



Draft Statement on behalf of the European Union and its 27 Member States

174th Session of the FAO Council

(4-8 December 2023)

DRAFT rev2

Item 11: Report of the 119th Session of the Committee on Constitutional and Legal Matters (CCLM) – Rome, 9-11 October 2023

Mr Chair,

1. I am honoured to speak on behalf of the European Union (EU) and its 27 Member States regarding the aforementioned Agenda Item for the 174th Session of the FAO Council.
2. *[XXX, XXXX, XXXX align themselves with this statement.]*
3. I would like to start by thanking the Chair of the Committee, as well as the Vice-Chair, all members of the Committee, the Secretariat and the Legal Office for their thorough work and their constructive commitment.
4. We appreciate the recorded progress on implementing Recommendation 7 of the JIU Report Review of the state of the investigation function and support the Committee's recommendations on the extension of the definition of 'misconduct' to include sexual exploitation and abuse as well as on the mechanisms through which the Organization could efficiently address the investigation process. These should avoid, as far as possible, the establishment of new bodies. We note that the FAO governance framework did not, as of yet, provide for an intersessional term for a bureau of the Conference.
5. We welcome the discussion on the dissemination of Memoranda of Understanding (MoUs) and other general cooperation and partnership agreements signed by FAO with third parties. We stress the importance of the principle of transparency and applying Article 102 of the UN Charter in line with UN system best practices. We recall that the Council did not limit the scope to MoUs signed by FAO with other intergovernmental organisations and look forward to receiving additional information in this regard. We endorse the Committee's recommendation to disseminate the MoUs signed by FAO after July 2021, which already contain a clause of dissemination and support that the Organization seek approval from

partners for the dissemination of those MoUs which do not contain such a clause which we consider would be best achieved through a non-objection procedure. We also support the recommendation that the Secretariat provide the Committee with an exhaustive list of the MoUs concluded between the Organization and other intergovernmental organisations, at its next session.

6. We note the update on several important matters, related to the data protection policy, intellectual property rights, the jurisdictional set-up of the United Nations common system and the activities of the Development Law Service.
7. We support the Committee's recommendation that LEGN increase its outreach to Members, including for the purposes of knowledge sharing, capacity development and mobilisation of resources for the delivery of legal assistance, which is a core function of FAO.
8. Finally, we support a discussion by the Committee, at its next session in March 2024, and within its mandate, on (1) institutional options to strengthen the Agreement to promote compliance with international conservation and management measures by fishing vessels on the High Seas, as well as (2) on the organization of a Treaty Event on the margins of the Conference or the Council. We look forward to the Committee's future considerations and conclusions.
9. With these remarks, we call on the Council to endorse the CCLM's report.

Thank you, Mr Chair.
