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Продовольственная и
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Объединенных
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Organización
de las
Naciones
Unidas
para la
Agricultura
y la
Alimentación

COMMITTEE ON CONSTITUTIONAL AND LEGAL MATTERS

Eighty-seventh Session

Rome, 25 - 26 May 2009

PROPOSED AMENDMENTS TO THE CONSTITUTION ON THE REFORM OF THE COMMITTEE ON WORLD FOOD SECURITY

BACKGROUND

1. On 28 April 2009, through a letter to the Director-General, the Permanent Representative of France requested the insertion in the Provisional Agenda of the Hundred and Thirty-sixth Session of the Council (15-19 June 2009) of an item entitled “*Proposed amendments to the Constitution on the reform of the Committee on Food Security (CFS)*”. Subsequently, on 6 May 2009, the Permanent Representative of France sent another letter to the Director-General setting forth draft amendments to Articles III and IV of the Constitution. These letters are attached as Appendix I.

SUGGESTED ACTION BY THE COMMITTEE

2. The CCLM is invited to review the proposed amendments to paragraph 9 of Article III and paragraph 6 of Article IV of the Constitution (as per Appendix II), and make such comments and give such guidance as it deems appropriate.

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APPENDIX I**PERMANENT REPRESENTATION OF FRANCE
TO THE UNITED NATIONS AGENCIES FOR
FOOD AND AGRICULTURE IN ROME (FAO, WFP, IFAD)**

REF: CS-060-09

Rome, 28 April 2009

**The Ambassador
Permanent Representative**

SUBJECT: Review by the Committee on Constitutional and Legal Matters (CCLM) and by the Council on the legal aspects of reform of the Committee on World Food Security (CFS).

Mr Director-General,

With the support of the FAO management, the member countries have engaged in a process of broad reform of the terms of reference and composition of the Committee on World Food Security (CFS), in accordance with the content of the Immediate Plan of Action (IPA) for reform of the Organization and with the forging of a Global Partnership for World Food Security for which the CFS could function as governing pillar.

This process is being steered by the Chairperson of the CFS, Ms Maria del Carmen SQUEFF, with the assistance of the officers and secretariat of the Committee, together with a contact group that includes France. The constructive working atmosphere leads us to expect a positive outcome at the next session of the Conference, in November.

The ongoing discussions have prompted certain Member Nations, including France, to raise the issue of the necessary legal channels to formalize the reform of the CFS. Although not all the elements of the reform have yet been determined, we already know that it will cover three core components:

- terms of reference;
- composition;
- accountabilities and links with ECOSOC and, as appropriate, the UNGA.

While changes to the texts for some of these components would appear to require no more than an amendment to the General Rules, other changes would appear to need to be inscribed in the Constitution. We are thinking in particular of Article V.6 which deals with the Committees of the Council.

It is essential to ensure that all necessary legal provisions have been examined and dealt with **in good time**, so that the proposed reform of the CFS, which France supports, can be implemented under the best conditions and at the earliest opportunity.

In accordance with the provisions of Article XX.4 of the Constitution, a proposal for amendment to the Constitution that is to be submitted for vote at the next Conference would need to be circulated among member countries by 14 July 2009 at the latest. With this in mind, I have the honour to request that you kindly include in the agenda of the 87th Session of the Committee on Constitutional and Legal Matters (CCLM, 25-26 May 2009) and of the 136th Session of the

Council (15-19 June) the following item: “Draft proposed amendment to the FAO Constitution for the reform of the WFS”, for which a text will shortly be made available to you.

I am sending a copy of this letter to the Independent Chairperson of the Council, the Chairperson of the CFS and the Chairperson of the CCLM, for information.

Accept, Mr Director-General, the assurance of my highest consideration.

With my most cordial greetings, (handwritten)

(signed)

Mireille GUIGAZ

Mr Jacques DIOUF
Director-General
Food and Agriculture Organization
of the United Nations (FAO)
Rome

cc: Independent Chairperson of the Council, Chairperson of the CFS and Chairperson of the CCLM.

**PERMANENT REPRESENTATION OF FRANCE
TO THE UNITED NATIONS AGENCIES FOR
FOOD AND AGRICULTURE IN ROME (FAO, WFP, IFAD)**

REF: CS-060-09

Rome, 6 May 2009

N° 119

**The Ambassador
Permanent Representative**

SUBJECT: Draft proposed amendment to the Constitution for the reform of the Committee on World Food Security (CFS).

Our Ref: CS-060-09 of 28 April 2009

Mr Director-General,

In follow-up to my letter of 28 April 2009, I have the honour to bring to your attention the attached draft proposed amendment to the Constitution for the reform of the Committee on World Food Security (CFS), for examination at the 87th Session of the Committee on Constitutional and Legal Matters (CCLM, 25-26 May 2009) and the 136th Session of the Council (15-19 June), and for submission to vote at the 36th Session of the Conference, next November, in accordance with the provisions of Article XX of the Constitution (notably paragraph 4 on the need to notify member countries at least 120 days before the opening of the session). I should like to specify that:

- this action by France is intended to consolidate and accelerate the process of reform of the CFS, which is itself part of the reform of FAO, in accordance with your proposal and with the desire of the member countries of the Organization, as expressed at the open meetings of the Bureau and Contact Group of 27 February, 30 March and 27 April 2009;
- this proposal does not entail any new obligation for member countries, as stated in Article XX.2 of the Constitution. It is without financial implication and could therefore take effect on adoption by the Conference;
- amendments to the General Rules of the Organization and to the Rules of Procedure of the CFS will also be required in 2009 to have a fully reconstituted legal base. These will be the subject of further proposals from us within the necessary time frames, taking into consideration the work of the CFS Chairperson, the Bureau and the Contact Group, with the support of the FAO Secretariat.

I am addressing a copy of this letter to the Independent Chairperson of the Council, the Chairperson of the CFS and the Chairperson of the CCLM, for information.

Accept, Mr Director-General, the assurance of my highest consideration.

With my most cordial regards, (handwritten)

(signed)

Mireille GUIGAZ

Mr Jacques DIOUF
Director-General
Food and Agriculture Organization
of the United Nations (FAO)
Rome

**PERMANENT REPRESENTATION OF FRANCE
TO THE UNITED NATIONS AGENCIES FOR
FOOD AND AGRICULTURE IN ROME (FAO, WFP, IFAD)**

CFS — Draft amendment to the Constitution

* * *

CONSTITUTION

Article I and II: Unchanged

Article III – The Conference

1. to 8. Unchanged

9. (new) - The Conference shall be assisted by a Committee on World Food Security. This Committee shall report to the Conference and to United Nations General Assembly (UNGA), through the Economic and Social Council (ECOSOC) and the Conference. Its composition and terms of reference shall be governed by rules adopted by the Conference.

Article IV - Functions of the Conference: Unchanged

Article V - Council of the Organization

1. to 5. Unchanged

6. In the performance of its functions, the Council shall be assisted by a Programme Committee, a Finance Committee, a Committee on Constitutional and Legal Matters, a Committee on Commodity Problems, a Committee on Fisheries, a Committee on Forestry *and* a Committee on Agriculture ~~and a Committee on World Food Security~~. These Committees shall report to the Council and their composition and terms of reference shall be governed by rules adopted by the Conference.

Article VI to XXII: Unchanged

APPENDIX II**PROPOSED AMENDMENTS TO THE BASIC TEXTS**

In the text of the draft amendments reproduced below, the proposals made by the Committee on Constitutional and Legal Matters regarding deletions are indicated using ~~struck out text~~ and the proposals for insertions are indicated using *underlined italics*.

I. AMENDMENTS TO THE CONSTITUTION

“Article III

The Conference

(...)

9. The Conference shall be assisted by a Committee on World Food Security. This Committee shall report to the Conference and to the United Nations General Assembly (UNGA), through the Economic and Social Council (ECOSOC) and the Conference. Its composition and terms of reference shall be governed by rules adopted by the Conference.”

“Article V

Council of the Organization

(...)

6. In the performance of its functions, the Council shall be assisted by a Programme Committee, a Finance Committee, a Committee on Constitutional and Legal Matters, a Committee on Commodity Problems, a Committee on Fisheries, a Committee on Forestry, *and* a Committee on Agriculture ~~and a Committee on World Food Security~~. These Committees shall report to the Council and their composition and terms of reference shall be governed by rules adopted by the Conference.”