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COMMITTEE ON COMMODITY PROBLEMS

Seventieth Session

Rome, 7-9 October 2014

PROPOSED AMENDMENTS TO THE RULES OF PROCEDURE OF THE COMMITTEE ON COMMODITY PROBLEMS

Executive Summary

At its 69th Session, the **Committee on Commodity Problems** (CCP) approved the recommendation of enlarging the Bureau from three to seven members, with one member each from the seven Regional Groups, as well as the required amendments to its Rules of Procedure to bring this into effect. The new Bureau reviewed the Rules of Procedure and agreed on a number of further amendments in an effort to improve its functioning and work modalities. This document presents the results of this review and the proposed amendments to the Rules of Procedure of the CCP.

Action sought from the Committee

The Committee is invited to consider the proposal to amend its Rules of Procedure set out in the FAO Basic Texts, Volume 1, Part H, and adopt the proposed amendments to Rule I – “Officers” and to Rule VI – “Records and Reports”.

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I. Introduction

1. In line with the actions regarding the Technical Committees included in the 2008 Immediate Plan of Action for FAO Renewal (IPA)¹, the Council at its 139th Session² invited the Technical Committees to examine their Rules of Procedure, taking into account the considerations outlined in document CCLM 90/2 and the recommendations of the Report of the 90th Session of the Committee on Constitutional and Legal Matters (CCLM). In October 2010, the Committee on Forestry (COFO) amended Rules I (Officers), II (Sessions) and VI (Records and papers) of its Rules of Procedure.³ In July 2012, the Committee on Fisheries (COFI) amended Rules I (Officers), II (Sessions), IV (Agenda and documents) and VI (Records and papers) of its Rules of Procedure.⁴

2. At its 69th Session in May 2012, and as part of its reform aimed at improving its working methods and arrangements, the CCP approved the enlargement of its Bureau from three to seven members, with one representative each from Africa, Asia, Europe, Latin America and the Caribbean, Near East, North America and South West Pacific. The Committee had also approved the required amendments to its Rules of Procedure to bring this decision into effect.⁵ Furthermore, the Committee has mandated the Bureau to look at this matter further and address any needed additional amendments to the Rules of Procedure, for consideration at the 70th Session of the CCP in 2014.

3. The CCP Bureau has met several times to consider the required additional amendments to the Rules of Procedure. Given that the Committee on Agriculture (COAG) was going through a similar exercise, the Bureaus of the CCP and COAG agreed to establish an informal joint working group to develop a harmonized and consistent proposal. At its 139th session (2010), the Council, while acknowledging that the authority to amend the Rules of Procedure was vested in the Technical Committees, which had their own specific functional requirements, it also “*stressed the desirability of consistency among the Rules of Procedure of all Technical Committees*” (CL 139/REP paragraphs 54-56).

4. The informal joint working group examined four issues in reviewing the CCP and COAG Rules of Procedure. These were: size and composition of the Bureau; election of the members of the Bureau *ad personam* or as Member Nations; appointment of a first Vice-Chairperson; and rotation of the office of the Chairperson. The proposed changes agreed by the informal joint working group were subsequently reviewed and endorsed by the CCP Bureau.

II. Recommendations for Consideration by the Committee

A. Size and composition of the Bureau

5. The informal joint working group and the CCP Bureau have both agreed that the Bureau should be composed of seven members, with one member by Regional Group. This was considered in line with the guidance provided by the CCLM at its 90th Session to ensure equal representation of all the regional groups. This issue having been already considered and approved by the Committee at its last session in May 2012, no further amendments to the CCP Rules of Procedure are needed.

¹ Report of the Thirty-fifth (Special) Session of the Conference (Rome, 18-21 November 2008), Appendix E, Immediate Plan of Action for FAO Renewal, paragraph 26 and actions 2.56-2.65.

² CL 139/REP paragraphs 55-56.

³ Rules of Procedure of the Committee on Forestry, Basic Texts, Volume I, Part J.

⁴ Report of the 30th Session of the Committee on Fisheries, paragraphs 9-12.

⁵ Report of the 69th Session of the CCP, paragraph 24 and Rules of Procedure of the Committee on Commodity Problems, Basic Texts, Volume I, Part H.

B. Election of the members of the Bureau *ad personam* or as Member Nations

6. While recognizing that when elected *ad personam* the Bureau members could be nominated based on their personal qualifications, it is recommended that the members of the Bureau be elected as Member Nations. This should ensure more flexibility in the management and functioning of the Bureau and also increase representation as well as participation in the work of the Bureau. It would also allow an easier and quicker replacement of Bureau members as and when needed.

7. However, as regards the position of the Chairperson it was agreed to recommend to the Committee that the Chairperson should be elected *ad personam* in his/her individual capacity. This would be consistent with the prevailing practice in FAO as well as the UN practice at large, whereby the election of Chairpersons of Governing and Statutory Bodies is based on individual capacities, competencies and qualifications.

8. The proposed amendments to the CCP Rules of Procedure for this recommendation are introduced in Rule I.1 and Rule I.4.

C. Appointment of a first Vice-Chairperson

9. The usefulness and the essential role of a first Vice-Chairperson was recognized by the informal joint working group and endorsed by the CCP Bureau. The first Vice-Chairperson would automatically replace the Chairperson when and as needed and ensure the good and smooth functioning of the Bureau. He/she would also facilitate the task of the Secretariat and alleviate the work burden of the Chairperson, especially during the inter-sessional period.

10. However, it is recommended that the first Vice-Chairperson be nominated by the Bureau rather than elected by the Committee, with the understanding that this function would not have any implication for the election of the new Chairperson for the next term of office. This would avoid any possible long negotiations during the formal session of the Committee to appoint a first Vice-Chairperson.

11. The proposed amendments to the Rules of Procedure to effect this recommendation are introduced in Rule 1.5 and Rule 1.6.

D. Rotation of the Chairperson

12. The last issue considered by the informal joint working group and the CCP Bureau concerned the rotation of the chairpersonship of the Bureau. It is recommended to include a provision ensuring the effective rotation of the office of the chairperson among the seven Regional Groups. It was recognized that not having a specific provision on the rotation of the office could lead to an impasse in case of disagreement among the Regional Groups. COFI and COFO both have provisions on rotation in their Rules of Procedure.

13. In line with this, a provision regarding regional rotation of the chairpersonship is proposed under Rule I.2 of the Rules of Procedure.

E. Records and Reports

14. In order to implement IPA action 2.56, which indicated that Technical Committees would report to the Council on programme and budgetary matters and to the Conference on policy and regulatory matters, the Conference adopted at its 36th Session amendments to the Constitution and to the General Rules of the Organization. The CCLM noted that the implementation of this action involved amendments to the Rules of Procedure of the various Committees.

15. The proposed amendments, which are in line with the text proposed by the CCLM, are inserted in paragraph 1 of Rule VI of the Rules of Procedure.

III. Action Sought from the Committee

16. All the amendments to the Rules of Procedure proposed herein were prepared in close consultation with the FAO Legal and Ethics Office (LEG). The proposed amendments under II.A, II.B, II.C and II.D above have been unanimously approved by the informal joint working group and endorsed by the CCP Bureau, in consultation with the Regional Groups. The proposed amendment under II.E is in line with IPA action 2.56 and the CCLM guidance.

17. Based on the guidance provided by the Council, the recommendations of the CCLM and the deliberations of the CCP Bureau, the Committee is invited to adopt the proposed amendments to the CCP Rules of Procedure set forth in Annex 1 to this document, in accordance with Rule IX – Amendment of Rules – of the CCP Rules of Procedures which reads as follows:

“The Committee may, by a two-thirds majority of the vote cast amend its Rules of Procedure, provided that such amendment is consistent with the Constitution and the General Rules of the Organization. No proposal for the amendment of these Rules shall be included in the agenda of any session of the Committee, unless notice thereof has been dispatched by the Director-General to Members of the Committee at least 30 days before the opening of the session.”

ANNEX I - PROPOSED AMENDMENTS⁶

H. RULES OF PROCEDURE OF THE COMMITTEE ON COMMODITY PROBLEMS

Rule I

Officers

1. At the first session in each biennium, the Committee shall elect a Chairperson and six ~~Members Vice-Chairpersons, from among the representatives of its Members, which~~ who collectively shall constitute the Bureau of the Committee. *The representatives of the elected Members shall act as Vice-Chairperson.*
2. When electing the Chairperson, the Committee should ensure the equitable rotation of the office among the regions. The Chairperson shall not be eligible for election for two consecutive terms in the same office. The term of office shall expire at the end of the Committee meeting where the election of a new Chairperson is held.
3. [Former Rule I, second sentence]The Bureau shall, between sessions, represent the membership of the Committee, perform functions related to the preparation of sessions of the Committee, and perform such other functions as may be delegated to it by the Committee.
4. The Chairperson and the ~~Members Vice-Chairpersons~~ shall be elected for a period of two years and remain in office until the election of a new Chairperson and new ~~Members Vice-Chairpersons~~ at the end of the next session of the Committee. The Chairperson and six ~~Members Vice-Chairpersons~~ shall be elected from the following regions: one ~~representative~~ each from Africa, Asia, Europe, Latin America and the Caribbean, Near East, North America, and South West Pacific.
5. The Bureau shall appoint a first Vice-Chairperson from among its six Members. S/he shall remain in office until the election of a new first Vice-Chairperson. If due to any reason, the Chairperson is prevented from exercising her or his functions for the remainder of the term of office, these functions shall be exercised by the first Vice-Chairperson for the remainder of the Chairperson's term of office. The Bureau shall appoint a new first Vice-Chairperson from among its Members for the remainder of the Vice-Chairperson's term of office.
6. The Chairperson or, in his or her absence, ~~the first Vice-Chairperson one of the Vice-Chairpersons~~, shall preside at meetings of the Committee and exercise such other functions as may be required to facilitate its work. In the event of the Chairperson and the ~~first Vice-Chairperson Vice-Chairpersons~~ not being able to preside at a meeting, the Bureau shall appoint one of the other five Vice-Chairpersons to take the chair, or failing this, the Committee shall appoint a representative ~~one~~ of its Members to take the chair.
7. The Director-General of the Organization shall appoint a secretary, who shall perform such duties as the work of the Committee may require.

Rule II

Sessions

1. The Committee shall hold sessions as provided in Rule XXIX, paragraphs 4 and 5 of the General Rules of the Organization.

⁶ In the text of the draft amendments reproduced, the proposal regarding deletions are indicated using ~~struck out text~~ and the proposals for insertions are indicated using underlined italics.

2. The Committee shall normally hold two sessions during each biennium, to be convened by the Director-General in consultation with the Chairperson of the Committee, taking into account any proposals made by the Committee.
3. Any number of separate meetings may be held during each session of the Committee.
4. The sessions of the Committee shall normally be held at the seat of the Organization. A session may be held at another place in pursuance of a decision taken by the Committee in consultation with the Director-General or a request submitted in writing to the Director-General by a majority of the Members of the Committee.
5. Notice of the date and place of each session shall normally be communicated at least two months in advance of the session to all Member Nations and Associate Members of the Organization, and to such non-member States and international organizations as may have been invited to attend the session.
6. Each Member of the Committee may appoint alternates and advisers to its representative on the Committee.
7. Presence of representatives of a majority of the Members of the Committee shall constitute a quorum for any formal action by the Committee.

Rule III

Attendance

1. Participation of international organizations in an observer capacity in the work of the Committee shall be governed by the relevant provisions of the Constitution and the General Rules of the organization,⁷ as well as by the general rules of the Organization on relations with international organizations.
2. Attendance by non-member States of the Organization at sessions of the Committee shall be governed by the principles relating to the granting of observer status to nations adopted by the Conference.
 - (a) Meetings of the Committee shall be held in public, unless the Committee decides to meet in private for discussion of any items on its agenda.
 - (b) Subject to the provisions of subparagraph (c) below, any Member Nation not represented on the Committee, any Associate Member or any non-member nation invited to attend in an observer capacity a session of the Committee may submit memoranda and participate without vote in any discussion at a public or private meeting of the Committee.
 - (c) In exceptional circumstances, the Committee may decide to restrict attendance at private meetings to the representative or observer of each Member Nation of the Organization.

⁷ It is understood that in this context the terms "Constitution" and "the General Rules of the Organization" are to be taken to include all general rules and policy statements formally adopted by the Conference and intended to supplement the Constitution and the Rules, such as the "Statement of principles relating to the granting of observer status to nations", and the general rules regarding relationships between the Organization and governmental and non-governmental organizations.

Rule IV

Agenda and Documents

1. The Director-General, in consultation with the Chairperson of the Committee, shall prepare a provisional agenda and shall normally circulate it at least two months in advance of the session to all Member Nations and Associate Members of the Organization and to all international organizations invited to attend the session.
2. All Member Nations of the Organization and Associate Members acting within the limits of their status may request the Director-General normally not less than 30 days before the proposed date of the session to insert an item in the provisional agenda. The Director-General shall thereupon circulate the proposed item to all Members of the Committee, together with any necessary papers.
3. The first item on the provisional agenda shall be the adoption of the agenda. The Committee in session may by general consent amend the agenda by the deletion, addition or modification of any item, provided that no matter referred to it by the Council or on the request of the Conference may be omitted from the agenda.
4. Documents not already circulated shall be dispatched with the provisional agenda, or as soon as possible thereafter.

Rule V

Voting

1. Each Member of the Committee shall have one vote.
2. The decisions of the Committee shall be ascertained by the Chairperson, who shall resort, upon the request of one or more Members, to a vote, in which case the pertinent provisions of Rule XII of the General Rules of the Organization shall apply *mutatis mutandis*.

Rule VI

Records and Reports

1. At each session, the Committee shall approve a report ~~to the Council~~ embodying its views, recommendations and decisions, including, when requested, a statement of minority views. The Committee shall make every effort to ensure that its recommendations are precise and can be implemented. Programme and budgetary matters shall be referred to the Council, whereas policy and regulatory matters shall be referred to the Conference. Any recommendation adopted by the Committee which affects the programme or finances of the Organization or concerning legal or constitutional matters shall be reported to the Council with the comments of the appropriate subsidiary committees of the Council.
2. Reports of sessions shall be circulated to all Member Nations and Associate Members of the Organization and to non-member States invited to attend the session, as well as to interested international organizations entitled to be represented at the session.
3. The comments of the Committee on the report of any of its subsidiary bodies and, if one or more Members of the Committee so request, the views of those Members shall be incorporated into the Committee's report. If any Member so requests, this part of the Committee's report shall be circulated as soon as possible by the Director-General to the States or international organizations which normally receive the reports of the subsidiary body in question. The Committee may also request the Director-General, in transmitting the report and records of its proceedings to Members, to call particular attention to its views and comments on the report of any of its subsidiary bodies.

4. Whenever a private meeting of the Committee is held, the Committee shall, at the beginning of that meeting, decide whether a record of the meeting shall be kept and, if so, what circulation, not exceeding that provided for in paragraph 2 above, shall be given to it.
5. The Committee shall determine the procedures in regard to press communiqués concerning its activities.

Rule VII

Subsidiary Bodies

1. In accordance with the provisions of Rule XXIX, paragraph 10 of the General Rules of the Organization, the Committee may, when necessary, establish subcommittees, intergovernmental commodity groups and *ad hoc* subsidiary bodies, subject to the necessary funds being available in the relevant chapter of the approved budget of the Organization. It may include in the membership of such subcommittees and *ad hoc* subsidiary bodies, Member Nations that are not members of the Committee and Associate Members. Membership of intergovernmental commodity groups established by the Committee shall be open to all Member Nations and Associate Members of the Organization and the Council may admit to membership of such groups States which, while not Member Nations or Associate Members of the Organization, are members of the United Nations, any of its specialized agencies or the International Atomic Energy Agency.
2. Before taking any decision involving expenditure in connection with the establishment of subsidiary bodies, the Committee shall have before it a report from the Director-General on the administrative and financial implications thereof.
3. The Committee shall determine the terms of reference of its subsidiary bodies who shall report to the Committee. The reports of the subsidiary bodies shall be made available for information to all members of the subsidiary bodies concerned, all Member Nations and Associate Members of the Organization, non-member States invited to the sessions of the subsidiary bodies, and to interested international organizations entitled to attend such sessions.

Rule VIII

Suspension of Rules

The Committee may decide to suspend any of the foregoing Rules of Procedure, provided that 24 hours' notice of the proposal for the suspension has been given and that the action contemplated is consistent with the Constitution and the General Rules of the Organization.⁸ Such notice may be waived if no Member objects.

Rule IX

Amendment of Rules

The Committee may, by a two-thirds majority of the votes cast, amend its Rules of Procedure, provided that such amendment is consistent with the Constitution and the General Rules of the Organization. No proposal for the amendment of these Rules shall be included in the agenda of any session of the Committee unless notice thereof has been dispatched by the Director-General to Members of the Committee at least 30 days before the opening of the session.

⁸ See footnote to Rule III, paragraph 1.