all languages. This proposal is based on close review of the current provisions of Rule XVIII of the GRO, entitled “*records and reports*”, as well as past practice of the Organization on the matter, including past discussions on the manner in which the reports of the Conference should be structured.

21. Paragraph 3 of Rule XVIII provides that “*[a]s soon as possible after the end of the session, copies of all verbatim records and a report embodying all resolutions, recommendations, conventions, agreements, and other formal decisions adopted or approved by the Conference shall be transmitted by the Director-General to all Member Nations and Associate Members.*” Subject to such views as the CCLM may hold, this provision sets forth a framework under which the Conference may organize its own reports as it deems fit.

22. The issue of how reports should be structured has been examined by the Conference itself and by other Governing and Statutory Bodies of the Organization. In particular, discussions have taken place regarding the degree of detail of the report of the Conference and the relationship between its narrative part and the decisions and resolutions. Past discussions show that Members have concluded that the above framework allowed for reports to be drafted in a concise manner, while providing a reasonable measure of flexibility in determining the degree of analysis required in the reports and the rationale and justification for particular decisions. The position of Members varied over time, insofar as the same Members that insisted on short reports on some occasions pressed for more analytical presentations on other occasions. In this connection, it was deemed useful to allow for flexibility in the preparation of reports so that the debates on some matters could be duly reflected.

23. Therefore, on balance, subject to the views that the CCLM may hold, it is proposed to maintain the wording of paragraph 3 of Rule XVIII of the GRO, on the understanding that the Conference, including the drafting committees of the Commissions as appropriate, should take the necessary steps to ensure that reports concentrate on conclusions and decisions.

**Formal plenary meetings will become more focused on issues of vital interest to members**

24. It is foreseen that “*[f]ormal plenary meetings will become more focused on issues of vital interest to members*” (IPA action 2.10). Existing rules give the Conference, either directly or on the recommendation of the General Committee, considerable flexibility in organizing its proceedings. In addition, the manner in which the proceedings are conducted has also to be seen in conjunction with the role of the Chairperson<sup>3</sup>.

25. The CCLM may therefore determine that implementation of action 2.10 can be achieved through changes to working practices rather than through an amendment to the GRO.

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<sup>3</sup> Current sub-paragraphs 2(a) and 2(b) of Rule X of the GRO give the General Committee of the Conference considerable flexibility in proposing arrangements for plenary meetings. Moreover, paragraph 1 of Rule IX of the GRO gives the Conference’s chairperson the power and duty to direct the discussions in plenary meetings.

**Side events will be developed to provide a forum for informal interchange on development of issues**

26. The IPA provides for side events at the Conference “*to provide a forum for informal interchange on development of issues*” (IPA action 2.11). Subject to the views the CCLM may hold, implementation of this action should be achieved through the development, in practice, of such side events, and this would not require any amendment to the GRO.

**Changes in practice will be introduced, including ways of working and reporting lines**

27. Under the IPA “[c]hanges in practice will be introduced, including ways of working and reporting lines as detailed below with respect to various Bodies” (IPA action 2.12). As pointed out above, the CCLM might endorse the introduction of changes in practice in order to implement a number of the IPA actions concerning the Conference.

28. In addition, the CCLM has already proposed amendments to the Basic Texts regarding the reporting lines of the Technical Committees and the Regional Conferences for approval by the Conference.

**Basic Text changes for functions, reporting lines, role in making recommendations to the Conference**

29. The IPA foresees “*Basic Text changes for functions, reporting lines, role in making recommendations to the Conference, etc. as detailed in the Action Matrix*” (IPA action 2.13).

30. The CCLM is invited to note that this action has been addressed in the context of other documents already reviewed by the Committee (i.e. CCLM 84/3 and CCLM 84/5).

**SUGGESTED ACTION BY THE COMMITTEE**

31. The CCLM is invited to review this document and make such recommendations thereon as appropriate. The Committee is, in particular, invited to:

- (a) Endorse the proposed amendment to Rule I, paragraph 1 of the GRO regarding the date of the regular sessions of the Conference, as per the Appendix;
- (b) Note that a consequential amendment to Rule XXV of the GRO on the sessions of the Council should be required and will be addressed in a separate document submitted to the CCLM;
- (c) Note that IPA action 2.8<sup>4</sup> involves an amendment to Rule II, paragraph 2, subparagraph (c) of the GRO, to be addressed in a separate document submitted to the CCLM;
- (d) Note that the other IPA actions regarding the Conference could be addressed through appropriate changes to working practices.

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<sup>4</sup> This action reads as follows: “*Conference will approve the Organization’s Priorities, Strategy and Budget having considered the recommendations of the Council (see Programme and Budget Procedure below)*”. Document CCLM 86/4 deals with the implementation of this action.

## APPENDIX

In the text of the draft amendment reproduced below, the proposed deletions are indicated using ~~struck out text~~ and the proposed insertion is indicated using *underlined italics*.

### **Date of the Sessions of the Conference**

Amendment to paragraph 1 of Rule 1 of the GRO:

“Rule I

#### **Sessions of the Conference**

1. The regular session of the Conference shall be held at the seat of the Organization in the months of *June* ~~October or November~~, unless it is convened elsewhere or at a different time in pursuance of a decision of the Conference at a previous session, or, in exceptional circumstances, of a decision by the Council. For the purposes of the Constitution, of these Rules and of the Financial Regulations, the term "regular session" means the biennial session contemplated by paragraph 6 of Article III of the Constitution, and the terms "biennium" and "financial period" mean the two-year period starting on 1 January following the date on which the regular session of the Conference normally convenes in accordance with this paragraph. Any other session, whether convened in pursuance of a decision of the Conference or under paragraph 2 of this Rule, shall be a special session.

[...]”.