



COUNCIL

Hundred and Seventy-sixth Session

Rome, 2-6 December 2024

Report of the 121st Session of the Committee on Constitutional and Legal Matters (Rome, 28-30 October 2024)

Executive summary

In the Report of its 121st Session, the Committee on Constitutional and Legal Matters:

- 1) **makes specific recommendations for approval by the Council** on the proposal to amend Staff Regulation 301.6.2;
- 2) **brings to the attention of the Council, for endorsement**, its considerations and conclusions regarding:
 - a) Recommendation 7 of the JIU Report *Review of the state of the investigation function: progress made in the United Nations system organizations in strengthening the investigation function* (JIU/REP/2020/1); and
 - b) JIU Report *Review of management and administration in the Food and Agriculture Organization of the United Nations* (JIU/REP/2023/5);
- 3) **informs the Council** of its considerations related to the updates it received on:
 - a) the dissemination of Memoranda of Understanding signed by the Food and Agriculture Organization of the United Nations (FAO);
 - b) the implementation of the FAO Data Protection Policy;
 - c) the activities of the Development Law Service; and
 - d) the FAO initiatives related to legal matters, including with respect to the 80th Anniversary of the Organization.

Suggested action by the Council

The Council is invited to:

- 1) **approve** the proposal to amend Staff Regulation 301.6.2;
- 2) **endorse the considerations and conclusions** of the Committee on:
 - a) Recommendation 7 of the JIU Report *Review of the state of the investigation function: progress made in the United Nations system organizations in strengthening the investigation function* (JIU/REP/2020/1); and
 - b) JIU Report *Review of management and administration in the Food and Agriculture Organization of the United Nations* (JIU/REP/2023/5).
- 3) **note** the Committee's considerations on:
 - a) the dissemination of Memoranda of Understanding signed by FAO;
 - b) the implementation of the FAO Data Protection Policy;
 - c) the activities of the Development Law Service; and
 - d) the FAO initiatives related to legal matters, including with respect to the 80th Anniversary of the Organization.

Queries on the substantive content of this document may be addressed to:

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I. Introduction

1. The Hundred and Twenty-first Session of the Committee on Constitutional and Legal Matters (the “Committee” or the “CCLM”) was held from 28 to 30 October 2024.
2. The Session, open to silent observers, was chaired by H.E. Ms Céline Jurgensen (France) who welcomed all the participants.
3. The following Members joined the Session:
 - Ms Emma Hatcher (Australia)
 - Ms Qamer Hameed (Canada)
 - Mr Purna Cita Nugraha (Indonesia)
 - Ms Marie-Lise Stoll (Luxembourg)
 - Mr Madiagne Tall (Senegal)
 - H.E. Mr Sayed Altayeb Ahmed (Sudan)
4. The Committee was informed that Ms Julie Émond (Canada) had been replaced by Ms Qamer Hameed as the representative of Canada. Venezuela did not join the Session. Ms Ruth Mallett replaced Ms Emma Hatcher as the representative of Australia for part of the Session.
5. The Committee had been informed that Ms Haifa Aissami Madah, the Vice-Chairperson of the Committee, was prevented from exercising functions for the remainder of the term. Accordingly, the CCLM Members elected H.E. Mr Sayed Altayeb Ahmed (Sudan) as Vice-Chairperson of the Committee for the remainder of the vacated term of office.
6. The CCLM Members participated in person at the Food and Agriculture Organization of the United Nations (FAO) headquarters.

II. Item 1: Adoption of the agenda and arrangements for the Session (CCLM 121/1)

7. The Committee took note of the arrangements for the Session and approved its Agenda.¹
8. The Committee agreed to consider a proposal from the Secretariat to amend Staff Regulation 301.6.2 under item 7, Any other matters.

III. Item 2: Update on the Dissemination of Memoranda of Understanding signed by FAO (CCLM 121/2)

9. The Committee considered document CCLM 121/2 *Update on the Dissemination of Memoranda of Understanding signed by FAO*.
10. The Committee welcomed the update on the dissemination of Memoranda of Understanding (MOUs) signed by FAO. Recalling that the Council did not limit the scope of the matter to MOUs signed by FAO with other intergovernmental organizations, the Committee looked forward to receiving an update at its future session on further steps to disseminate MOUs concluded with other entities, including academia, research institutions and civil society organizations.

IV. Item 3: Update on the implementation of the Data Protection Policy (CCLM 121/3)

11. The Committee considered document CCLM 121/3 *Update on the implementation of the Data Protection Policy*.

¹ Indonesia did not join the consensus on maintaining item 5, JIU Report *Review of management and administration in the Food and Agriculture Organization of the United Nations* (JIU/REP/2023/5), implications for the CCLM, as a standalone item, rather than under item 7 “Any other matters”.

12. The Committee welcomed the update from the Data Protection Unit and recommended the issuance of an Annual Report to Members on the activities supporting the implementation of the Data Protection Policy. It noted developments at the United Nations (UN) system level, and observed that these may, in the future, call for review of the Policy to ensure that it continues to align with UN system and other internationally recognized good practices.

13. The Committee looked forward to receiving an update at its autumn 2025 Session.

V. Item 4: Recommendation 7 of the JIU Report *Review of the state of the investigation function: progress made in the United Nations system organizations in strengthening the investigation function* (JIU/REP/2020/1) (CCLM 121/4 Rev.1)

14. The Committee reviewed document CCLM 121/4 Rev.1 *Recommendation 7 of the JIU Report “Review of the state of the investigation function: progress made in the United Nations system organizations in strengthening the investigation function” (JIU/REP/2020/1)*.

15. The Committee recommended that the procedure to be developed should, as far as possible, avoid amending the Basic Texts or establishing new bodies. The Committee had preliminary exchanges on the form in which the procedure could be promulgated. The Committee recalled the importance of independence in the investigation process.

16. The Committee welcomed its informal joint working sessions with the Finance Committee and the written contributions submitted by Members, and looked forward to further informal working sessions before its spring 2025 Session.

17. The Committee took note of developments and practices in other UN Specialized Agencies.

18. The Committee recommended:

- a) against the creation of a standing special committee, or “Special Mechanism”;²
- b) the introduction of a limit of five working days to align the three options of the initial determination;³ and
- c) with respect to the External Investigating Entity (“EIE”):
 - i. adding an option reflecting the possibility of a direct referral to the EIE by the Office of the Inspector General and/or the Oversight Advisory Committee when it is determined that a further review is warranted; and
 - ii. considering the suggestion of a single EIE, such as the UN Office of Internal Oversight Services, as an alternative to a roster.

19. The Committee recognized the essential nature of the “Fact-finding phase” as an impartial technical exercise, while noting the need to determine the role of relevant Governing Bodies in this regard.

20. The Committee looked forward to receiving a revised version of the draft procedures for its consideration at its spring 2025 Session.

² As envisaged under paragraph 24 of document [CCLM 121/4 Rev.1](#) and paragraph 12, option 4, of the Annex thereto.

³ Paragraph 9 of the Annex to document [CCLM 121/4 Rev.1](#).

VI. Item 5: JIU Report *Review of management and administration in the Food and Agriculture Organization of the United Nations* (JIU/REP/2023/5), implications for the CCLM (CCLM 121/5)

21. The Committee reviewed document CCLM 121/5 *JIU Report “Review of management and administration in the Food and Agriculture Organization of the United Nations” (JIU/REP/2023/5), implications for the CCLM* and the related Information Note.⁴
22. The Committee took note of the status of the Joint Inspection Unit of the United Nations (JIU) within the context of FAO.
23. The Committee observed that several recommendations of the JIU Report *Review of management and administration in the Food and Agriculture Organization of the United Nations* have or may have legal implications.
24. The Committee confirmed that a variety of options existed to give effect to recommendations of the JIU, to the extent accepted, without necessarily requiring amendments to the Basic Texts. It also observed that the relevant modality will be guided by, *inter alia*, the substance of the decision taken on each recommendation and the roles and responsibilities established by the Basic Texts.
25. The Committee encouraged Members to take into account the documents presented to the CCLM in their deliberations in the Governing Bodies and other discussions, and expressed its readiness to provide further advice on the constitutional and legal aspects of this question, in accordance with its mandate.

VII. Item 6: Activities of the Development Law Service – Information Report (CCLM 121/6)

26. The Committee considered document CCLM 121/6 *Activities of the Development Law Service – Information Report*.
27. The Committee took note of the Information Report and welcomed the efforts of the FAO Legal Office, through its Development Law Service (LEGN), in providing legal, technical support to Members and developing new initiatives, notwithstanding limited resources.
28. The Committee welcomed LEGN’s outreach initiatives and encouraged it to continue its efforts to raise the visibility of its activities. The Committee acknowledged LEGN’s collaboration with other organizations and institutions, and supported the mobilization of resources for a systematic and programmatic delivery of legal assistance.
29. The Committee reaffirmed the conclusions of its 119th Session and underlined how national legal frameworks are key to the implementation of international agreements and guidelines and ensuring the sustainability of the initiatives of Members to strengthen agrifood systems.
30. The Committee observed the relevance of FAO’s mandate in the context of negotiations in other international fora, including the World Health Organization and the United Nations Environment Programme.
31. The Committee reiterated the importance of the normative work of FAO and its mandate, and recommended that the Legal Office hold informal briefings for all Members on its activities and relevant areas of FAO’s expertise.

VIII. Any other matters

A. Proposal to amend Staff Regulation 301.6.2

32. The CCLM reviewed the proposal to amend Staff Regulation 301.6.2 to align the terminology with the new unified parental leave framework decided by the International Civil Service

⁴ [CCLM 121/INF/1](#).

Commission.⁵ Noting the matter had been presented to the Finance Committee, at its 195th Session,⁶ the Committee recommended that the Council approve the following amendment:

*“The Director-General shall establish a scheme of social security for the staff and eligible retirees and their dependents recognized by the Organization, including provisions for health protection, sick leave, and ~~maternity~~ **parental** leave, and reasonable compensation in the event of illness, accident, or death attributable to the performance of official duties on behalf of the Organization”.*

B. Other matters

33. The Committee acknowledged the initiatives that highlight the contribution of FAO to the field of Public International Law, such as the annual FAO Law Lecture. The Committee looked forward to the first Treaty Event to be held in the margins of the upcoming 2025 FAO Conference, as well as events celebrating the Organization’s 80th Anniversary, and welcomed the contribution of the Legal Office to their preparation.

⁵ [A/77/30](#).

⁶ [FC 195/10 Rev.1](#).