



COMMITTEE ON CONSTITUTIONAL AND LEGAL MATTERS
Ninety-first Session
Rome, 20 – 22 September 2010
DRAFT MULTI-YEAR PROGRAMME OF WORK FOR THE COMMITTEE ON CONSTITUTIONAL AND LEGAL MATTERS

1. The Immediate Plan of Action for FAO Renewal (IPA) includes the following actions:

“The Council, Programme and Finance Committees, CCLM, Regional Conferences and Technical Committees will each:

- (a) *Prepare a multi-year programme of work of at least four years duration, once per biennium which will be reviewed by the Council and/or Conference (in accordance with their respective reporting lines);*
- (b) *Prepare a report of their progress against the Programme of Work once every two years also for review by the Council and/or Conference (actions 2.70, 2.71 and 2.72)”.*

2. The implementation of the above actions in respect of the Committee on Constitutional and Legal Matters (CCLM) must be seen in the light of a number of distinctive features of this Committee. Under Rule XXXIV, paragraph 7 of the General Rules of the Organization (GRO), *“the Committee shall hold sessions to consider specific items referred to it by the Council or the Director-General which may arise out of (...)”*. In the context of the review of a proposal that the CCLM should adopt its own Rules of Procedure, special provisions are being considered regarding the preparation of the provisional agenda and the insertion of items in the provisional agenda.

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3. The Rules of Procedure of the CCLM will not, in all likelihood, change this important characteristic of the CCLM, which is that it considers matters which **may** be referred to it as they arise and as necessary. Furthermore, the CCLM holds sessions whenever required, on a “*when as required basis*”. Thus traditionally the CCLM has held two sessions each year. However, there were years where the CCLM only held one session and, on the contrary, there were years when the CCLM held additional sessions, such as 1990 and 2009, when the CCLM met up to six times.

4. A review of the agendas of the CCLM since the beginning of the Seventies also confirms that there are no standing items in the agenda of the CCLM, contrary to most, if not all, other committees. The items that were referred to the CCLM over the years have been highly diversified in nature, ranging from purely legal matters, to highly sensitive issues of a policy nature¹. In addition, there were periods when a particular item was on the agenda of several sessions of the CCLM, as underlying policy issues, debated elsewhere within the governance structures of the Organization, conditioned the outcome of the review of the CCLM and could not be addressed conclusively. There were also, at times, periods when the CCLM operated as a working group reviewing complex legal items in the course of various sessions.

5. Therefore, it might not be possible for the CCLM to establish a multi-year programme of work, along the same lines as the other committees, which have a number of pre-determined, standing items on their agendas. In the same vein, it does not seem that there would be justification for the CCLM to retain on its agenda recurrent or standing items, which the CCLM would review in accordance with a programme of work as this might run counter to overall objectives of efficiency and streamlining of procedures being pursued by the IPA and the FAO reform process. Any multi-year programme of work for the CCLM must reflect the above distinct characteristics of the Committee and its work and the manner in which items are referred to it.

6. Taking into account the framework under which the CCLM has operated so far and, subject to the views of the membership, under which the CCLM should continue to operate in the future, the Committee could, in the next few years, examine a number of topics.

6.1. First, it is possible that as a result of the reform process of FAO, a number of adjustments to the Basic Texts of the Organization, with particular reference to policy documents set out in Volume II of the Basic Texts, will be under consideration. The CCLM would be involved in the process of review of such policy documents. An important example is that of the various principles regarding cooperation with international non-governmental organizations (currently set out in Parts L, M and N of the Basic Texts). However, given the complexity and sensitivity of these topics, any progress or conclusive action on the part of the CCLM would be dependent on processes outside its mandate.

6.2. Second, consideration could be given to referring to the CCLM for information, in a more systematic manner, legal developments taking place either in other fora, or occurring as a result of the activities of the Organization or of its bodies. It is in

¹ As evidenced by document CCLM 88/Inf. 2: “Fifty-one Years of Activity of the Committee on Constitutional and Legal Matters” providing some examples of topics examined by the CCLM since its establishment in 1957.

this spirit that the item “*recent developments on matters regarding the responsibility of international organizations*” is being referred to the CCLM for information. In the past, the CCLM was informed on a few occasions of the field activities of the Legal Office, carried out by the Development Law Branch. Activities of other units of FAO or bodies under Article VI or Article XIV could perhaps be brought to the attention of the Committee for information in a more systematic manner.

- 6.3. Third, depending on the outcome of the review of the proposals regarding the future status of the Ethics Committee, the Finance Committee and the CCLM will be required to consider an annual or biennial report on the activities of the Ethics Committee, consistent with IPA action 3.36. It is likely that the activities on ethics might concern a wide range of topics related to this area.
7. The CCLM is invited to examine this document and provide such views thereon as appropriate. Taking into account the views provided by the CCLM, the Secretariat would prepare, in close consultation with the Chairperson of the CCLM, a revised multi-year programme of work for further consideration by the CCLM at its forthcoming session.