



Note from Legal Office

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Thank you for consulting our Office on these questions, emerged in the Committee on World Food Security ("CFS") Bureau meeting of 25 November 2021, relating to the establishment of a coordination mechanism for Foundations, in addition to the current existing ones (Civil Society Mechanism and Private Sector Mechanism).

As discussed, this question needs to be considered particularly from the perspective of whether: i) the CFS Reform Document provides for the possibility to set up such an additional mechanism; and (ii) this would require a submission being made to the Plenary for any type of review and/or endorsement.

In this regard LEG wishes to note that pursuant to Rule I of the CFS Rules of Procedure ("RoP"), and paragraph 11 of the document on the Reform of the CFS ("Reform Document"), participants in the CFS include "*Representatives of [...] private philanthropic foundations active in the areas of concern to the Committee*".

Pursuant to paragraph 12 of Rule I, "*Participants take part in the work of the Committee with the right to intervene in plenary and breakout discussions to contribute to preparation of meeting documents and agendas, submit and present documents and formal proposals. They commit to contribute regularly to inter-sessional activities of the Committee at all levels and interact with the Bureau during the inter-sessional period through the Advisory Group established by the Bureau*". Paragraph 13 of Rule I provides that "*Other networks or associative organizations including [...] foundations*" may be invited to the CFS or its Bureau's work as observers.

Paragraph 16 concerns the establishment of a global coordination mechanism for CSO/NGO.

Pursuant to paragraph 17, moreover, "*Private sector associations, private philanthropic organizations [...] are encouraged to autonomously establish and maintain a permanent coordination mechanism for participation in the CFS and for actions derived from that participation at global, regional and national levels. They are invited to communicate a proposal to that effect to the CFS Bureau*".

Whereas paragraph 17 seems to refer to "a" single permanent coordination mechanism, paragraph 10(a) of Rule XXXIII of the GRO and paragraph 6 of the Reform Document provide that for each key partner (including *inter alia* private sector associations operating at the regional and national levels, which LEG understands as to cover also private philanthropic foundations), "*how the Committee could strengthen linkages and encourage synergy with such partners would have to be established*". This can be understood as the recognition that each category of associations carries and represent the specific interest of their communities and as such deserves appropriate representation in/linkages with the Committee. Accordingly, a Private Sector Mechanism has been established, which does not



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include private philanthropic foundations, and which, as you mentioned, works separately from the latter.

LEG is therefore of the view that paragraph 17 of the Reform Document provides the basis for "private philanthropic organizations" to establish their own coordination mechanism.