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Rules and Procedures for Participation of Civil Society Organizations and Private Sector Representatives in FAO Meetings

Executive Summary

The 150th Session of the Council (December 2014) mandated the Independent Chairperson of Council (ICC) to hold informal consultations with Regional Groups with a view to reaching agreement on the proposed reformulation of the rules for participation of Civil Society Organizations and Private Sector Representatives in FAO meetings. Consequently, following in-depth consultations held with the Regional Groups during informal meetings, as well as bilateral meetings with the Chairpersons and Vice-Chairpersons, over a period of more than twelve months the ICC wishes to inform the Council that a consensus position has not emerged from the aforementioned discussions on the matter, and therefore proposes that current practices be continued until such time as Members may decide to revisit this issue.

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I. Introduction

1. The Council at its 148th Session (December 2013) *stressed the need to initiate a process for the reformulation of rules and procedures for the participation of non-governmental organizations and civil society organizations in meetings of FAO*¹. The Rules and Procedures had been under review by the Committee on Constitutional and Legal Matters (CCLM) over a number of sessions and subsequently at its 98th Session (June 2014) the Committee observed that *FAO's practice regarding CSOs and private sector participation in FAO meetings had, over the years, gone beyond the framework established in the Basic Texts, and, therefore, it was considered that there was a need for a simple and more coherent mechanism for participation of CSO and private sector representatives in FAO meetings*².
2. The Council at its 149th Session (June 2014) reviewed the revised framework and the updated rules and procedures and noted that a number of provisions *needed additional clarification and reconsideration, as appropriate*³. Subsequently, the 99th Session of the CCLM (October 2014) examined the document entitled "Further Review of the draft Rules and Procedures for Participation of Civil Society Organizations and Private Sector Representatives in FAO Meetings" (CCLM 99/4⁴), which had been under discussion at previous sessions, and recommended to the Council that the Independent Chairperson of the Council (ICC) *be mandated to hold consultations with the Regional Groups, with involvement of all Members, with a view to reaching policy agreement on the proposed rules*⁵.
3. Thereafter, the Council at its 150th Session (December 2014) endorsed the recommendation of the 99th Session of the CCLM and further noted that the Committee on Constitutional and Legal Matters (CCLM) would *review a proposal and finalize its work only after agreement among Members had been reached*.⁶

II. ICC Consultations with Regional Groups and Members: March 2015 – April 2016

4. In the light of the above, the ICC convened an Informal Meeting of Chairpersons and Vice-Chairpersons of the Regional Groups in March 2015 and requested that each Regional Group revise the draft updated rules and procedures contained in document CL 149/2 Rev.1, Appendix I⁷, and develop a consolidated position with a view to: i) identifying any shortcomings in the draft; and ii) going through the comparative table between parts M and N of the Basic Texts, as currently in force, drawing out precise concerns and recommendations.
5. Subsequently, at the Informal Meeting of Chairpersons and Vice-Chairpersons of the Regional Groups held at the end of April 2015, the ICC requested that the views of the Regional Groups be sent to the Secretariat by May 2015. A number of views still remained outstanding by the set deadline.
6. At the Informal Meeting convened in September 2015, some of the Regional Groups highlighted specific concerns regarding *inter alia* the participation of Non-State Actors (NSAs) in Governing Body meetings, the selection process, geographical considerations and the envisaged suspension process to be followed. Some of the Regional Groups emphasized the need to give priority to holding a comprehensive political debate on the matter, rather than an urgency to update the rules.

¹ CL 148/REP/para 20f (<http://www.fao.org/docrep/meeting/029/MJ275E.PDF>)

² CL 149/2 Rev. 1/para 6

³ CL 149/REP/para 21a-d (<http://www.fao.org/3/a-mk880e.pdf>)

⁴ <http://www.fao.org/3/a-ml652e.pdf>

⁵ CL 150/2/para 11-15

⁶ CL 150/REP/para 21c (<http://www.fao.org/3/a-mm477e.pdf>)

⁷ <http://www.fao.org/docrep/meeting/030/MK190E.pdf>

7. By the end of October 2015, all except one regional input had been received and a Synthesis Paper (prepared by the Secretariat) was distributed to all Regional Groups for verification. The issues raised by a number of Regional Groups were divided in two parts, namely: i) those issues requiring further clarification; and ii) those requiring further discussion. The remaining Regional Groups informed they were in agreement with the proposed draft “Rules and Procedures” under discussion.

8. Subsequently, in January 2016 the Synthesis Paper prepared by the Secretariat, with additional clarifications, was tabled and discussed by the Chairpersons and Members of the seven Regional Groups at an Informal Meeting convened by the ICC to exclusively discuss the proposed draft Rules of Procedure. During the discussions, it was apparent that there was consensus on certain issues, with only two issues remaining for further discussion: i) the involvement of Members in considering requests for formal status or on requests for ad hoc invitations for selected NSAs to attend specific meetings; and ii) to which category of meetings NSAs could be invited, with general agreement that invitations could be extended for expert and technical meetings, but with some reservation with regard to participation in Governing Body meetings especially the Council and Regional Conferences. At the monthly Informal Meeting held later that same month, it was proposed that the current practice be maintained, based to some extent on the rules in the Basic Texts⁸ as endorsed by the FAO Conference in 1957.

9. At the request of the G77 and China Group, the Informal Meeting initially scheduled for late February 2016 was postponed to the end of April 2016, in order to provide sufficient time for further consultation within the Regional Groups. The purpose of the open-ended meeting would be to reach consensus on the way forward. The ICC prepared a Background Paper outlining the process undertaken, which was distributed ahead of the meeting and served as a basis for discussion.

III. Conclusion and Way Forward

10. The Informal Meeting held on 29 April 2016 validated the present Background Paper and agreed that it be submitted to the 154th Session of the Council for information under item 12 of the Provisional Agenda “Status of Implementation of Decisions arising from the 153rd Session of the Council” (CL 154/LIM/3), with regard to the 150th Session of the Council’s request to mandate *the Independent Chairperson of Council to hold consultations with regional groups, open to all Members, with a view to reaching agreement on the proposed rules for participation of Civil Society Organizations and Private Sector Representatives in FAO meetings ... (CL 150/REP/para 21 c)*.

11. Consequently, further to in-depth consultations held with the Regional Groups, both through informal meetings and bilateral meetings with the Chairpersons and Vice-Chairpersons over a period of more than twelve months, the ICC wishes to inform the Council that consensus has not been reached on the matter, and therefore proposes that current practices be continued until such time as Members may decide to revisit this issue.

12. It can therefore be concluded that the ICC has completed his consultations with Members on the proposed rules for participation of Civil Society Organizations and Private Sector Representatives in FAO meetings he was tasked with by the 150th Session of the Council.

⁸ An observer of any international non-governmental organization having consultative status, accompanied by advisers and assistants, may attend the plenary meetings of the Conference and the meetings of any commission, of any technical committee of a commission and of any technical committee established under Rule XV (GRO, Rule XVII-3).