



منظمة الأغذية  
والزراعة  
للأمم المتحدة

联合国  
粮食及  
农业组织

Food  
and  
Agriculture  
Organization  
of  
the  
United  
Nations

Organisation  
des  
Nations  
Unies  
pour  
l'alimentation  
et  
l'agriculture

Продовольственная и  
сельскохозяйственная  
организация  
Объединенных  
Наций

Organización  
de las  
Naciones  
Unidas  
para la  
Agricultura  
y la  
Alimentación

## COMMITTEE ON CONSTITUTIONAL AND LEGAL MATTERS

### Ninety-first Session

Rome, 20 – 22 September 2010

## AMENDMENT TO THE AGREEMENT FOR THE ESTABLISHMENT OF A REGIONAL ANIMAL PRODUCTION AND HEALTH COMMISSION FOR ASIA AND THE PACIFIC (APHCA)

### I. BACKGROUND

1. At the Fifth Regional Conference on Animal Production and Health (Kuala Lumpur, Malaysia, September 1971), a draft agreement for the establishment of a regional animal production and health commission for Asia, the Far East and the South-West Pacific under Article XIV of the FAO Constitution was drawn up by interested Member Nations. The draft agreement was revised by the Eleventh Regional Conference for Asia and the Far East (New Delhi, India, October 1972) and the Twenty-Seventh Session of the Committee on Constitutional and Legal Matters and approved by the FAO Council at its Sixtieth Session (June 1973) for submission to Member Nations for acceptance. The Agreement entered into force on 29 December 1975.
2. The Agreement has been amended by the FAO Council in the past on three occasions: at its Seventy-fourth Session (December 1978), Seventy-sixth Session (November 1979) and Ninetieth Session (November 1986). The present title was adopted at the latter session by Resolution 3/90.
3. During its Thirty-third Session (Pokhara, Nepal, 26-28 October 2009), the Regional Animal Production and Health Commission for Asia and the Pacific (hereinafter "the Commission") endorsed a proposed amendment to Article X of the Agreement. This document deals with this proposal.

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## II. PROPOSED AMENDMENT TO THE AGREEMENT

4. The Commission endorsed a proposal to amend Article X of the Agreement as follows:

### *Secretariat*

*The Director-General of the Organization shall provide the Secretary and Staff of the Commission, who, for administrative purposes shall be responsible to him. They shall be appointed under the same terms and conditions as the staff of the Organization. ~~The Secretary of the Commission shall be a veterinarian.~~<sup>1</sup>*

5. Pursuant to paragraph 2 of Article XVII of the Agreement, the Director-General of FAO, as depositary of the Agreement, circulated the proposed amendment to all Members of the Commission on 30 June 2010. The Commission will consider the proposal for adoption at its next session programmed from 25 to 27 October 2010<sup>2</sup>. The proposal would require to be adopted by the Commission by a two-thirds majority of its membership<sup>3</sup>. Once adopted by the Commission, the amendment requires the approval of the FAO Council, unless the Council considers it desirable to refer the amendment to the FAO Conference for approval.

6. Since the proposed amendment does not involve new obligations for Members of the Commission<sup>4</sup>, pursuant to paragraph 4 of Article XVII, it shall take effect from the date of the approval by the Council or Conference of the Organization, as appropriate.

## III. ISSUES FOR CONSIDERATION

7. The CCLM is invited to review this document and make such comments thereon as appropriate.

8. The CCLM is in particular invited to endorse the proposed amendment to Article X of the Agreement and refer the attached draft Resolution to the Council for approval.

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<sup>1</sup> Deletions are indicated using ~~struck out text~~.

<sup>2</sup> On the substance, the proposed amendment is intended to broaden the possibilities of selecting a qualified candidate for the position of Secretary, taking into account the ample range of functions to be performed by the incumbent which do not require her or him to be a veterinarian, also in consideration of the fact that such expertise can be secured otherwise.

<sup>3</sup> Insofar as the Commission has already endorsed the amendment at its session of October 2009 and it is of a consensual nature, it is assumed that the Commission will approve it at its forthcoming session in October 2010.

<sup>4</sup> In accordance with long-standing criteria applied and followed by the Governing Bodies of FAO, an amendment involving new obligations is one that modifies in a substantial manner the rights and obligations of the parties to an agreement.

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**APPENDIX**Resolution /AMENDMENT TO THE AGREEMENT FOR THE ESTABLISHMENT OF A REGIONAL ANIMAL PRODUCTION AND HEALTH COMMISSION FOR ASIA AND THE PACIFIC

THE COUNCIL,

Considering the proposal made by the Regional Animal Production and Health Commission for Asia and the Pacific at its Thirty-third Session (Pokhara, Nepal, 26-28 October 2009) to amend Article X of the Agreement;

Having considered the advice of the Committee on Constitutional and Legal Matters during its Ninetieth-first Session (Rome, 21-22 September 2010);

Noting that the Regional Animal Production and Health Commission for Asia and the Pacific at its Thirty-fourth Session held in Phuket, Thailand, from 25 to 27 October 2010 adopted an amendment to the Agreement under which it had been established;

Considering further that, under Article XVII.3 of the Agreement, amendments to the Agreement require the approval of the Council;

Approves the amendment to the Agreement for the Establishment of a Regional Animal Production and Health Commission for Asia and the Pacific set forth in the Appendix to this Resolution.

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Appendix to Resolution \_\_/\_\_ on

AMENDMENT TO THE AGREEMENT FOR THE ESTABLISHMENT OF A REGIONAL ANIMAL PRODUCTION AND HEALTH COMMISSION FOR ASIA AND THE PACIFICARTICLE X**Secretariat**

The Director-General of the Organization shall provide the Secretary and Staff of the Commission, who, for administrative purposes shall be responsible to him. They shall be appointed under the same terms and conditions as the staff of the Organization. ~~The Secretary of the Commission shall be a veterinarian.~~<sup>5</sup>

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<sup>5</sup> Deletions are indicated using ~~struck out text~~.