

168th Session of the Council

Item 10: Report of the 113th Session of the Committee on Constitutional and Legal Matters (Rome, 25-27 October 2021)

I am pleased to present to the Council the outcomes of the 113th Session of the Committee on Constitutional and Legal Matters (CCLM), which was exceptionally held, in hybrid virtual modality, from 25 to 26 October 2021, with an additional 114th Session to be held virtually on 26 November 2021 to consider one item.

The CCLM had five substantive items for review and consideration at its 113th Session.

In addition, the Development Law Branch (LEGN) briefed the CCLM on its activities, new initiatives and Member outreach since the 111th Session of the CCLM and the General Legal Affairs Service gave an update of the on-going review of the jurisdictional set up of the United Nations common system.

Turning to the five substantive items:

- 1) The CCLM considered the document CCLM 113/2 entitled Standardized procedures for FAO policies, voluntary guidelines, strategies and action plans. Further to its consideration of this document, it recommended:
 - a) against the elaboration of a formal standardization procedure for FAO policies, voluntary guidelines, strategies, and action plans; and
 - b) to the Council to invite the CCLM Secretariat to prepare a guidance note for Members providing an orientation in relation to the types of FAO products and the means for their development.
- 2) With respect to FAO's data protection and intellectual property (IP) rights frameworks, the CCLM considered document CCLM 113/4, which outlined guiding principles on data protection and intellectual property. These principles are intended to shape the development of the frameworks for the protection of data and intellectual property rights. The CCLM welcomed the principles and recommended to the Council that FAO Management be invited to elaborate several particular matters in more detail, as set out in the Report of the 113th Session of the CCLM (CL 168/10), when formulating the policy, paying due regard to the need to preserve the Organization's constitutional and legal status. The CCLM noted the high degree of Member interest in this topic and suggested FAO provide further opportunities for Members to provide input, through inviting additional written comments (as was subsequently issued by FAO, with a deadline of 30 November 2021) and further briefings.
- 3) The CCLM also reviewed a document, Restoration by the Conference of the voting rights of Member Nations in arrears in the payment of their financial contributions to the Organization. It noted the impact of the non-payment of arrears on the Organization's activities, Programme of Work and financial situation and recognized the timeliness of its consideration of this issue in view of the global COVID-19 pandemic. The Committee suggested consideration of the practice of the Governing Bodies of some UN System organizations to request timely submission of applications for the restoration of voting rights, accompanied by as much supporting information as possible. Consistent with the request of the 42nd Session of the Conference, the Committee looked forward to additional consultations led by the Independent Chairperson of the Council

(ICC) on the subject-matter, and recommended that these discussions address whether substantive and practical criteria are needed.

4) The CCLM also reviewed and concurred with the proposed amendments to FAO Staff Regulations 301.11.1 to 301.11.3, as set out in paragraph 12 of document CCLM 113/7 related to the FAO internal appeal procedure and recommended that the Council endorse them.

5) Noting the positive updates provided by the ICC to be able to bring the issue of the procedures for the Selection and Appointment of Secretaries of Article XIV Bodies to closure at the next Council Session, the CCLM praised the efforts of the ICC and FAO Management. It also expressed its readiness to hold an additional Session prior to the Council to consider the revised procedure for the selection and appointment of secretaries of Article XIV Bodies once the ICC had secured the agreement thereon between FAO Management and the three Article XIV Bodies.

The CCLM recognized that the Code of Conduct for Voting was still the subject of informal consultations convened by the ICC, and therefore no document was presented for review at the 113th Session. The Committee encouraged the ICC's further efforts to build consensus on the contents of a draft Code of Conduct for Voting and noted its readiness to consider a draft once complete.

With respect to the information provided by LEGN, the CCLM reiterated the importance of sound legal frameworks and their effective implementation for achievement of the Sustainable Development Goals (SDGs) and the *four betters*. It encouraged Members' support for LEGN activities, in particular, its Programme on Implementation, Compliance and Enforcement of National Legislation, Strategy on Law and Climate Change, and its assessment of the social and economic impact of legislation. The Committee also recommended that the outcomes of the Regional Conferences be taken into consideration in LEGN's activities.

With respect to the update on the Review of the jurisdictional set up of the United Nations common system, following the update provided by the Legal Office, the Committee looked forward to being updated on further developments in this regard, and confirmed its readiness to consider any substantive proposals that may arise following completion of the review. The CCLM looked forward to being informed of upcoming developments in that regard.

I would like to take this opportunity to express my thanks to the Members of the Committee for their open and constructive collaboration at the 113th CCLM Session and the successful discharge of the CCLM mandate as established in the Basic Texts. I also wish to acknowledge, with appreciation, including their flexibility to meet in additional session to consider the selection and appointment procedure of secretaries of Article XIV Bodies item for this Council, the Secretariat, Legal Counsel and interpreters for all the support provided.

Ms Alison Storsve, Chairperson of the Committee on Constitutional and Legal Matters