**UPDATE ON FAO ARTICLE XIV BODIES**

The issue of operational autonomy of FAO Article XIV bodies continues to be a subject that is under discussion in FAO.

Earlier this year some changes with regard to Article XIV body operational autonomy were announced by the Director General. These include limited independence with regard to travel approvals, but there have been no comprehensive changes to this point. In addition, an FAO Article XIV questionnaire was distributed shortly after CPM-7 2012. The IPPC Secretary provided comments during development of the questionnaire; not all of the Secretary’s comments were included, however, in the final document. Due to the general nature of the questionnaire, distribution was to Permanent Representatives to FAO contact points only.

The FAO legal department has prepared a paper for distribution to next week’s meeting of the Committee on Constitutional and Legal Matters (CCLM 95 12, attached) which provides a review of the results of the questionnaire as well as proposals for those areas which have been identified as matters on which increased autonomy could be entrusted to statutory bodies and their secretaries. The paper notes that “the Organization received 45 responses to the questionnaire from only 37 Members, as some Members submitted more than one answer.” In addition, the paper continues to report that “the responses received from the 37 respondent Members were predominantly in favor of increased autonomy, subject to some restrictions or caveats. Thus, a majority of the respondent Members which answered the questionnaire were generally in favor that statutory bodies should be entrusted with greater authority in handling relations with external organizations, in handling relations with Governments which are not Members of the statutory bodies, or that they should be able to enjoy greater autonomy in relation to donors.”

The proposals in the document includes a suggestion that “bodies established under Article XIV of the Constitution that are basically self-financed should be allowed autonomy in attending external meetings of important and direct relevant to the programme of activities of the bodies concerned.” In addition, the document proposes that, “In view of lessons learnt from the past and the lack of clarity on certain procedures and criteria for concluding agreements with the donors, it is useful to develop concrete proposals on what agreements can be signed by the Article XIV bodies, and to provide practical procedures to facilitate consultations and clearance of the agreement by relevant FAO offices, including the legal, technical and finance units.” This should help to provide some clarity with regard to the development of partnerships under the auspices of memoranda of cooperation, and other legal instruments. In addition, the paper reinforces supports the continued application of the policies established by the Governing Bodies of the Organization with regard to project servicing costs. The policy provides that long-term trust fund accounts (e.g. Commissions established under the auspices of FAO, including Article XIV bodies) will be subject to a case-by-case estimate of the actual level of varied indirect support costs and charged accordingly.

The SPG is invited to:

1. *review* the Legal Department’s paper for the Committee on Constitutional and Legal Matters (CCLM 95 12, attached), and
2. *note* that while the issue of operational autonomy of FAO Article XIV bodies continues to be discussed and some changes regarding autonomy have occurred, additional changes may be forthcoming in the near future following the conclusion of the CCLM.