

Co-Chairs' Aide-Mémoire

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

Tuesday 24 March 2009

Chaired by Lamy Al-Saqqaf and Natalie Feistritzer, Co-Chairs WG II

Basic Text changes: progress in the work of CCLM

1. It was noted that the two CCLM sessions held in February 2009 had been dedicated entirely to the consideration of proposed amendments to the Basic Texts called for by the Immediate Plan of Action for FAO Renewal (IPA). Matters addressed by the CCLM included the status and composition of the Programme Committee, Finance Committee and CCLM; the role of the Technical Committees, Regional Conferences and Ministerial Meetings; the appointment and term of office of the Director-General; and delegation of authority of the Director-General.
2. One minute of silence was observed as a mark of respect to Mr Theo van Banning, a Member of the CCLM who had passed away in December 2008 and had made important contributions to the work of the CCLM.
3. The Working Group noted with appreciation the progress made by the CCLM in reviewing and proposing a number of amendments to the Constitution, the General Rules of the Organizations and other Rules of Procedures, as indicated in the table appended to the enclosed Management paper (Annex 2).
4. The Working Group discussed and agreed to the proposal examined at the 84th Session of the CCLM to harmonize the status of the CCLM and 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.
5. It was pointed out that, in accordance with the IPA, the Programme Committee, the Finance Committee and the CCLM should be open to silent observers. Exceptionally, a Committee could decide to have a closed meeting to discuss specific items should it consider that there would be important reasons for that (e.g. risk of disclosure of information to another party in the event of judicial proceedings). The Working Group requested that the matter be further considered by the CCLM.
6. It was noted that IPA actions involving amendments to the Constitution have all been addressed. In this connection, it was recalled that the deadline for informing the membership of proposed amendments to the Constitution was 120 days before the session of Conference at which such proposals would be put to the vote (mid-July 2009 in respect of the forthcoming Conference).

Membership of FAO Council

1. It was recalled that the IEE Report found the representational basis of Council membership unbalanced and in need of review of this matter. The issue had been discussed extensively in 2008. The various options for the membership of Council which had emerged from previous discussions were placed before the Working Group for further consideration, noting that an effective and efficient Council was considered important by all Members.
2. The Working Group agreed that the options of redistribution of seats among regions while maintaining the present size of Council was unacceptable and the reconstitution of the Council on an executive board model with reduced membership was not feasible at this point in time (consistent with IEE recommendation).

3. It was agreed that the possible options of leaving the Council membership unchanged or increasing the number of Council seats and the distribution of additional seats among Regional Groups should be discussed further by the Regional Groups and that the conclusions of such discussions would be reported back to the Working Group.

Annex 1

Agenda for the meeting

1. Chair's introduction
2. Basic Text changes: progress in the work of CCLM
3. Membership of FAO Council

Annex 2

Basic Text changes – Progress made in the CCLM

1. The Committee on Constitutional and Legal Matters (CCLM) met twice last month, from 2 to 4 February (84th session) and on 23 to 24 February (85th session). The sessions, open to silent observers, were entirely devoted to the review of Basic Text changes required for the implementation of the Immediate Plan of Action (IPA). The CCLM agreed to recommend a number of amendments to the Basic Texts, which are briefly outlined in this note. The CCLM also dealt with a number of issues related to the organization of its work and the distribution of the proposed amendments in the Basic Texts.

Recommended changes to the Basic Texts

2. At these sessions the CCLM endorsed proposed amendments to the Basic Texts on the following matters:

- Programme and Finance Committees (status and composition);
- Technical Committees;
- Regional Conferences;
- Ministerial Meetings;
- Appointment and term of office of the Director-General;
- Delegation of authority of the Director-General.

3. The proposed changes would be made to the Constitution and the General Rules of the Organization, as well as to the Rules of Procedure of individual Committees as required. Some 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 is to be seen in conjunction with the reports of the sessions of the CCLM.

4. It should be stressed that all IPA actions involving amendments to the Constitution – which are subject to strict procedural requirements – have been addressed.

Guidance sought from the Conference Committee

5. At its 84th session, the CCLM examined a proposal whereby the membership of CCLM would include, in addition to its seven elected Members, a Chairperson appointed by the Council. The Chairperson would be elected on the basis of individual qualifications and would not represent a region or a country. This proposal reflected a desire to harmonize the status of the CCLM with the status of the Programme and Finance Committees, whose Chairpersons will be elected by the Council based on individual qualifications and will not represent a region or a country (IPA action 2.45). In this connection, the CCLM noted that there were situations in the past where, because of the limited number of Members of the Committee, the Chairperson had both to conduct the proceedings and present the views of his or her region. It was considered that this was an undesirable situation which should be addressed through the proposed harmonization of the status of the CCLM and the Programme and Finance Committees. Therefore the CCLM expressed “*a very clear preference*” for this approach. However, since it deviated from the IPA, which called for the CCLM to have seven Members including the Chairperson, the CCLM decided to seek guidance from the Conference Committee before proceeding further with the review of the proposal

Recommended changes to the Basic Texts	
IPA actions	Progress in the CCLM
2.13 [Conference] Basic Text changes for functions, reporting lines, role in making recommendations to the Conference, etc. as detailed in the Action Matrix.	<i>To be addressed at the forthcoming sessions of CCLM in May</i>
2.14 [Council] The Council functions will be clarified as necessary in the Basic Texts.	<i>To be addressed at the forthcoming sessions of CCLM in May</i>
2.25 [Council] Introduce Basic Text changes for functions, reporting lines, etc.	<i>To be addressed at the forthcoming sessions of CCLM in May</i>
4.4 [Council] 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>
2.26 [Independent Chairperson of Council] Revise Basic Texts to clearly specify the proactive facilitation role of the Independent Chairperson of the Council for the Governance of FAO.	<i>To be addressed at the forthcoming sessions of CCLM in May</i>
2.33 - 2.34 [Independent Chairperson of Council] 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.	<i>To be addressed at the forthcoming sessions of CCLM in May</i>
2.35 [Programme and Finance Committees] Clarifications of functions and ways of working will be introduced immediately in practice and followed-up by Basic Text changes.	<i>To be addressed at the forthcoming sessions of CCLM in May</i>
2.43 [Programme and Finance Committees] Introduce Basic Text changes for functions of the Committees.	<i>To be addressed at the forthcoming sessions of CCLM in May</i>
2.44 to 2.47 [Programme and Finance Committees] 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"> - Proposed revision of Rule XXVI of the General Rules of the Organization (GRO)* - Proposed revision of Rule XXVII of the GRO* - Recommended amendment to Rule IV of the Rules of Procedures of the Programme and Finance Committees, by the Committees (voting of the Chairperson)*

Recommended changes to the Basic Texts	
IPA actions	Progress in the CCLM
2.48 [Committee on Constitutional and Legal Matters] Changes will be introduced in the Basic Texts, including for the election of members.	- Proposed revision of Rule XXXIV of the GRO – already examined but pending guidance from the CoC-IEE*
2.52 to 2.54 [Regional Conferences] Changes in lines of reporting, functions and ways of working will be introduced immediately in practice and followed-up by Basic Text changes.	- Proposed new paragraph 6 Article IV of the Constitution* - New Rule XXXV of the GRO establishing framework for Regional Conferences*
2.55 [Regional Conferences] Introduce Basic Text changes for functions, reporting lines, etc.	
2.56 [Technical Committees] 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	- Proposed new paragraphs 6 and 7 of Article V of the Constitution* - Addition of new sub-paragraphs (xi) and (xii) to paragraph 2(c) of Rule II of the GRO*
2.65 [Technical Committees] Introduce Basic Text changes for functions, reporting lines, etc.	- Addition of new sub-paragraphs (c) and (d) to paragraph 2 of Rule XXIV of the GRO*
2.57 [Technical Committees] Chairs will remain in office between sessions and provide their reports to the Council and Conference.	- Proposed amendments to the Rules of Procedure of the Committees*
2.61 [Committee on Agriculture] Introduce Basic Text changes for ways of working	- Proposed revision of paragraph 6 of Rule XXXII of the GRO*
2.62 [Committee on Commodity Problems] Introduce Basic Text changes for ways of working	- Proposed revision of paragraph 7 of Rule XXIX of the GRO*
2.63 [Committee on World Food Security] Introduce Basic Text changes for functions, reporting lines, etc	- Proposed revision of paragraph 6 of Rule XXXIII of the GRO*
2.66 [Ministerial Meetings] 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.	- Proposed adoption of a Conference Resolution*
2.67 [Ministerial Meetings] The Ministerial meeting reports will normally be considered directly by the Conference.	
2.68 [Statutory Bodies, Conventions, Treaties, Codex, etc.] 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	<i>To be addressed by CCLM later in the year</i>

Recommended changes to the Basic Texts	
IPA actions	Progress in the CCLM
relevant the Technical Committee (Basic Text change).	
2.73 [<i>Actions to Improve the Effectiveness of FAO Governance</i>] The term Governing Bodies will be defined, preferably in the Basic Texts.	<i>To be addressed at the forthcoming sessions of CCLM in May</i>
2.90 [<i>Evaluation</i>] The provisions for evaluation as approved in the Charter (on evaluation policy) reflected in the Basic Texts.	<i>To be addressed at forthcoming sessions of CCLM, after review of the Charter by the Programme Committee</i>
2.95 to 2.100 [<i>Appointment and Term of Office of Director-General</i>] 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.	<ul style="list-style-type: none"> - Proposed revision of Rule XXXVI of the GRO* - Proposed revision of paragraph 1 of Rule XXXIX of the GRO*
2.101 [<i>Appointment and Term of Office of Director-General</i>] 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.	<ul style="list-style-type: none"> - Proposed revision of paragraphs 1 and 3 of Article VII of the Constitution*
3.10 [<i>Programming, Budgeting and Results Based Monitoring</i>] Introduce necessary Basic Text changes for Programme and Budget cycle including the timing of Governing Body sessions.	<i>To be addressed at the forthcoming sessions of CCLM</i>
3.43 [<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"> - Proposed addition of a new paragraph 5 to Rule XXXVII of the GRO*

* Details can be found in the reports of the 84th and 85th sessions of CCLM.