

166th Session of the Council

Report of the 112th Session of the Committee on Constitutional and Legal Matters

I am pleased to present to the Council the outcomes of the 112th Session of the Committee on Constitutional and Legal Matters (CCLM), which was held, in virtual modality, on 8 and 9 March 2021.

The CCLM had four items on its agenda:

- a) Procedures for the appointment of Secretaries of bodies under Article XIV of the Constitution;
- b) Code of Conduct for Voting;
- c) Update on the review of the jurisdictional set up of the United Nations common system;
- d) Working Methods of the CCLM.

With respect to the Procedures for the appointment of Secretaries of bodies under Article XIV of the Constitution, the CCLM noted that this item had been considered at the 103rd, 106th, 107th, 110th and 111th Sessions of the CCLM and had also been the subject of extensive consultations by the present Independent Chairperson of the Council (ICC), Mr Khalid Mehboob, and his predecessor.

The ICC presented the outcome of his consultations with the Chairpersons of the three Statutory Bodies concerned and informal consultations with the Chairpersons and Vice-Chairpersons of the Regional Groups and FAO Management.

Noting the positive updates provided by the ICC, the Committee looked forward to prompt resolution of this matter in the upcoming consultations of the ICC with the concerned Bodies and confirmed its readiness to hold an additional Session of the Committee, subject to consensus being reached on a long-term procedure, to be able to bring this issue to a closure at the next Council Session.

The Council at its 166th Session will consider the Procedures for the Selection and Appointment of Secretaries of Article XIV Bodies under the dedicated agenda item 18 on the Provisional Agenda of the Council.

At the time of its Session, the CCLM recognized that the Code of Conduct for Voting was still the subject of extensive informal consultations by the ICC with the FAO Membership and, therefore, no official document was presented for its review. The CCLM appreciated the ICC's efforts to build a consensus on the contents of a draft Code of Conduct for Voting and encouraged the ICC to continue consultations.

The CCLM confirmed its readiness to hold an additional Session to consider the draft Code of Conduct for Voting, having regard to its mandate, subject to the emergence of a consensus text.

The Council at its 166th Session will consider the Code of Conduct for Voting under the dedicated agenda item 14 on its Provisional Agenda.

With respect to the Review of the jurisdictional set up of the United Nations common system, following a presentation by the Legal Office, the Committee was informed that the review requested by United Nations General Assembly (UNGA) resolution 74/255B had been completed within the established timeline and that FAO – Management and its Staff Representatives – had participated at every step of the process by providing comments and observations. The CCLM welcomed the work of FAO in this context, participating in a constructive way in the review process while ensuring the Organization's autonomy as a specialized agency. The CCLM looked forward to being informed of upcoming developments in that regard.

Under Any Other Matters, the CCLM reviewed its working methods, taking into account lessons learned from the previous two Sessions held in virtual modality. It approved alignment of the format of its reports

with those of the other two Council Committees (Programme Committee and Finance Committee). It also considered that its current practice, meeting twice per year – prior to the other Council Committees – should be maintained with adjustments made to the duration of the Session depending on its Agenda and reserved the possibility of holding additional Sessions when necessary.

Under the same item the Legal Counsel drew the attention of the CCLM to document PC 130/3 containing an update on FAO policies on protection of data and intellectual property rights. She advised the CCLM that a recommendation was being made to the Programme Committee that the CCLM be updated on these matters, from time to time, having regard to any legal issues that might arise in this context. The Programme Committee has endorsed this recommendation at its last session.

Ms Daniela Rotondaro, Chairperson of the Committee on Constitutional and Legal Matters