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Food and Agriculture  
Organization of the  
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Organisation des Nations  
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Продовольственная и  
сельскохозяйственная организация  
Объединенных Наций

Organización de las  
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Alimentación y la Agricultura

منظمة  
الغذية والزراعة  
للأمم المتحدة

# COMMITTEE ON CONSTITUTIONAL AND LEGAL MATTERS

## Hundredth Session

Rome, 23 - 24 February 2015

### Correction of errors and editorial adjustments to the Basic Texts

## I. BACKGROUND

1. This document reviews some clerical errors and editorial inconsistencies in the General Rules of the Organization (GRO) which could be corrected. It has been a very long-standing practice of the Organization that corrections of clerical errors and editorial adjustments to the Basic Texts have been done by the Secretariat either autonomously or following review and endorsement by the Committee on Constitutional and Legal Matters (CCLM). In this case it has been considered appropriate to bring the proposed corrections and adjustments to the attention of the CCLM for endorsement. For the most part, the adjustments are consequential to amendments to the Constitution which had not been reflected in the GRO.

## II. GENERAL RULES OF THE ORGANIZATION (GRO)

### A. Rule II, paragraph 2(c)(xii), of the GRO

2. As a result of the process of reform of the Committee on World Food Security (CFS)<sup>1</sup> carried out in 2009, the CFS is a body which assists, and is primarily linked to the Conference<sup>2</sup>. The reports of the CFS are referred to the Conference and to the United Nations General Assembly (UNGA), through the Economic and Social Council (ECOSOC) and the Conference. The CFS also reports to the Council on programme and budget matters<sup>3</sup>.

<sup>1</sup> See Conference Resolution 13/2009 "Reform of the Committee on World Food Security, Amendments to the Constitution" adopted on 22 November 2009 by the Thirty-sixth Session of the FAO Conference, Rome, 18-23 November 2009, document C 2009/REP, page 59.

<sup>2</sup> Article III, paragraph 9 of the Constitution.

<sup>3</sup> Rule XXXIII, paragraph 16, of the GRO.

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3. This change was implemented by amending Article III (“*The Conference*”) and Article V (“*Council of the Organization*”) of the Constitution. A new paragraph 9<sup>4</sup> on the CFS was added to Article III and the reference to the CFS was deleted from Article V, paragraph 6(b)<sup>5</sup> of the Constitution.

4. Accordingly, a consequential adjustment to paragraph 2(c) (xii) of Rule II of the GRO should be made as follows:<sup>6</sup>

## **Rule II**

### **Agenda**

#### *Regular sessions*

1. (...)

2. The provisional agenda for a regular session shall include:

(...)

(xii) review, in accordance with Article V, paragraph 6 of the Constitution, the reports on policy and regulatory matters of the Committee on Commodity Problems, the Committee on Fisheries, the Committee on Forestry; and the Committee on Agriculture ~~and the Committee on World Food Security;~~

(...)

### **B. Rule XXIV, paragraph 2(e), of the GRO**

5. For the same reasons as those indicated above related to the reform of the CFS, the association of the CFS with the Technical Committees referred to in Article V, paragraph 6, of the Constitution should be removed from Rule XXIV (“*Functions of the Council*”) of the GRO.

6. Accordingly, a consequential amendment to paragraph 2(e) of Rule XXIV of the GRO should be made as follows:

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<sup>4</sup> Article III, paragraph 9, of the Constitution now provides that “*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.*” See Basic Texts of the Food and Agriculture Organization of the United Nations, 2013 Edition, Volume I, Part A (hereinafter “the Basic Texts” or “the Basic Texts of the Organization”).

<sup>5</sup> Article V, paragraph 6 of the Constitution now provides that:

“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 which shall report to the Council on programme and budget matters and to the Conference on policy and regulatory matters.”*

See the Basic Texts of the Organization.

<sup>6</sup> In this document, proposals regarding insertions are indicated using *underlined italics* and deletions are indicated using ~~strike out text~~.

**Rule XXIV****Functions of the Council**

(...)

2. *Current and prospective activities of the Organization, including its Strategic Framework, Medium Term Plan and Programme of Work and Budget*

*The Council shall:*

(...)

*(e) review, in accordance with Article V, paragraph 6 of the Constitution, the reports on programme and budget matters of the Committee on Commodity Problems, the Committee on Fisheries, the Committee on Forestry, and the Committee on Agriculture ~~and the Committee on World Food Security~~;*

(...)

**C. Rule XXXIV, paragraph 13, of the Spanish text of the GRO**

7. Paragraph 13 of Rule XXXIV (“*Committee on Constitutional and Legal Matters*”) of the GRO provides that:

*“The Chairperson and the representatives of Members of the Committee shall be reimbursed for the cost of their travel expenses, properly incurred in travelling, by the most direct route, from their duty station to the site of the Committee session and return to their duty station. They shall also be paid a subsistence allowance while attending sessions of the Committee, in accordance with the travel regulations of the Organization.”<sup>7</sup>*

8. However, the reference to “*the Chairperson*” was omitted from the Spanish text of this provision in the GRO.

9. Accordingly, in order to align the Spanish text with the texts of the GRO in the other languages, an editorial adjustment to paragraph 13 of Rule XXXIV of the Spanish text of the GRO should be made, providing that “*The Chairperson and the representatives of Members of the Committee shall (...)*”.

**D. Rule XXV, paragraph 6(a), of the GRO**

10. Rule XXV, paragraph 6(a), of the GRO provides that:

*“The Director-General, in consultation with the Chairperson of the Council, and having regard to suggestions made by any Member Nation or Associate Member acting within the limits of its status, shall prepare a provisional agenda and dispatch it to Member Nations and*

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<sup>7</sup> See Conference Resolution 6/2009 “*Implementation of the Immediate Plan of Action for FAO Renewal (2009-11), Amendments to the to the General Rules of the Organization and to the Financial Regulations*” adopted on 22 November 2009 by the Thirty-sixth Session of the FAO Conference, Rome, 18-23 November 2009, document C 2009/REP, page 25.

*Associate Members by airmail not less than 60 days in advance of the session. Documentation shall be circulated with the provisional agenda or as soon as possible thereafter.”*

11. Increased reliance on modern communication technology has resulted in a decrease in the usage of “*airmail*” for the dispatch of the provisional agenda to Member Nations and Associate Members. Thus consideration could be given to deleting the reference to “*airmail*” in the above rule. While it could be considered that this deletion is more than a mere correction or editorial adjustment to the text, this provision is currently operationally outdated and could be removed from the GRO following endorsement by the CCLM, without a formal process of amendment of the GRO through the Council and Conference.

12. It is suggested to delete the reference to “*airmail*” in paragraph 6(a) of Rule XXV of the GRO:  
*The Director-General [...] shall prepare a provisional agenda and dispatch it to Member Nations and Associate Members ~~by airmail~~ not less than 60 days in advance of the session.*

### **III. SUGGESTED ACTION BY THE COMMITTEE**

13. The CCLM is invited to review this document, in light of the above considerations and of the practice followed to date, and make such observations as it deems appropriate.

14. Subject to such views as it may hold, the CCLM is, in particular, invited to endorse the proposed corrections to:

- (a) paragraph 2 (c)(xii) of Rule II of the GRO;
- (b) paragraph 2(e) of Rule XXIV of the GRO;
- (c) paragraph 13 of Rule XXXIV of the Spanish text of the GRO; and
- (d) paragraph 6(a) of Rule XXV of the GRO.