

Extract from Conference document C 2008/4
REPORT OF THE CONFERENCE COMMITTEE
ON FOLLOW-UP TO THE INDEPENDENT EXTERNAL EVALUATION OF FAO
(CoC-IEE)
IMMEDIATE PLAN OF ACTION

Annex 2: Basic Text Changes: Indicative Listing of Areas in the Immediate Plan of Action Requiring Basic Text Changes

This indicative list, prepared for reference purposes, is extracted from the matrices contained in the Immediate Plan of Action and must be seen in conjunction with and in the light of that document. It is not all inclusive and there may be areas requiring Basic Text changes which have not been foreseen at this point in time. At the same time not all the points listed may require any changes in the Basic Texts. The draft amendments to the Basic Texts of the Organization required to implement the actions of the Immediate Plan of Action are expected to be recommended to the Conference for approval in 2009 by the Conference Committee for the Follow-up to the IEE on the basis of proposals prepared by the Committee on Constitutional and Legal Matters and the advice of the Council as appropriate.

The Term Governing Bodies

- 1) The term Governing Bodies will be defined, preferably in the Basic Texts.

FAO Conference

- 2) Acting, primarily on the basis of recommendations of the Technical Committees and the Regional Conferences, the Conference will:
 - a) Systematically review the global situation to determine those issues requiring priority for greater policy coherence and study current regulatory frameworks to determine areas requiring early action by FAO or in other fora;
 - b) As appropriate take into consideration policy issues and instruments relating to food and agriculture being developed in other fora than FAO and provide recommendations to those fora.
- 3) The Conference will receive directly (without passage through the Council), sections of the reports of Technical Committees, Regional Conferences, and ministerial meetings addressing global policy issues and international frameworks (including treaties, conventions and regulations).
- 4) The Conference will meet in June of the second year of each biennium.
- 5) Each session of the Conference will have one major theme agreed by the Conference, normally on the recommendation of the Council.
- 6) The Conference will consider its agenda directly on the basis of a recommendation of the Council.

FAO Council

7) The Council will exercise the following functions of Governance with support from the Programme and Finance Committees:

- a) the major role in deciding and advising on:
 - i) work-planning and performance measures for the Council itself and for other Governing Bodies excluding the Conference;
 - ii) monitoring and reporting performance against these measures;
 - iii) strategy, priorities and budget of the Organization;
 - iv) the overall programme of work;
 - v) major organizational changes, not requiring Conference changes of Basic Texts; and
 - vi) recommending the theme and agenda of the Conference to the Conference. The Director-General will make such suggestions as she/he has for the Conference agenda to the Council for its consideration.
- b) will make a clear recommendation to Conference on the Programme and Budget Resolution including the budget level;
- c) monitor the implementation of governance decisions;
- d) exercise oversight ensuring that:
 - i) the Organization operates within its financial and legal framework;
 - ii) there are transparent, independent and professional audit and ethics oversight;
 - iii) there is transparent, professional and independent evaluation of the Organization's performance in contributing to its planned outcomes and impacts;
 - iv) there are functioning results-based budgeting and management systems;
 - v) policies and systems for human resources, information and communication technology, contracting and purchasing, etc are functional and fit for purpose; and
 - vi) extra-budgetary resources are effectively contributing to the Organization's priority goals; and
- e) monitor the performance of management against established performance targets.

8) The Council will no longer discuss global policy and regulatory issues, unless there is an urgent reason to do so (to be handled by the Technical Committees and the Conference).

9) The Council will meet more flexibly and for variable lengths of session as appropriate to the agenda (normally a minimum of 5 sessions per biennium). It will:

- a) meet in the September-November of the second year of the biennium and decide any adjustments needed in the Programme and the Budget distribution for the forthcoming biennium in the light of the level of the assessed budgetary contributions decided by the Conference and the availability of extra-budgetary resources;
- b) hold a short meeting (minimum two days) after each session of the Programme and Finance Committees; and
- c) hold a meeting to prepare the Conference at least two months prior to the Conference, so that recommendations can be taken account of, including recommending the final agenda of the Conference to the Conference for its final approval.

10) The Council Report will consist of conclusions, decisions and recommendations (verbatim to provide detail and be published in all languages).

11) The Council will review the annual or biennial report of the Ethics Committee on the basis of the findings and recommendations of the CCLM and Finance Committee.

Independent Chairperson of the Council

12) Clearly specify the functions and proactive facilitation role of the Independent Chairperson of the Council for the Governance of FAO, eliminating any potential for conflict of roles with the managerial role of the Director-General and, including, in addition to chairing meetings of the Council:

- a) serve as an honest broker in arriving at consensus between members on controversial issues;
- b) liaise with the Chairs of the Programme and Finance Committees and CCLM on their work programmes and as appropriate with the chairs of Technical Committees and Regional Conferences, normally attending the Programme and Finance Committees and Regional Conferences;
- c) as and when he/she considers it useful, the Independent Chairperson of the Council may call for consultative meetings with representatives of the Regional Groups on issues of an administrative and organizational nature for the preparation and conduct of a session;
- d) liaise with FAO senior management on concerns of the membership, expressed through the Council and its Programme and Finance Committees and the regional conferences;
- e) ensure that the Council is kept abreast of developments in other fora of importance for FAO's mandate and that dialogue is maintained with other Governing Bodies as appropriate, in particular the Governing Bodies of the Rome based food and agriculture agencies; and
- f) drive forward the continuous improvement of the efficiency, effectiveness and Member ownership of FAO Governance.

13) The Basic Texts will also specify:

- a) 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; and
- b) 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.

Programme and Finance Committees

14) The Programme Committee functions will emphasise programme priorities, strategy, budget and evaluation and will also include: consideration of field and decentralized work; priorities for the Organization to address in developing global policy coherence and regulation; and partnership and coordination with other organizations for technical work.

15) The Finance Committee will cover all aspects of administration, services and human resources as well as finance, including the policies and budget for these areas of work – becoming a Finance and Administration Committee.

16) The Committees will meet more flexibly and for variable lengths of session as appropriate to the agenda and in line with the programme and budget planning and review cycle - (minimum number of sessions normally four per biennium).

17) The two Committees will hold more joint meetings. The discussion will be in joint session whenever there is overlap in the discussion or the two Committees contributions will have a strong complementarity.

18) The two Committees will be required to make clear recommendations and give more attention to policies, strategies and priorities in order to provide improved oversight and more dynamic guidance to the Council. The Programme and Finance Committees will make clear recommendations on considerations for the Council in making its recommendation to the Conference on the budget level.

19) The Finance Committee will agree and adopt criteria for which WFP documentation it should review.

20) The members of the Committees will be countries not individuals but in nominating their representatives countries will be expected to propose representatives with the necessary technical qualifications, and:

- a) chairs will be elected by the Council on the basis of their individual qualifications and will not occupy seats of their electoral groups or represent a region or country (in the event of a chair falling vacant, the incumbent will be replaced by a vice-chair of the Committee elected by the Committee, until such time as a replacement can be elected by the Council);
- b) the membership of the Committees will each be increased, in addition to the Chair, to twelve representatives with each region having a right to up to two representatives each for Africa, Asia, Latin America and the Caribbean, the Near East and Europe and one representative each for North America and the South West Pacific nominated by the region and confirmed by the Council (countries may substitute their members for individual meetings or during the term of office, thus avoiding that a seat remains empty); and
- c) Committees, including joint meetings will be open to non-speaking observers.

Committee on Constitutional and Legal Matters (CCLM)

21) Membership:

- a) The members will be countries not individuals but in nominating their representatives countries will be expected to propose representatives with the necessary legal qualifications;
- b) The chair will be elected from amongst the CCLM members by the Council on the basis of his/her individual merit (in the event of a chair falling vacant, the incumbent will be replaced by a vice-chair of the Committee elected by the Committee, until such time as a replacement can be elected by the Council); and
- c) The Committee will have seven members with each region having a right to one member nominated by the region and confirmed by the Council (countries may substitute their members for individual meetings or during the term of office, thus avoiding that a seat remains empty).

22) The CCLM will be open to non-speaking observers.

Regional Conferences

- 23) The Regional Conferences will become Committees of the FAO Conference.
- 24) Functions will include:
- a) Develop issues for regional policy coherence and regional perspective on global policy issues and regulation – presenting its report to the FAO Conference; and
 - b) 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.
- 25) Regional Conferences will 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 and duration and need for the Conference.
- 26) Each Regional Conference will appoint a rapporteur. 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.

Technical Committees

- 27) 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, and will become Committees of the FAO Conference.
- 28) Chairs will remain in office between sessions and provide their reports to the Council and Conference.
- 29) Technical Committees will meet more flexibly, as to duration and frequency, according to needs, normally once in each biennium. They will address priority emerging issues and may be convened especially for this purpose.
- 30) The Chair will facilitate full consultation with Members on agendas, formats and duration.
- 31) The Committee on Agriculture (COAG) will specifically include and devote adequate time in its agenda to livestock with a livestock segment.

Ministerial Meetings

- 32) The Conference or Council may call a Ministerial meeting when matters developed at a technical level need political endorsement or more visibility. The reports of ministerial meetings will normally be considered directly by the Conference.

Statutory Bodies, Conventions, etc.

33) 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 the relevant Technical Committee (Basic Text change).

34) Statutory Bodies, Conventions, etc. will be accountable to the FAO Council and Conference for the use of that proportion of their funding which is provided from FAO assessed contributions.

Improving the Effectiveness of FAO Governance

35) The Council, Programme and Finance Committees, CCLM, Regional Conferences and Technical Committees will each:

- a) prepare a multiyear programme of work of at least four years duration, once per biennium which will be reviewed by the Council and/or Conference (in accordance with their respective reporting lines); and
- b) prepare a report of their progress against the Programme of Work once every two years also for review by the Council and/or Conference.

Evaluation

36) The provisions for evaluation as approved by the Council in a Charter will be reflected in the Basic Texts.

Audit

37) The Audit Committee will be appointed by the Director-General and have a membership which is fully external agreed by the Council on the recommendation of the Finance Committee (DG). It will present an annual report to the Council through the Finance Committee.

38) The External Auditor will assume responsibility for audit of the immediate office of the Director-General in addition to the regular audits carried out by the Inspector-General.

The Director-General

39) In order to further transparency and communication, the Director-General will report to and dialogue with the Council and the Joint Meeting of the Programme and Finance Committees on the:

- a) Strategic Framework and Medium Term Plan priorities;
- b) Priority goals which senior management has established for immediate progress; and
- c) Annual and biennial performance.

40) The Basic Texts will 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.

- 41) Candidates for the post of the Director-General will:
- a) address the Conference at which the election will be held. Members will have the opportunity to put questions to candidates (expenses of candidates will be covered from the FAO Budget); and
 - b) address a session of the FAO Council not less than 60 days prior to the Conference at which the election will be held. At that session both Members and observers to the Council will have the opportunity to put questions to candidates (the meeting with candidates is for information only and no recommendation or conclusion of the discussion will be made - expenses of candidates will be covered from the FAO Budget).
- 42) Nominations by Member Governments of candidates for the post of Director-General will close at least 60 days prior to the above Council session.
- 43) When the post of Director-General is due to become vacant it will be publicised, no less than 12 months before the closure of nominations, noting that all nominations remain fully the responsibility of Member Countries.
- 44) The FAO Conference will consider for approval desirable qualifications for the post of Director-General developed by the CoC-IEE in 2009.
- 45) The period of office of the Director-General will be changed to four years with possibility of renewal for one further period of four years.

Programing, Budgeting and Resource Mobilization

- 46) Programme and Budget Documentation which can be presented:
- a) Strategic Framework with 10 to 15 year time horizon, reviewed every four years;
 - b) Medium Term Plan with four year time horizon reviewed each biennium;
 - c) Programme of Work and Budget covering a single biennium and reviewed each biennium; and
 - d) Implementation Performance Results Based Management Report, reviewed each biennium for the previous biennium.
- 47) Role of each Governing Body:
- a) Conference to meet in June of the second year of each biennium and make final decision on budget level and programme (the Results Framework) for the forthcoming biennium;
 - b) Council:
 - i) to meet at least two months before the Conference and provide a clear recommendation to Conference for its consideration on the Budget level and the Programme for the forthcoming biennium;
 - ii) to meet in the November of the second year of the biennium and decide any adjustments needed in the Programme and the Budget distribution for the forthcoming biennium in the light of the level of the assessed budgetary contributions decided by the Conference and the availability of extra-budgetary resources;
 - c) Programme and Finance Committees to make clear recommendations on considerations for the Council in making its recommendation to the Conference on the budget level.

48) The summary Programme of Work and Budget will be eliminated in view of the ongoing interaction of the Governing Bodies in the Programme development process.

49) Between Chapter transfers involving the Technical Programmes of the Organization will require the recommendation of the Programme Committee, as well as the Finance Committee and will normally be approved by the Council which will in future meet in short session after the Programme and Finance Committees.

50) In addition to existing roll-over provisions for capital account and TCP allow for roll-over of up to five percent of the assessed budget, between biennia.

51) Late payments and arrears:

- a) Annual review by the Council on the basis of a report from the Finance Committee of the situation of late payments and arrears; and
- b) Prominently report on the FAO public website of the situation of timely payments and late payments and arrears by country.