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Programme  
Alimentaire  
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World  
Food  
Programme

Programa  
Mundial  
de Alimentos

**Executive Board  
Second Regular Session**

**Rome, 24 - 26 March 1997**

## **GOVERNANCE MATTERS**

**Agenda item 4**

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## **REPORT OF THE OPEN-ENDED WORKING GROUP ON THE REVISION OF THE GENERAL REGULATIONS OF THE WORLD FOOD PROGRAMME**

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## NOTE TO THE EXECUTIVE BOARD

### **This document is submitted to the Executive Board for consideration.**

Pursuant to the decisions taken on the methods of work by the Executive Board at its First Regular Session of 1996, the documentation prepared by the Secretariat for the Board has been kept brief and decision-oriented. The meetings of the Executive Board are to be conducted in a business-like manner, with increased dialogue and exchanges between delegations and the Secretariat. Efforts to promote these guiding principles will continue to be pursued by the Secretariat.

The Secretariat therefore invites members of the Board who may have questions of a technical nature with regard to this document, to contact the WFP staff member(s) listed below, preferably well in advance of the Board's meeting. This procedure is designed to facilitate the Board's consideration of the document in the plenary.

The WFP focal points for this document are:

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Should you have any questions regarding matters of dispatch of documentation for the Executive Board, please contact the Documentation and Meetings Clerk (tel.: 5228-2641).



## REPORT OF THE OPEN-ENDED WORKING GROUP ON THE REVISION OF THE GENERAL REGULATIONS OF THE WORLD FOOD PROGRAMME

1. At its first regular session in 1996, the Executive Board decided that an open-ended Working Group should be formed to review, *inter alia*, the General Regulations of WFP. This report sets out the conclusions of the Working Group (decision WFP/ExB.1/96/6, paragraph 18 b)).
2. The Working Group considered that its mandate required it to present proposals aimed at:
  - a) bringing the General Regulations into line with the most recent relevant decisions of the United Nations and the FAO, in particular the General Assembly resolutions on the restructuring and revitalization of the United Nations in economic, social and related fields, as outlined in the Information Note presented by the WFP Secretariat to the Board at its Third Regular Session in 1996 (WFP/EB.3/96/INF.2);
  - b) removing from the current General Regulations clearly outdated or superseded provisions; and
  - c) updating the General Regulations to reflect the decisions of the Board and the responsibilities and functions which WFP is called upon to discharge.
3. Mr. Atul Sinha, Alternate Permanent Representative of India and member of the Executive Board Bureau, serves as Chairman of the Working Group. The group held five sessions (20-22 November 1996, 2-3 December 1996, 19 December 1996, 3-4 February 1997 and 11-14 February 1997) to review the General Regulations. It adopted as the basis for its work the Information Note mentioned in paragraph 2 a), which divided the General Regulations into proposed General Regulations and Rules.
4. The Information Note pointed out that, in carrying out the review of the General Regulations, it had to be borne in mind that the present legislative process was extremely cumbersome and time-consuming: when it wished to update and streamline any one or more of the General Regulations WFP was required to refer every case to the Economic and Social Council of the United Nations, the FAO Council and, through them, the United Nations General Assembly and the FAO Conference. This process could take two years or more. While recognizing that the United Nations and FAO should have the final responsibility in all matters relating to the basic "constitution" of WFP and its role in the United Nations system, it should be possible to separate out these matters in the General Regulations from points of detail and operational issues which had accumulated over the years. The basic "constitution" of WFP and its role in the United Nations system could be set forth in the General Regulations and be amended following current procedures, i.e., through the Economic and Social Council and the FAO Council, by the General Assembly and the FAO Conference. Other matters could be contained in rules which would be promulgated under and consistent with the General Regulations, with the Executive Board having the authority to adopt and amend these rules.
5. The Working Group saw considerable merit in this principle, which would enable WFP to keep abreast of developments, particularly in operational matters and on points of detail, in the most expeditious way through the enactment of up-to-date rules when so required. The principle was therefore adopted, and it is reflected in the proposal for the revision of the current General Regulations (WFP/EB.2/97/4/Add.1).



6. The left-hand column in the proposal sets out the suggested text for proposed General Regulations that are considered to be of a "constitutional" character, while the right-hand column contains the proposed text of rules that cover operational and other details pertinent to the Regulation opposite which they appear. The number of the rule corresponds to the Article number in the General Regulations on which the rule depends. After each rule, for ease of reference, the particular Regulation to which the rule refers is indicated in parentheses. The current text of the General Regulations has been circulated as an information document.
7. The FAO Legal Counsel assisted the Working Group in the analysis of its proposals throughout the entire process of revision. The United Nations Office of Legal Affairs forwarded its comments and advice to the Working Group through the FAO Legal Counsel.
8. The texts of the proposed General Regulations and Rules were adopted by consensus in the Working Group, except as indicated in the Annex to the present document. It was decided to refer these matters to the Board for further consideration. When these matters have been resolved by the Board, the Working Group recommends that the Board forward the proposed General Regulations, through the Economic and Social Council and the Council of FAO, to the General Assembly and the FAO Conference for their consideration and approval. It further recommends that the proposed draft rules be submitted for information purposes to the Economic and Social Council, the Council of FAO, the General Assembly, and the FAO Conference. This is desirable, as the draft rules contain operational provisions and points of detail found in the current General Regulations. The draft rules can, of course, be adopted formally by the Board only after the proposed General Regulations have been approved by the General Assembly and the FAO Conference.



## ANNEX

**Matters referred by the Open-Ended Working Group to  
the Executive Board, for decision on the Proposed General Regulations  
and Rules**

**PROPOSED GENERAL REGULATIONS**

## ARTICLE I: ESTABLISHMENT

The World Food Programme (hereinafter “WFP”) is established by the United Nations and the Food and Agricultural Organization of the United Nations (hereinafter “FAO”) as an autonomous joint [**subsidiary**] programme for the purposes and for the performance of the functions set out in the present General Regulations and shall continue its activities in the light of periodic reviews.

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<**The location of Article III remains to be decided**>

**ARTICLE [VIII bis] III: COOPERATION OF WFP WITH THE UNITED NATIONS  
AND FAO AND WITH OTHER RELEVANT AGENCIES AND ORGANIZATIONS**

In all stages of its activities, WFP shall, as appropriate, consult with and seek advice and cooperation from the United Nations and FAO. It shall also coordinate and operate in close liaison with appropriate United Nations agencies and operating programmes, bilateral assistance programmes, and other relevant organizations, as required.

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## [ARTICLE IV: HEADQUARTERS

The Headquarters of WFP shall be in Rome, Italy, **or such other place as the Executive Board may determine with the approval of the Economic and Social Council of the United Nations and the Council of FAO.**]

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## ARTICLE VIII: LEGAL CAPACITY

1. WFP [**which is in legal terms a joint subsidiary body of the United Nations and FAO,**] shall, drawing on the legal personality of the United Nations and FAO, have legal capacity:

a) to contract;

b) to acquire and dispose movable and immovable property;

c) to be party to judicial proceedings.

2. [**Any liability arising from the exercise of the legal capacity referred to above shall be met by WFP from its own funds and shall not constitute a liability on other funds of the United Nations or FAO.**]

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## ARTICLE X.: REQUESTS FOR ASSISTANCE

6. [**Decisions on requests shall be made in accordance with the powers and functions of the Board, except that the Executive Director shall decide upon requests for assistance to meet emergency needs and shall promptly report decisions to the Board.**]

[or]

[The Executive Director shall examine the request and, after close consultation with FAO and as required with the United Nations and relevant agencies, decide upon such requests up to the level of the authority delegated to him/her by the Board to approve development programmes and projects. In cases exceeding this level, after due consultation between the Programme, FAO and as required with the United Nations and relevant agencies, approval shall be accorded jointly by the Director-General and the Executive Director.]



## PROPOSED RULES

<Text as it currently appears in document WFP/EB.2/97/4/Add.1>

[Rule XIII.2: Purposes for which contributions may be made

In accordance with decisions of the Board on financing, contributions may be made without specification as to use or for one or more of the following types of assistance or for specific projects or activities thereunder:

- a) food aid programmes and projects to support economic and social development;
- b) food assistance to meet emergency food needs;
- c) food assistance to meet protracted relief needs;
- d) technical assistance to help establish or improve their own food assistance programmes; and
- e) such other types of assistance as may be decided upon by the Board from time to time.]

<The following reformulation of Rule XIII.2 was suggested by the Working Group at its informal meeting held on 12 March 1997>

[Rule XIII.2: Purposes for which contributions may be made

Contributions may be made without restriction as to use or restricted to one or more of the purposes of WFP as set out in Article II of the General Regulations.]

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<The Working Group at its informal meeting held on 12 March 1997 suggested the addition of the following text to that of Rule XII.1>

The Executive Director shall make arrangements for the evaluation of country programmes, projects and other activities.



