

## NOTE FROM FAO LEGAL OFFICE

Further to your email below, LEG has reviewed the process of reporting of the CFS to the General Assembly through the ECOSOC and wishes to advise the following.

1. Such reporting is reflected in the Basic Texts (Article III,9), the General Rules of the Organization (Rule XXXIII, paragraph 15) as well as in the CFS Rules of Procedure (Rule X) as well as the Reform Document (Paragraph 21).
2. In line with the foregoing, the CFS report is transmitted annually to both the General Assembly and ECOSOC (see attached the Annual Report A/75/77–E/2020/49)
3. The ECOSOC decision 2011/27 is the decision whereby ECOSOC invited the Chair of the Committee on World Food Security (CFS) to transmit to ECOSOC every year a report on the main decisions, policy recommendations, and the results achieved by the Committee in the area of food security and nutrition, in accordance with its roles and vision. More recently, the Committee re-affirmed its commitment to these roles and vision in document CFS 2018/45/3, endorsed at CFS 45. In its Annual Report to the General Assembly, the ECOSOC reports on the main decisions, outcomes and policy recommendations of the Committee on World Food Security (e.g. A/75/3 (part 1) Report of the Economic and Social Council on its 2020 session). This is usually done under Agenda Item 11 of the Council session (entitled Implementation of and follow-up to major United Nations conferences and summits). LEG noted that the ECOSOC decisions are over past years rather similar. A sample of the most recent one follows:

Quote

**“ (ECOSOC) Council Decision number: 2020/207**

*Title: Report on the main decisions, outcomes and policy recommendations of the Committee on World Food Security and report of the United Nations System Standing Committee on Nutrition Meeting date(s): 18 Jun 2020 Meeting number(s): N/A plenary meeting Agenda item: 11*

*Originating body: Plenary*

*Decision text: On 18 June 2020, the Economic and Social Council, on the proposal of the Vice-President (Pakistan), took note of the note by the Secretary-General transmitting the report on the main decisions and policy recommendations of the Committee on World Food Security (E/2020/49) and the note by the Secretary-General transmitting the report of the United Nations System Standing Committee on Nutrition (E/2020/47).”*

Unquote

4. With respect to the General Assembly (GA) “practice”, it seems that CFS matters are taken up in the General Assembly in its annual resolution on Agriculture development, food security and nutrition (see Resolution 75/235 for the most recent <https://undocs.org/en/A/RES/75/235>). The latter Resolution is always prepared by the Second Committee of the GA, which as you can see from its Report (A/75/464 E) provides what documents were before the Committee when it considered the matter. The last four Reports of the Second Commission to the General Assembly mention that the Committee had for its consideration of the item, *inter alia* the “ Note by the Secretary-General transmitting a report on the main decisions and policy recommendations of the Committee on World Food Security (See e.g. (A/74/79- E/2019/58).

5. The following Resolutions of the General Assembly (attached) have been reviewed to the extent that they referred to outcomes with the CFS Annual Sessions. They are:

GA Resolution on the Report of the Second Committee (A/72/426) (see A/RES/72 238- EN) dated 20.12.2017)

GA Resolution on the Report of the Second Committee (A/73/544) (see A/RES/73 253- EN) dated 20.12.2018)

GA Resolution on the Report of the Second Committee (A/74/386) (see A/RES/74 242- EN) dated 22.01.2020)

GA Resolution on the Report of the Second Committee (A/75/464) (see A/RES/75 235)- EN) dated 21.12.2020)

In its Resolutions the General Assembly often “*Reaffirms*” the important role and inclusive nature of the CFS as a major intergovernmental platform for a broad range of stakeholders to work together towards ensuring food security and nutrition for all, and “*encourages*” countries to fully engage in specific activities and/or implementing specific policy tools of the CFS.

For instance, the **Resolution adopted by the General Assembly on 21 December 2020 [on the report of the Second Committee (A/75/464, para. 10)] 75/235. Agriculture development, food security and nutrition, states as follows:**

**quote**

***The General Assembly***

[..]

*Recalling* also the outcome of the forty-sixth session of the Committee on World Food Security, held in Rome from 14 to 18 October 2019, taking note of its main outcomes, and recalling the ongoing inclusive process leading to the development of Committee on World Food Security voluntary guidelines on food systems and nutrition, to be endorsed at the forty-seventh session of the Committee,

[..]

*Recalling* the declaration of 2016–2025 as the United Nations Decade of Action on Nutrition, based on the Rome Declaration on Nutrition and the Framework for Action, and the call upon the Food and Agriculture Organization of the United Nations and the World Health Organization to implement a work programme for 2016–2025, taking into account contributions from relevant stakeholders, including the private sector, using coordinating mechanisms such as the Standing Committee on Nutrition and multi-stakeholder platforms such as the Committee on World Food Security,

[..]

*Reiterating* the pledge that no one will be left behind, reaffirming the recognition that the dignity of the human person is fundamental, and the wish to see the Goals and targets met for all nations and peoples and for all segments of society, and recommitting to endeavour to reach the furthest behind first, 1.

Takes note of the report of the Secretary-General;

2. *Urges* Member States and other relevant stakeholders to advance collective actions to address the impacts of the COVID-19 pandemic on agriculture development, food security and nutrition, including through sustainable agriculture and food systems ...

41. *Reaffirms* the important role and inclusive nature of the Committee on World Food Security as a major intergovernmental platform for a broad range of stakeholders to work together towards ensuring food security and nutrition for all, and *encourages* countries to fully engage in the ongoing

development by the Committee on World Food Security of voluntary guidelines on food systems and nutrition supporting the transformation towards sustainable food systems that contribute to the promotion of healthy diets and improved nutrition;

unquote

6. Turning to your specific query in your email below, it appears that the GA in its resolutions concerning the CFS refers to the documents (CFS policy tools/soft law instruments in legal jargon) *endorsed* by the CFS. In other words, the GA does not endorse CFS policy tools that the CFS has endorsed. Please see four General Assembly resolutions attached.

7. In the context of the CFS, the decision-making is a prerogative of its Members and the CFS endorses an instrument/policy tool. E.g. the CFS 41 *endorsed* the Principles for Responsible Investment in Agriculture and Food Systems, which were *welcomed* by the FAO Conference. In Report of the 39<sup>th</sup> FAO Conference states: [the Conference:] “welcomed the adoption of the Principles for Responsible Investment in Agriculture and Food Systems,...”.

8. Based on the above considerations, it is considered that it may not be the best approach for the CFS to decide to request the GA to “*endorse*” [...] the wide dissemination, even if in the past this wording has been used. As noted above, in general, the GA refers to instruments/policy tools endorsed by the CFS and encourages countries to follow a course of action with respect to the policy tools.