

## **Co-Chairs' Aide-Mémoire**

### **Meeting of Working Group II of the Conference Committee for IEE Follow-up (CoC-IEE)**

Thursday 21 May 2009

Chaired by Natalie Feistritzer, Co-Chair WG II

#### **Review of progress made on Basic Text changes**

1. Since the last meeting of the Working Group, the Committee on Constitutional and Legal Matters (CCLM) held its 86<sup>th</sup> session on 7-8 May 2009. Based on the guidance provided by the Working Group, the CCLM endorsed the proposed Basic Text amendments related to the Chairperson of the CCLM and to attendance of silent observers at sessions of the Programme Committee (PC), Finance Committee (FC) and CCLM.
2. The Working Group noted with appreciation the progress made by the CCLM in reviewing and proposing the Basic Texts amendments listed in the table appended to the enclosed Management paper (Annex 2). It was satisfied that the recommended amendments were in line with the Immediate Plan of Action (IPA), and faithfully reflected what had been agreed by the Working Group. It was noted that, at this time, no specific guidance was sought from the Working Group in respect of the further work to be undertaken by the CCLM on the remaining amendments to the Basic Texts needed to implement the IPA.
3. The Working Group requested the CCLM to advise on two issues: (i) whether it would be possible to replace a Member during a session of the PC, FC and CCLM and, if so, what would be the procedure to that effect; and (ii) the question of which representative should be allowed to speak when a Member country has more than one representative present at a meeting of the PC, FC or CCLM.

#### **Consideration of membership of Council**

1. It was noted that all aspects related to the membership of Council had been discussed extensively in 2008 but that there was still no convergence of views on the size issue. While several Regional Groups supported an increase in Council seats to 61, one Regional Group was in favour of maintaining the status quo for the time being.
2. It was agreed that the Chair of the CoC-IEE would hold consultations on this matter with the Chairs of the Regional Groups (or representatives selected by the Regional Groups) with a view to reaching consensus. In order to move forward and avoid repeating what has already been discussed in 2008, Members were invited to consult the document entitled *Membership of the Council – Compilation of background documents from 2008* (available at [www.fao.org/uploads/media/Council\\_MembershipFeb2009English.pdf](http://www.fao.org/uploads/media/Council_MembershipFeb2009English.pdf)).

## **Annex 1**

### **Agenda for the meeting**

1. Chair's introduction
2. Review of progress made on Basic Text changes
3. Consideration of membership of Council

## Annex 2

CoC-IEE Working Group II

21 May 2009

### Basic Text Changes – Update on Progress

#### Introduction

1. The CoC-IEE is due to recommend to the Conference for approval in 2009 draft amendments to the Basic Texts of the Organization required to implement the Immediate Plan of Action (IPA), on the basis of proposals prepared by the Committee on Constitutional and Legal Matters (CCLM) and reviewed by the Council, without prejudice to the statutory functions of the Council and the CCLM. The deadline for informing the membership of proposed amendments to the Constitution is 120 days before the Conference session at which such proposals would be put to the vote, that is: mid-July 2009 in respect of the forthcoming Conference.

2. The CCLM held three sessions after the Conference approved the IPA in November 2008, two in February 2009 (84<sup>th</sup> and 85<sup>th</sup> sessions) and one in May 2009 (86<sup>th</sup> session). The three sessions were open to silent observers. They were entirely devoted to the review of Basic Text changes needed for the implementation of the IPA, and related matters. The CCLM recommend a number of amendments to the Basic Texts, including for all IPA actions involving changes to the Constitution, which are briefly outlined in the table appended to this note. The CCLM will meet again on 25 and 26 May 2009 (87<sup>th</sup> session).

#### Recommended changes to the Basic Texts

3. At the above mentioned sessions, the CCLM endorsed proposed amendments to the Basic Texts on the following matters:

- Conference;
- Independent Chairperson of the Council;
- Programme and Finance Committees;
- Technical Committees;
- Regional Conferences;
- Ministerial Meetings;
- Appointment and term of office of the Director-General;
- Delegation of authority of the Director-General;
- Reform of Programming, Budgeting and Results-Based Monitoring.

4. The proposed changes would be made to the Constitution, the General Rules of the Organization (GRO), the Financial Regulations, as well as to the Rules of Procedure of individual Committees, as required. A number of other actions would be addressed through resolutions of the Conference. The attached table provides information on the status of the work, in relation to the IPA actions, and should be seen in conjunction with the reports of the sessions of the CCLM.

#### Outcome of past Working Group II discussions and review by the CCLM

5. At its meeting of 24 March, Working Group II discussed and agreed to the proposal examined at the 84<sup>th</sup> session of the CCLM to harmonize the status of the CCLM and the Programme and Finance Committees so that, in addition to its seven elected Members, the CCLM would have a Chairperson elected by the Council on the basis of individual qualifications. The Chairperson would not represent a country or region and would not have the right to vote. At that same meeting, Working Group II requested the CCLM to re-examine the provision whereby the sessions of the Committees of restricted membership should be open to silent observers unless otherwise decided by the Committees,

as under the proposed amendment the possibility for the Committees to take such decision appeared to be drafted in too broad terms.

6. At its 86<sup>th</sup> session the CCLM endorsed an amendment to Rule XXXIV of the GRO on the CCLM.

7. After an extensive discussion on the issue of attendance by silent observers, the CCLM recommended the following wording for paragraph 9 of Rules XXVI and XXVII of the GRO on the Programme and the Finance Committees<sup>1</sup>:

*“The sessions of the (Programme or Finance Committee, as the case may be) Committee shall be open to silent observers, unless otherwise decided by the Committee. The reasons for such a decision shall be stated in the report. Silent observers shall not take part in any debates”.*

### **Guidance sought from the Conference Committee**

8. No issues were referred for guidance to the Conference Committee.

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<sup>1</sup> In the case of the CCLM, and in line with the guidance provided by Working Group II, the revised provision of Rule XXXIV of the GRO would read as follows: *“The sessions of the Committee shall be open to silent observers, unless otherwise decided by the Committee. Silent observers shall not take part in any debates”.*

<b>Recommended changes to the Basic Texts</b>	
<b>IPA actions</b>	<b>Progress in the CCLM</b>
<b>2.7 [Conference]</b> Conference will meet in June of the second year of the biennium	- Proposed amendment to Rule I, paragraph 1 of the General Rules of the Organization (GRO)*
<b>2.13 [Conference]</b> Basic Text changes for functions, reporting lines, role in making recommendations to the Conference, etc. as detailed in the Action Matrix.	- Proposed adoption of a Conference Resolution*
<b>2.14 [Council]</b> The Council functions will be clarified as necessary in the Basic Texts.	<i>To be addressed at forthcoming session of the CCLM</i>
<b>2.25 [Council]</b> Introduce Basic Text changes for functions, reporting lines, etc.	
<b>4.4 [Council]</b> The Conference Committee to recommend any changes found desirable in the size and regional representation in the membership of the Council and propose with advice from the CCLM any necessary changes in the Basic Texts to the 2009 Session of the Conference.	<i>To be addressed by the CoC-IEE and subsequently referred to CCLM, as appropriate</i>
<b>2.26 [Independent Chairperson of Council]</b> Revise Basic Texts to clearly specify the proactive facilitation role of the Independent Chairperson of the Council for the Governance of FAO.	- Proposed adoption of a Conference Resolution*
<b>2.33 - 2.34 [Independent Chairperson of Council]</b> The Basic Texts will also specify: i) desirable qualifications (competencies) for the Independent Chairperson to be developed by the Conference Committee with advice of the CCLM and decided by the 2009 Conference ii) that the Independent Chairperson is required to be present in Rome for all sessions of the Council and will normally be expected to spend at least six to eight months of the year in Rome.	- Proposed adoption of a Conference Resolution*
<b>2.35 [Programme and Finance Committees]</b> Clarifications of functions and ways of working will be introduced immediately in practice and followed-up by Basic Text changes.	- Proposed amendment to Rule XXVI, paragraph 7 of the GRO on the functions of the Programme Committee (PC)* - Proposed amendment to Rule XXVII, paragraph 7 (a) of the GRO on the functions of the Finance Committee (FC)*
<b>2.43 [Programme and Finance Committees]</b> Introduce Basic Text changes for functions of the Committees.	- Proposed amendment to Rule XXVIII of the GRO on concurrent sessions and joint meetings of the PC and FC*

<b>Recommended changes to the Basic Texts</b>	
<b>IPA actions</b>	<b>Progress in the CCLM</b>
<b>2.44 to 2.47</b> [ <i>Programme and Finance Committees</i> ] Programme and Finance Committees membership, chairs and observers: changes will be introduced in the Basic Texts, including for the election of members.	<ul style="list-style-type: none"> <li>- Proposed revision of Rule XXVI of the GRO*</li> <li>- Proposed revision of Rule XXVII of the GRO*</li> <li>- Recommended amendment to Rule IV of the Rules of Procedures of the Programme and Finance Committees, by the Committees (voting of the Chairperson)*</li> </ul>
<b>2.48</b> [ <i>Committee on Constitutional and Legal Matters</i> ] Changes will be introduced in the Basic Texts, including for the election of members.	<ul style="list-style-type: none"> <li>- Proposed revision of Rule XXXIV of the GRO*</li> </ul>
<b>2.52 to 2.54</b> [ <i>Regional Conferences</i> ] Changes in lines of reporting, functions and ways of working will be introduced immediately in practice and followed-up by Basic Text changes.	<ul style="list-style-type: none"> <li>- Proposed new paragraph 6 Article IV of the Constitution*</li> <li>- New Rule XXXV of the GRO establishing framework for Regional Conferences*</li> </ul>
<b>2.55</b> [ <i>Regional Conferences</i> ] Introduce Basic Text changes for functions, reporting lines, etc.	
<b>2.56</b> [ <i>Technical Committees</i> ] The Committees will report to Council on FAO's budget, and the priorities and strategies for the programmes and directly to the FAO Conference on global policy and regulation	<ul style="list-style-type: none"> <li>- Proposed new paragraphs 6 and 7 of Article V of the Constitution*</li> <li>- Addition of new sub-paragraphs (xi) and (xii) to paragraph 2(c) of Rule II of the GRO*</li> <li>- Addition of new sub-paragraphs (c) and (d) to paragraph 2 of Rule XXIV of the GRO*</li> </ul>
<b>2.65</b> [ <i>Technical Committees</i> ] Introduce Basic Text changes for functions, reporting lines, etc.	
<b>2.57</b> [ <i>Technical Committees</i> ] Chairs will remain in office between sessions and provide their reports to the Council and Conference.	<ul style="list-style-type: none"> <li>- Proposed amendments to the Rules of Procedure of the Committees*</li> </ul>
<b>2.61</b> [ <i>Committee on Agriculture</i> ] Introduce Basic Text changes for ways of working	<ul style="list-style-type: none"> <li>- Proposed revision of paragraph 6 of Rule XXXII of the GRO*</li> </ul>
<b>2.62</b> [ <i>Committee on Commodity Problems</i> ] Introduce Basic Text changes for ways of working	<ul style="list-style-type: none"> <li>- Proposed revision of paragraph 7 of Rule XXIX of the GRO*</li> </ul>
<b>2.63</b> [ <i>Committee on World Food Security</i> ] Introduce Basic Text changes for functions, reporting lines, etc	<ul style="list-style-type: none"> <li>- Proposed revision of paragraph 6 of Rule XXXIII of the GRO*</li> </ul>

<p><b>2.66 [Ministerial Meetings]</b> Basic Text change to specify that the Conference or Council may call a Ministerial meeting when matters developed at technical level need political endorsement or more visibility.</p>	<ul style="list-style-type: none"> <li>- Proposed adoption of a Conference Resolution*</li> </ul>
<p><b>2.67 [Ministerial Meetings]</b> The Ministerial meeting reports will normally be considered directly by the Conference.</p>	
<p><b>2.68 [Statutory Bodies, Conventions, Treaties, Codex, etc.]</b> Conferences of parties to treaties, conventions and agreements such as Codex and the IPPC (incorporated under FAO statutes) may bring issues to the attention of the Council and Conference through relevant the Technical Committee (Basic Text change).</p>	<p><i>To be addressed by the CCLM later in the year</i></p>
<p><b>2.73 [Actions to Improve the Effectiveness of FAO Governance]</b> The term Governing Bodies will be defined, preferably in the Basic Texts.</p>	<ul style="list-style-type: none"> <li>- Note defining Governing Bodies to be inserted in the Basic Texts *</li> </ul>
<p><b>2.90 [Evaluation]</b> The provisions for evaluation as approved in the Charter (on evaluation policy) reflected in the Basic Texts.</p>	<p><i>To be addressed at forthcoming session of CCLM, after review of the Charter by the Programme Committee</i></p>
<p><b>2.95 to 2.100 [Appointment and Term of Office of Director-General]</b> Introduce procedures and Basic Text changes to strengthen opportunity for the FAO membership to appraise candidates for the post of Director-General prior to the election.</p>	<ul style="list-style-type: none"> <li>- Proposed revision of Rule XXXVI of the GRO*</li> <li>- Proposed revision of paragraph 1 of Rule XXXIX of the GRO*</li> </ul>
<p><b>2.101 [Appointment and Term of Office of Director-General]</b> Change Basic Texts for period of office of the Director-General to four years with possibility of renewal for one further period of four years.</p>	<ul style="list-style-type: none"> <li>- Proposed revision of paragraphs 1 and 3 of Article VII of the Constitution*</li> </ul>
<p><b>3.10 [Programming, Budgeting and Results Based Monitoring]</b> Introduce necessary Basic Text changes for Programme and Budget cycle including the timing of Governing Body sessions.</p>	<ul style="list-style-type: none"> <li>- Proposed amendment to Rule I, paragraph 1 of the GRO on the date of the regular session of the Conference</li> <li>- Proposed amendment to Rule II, paragraph 2 (c) of the GRO on the agenda of the Conference*</li> <li>- Proposed amendment to Rule XXV of the GRO on the sessions of the Council*</li> <li>- Proposed amendment to Rule XXIV, paragraph 2 of the GRO on the functions of the Council*</li> <li>- Proposed amendment to Rule XXVI, paragraph 7 of the GRO on the functions of the Programme Committee (PC)*</li> <li>- Proposed amendment to Rule XXVII, paragraph 7 (a) of the GRO on the functions of the Finance Committee (FC)*</li> </ul>

	<ul style="list-style-type: none"> <li>- Proposed amendment to Rule XXVIII of the GRO on concurrent sessions and joint meetings of the PC and FC*</li> <li>- Proposed amendment to Financial Regulations 3.4 and 3.5*</li> <li>- Proposed adoption of a Conference Resolution*</li> </ul>
<b>3.34</b> [ <i>Ethics Committee</i> ] Review of terms of Reference and membership of Ethics Committee	<i>To be addressed by CCLM later in the year</i>
<b>3.43</b> [ <i>Delegation of authority</i> ] Revise Basic Texts to stipulate that in line with the agreed principle of delegations of authority to the lowest appropriate levels, the Director-General may delegate final authority and responsibility in specific areas of work and action to designated officers and such delegations will be reflected in the FAO manual and published job descriptions.	<ul style="list-style-type: none"> <li>- Proposed addition of a new paragraph 5 to Rule XXXVII of the GRO*</li> </ul>

\* Details can be found in the reports of the 84<sup>th</sup>, 85<sup>th</sup> and 86<sup>th</sup> sessions of CCLM.