

January 2009



منظمة الأغذية  
والزراعة  
للأمم المتحدة

联合国  
粮食及  
农业组织

Food  
and  
Agriculture  
Organization  
of  
the  
United  
Nations

Organisation  
des  
Nations  
Unies  
pour  
l'alimentation  
et  
l'agriculture

Продовольственная и  
сельскохозяйственная  
организация  
Объединенных  
Наций

Organización  
de las  
Naciones  
Unidas  
para la  
Agricultura  
y la  
Alimentación

## COMMITTEE ON CONSTITUTIONAL AND LEGAL MATTERS

### Eighty-fourth Session

Rome, 2-4 February 2009

### TECHNICAL COMMITTEES

#### BACKGROUND

1. The Immediate Plan of Action (IPA) contains the following general observations regarding the Technical Committees:

*“The Technical Committees are fundamental to FAO’s work. They are committees of the whole membership and have distinct roles: Firstly, developing global information exchange, policy coherence and instruments for their areas of competence; and secondly, providing proposals to the Council and the Conference on the Strategy and Programme of the Organization. Technical Committees, as committees of the whole, deal with world issues as well as FAO’s programme and will report directly to the FAO Conference on global issues and to the Council on FAO programme priorities and performance”* (paragraph 26).

2. The following specific actions are contained in the relevant Action Matrix:

The Technical Committees “will report to Council on FAO’s budget and priorities and strategies for the programmes and directly to the FAO Conference on global policy and regulation (2.56), and:

(a) Chairs will remain in office between sessions and provide their reports to the Council and Conference (2.57);

(b) Ways of working – 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 (2.58);
- the Chair will facilitate full consultation with Members, on agendas, formats and duration (2.59)

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(c) *More use will be made of parallel sessions and side events, taking care that countries with small delegations can participate (informal sessions will include NGOs and the private sector including representation from developing countries) (2.60);*

(d) *The Committee on Agriculture (COAG) will specifically include and devote adequate time in its agenda to livestock with a livestock segment (2.61);*

(e) *The Committee on Commodity Problems (CCP) will strengthen interaction with UNCTAD, WTO and the Common Fund for Commodities (2.62);*

(f) *The Committee on World Food Security (CFS) will revitalise its role in monitoring and driving progress on the World Food Summit commitment and reviewing the State of Food Insecurity in the world (2.65)".*

3. The Action Matrix calls for a number of actions to be approved by the Conference in 2009, indicating however that some actions are “*continuing*” in nature, which suggests that they are on-going and are to be kept under review.

4. While this is a matter on which the CCLM may wish to offer its views, it is important to distinguish between issues that involve amendments to the Basic Texts, in particular the Constitution and the General Rules of the Organization (GRO), and other matters which could be addressed through amendments to the Rules of Procedure of the Committees, or simply changes to current working practices.

#### **POSSIBLE AMENDMENTS TO THE CONSTITUTION AND THE GENERAL RULES OF THE ORGANIZATION (REPORTING LINES OF THE COMMITTEES)**

##### **A. Amendment to the Constitution**

5. The future reporting lines of the Technical Committees appear to be straightforward and consensual. The Technical Committees will report to the Council on programme and budget matters and to the Conference on policy and regulatory matters.

6. The matter was the subject of a preliminary exchange of views at the 83<sup>rd</sup> Session of the CCLM in September 2008, and there was consensus to recommend an amendment to Article V, paragraph 6 of the Constitution. Whether Article IV of the Constitution on the functions of the Conference would also need to be amended was considered briefly. A preliminary conclusion emerged that there might be no need to amend Article IV, which defines the functions of the Conference in a broad, extensive manner, on the assumption that, being the supreme Governing Body, the Conference has general competence on all matters within the mandate of FAO, in accordance with applicable rules of the Organization. In addition, Article IV, paragraph 5<sup>1</sup> contains a generic reference to the possibility for the Conference to examine matters dealt with by the standing committees of the Council<sup>2</sup>. While this may not be the final position, it seems preferable to leave Article IV unchanged and amend only Article V.

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<sup>1</sup> Article IV, paragraph 5 reads as follows: “*The Conference may review any decision taken by the Council or by any commission of the Conference or the Council, or by any subsidiary body of such commission or committees*”.

<sup>2</sup> In this context, one may recall that the IEE recommendations on the Technical Committees revived previous debates which, since the fifties, had revealed the double nature of the work of these committees: policy and technical work, on the one hand, and programme and budget work, on the other. In 1957, when the Conference amended the Constitution to provide for the so-called “*standing committees*” of the Council, it recognized that the committees may, in a number of cases, bring specific issues to the attention of the Conference (Report of the 9<sup>th</sup> Session of the Conference, 2-23 November 1957, paragraph 472). The reporting lines of the committees, including the Committee on Commodity

7. A draft amendment to Article V, paragraph 6 is presented below for consideration by the CCLM, and is reproduced in track mode in the Appendix. The proposal reflects a general distinction between the “*standing committees*” of the Council, the so-called “*committees of restricted membership*”, and the “*technical committees of open membership*”<sup>3</sup> of the Council<sup>4</sup>. For the sake of clarity, it was considered useful to split current Article V, paragraph 6 into two paragraphs, as follows:

- “6. *In the performance of its functions, the Council shall be assisted:*
- (a) *by a Programme Committee, a Finance Committee and a Committee on Constitutional and Legal Matters which shall report to the Council; and*
  - (b) *by a Committee on Commodity Problems, a Committee on Fisheries, a Committee on Forestry, a Committee on Agriculture and a Committee on World Food Security which shall report to the Council on programme and budget matters and to the Conference on policy and regulatory matters.*
7. *The composition and terms of reference of the Committees referred to in paragraph 6 shall be governed by rules adopted by the Conference”.*

8. Insofar as this is an amendment to the Constitution, notice thereof will have to be despatched by the Director-General to the membership at least 120 days before the opening of the Conference, that is, by 16 July 2009, as the forthcoming session of the Conference is due to start on 14 November 2009.

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Problems, were also discussed, although in a different context. The Conference used to set up Technical Committees at each session to review policy and technical matters. The Conference recognized that such committees could exercise little influence upon the Programme of Work and Budget for the immediately ensuing biennium which, at that time, was already before it for final approval. The Conference, therefore, decided that committees established to consider technical activities would primarily carry out a critical review of the activities of the Organization and give guidance to the Director-General, the Programme Committee and the Council regarding future undertakings of the Organization (Report of the 9<sup>th</sup> Session of the Conference, 2-23 November 1957, paragraphs 467 and 468). In 1963, the Conference adopted amendments to the GRO regarding the functions of the Technical Committees of the Conference whereby, in particular, six Technical Committees should be established in connection with each session of the Conference and meet prior to each session to deal respectively with agriculture, economics, fisheries, forestry, nutrition, and information and publications (Report of the 12<sup>th</sup> Session of the Conference, 16 November-5 December 1963, paragraph 493). However, the Technical Committees actually met only in connection with very few sessions of the Conference. Meanwhile, in the sixties and seventies, all other committees under Article V, paragraph 6 were established. In 1999, the Conference eliminated a reference to the Technical Committees of the Conference in Rule XV of the GRO (Report of the 30<sup>th</sup> Session of the Conference, 12-23 November 1999, paragraph 120). The matter had been reviewed by the CCLM in April 1999 (CL 116/2) on the basis of a detailed document describing the past practice of the Organization. The changes in reporting lines approved in the IPA will certainly improve the ways of working of the Technical Committees and streamline their functioning, especially by obviating the need for repetitive debates on policy issues within the Council on the occasion of the review of the reports of the committees. However, it should be stressed that, as confirmed by many examples, important policy and regulatory matters examined by the Technical Committees have often been referred to the Conference.

<sup>3</sup> For many years the terminology regarding the standing committees of the Council referred to “committees of restricted membership” and “technical committees of open membership”, or “committees of open membership”.

<sup>4</sup> The first “*Technical Committee*” to be set up was the Committee on Commodity Problems established by the 5<sup>th</sup> Session of the Conference (21 November-6 December 1949; Report, page 13). In 1957, the Conference amended Article V, paragraph 6 of the Constitution establishing “standing committees” of the Council, a designation that was used at the time, and providing for the Programme Committee, the Finance Committee, the CCLM and the Committee on Commodity Problems to report to the Council (Report of the 9<sup>th</sup> Session of the Conference, 2-23 November 1957, paragraphs 434-472).

## **B. Amendments to the General Rules of the Organization**

9. The GRO do not contain a description of the functions of the Conference. Being the supreme Governing Body of FAO, the Conference has broad competence with regard to all matters, under the framework established by the Basic Texts of the Organization, and a precise definition of the functions of the Conference could be seen as restricting its general competence. A number of functions and responsibilities of the Conference are dealt with indirectly through provisions regarding the agenda of the Conference. With a view to preserving the current structure and coherence of the GRO, it is proposed that Rule II, paragraph 2 (c), should include an item on the agenda of the Conference regarding review of the reports of the Technical Committees.

10. The following sub-paragraph could be added to Rule II, paragraph 2, of the GRO:

*“(x) review of the relevant sections of the reports of the Committee on Commodity Problems, the Committee on Fisheries, the Committee on Forestry, the Committee on Agriculture and the Committee on World Food Security”.*

11. At present, Rule XXIV of the GRO listing the functions of the Council does not contain specific references to the review of the reports of the Technical Committees. It is proposed that any references to this be addressed under the proposed amendments to the Basic Texts regarding the changes in the budget process and structure, including related matters such as the date of the regular session of the Conference.

12. In informal discussions among CCLM members, references were made to a possibility that the new reporting lines of the Technical Committees be reflected in the Rules of the GRO regarding the committees concerned (Rule XXIX: Committee on Commodity Problems; Rule XXX: Committee on Fisheries; Rule XXXI: Committee on Forestry; Rule XXXII: Committee on Agriculture; Rule XXXIII: Committee on World Food Security).

13. On further reflection, it appeared that the current reporting lines flow directly from the Constitution and are elaborated further, as required, in the Rules of Procedure of each Committee. Therefore, it would seem more logical and indeed legally correct that the matter be dealt with by each Committee through amendments to its Rules of Procedure. **The CCLM could recommend to the Council that the Technical Committees be invited to review their own Rules of Procedure in order to ascertain whether there is a need to reflect the new reporting lines in revised Rules of Procedure.**

14. There are some differences in the Rules of Procedure of the Committees on reporting which might need to be taken into account when formulating amendments to the Rules of Procedure. While responsibility for the amendment of the Rules of Procedure is vested in each of the Committees, the Technical Committees could consider two options.

15. First option: reference could be made only to the approval of the reports of the Technical Committees without specifying which body the reports are to be referred to. This is already the case with the Rules of Procedure of the Committee on Agriculture and the Committee on World Food Security<sup>5</sup>. It could be assumed that, under the framework established by the Constitution and the GRO, reports are to be sent, as appropriate, to the Conference or the Council.

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<sup>5</sup> Rule VI, paragraph 1 of the Rules of Procedure of the Committee on Agriculture reads as follows: “*At each session, the Committee shall approve a report embodying its views, recommendations and decisions, including, when requested, a statement of minority views. Any recommendations adopted by the Committee which affect 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. The reports of the Committee shall also be placed before the Conference*”. This Rule can accommodate future reporting lines of the Committee on Agriculture. In the same vein,

16. **Second option:** a specific provision could be included in the Rules of Procedure of each Committee along the following lines:

*“At each session, the Committee shall approve a report embodying its views and recommendations, including when requested, a statement of minority views. Policy and regulatory matters shall be referred to the Conference whereas programme and budget matters shall be referred to the Council. Any recommendations adopted by the Committee which affect the programme or finances of the Organization shall be reported to the Council with the comments of the appropriate subsidiary committees of the Council”.*

17. Amendment of the Rules of Procedure is a matter entirely for the Committees which, in addition to the above-suggested options, may consider such other options as they deem appropriate.

#### **IMPLEMENTATION OF OTHER ACTIONS**

18. The Action Matrix regarding the Technical Committees foresees a number of other actions involving amendments to the Basic Texts which are reviewed below.

##### **Chairpersons to remain in office between sessions and provide their reports to the Council and Conference** (IPA Action. 2.57)

19. The IPA indicates that *“the Chairs will remain in office between sessions and provide their reports to the Council and Conference”* (IPA Action 2.57). This action covers two issues: the fact that Chairpersons should remain in office between sessions; and their presentation of the reports of the Committees to the Council and Conference.

20. The Rules of Procedure of the Technical Committees make provision for the Chairperson, the first Vice-Chairperson and the five other Vice-Chairpersons to *“remain in office until the election”* of their successors. Subject to such views as the CCLM may hold, it does not seem that there would be a need for any amendment to the Rules in this regard.

21. As to the possibility for the Chairpersons to present the reports of the Committees to the Conference and Council, two options could be considered.

22. **First option:** the Rules of Procedure of the Committees could include under the Rules entitled *“records and reports”* or *“reports”*, as the case may be, a paragraph worded as follows:

*“The Chairperson shall present to the Conference and the Council the relevant sections of the report of the Committee”.*

23. An explicit amendment to the Rules of Procedure of the Committees along these lines would provide precisely and clearly for the required action. However, it could also constitute an element of rigidity, insofar as the Chairpersons of the Technical Committees are usually not based in Rome and may not be able to travel to Rome (unlike the Chairpersons of the Committees of restricted membership who are more often based in Rome or otherwise available to travel to

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Rule VIII, paragraph 1 of the Rules of Procedure of the Committee on World Food Security read as follows: *“At each session, the Committee shall approve a report embodying its views, recommendations and decisions, including, when requested, a statement of minority views. Any recommendations adopted by the Committee which affect 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”.*

Rome)<sup>6</sup>. In such circumstances, the first Vice-Chairperson could replace the Chairperson. In the absence of both, the Chairperson could designate one of the Vice-Chairpersons, or the matter could be addressed through regional consultation. There could be situations, rare but not unknown, where a Chairperson may not wish to present a report or would be reluctant to do so.

24. Second option: a practice could be developed whereby the Chairpersons of the Committees would present the reports to the Conference and the Council. This approach would avoid too prescriptive provisions in the Rules of Procedure and reflect the fact that the presentation of the report to the Council or Conference is a natural extension of the functions of a chairperson. It would also confirm inter-agency research showing that, whereas it is frequent that chairpersons of subsidiary committees present their reports to parent committees, such functions are usually not stated in the Rules of Procedure of the concerned committees. Further, it should be noted that, in the case of the Programme Committee, the Finance Committee and the CCLM, the established practice is that the Chairpersons of these Committees present the reports to the Council, without this being provided for in the Basic Texts<sup>7</sup>.

**Technical Committees to meet more flexibly as to duration and frequency according to needs, normally once in each biennium, to address priority emerging issues, and may be convened especially for that purpose** (IPA Action 2.58)

25. The Technical Committees are expected to “*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*” (IPA Action 2.58).

26. The GRO allow for considerable flexibility on this matter, allowing for the above issues regarding the sessions of the Committees to be easily accommodated under existing rules. In the past some Technical Committees used to meet twice every biennium in accordance with the relevant GRO. The GRO are worded in such a manner as to allow considerable flexibility in the convening of sessions. Subsequently, a general pattern of one session per biennium was initiated in respect of all committees, except for the Committee on World Food Security. In addition, provision is already made in the GRO for the committees to hold additional sessions as required. Thus, subject to such views as the CCLM may wish to offer, it does not seem that there would be a need to amend the Basic Texts to accommodate this action.

**Chairperson to facilitate full consultation with Members on agendas, formats and duration** (IPA Action 2.59)

27. It is foreseen that the Chairperson “*would facilitate full consultation with Members on agendas, formats and duration*” (IPA Action 2.59). Two approaches could be taken to implement this action.

28. First option: at present, the established practice reflected in the Rules of Procedure of the Committees is that the Chairpersons are consulted in connection with the preparation of the Provisional Agendas for the sessions, as well as on the general “*format*” of the sessions. While practices may vary slightly from one committee to the other, consultations with the Chairpersons on the Provisional Agendas and, more generally, the organization of sessions, including format and duration, are always held. In the same vein, the possibility for the Chairperson to facilitate

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<sup>6</sup> Under established practice, travel expenditures of the Chairpersons of the Programme and Finance Committees are covered by the Organization when they travel to Rome to present the Committees reports to the Council, although the GRO provide for such travel expenditures to be covered only in connection with the sessions of the Committees.

<sup>7</sup> Although the GRO provide that the Chairpersons of the Programme and Finance Committees may attend sessions of the Council when their reports are considered.

consultation with Members could be accommodated under existing procedures and rules which, again, allow for considerable flexibility. The CCLM is invited to advise on whether there would be a need to amend the GRO or the Rules of Procedure of the Committees for the purposes of this action. Subject to the CCLM views, there might be no need to revise any procedures as the issue at hand seems to be one of practice.

29. Second option: although the five Technical Committees were established on the same legal basis and operate in accordance with similar procedures, there has been some variation in their practices and the functions of their officers, as reflected to some extent in their Rules of Procedure. Some Committees provide the only world forum for the discussion of particular topics. They may have been more active than others, and their chairpersons and other officers may have performed more or less active roles during inter-sessional periods. Throughout the Seventies and the Eighties, the officers of the Committee on Fisheries played an important role during both the sessions and inter-sessional periods in preparation for the work of the Committee. This is partly reflected in the Rules of Procedure of the Committees on Fisheries and Forestry, whereby the Chairperson, first Vice-Chairperson and five other Vice-Chairpersons “*shall remain in office until the election of a new*” Chairperson and new Vice-Chairpersons and “*will act as a Steering Committee during sessions*”.

30. However, no reference is made to performance of functions during the inter-sessional period. At present the Chairperson and other officers of the Committee on World Food Security play an effective role in the preparation of the sessions, although their role as a “*Steering Committee*” is not mentioned in the Rules of Procedure. In all cases this has been done under the existing rules and procedures. These are, to a large extent, based on and determined by practice, thus responding to the functional requirements of each Committee. Similarly, insofar as the mandates of the Committees are different, a detailed definition of the role of the Chairpersons and the other officers for all the Committees might not respond adequately to the needs of each individual Committees.

31. The CCLM is invited to offer its views on the matter. It may wish to recommend that the Technical Committees should review themselves their own operating mechanisms, inviting them to examine whether they would consider it useful to amend their Rules of Procedure. A revised Rule, building upon the Rules of Procedure of the Committees on Fisheries and on Forestry, could read as follows:

*“At the first session in each biennium, the Committee shall elect a Chairperson [...], who shall remain in office until the election of a new Chairperson and new Vice-Chairpersons and who will act as a Steering Committee between sessions and during sessions”.*

**More use of parallel sessions and side events, taking care that countries with small delegations can participate (informal sessions to include NGOs and the private sector, including representation from developing countries)** (2.60)

32. It is foreseen that “*more use will be made of parallel sessions and side events, taking care that countries with small delegations can participate (informal sessions will include NGOs and the private sector, including representation from developing countries)*” (IPA Action 2.60).

33. These actions would not seem to involve amendments to the Basic Texts, but only changes in working practices, subject to such views as the CCLM may wish to offer on the matter.

34. However, insofar as the action addresses NGO and private sector participation in sessions of the Committee, broader issues are raised which might involve changes to instruments that form

part of Volume I and Volume II of the Basic Texts. It is proposed that this matter be addressed separately.

**Committee on Agriculture to devote adequate time in its agenda to livestock and include a livestock segment** (2.61)

35. The Committee on Agriculture is expected to “*specifically include and devote adequate time in its agenda to livestock with a livestock segment*” (IPA Action 2.61). Two options could be considered to implement this action.

36. First option: it could be considered that Rule XXXII of the GRO on the Committee on Agriculture, and its Rules of Procedure, set forth a broad framework allowing the Committee itself to decide to include “*a livestock segment*” in its meetings, thus obviating the need for any amendments. This framework does allow for considerable flexibility, including the review of matters related to livestock at each session of the Committee. The word “segment” itself is open to interpretation. It could be interpreted as meaning that an item on livestock should be added to the Provisional Agenda and that this should be reflected in the GRO or the Rules of Procedure. But it could also have a more generic meaning and imply that, in preparing the Provisional Agenda and making any related arrangements, there would be a need to ensure that livestock matters are duly addressed, but this would not require specific amendments to the GRO or the Rules of Procedure. In this regard, it should be noted that an amendment to the GRO providing for a systematic review of livestock issues by the Committee could result in an unbalanced structure and content of the amended rule. There might be requests for reflection in the GRO of similar amendments on specific issues.

37. Second option: the action set out in the IPA could be reflected in an amendment to Rule XXXII, paragraph 6 of the GRO, which would have to be approved by the Conference, and could read as follows:

*“The Committee shall [...] (c) review, with similar emphasis, the biennial programmes of work of the Organization relating to agriculture, including food and livestock, and their implementation in areas falling within the competence of the Committee.”*

**Committee on Commodity Problems to strengthen interaction with UNCTAD and the Common Fund for Commodities** (2.62)

38. Under the IPA, “*the Committee on Commodity Problems will strengthen interaction with UNCTAD and the Common Fund for Commodities*” (IPA Action 2.62).

39. This action could be implemented without any amendment to the Basic Texts. It could be considered as a matter of practice, rather than one requiring a change to the relevant provision, Rule XXIX, paragraph 7 of the GRO. However, an amendment of this Rule could also be considered. Taking advantage of this amendment, the reference to the Committee on Food Aid Policies and Programmes could be replaced with a reference to the Executive Board of the World Food Programme. Revised Rule XXIX, paragraph 7 of the GRO could read as follows:

*“The Committee shall take full account of the responsibilities and activities of the Committee on World Food Security and of the Executive Board of the World Food Programme in order to avoid overlapping and unnecessary duplication of work. In discharging its functions, the Committee shall, as appropriate, seek to strengthen inter-action with the United Nations Conference on Trade and Development, the World Trade Organization and the Common Fund for Commodities.”*



**Committee on World Food Security to revitalize its role in monitoring and driving progress on the World Food Summit commitment and reviewing the State of Food Insecurity in the World** (2.65).

40. The IPA states that “*the Committee on World Food Security will revitalize its role in monitoring and driving progress on the World Food Summit commitment and reviewing the State of Food Insecurity in the world*” (IPA Action 2.65). Two options could be considered to give effect to this action.

41. First option: revitalization of the work of the Committee on World Food Security (CFS) might not be primarily a matter of a legal nature involving changes to the mandate of the Committee. In this connection, it should be noted that the mandate of the CFS is drafted in a comprehensive manner and addresses issues arising out of the World Food Summit, especially under Rule XXXIII, paragraph 7 of the GRO. This Rule, which was introduced by the Conference in 1997 following a long review process by the CFS, CCLM, Council and Conference, contains an explicit reference to the 1996 World Food Summit Plan of Action and, in particular, to the commitment regarding the role of the CFS. This Rule is supplemented by a long footnote, which reproduces the relevant extracts of Commitment 7, Objective 7.3 of the Plan of Action on the role of the CFS<sup>8</sup>.

42. The question arises as to whether the mandate of the CFS should contain a reference to the review of the “*State of Food Insecurity in the World*” as this has now become a recognized analytical aid and monitoring tool, providing the most authoritative data on global food security issues.

43. The CCLM may wish to note that the mandate of the CFS, as clarified by the footnote to Rule XXXIII, paragraph 7 of the GRO, was drafted in such broad terms as to allow the Committee to review the *State of Food Insecurity in the World*, which is what the Committee actually does on a regular basis. In addition, the footnote already contains a reference to what would become the *State of Food Insecurity in the World*. Indeed, in Commitment 7, Governments accepted to “*monitor through the CFS the national, subregional, regional and international implementation of the World Food Summit Plan of Action, drawing on a food security and vulnerability mapping system, once established as an analytical aid*”.

44. Second option: notwithstanding the foregoing, should the CCLM be of the view that a specific reference to the *State of Food Insecurity in the World* is needed, this could be done through an amendment to Rule XXXIII, paragraph 6 (a), which could read as follows:

*“The Committee shall serve as a forum in the United Nations system for review and follow-up of policies concerning world food security, including food production, sustainable use of the natural resource base for food security, nutrition, physical and economic access to food and other food security-related aspects of poverty eradication, the implications of food trade for world food security and other related matters and shall in particular:*

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<sup>8</sup> The Conference in 1997 endorsed the recommendation of the Council that the mandate of the CFS be amended, noting that Commitment 7 accorded a substantial role to the CFS in monitoring the implementation of the Action Plan, and that this should be reflected in the mandate of the CFS, as set out in Rule XXXIII of the GRO. The Conference also noted that amendments to the mandate of the CFS were required to address the new responsibilities falling upon FAO as a result of the abolition of the World Food Council by the United Nations General Assembly, to reflect changes in institutional organizations in the UN system, such as the replacement of the Committee on Food Aid Policies and Programmes by the Executive Board of the World Food Programme, and to rationalize and modernize the terms of reference of the CFS in line with recent practice. Accordingly, Rule XXXIII of the GRO was substantially amended (Report of the 29<sup>th</sup> Session of the Conference, 7-18 November 1997, paragraph 116).

- (a) *examine major problems and issues affecting the world food situation, including through the report on the State of Food Insecurity in the World, and the steps being proposed or taken to resolve them by Governments and relevant international organizations, bearing in mind the need for the adoption of an integrated approach towards their solution;”.*

45. The proposed amendment is given in the Appendix.

46. The CCLM may wish to note that the role of the CFS could be revitalized further to calls for strengthened governance of agriculture and food security, with appropriate involvement of all relevant stakeholders. This could eventually lead to changes in the legal status of the CFS.

#### **POSSIBLE NEED FOR SUBSEQUENT REVIEW OF ISSUES RELATED TO THE MANDATES OF THE TECHNICAL COMMITTEES**

47. The CCLM is invited to note that the implementation of the actions regarding the new Strategic Framework, the Medium-Term Plan and the Programme of Work and Budget could result in changes to the mandate of the Technical Committees as defined in the GRO and to the Rules of Procedure. Such changes would need to be addressed at a later stage.

#### **SUGGESTED ACTION BY THE COMMITTEE**

48. The CCLM is invited to review this document, including the proposed amendments, and make such comments and give such guidance as it deems appropriate.

49. In particular, the CCLM is invited:

- (a) To review the proposed amendment to Article V of the Constitution, noting that insofar as this is an amendment to the Constitution notice thereof should be given to the memberships at least 120 days in advance of the date of the session of the Conference (IPA Action 2.56 – paragraph 7 refers);
- (b) To review the proposed amendment to Rule II, paragraph 2 of the General Rules of the Organization (IPA Action 2.56 – paragraph 10 refers);
- (c) To advise on whether there would be a need to amend Rule XXIX (Committee on Commodity Problems), Rule XXX (Committee on Fisheries), Rule XXXI (Committee on Forestry), Rule XXXII (Committee on Agriculture) and Rule XXXIII (Committee on World Food Security) of the GRO (IPA Action 2.56 – paragraph 12 refers);
- (d) To recommend to the Council or the Conference that the Technical Committees should be invited to review their Rules of Procedure along the lines described in this document (IPA Action 2.56 – paragraphs 13 to 17 refer);
- (e) To note that the Chairpersons of the Technical Committees do remain in office during the inter-sessional period and that a practice could be developed whereby they would present the reports of the Committees to the Council and Conference (IPA Action 2.57), and to advise on whether it would be desirable for the Committees to amend their Rules of Procedure in that respect (paragraphs 21 to 24 refer);

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- (f) To offer such views as it deems appropriate on the proposed arrangements on “*ways of working*” of the Technical Committees as per IPA Action 2.58; the CCLM may wish to recommend that the Committees review their working procedures taking into account the content of this recommendation taking into account the fact that the GRO provide for considerable flexibility as to the convening of sessions (paragraph 26 refers);
  - (g) To note that IPA Action 2.60 does not involve changes in the Basic Texts but rather changes in working practices, which could be implemented in practice by the Committees. However, increased involvement of NGOs and the private sector in the work of the Committees would be addressed separately (paragraph 32 refers);
  - (h) To advise on the approach to be taken to implement the action calling for the Committee on Agriculture to devote more time to matters regarding livestock (IPA Action 2.61 – paragraphs 36 and 37 refer);
  - (i) To review the proposed amendment to Rule XXIX, paragraph 7 of the GRO for strengthened inter-action between the Committee on Commodity Problems and UNCTAD, the World Trade Organization and the Common Fund for Commodities (IPA Action 2.62 – paragraph 39 refers);
  - (j) To review the proposed options regarding the role of the Committee on World Food Security (IPA Action 2.65 – paragraphs 44 and 45 refer).

## APPENDIX

### Reporting lines of the Technical Committees

Amendment to Article V, paragraph 6 of the Constitution

“6. In the performance of its functions, the Council shall be assisted:

~~(a) by a Programme Committee, a Finance Committee and a Committee on Constitutional and Legal Matters which shall report to the Council; and~~

~~(b) a Committee on Commodity Problems, a Committee on Fisheries, a Committee on Forestry, a Committee on Agriculture and a Committee on World Food Security which shall report to the Council and programme matters and to the Conference on policy and regulatory matters.~~

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~~7. The composition and terms of reference of the Committees referred to in paragraph 6 shall be governed by rules adopted by the Conference”.~~

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Rule II, paragraph 2 of the General Rules of the Organization, a sub-item referring to:

“(x) review of the relevant sections of the reports of the Committee on Commodity Problems, the Committee on Fisheries, the Committee on Forestry, the Committee on Agriculture and the Committee on World Food Security”.

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Depending on the course of action decided by the Technical Committees themselves, their Rules of Procedure could include the following paragraph:

“At each session, the Committee shall approve a report embodying its views, recommendations, including when requested a statement of minority views. Policy and regulatory matters are referred to the Conference. Any recommendations adopted by the Committee which affect the programme or finances of the Organization shall be reported to the Council with the comments of the appropriate subsidiary committees of the Council”.

### Chairpersons to remain in office between sessions and provide their reports to the Council and Conference

Rules of Procedure of the Committees could include the following paragraph:

“The Chairperson shall present to the Conference and the Council the report of the Committee”<sup>9</sup>.

### Chairperson to facilitate full consultation with Members on agendas, formats and duration

Rules of Procedure of the committees could include the following provision as decided by the committees:

“At the first session in each biennium, the Committee shall elect a Chairperson [...], who shall remain in office until the election of a new Chairperson and new

<sup>9</sup> An amendment along these lines could obviate the need for an explicit amendment to the Rules of Procedure to reflect the reporting lines of the Committees.

Vice-Chairpersons and who will act as a Steering Committee between sessions and during sessions”.

**Committee on Agriculture to include and devote adequate time in its agenda to livestock with a livestock segment**

Rule XXXII, paragraph 6 of the GRO could be revised to read as follows:

“The Committee shall (...) (c ) review, with similar emphasis, the biennial programmes of work of the Organization relating to agriculture, including food and livestock, and their implementation in areas falling within the competence of the Committee.”

**Committee on Commodity Problems to strengthen interaction with UNCTAD and the Common Fund for Commodities**

Rule XXIX, paragraph 7 of the GRO could be amended to read as follows:

“The Committee shall take full account of the responsibilities and activities of the Committee on World Food Security and of the Executive Board of the World Food Programme, in order to avoid overlapping and unnecessary duplication of work. In discharging its functions, the Committee shall, as far as appropriate, seek to strengthen inter-action with the United Nations Conference on Trade and Development, the World Trade Organization and the Common Fund for Commodities.”

Deleted: *Committee on Food Aid Policies and Programmes*

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**Committee on World Food Security to revitalize its role in monitoring and driving progress on the World Food Summit commitment and reviewing the State of Food Insecurity in the world**

Rule XXXIII, paragraph 6 of the GRO could be amended as follows:

“The Committee shall serve as a forum in the United Nations system for review and follow-up of policies concerning world food security, including food production, sustainable use of the natural resource base for food security, nutrition, physical and economic access to food and other food security related aspects of poverty eradication, the implications of food trade for world food security and other related matters and shall in particular:

- (a) examine major problems and issues affecting the world food situation, including through the report on the State of Food Insecurity, and the steps being proposed or taken to resolve them by Governments and relevant international organizations, bearing in mind the need for the adoption of an integrated approach towards their solution; “