



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

CONFERENCE

Thirty-sixth Session

Rome, 18 – 23 November 2009

REPORT OF THE EIGHTY-NINTH SESSION OF THE COMMITTEE ON CONSTITUTIONAL AND LEGAL MATTERS (27-28 October 2009)

Extract of the Report of the Eighty-Ninth Session of the Committee on Constitutional and Legal Matters

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APPENDIX I

**Resolution ____/2009,
Reform of the Committee on World Food Security
Amendments to the Constitution**

THE CONFERENCE:

Recalling the proposed constitutional amendments submitted by France to the Committee on Constitutional and Legal Matters (CCLM) and to the Council of the Organization at its Hundred and Thirty-sixth Session, held in Rome, from 15 to 19 June 2009, as contained in document CL 136/LIM/2;

Noting that the Council, at its Hundred and Thirty-sixth Session, took note of the proposed constitutional amendments and mandated the Contact Group of the Committee on World Food Security (CFS) to further discuss these amendments and advise, through the CCLM, the Conference in November to take a decision on the said amendments, in light of the outcome of the discussions of the Contact Group of the CFS;

Noting further that the Director-General gave notice of the proposed amendments to FAO Members in accordance with Article XX, paragraph 4 of the Constitution;

Recalling that the Committee on World Food Security (CFS), at its Thirty-fifth session, held in Rome from 14 to 17 October 2009, approved document CFS 2009/2 rev. 1 “*Reform of the Committee on World Food Security*”;

Recalling also that the CCLM, at its Eighty-ninth session, has reviewed again the proposed amendments to the Constitution in the light of document CFS 2009/2 rev. 1 “*Reform of the Committee on World Food Security*” and the proposed amendments to other Basic Texts of the Organization regarding the status of the CFS and decided to forward the proposed amendments for approval by the Conference, at its Thirty-sixth session to be held in Rome from 18 to 23 November 2009;

Having considered the text of the amendments to the Constitution proposed by the CCLM in its Eighty-ninth Session;

Having considered further that there is a need to harmonize the proposed amendments to the Constitution for the reform of the CFS with the proposed amendments to the Constitution for the implementation of Resolution 1/2008 “*Adoption of the Immediate Plan of Action (IPA) for FAO Renewal (2009-11)*”;

1. Decides to adopt the following amendment to Article III of the Constitution¹:

“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.”

2. Decides that new paragraph 6 (b) of Article V of the Constitution, as amended to implement the Immediate Plan of Action (IPA) for FAO Renewal (2009-11) by the current session of the Conference shall be adjusted as follows:

“Article V

Council of the Organization

(...)

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, and 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.”

3. Decides that the Committee on World Food Security, as provided for in proposed paragraph 17 of Rule XXXIII of the General Rules of the Organization, shall report to the Council on programme and budget matters.

(Adopted on November 2009)

¹ Deletions Are Indicated Using ~~Struck Out Text~~ And Insertions Are Indicated Using Underlined Italics.

APPENDIX II

Resolution ____/2009, Reform of the Committee on World Food Security Amendments to The General Rules of the Organization

THE CONFERENCE,

Noting that the Bureau of the Committee on World Food Security and the Contact Group of the Committee on World Food Security (CFS) have developed proposals for a comprehensive reform of the Committee on World Food Security;

Recalling that the Committee on World Food Security (CFS), at its Thirty-fifth session, held in Rome from 14 to 17 October 2009, reviewed and adopted the proposals set out in document CFS 2009/2 rev. 1 “*Reform of the Committee on World Food Security*”;

Recalling that the Committee on Constitutional and Legal Matters (CCLM), at its Eighty-ninth session, has examined a set of proposed amendments to the General Rules of the Organization and revised Rules of Procedure for the implementation of document CFS 2009/2 rev.1 “*Reform of the Committee on World Food Security*”, and decided to forward the proposed amendments to the General Rules of the Organization to the Conference for approval, at its Thirty-sixth session to be held in Rome from 18 to 23 November 2009;

Having considered that there is a need to harmonize the proposed amendments to the General Rules of the Organization for the reform of the CFS with the proposed amendments for the implementation of Resolution 1/2008 “*Adoption of the Immediate Plan of Action (IPA) for FAO Renewal (2009-11)*” and that this task strictly of an editorial nature should be performed by the Secretariat;

Having considered further that, given its importance, document CFS 2009/2 rev.1 “*Reform of the Committee on World Food Security*” should be inserted in Volume II of the Basic Texts of the Organization, following the necessary editorial review by the Bureau of the CFS and the CCLM;

1. Decides to adopt the following amendments to the General Rules of the Organization²:

“Rule XXXIII

Committee on World Food Security

A. Composition and participation

1. The Committee on World Food Security provided for in paragraph 6 2 of Article ~~IV~~ III of the Constitution shall be open to all Members ~~Nations~~ of the Organization, the World Food Programme and the International Fund for

² Deletions are indicated using ~~struck out text~~ and insertions are indicated using underlined italics.

Agricultural Development, and all or non-member States of the Organization that are Members States of the United Nations or any of its Specialized Agencies. It shall be composed of those States or the Member Organization of FAO which notify the Director-General, in writing, of their desire to become Members of the Committee and of their intention to participate in the work of the Committee.

2. The notifications referred to in paragraph 1 may be made at any time, and Membership acquired on the basis thereof shall be considered valid unless the Member has not been represented at two consecutive sessions of the Committee, or has notified its withdrawal from ~~it~~ *the Committee*. The Director-General shall circulate, at the beginning of each session of the Committee, a document listing the Members of the Committee.

3. *Representatives of organizations of the United Nations System, intergovernmental organizations, international financial institutions, international non-governmental organizations, civil society and non-governmental organizations and other relevant actors of civil society, including representatives of the private sector, shall be able to participate in the proceedings of the Committee. Taking into account requests for participation, as well as any relevant considerations, the Committee shall agree and keep under review at its regular sessions a list of organizations, including a minimum number of non-governmental civil society organizations as may be proposed following consultation, which shall be allowed to participate in its sessions under this paragraph. The Committee may decide to remove from this list an organization which has not been represented at two consecutive sessions of the Committee or which has notified the Director-General of its intention not to participate in the work of the Committee.*

4. *Representatives of organizations allowed to take part in the proceedings of the Committee under paragraph 3 may take part in any debates within the Committee without having to wait until Members have intervened and present documents and formal proposals under such conditions as may be decided by the Committee, in accordance with these Rules, the Rules of Procedure and such other procedures as the Committee may establish, provided however that voting and decision-making shall remain the exclusive prerogative of Members referred to in paragraph 1 of this Rule.*

5. *Any Member of the Organization or Member State of the United Nations or any of its Specialized Agencies that is not a Member of the Committee, may attend a session of the Committee in an observer capacity. In addition, the Committee, acting on a recommendation of the Bureau, may invite other interested organizations, upon request, to participate as observers in meetings of the Committee or for the discussion of specific items. Observers may intervene in debates upon invitation from the Chairperson.*

6.3 The Committee shall normally hold two sessions during each biennium. Sessions shall be convened by the Director-General, in consultation with the Chair~~man~~*person and the Bureau* of the Committee, taking into account any proposals made by the Committee. 4 If required, the Committee may hold additional sessions on the call of the Director-General in consultation with ~~its~~ *the Chairmanperson and the Bureau*, or on request submitted in writing to the Director-General by the majority of Members of the Committee.

5. ~~The Committee shall contribute to promoting the objective of world food security with the aim of ensuring that all people, at all times, have physical and economic access to sufficient, safe and nutritious food to meet their dietary needs and food preferences for an active and healthy life.~~

~~6. — 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, 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;~~

~~(b) — examine the implications for world food security of other relevant factors, including the situation relating to the supply and demand of basic foodstuffs and food aid requirements and trends, the state of stocks in exporting and importing countries and issues relating to physical and economic access to food and other food security related aspects of poverty eradication; and~~

~~(c) recommend such action as may be appropriate to promote the goal of world food security.~~

~~7. — The Committee shall serve as the forum in the United Nations system for the monitoring of the implementation of the Plan of Action adopted by the World Food Summit in accordance with the relevant commitment of the Summit.¹~~

B. Vision and Roles of the Committee on World Food Security

7. The Committee on World Food Security is an intergovernmental Committee of FAO. As a central component of the evolving Global Partnership for Agriculture, Food Security and Nutrition, the Committee shall constitute the foremost inclusive international and intergovernmental platform for a broad range of committed stakeholders to work together in a coordinated manner and in support of country-led processes towards the elimination of hunger and ensuring food security and nutrition for all human beings. The Committee shall strive for a world free of hunger where countries implement the “Voluntary Guidelines for the Progressive Realization of the Right to Adequate Food in the Context of National Food Security”.

8. The roles of the CFS shall be:

(a) Coordination at global level. The Committee shall provide a platform for discussion and coordination to strengthen collaborative action among Governments, regional organizations, international organizations and agencies, non-governmental organizations, civil society organizations, food producers’ organizations, private sector organizations, philanthropic organizations and other relevant stakeholders, in a manner that is in alignment with each country’s specific context and needs.

(b) Policy convergence. The Committee shall promote greater policy convergence and coordination including through the development of international strategies and voluntary guidelines on food security and nutrition on the basis of best practices, lessons learned from local experience, inputs received from national and regional levels, and expert advice and opinions from different stakeholders.

(c) Support and advice to countries and regions. At the request of countries or regions the Committee shall facilitate support or advice in the

development, implementation, monitoring and evaluation of their nationally and regionally owned plans of action for the elimination of hunger, the achievement of food security and the practical application of the “Voluntary Guidelines for the Progressive Realization of the Right to Adequate Food in the Context of Food Security” that shall be based on the principles of participation, transparency and accountability.

9. The Committee shall gradually assume additional roles such as:

(a) Coordination at national and regional levels. The Committee shall serve as a platform to promote greater coordination and alignment of actions in the field, encourage more efficient use of resources and identify resource gaps. As the reform progresses, the Committee shall build, as appropriate, on the coordination work of the United Nations’ High Level Task Force. One guiding principle to support this role shall be to build on and strengthen existing structures and linkages with key partners at all levels. Key partners include national mechanisms and networks for food security and nutrition, the United Nations country teams and other coordinating mechanisms such as the International Alliance Against Hunger and its National Alliances, food security thematic groups, regional intergovernmental bodies and a large number of civil society networks and private sector associations operating at the regional and national levels. In each case, the functional contributions that they could make, as well as how the Committee could strengthen linkages and enhance synergy with such partners would have to be established.

(b) Promotion of accountability and sharing of best practices at all levels. One of the main objectives of the Committee on World Food Security has been to monitor actively the implementation of the Plan of Action of the World Food Summit of 1996. Although countries are taking measures to address food insecurity, the specific programmes as they are presented do not necessarily help to report quantitatively on progress towards realizing the objectives of the Plan of Action of the World Food Summit of 1996. The Committee should help countries and regions, as appropriate, to address the questions of whether objectives are being achieved and how food insecurity and malnutrition can be reduced more quickly and effectively. This will entail developing an innovative mechanism, including the definition of common indicators, to monitor progress towards these agreed-upon objectives and actions taking into account lessons learned by the Committee on World Food Security and other monitoring attempts. Comments by all stakeholders of the Committee will have to be taken into account and new mechanisms will build on existing structures.

(c) Development of a Global Strategic Framework for food security and nutrition in order to improve coordination and guide synchronized action by a wide range of stakeholders. The Global Strategic Framework shall be flexible so that it can be adjusted as priorities change. It shall build upon existing frameworks such as the United Nations Comprehensive Framework for Action, the Comprehensive Africa Agriculture Development Programme and the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security.

C. Chairperson, Bureau and Advisory Group of the Bureau of the Committee on World Food Security

10. The Committee shall elect a Bureau, including a Chairperson, under such conditions as may be established in the Rules of Procedure. The Bureau shall exercise such functions as may be defined in these Rules or in the Rules of Procedure. The Bureau shall be assisted by an Advisory Group which shall be established in accordance with the Rules of Procedure.

D. High Level Panel of Experts on Food Security and Nutrition

11. The Committee shall be assisted by a High Level Panel of Experts on Food Security and Nutrition, hereinafter referred to as the High Level Panel. The functions of the High Level Panel shall be:

(a) to assess and analyze the current state of food security and nutrition and its underlying causes;

(b) to provide scientific and knowledge-based analysis and advice on policy-relevant issues, utilizing existing high quality research data and technical studies;

(c) to identify emerging issues and assist the Committee and its Members to prioritize future actions and attention on key focal areas.

12. The High Level Panel shall consist of a Steering Committee and a subsidiary network of food security and nutrition experts organized on the basis of ad hoc project teams.

13. The Steering Committee shall consist of between ten and fifteen highly reputable, internationally recognized experts on food security and nutrition-related fields, appointed in their personal capacity for a term of office of two years, renewable only once. The members of the Steering Committee shall be appointed by the Bureau of the Committee on the basis of a recommendation of an ad hoc selection committee consisting of representatives of FAO, the World Food Programme, the International Fund for Agricultural Development, Bioversity International and a representative of civil society organizations. The Steering Committee shall normally hold two sessions every year, unless otherwise decided by the Committee itself in extraordinary circumstances. The functions of the Steering Committee shall be:

(a) to ensure and follow the preparation of state-of-the-art studies and analysis for consideration by the Committee on a variety of food security and nutrition issues;

(b) to assemble expert project teams to prepare studies and analysis in support of decisions of the Committee;

(c) to establish and keep under review working methodologies, plans of work and terms of reference for project teams and, in general, manage their work;

(d) to review work methodologies and to propose work plans;

(e) to perform such related functions as may be required.

14. There shall be a database of experts on all relevant fields related to food security and nutrition who may be nominated by Members of the Committee or any other interested party participating in the proceedings of the Committee. Drawing from this database, the Steering Committee shall constitute ad hoc project teams to analyse and report on such issues as may be referred by the Steering Committee to the team. The project teams shall be constituted for pre-determined periods of time and shall be responsible for drafting studies and analysis under the general direction and oversight of the Steering Committee.

E. Secretariat

15. A secretary shall be appointed, in accordance with such conditions as may be established by the Committee, to serve the Committee, including the

Bureau and the High Level Panel of Experts, and to exercise liaison functions in connection with all the activities of the Committee. The secretariat shall include staff members from the World Food Programme and the International Fund for Agricultural Development, among others, as may be assigned to it.

F. Reporting

~~16.9. The Committee shall provide regular reports to the Economic and Social Council of the United Nations (ECOSOC), through the Council of the Organization. The reports of the Committee shall be referred to the Conference of the Organization and to the General Assembly of the United Nations through the Conference and the Economic and Social Council.~~

~~17.8 The Committee shall report to the Council on programme and budget matters, of the Organization and tender advice to the Director General, and relevant international organizations as appropriate, on any matter considered by the Committee, it being understood that copies of its reports, including any conclusions, will be transmitted without delay to interested governments and international organizations. 10. Without restricting the general nature of this principle, Any recommendation adopted by the Committee affecting 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, as required. The reports of the Committee, or related extracts therefrom, shall also be placed before the Conference.~~

18. Any recommendations adopted by the Committee which affect the programme or finances or legal or constitutional aspects of the United Nations, any specialized agencies, programmes or funds shall be reported to their appropriate bodies for consideration.

G. Miscellaneous provisions

~~19.41 The Committee shall, as necessary, draw on the advice, ~~as necessary~~, of the Committee on Commodity Problems and its subsidiary bodies, the Committee on Agriculture and other technical committees of the Council as appropriate, and the Executive Board of the World Food Programme and the Governing Council of the International Fund for Agricultural Development. In particular, ~~it~~ the Committee shall take full account of the responsibilities and activities of these and other intergovernmental bodies responsible for aspects of food security, in order to avoid overlapping and unnecessary duplication of work.~~

~~12. The Committee shall invite relevant international organizations to participate in the work of the Committee and the preparation of meeting documents on matters within their respective mandates in collaboration with the secretariat of the Committee.~~

~~20.43 In order to ensure the effective discharge of its functions, the Committee may request the Members to furnish all information required for its work, it being understood that, where so requested by the governments concerned Governments, the information supplied shall be ~~kept~~ held on a restricted basis.~~

~~21.44 The Director-General of the Organization, the Executive Director of the World Food Programme and the President of the International Fund for Agricultural Development or ~~his~~ their representatives shall participate in all meetings of the Committee and may be accompanied by such officers of ~~their~~ staff of the Organization as ~~he~~ they may designate.~~

~~22.15~~ The Committee ~~shall elect, from among its Members, its Chairman and the other officers.~~ It may adopt and amend its rules of procedure, which shall be consistent with the Constitution and the General Rules of the Organization.

~~23.16~~ The Committee may decide to establish subsidiary or ad hoc bodies where it considers that such action would expedite its own work, without duplicating the work of existing bodies. A decision to this effect may be taken only after the Committee has examined a report by the Director-General on the administrative and financial implications.

~~24.17~~ When establishing subsidiary or ad hoc bodies, the Committee shall define their terms of reference, composition, and, as far as possible, the duration of their mandate. Subsidiary bodies may adopt their own rules of procedure, which shall be consistent with those of the Committee.

2. Requests the Secretariat to harmonize the proposed amendments to the General Rules of the Organization for the reform of the CFS with those regarding the implementation of the Immediate Plan of Action (IPA) for FAO Renewal (2009-11), especially as regards Rule XXXIII of the General Rules of the Organization;
3. Invites the Bureau of the CFS to review and propose adjustments to the revised Rules of Procedure of the CFS set out in Appendix III to the Report of the Eighty-ninth Session of the CCLM, in light of the new structure and *modus operandi* of the Committee, for adoption by the CFS at its session of 2010. The Bureau is also invited to draw, as appropriate, on the advice of the CCLM;
4. Decides that document CFS 2009/2 rev. 1 “*Reform of the Committee on World Food Security*” shall be inserted in Volume II of the Basic Texts, after the necessary editorial review by the Bureau of the CFS and the CCLM and that, any issues regarding the future status and operation of the CFS that are not covered in the General Rules of the Organization or the revised Rules of Procedure of the CFS shall be addressed, as appropriate, by reference to that document.

(Adopted on November 2009)