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منظمة  
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# COUNCIL

## Hundred and Sixty-first Session

Rome, 8-12 April 2019

### Report of the 108<sup>th</sup> Session of the Committee on Constitutional and Legal Matters (11-12 March 2019)

#### Executive Summary

The 108<sup>th</sup> Session of the Committee on Constitutional and Legal Matters (CCLM) examined measures to improve timely payment of assessed contributions and a proposal to amend the Convention Placing the International Poplar Commission within the framework of FAO.

#### Suggested action by the Council

The Council is invited to approve the report of the CCLM. The Council is, more specifically, invited to:

- a) **Note** with concern the negative impact arrears have on the financial situation of the Organization;
- b) **Appeal** to Members to make timely payments of assessed contributions to ensure the smooth functioning of the Organization;
- c) **Urge** FAO Management to apply strictly existing mechanisms provided for in the General Rules of the Organization to ensure compliance with the requirements to pay assessed contributions on time.
- d) **Endorse** the Draft Conference Resolution entitled *Amendments to the Convention Placing the International Poplar Commission within the framework of FAO*, set out in the Annex to this Report, and forward it to the Conference for its concurrence.

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

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CL161

## I. Introduction

1. The 108<sup>th</sup> Session of the Committee on Constitutional and Legal Matters (CCLM) was held from 11 to 12 March 2019.
2. The Session, open to silent observers, was chaired by H.E. (Mr) Godfrey Magwenzi, who welcomed all the members. The following members were present:
  - Mr Royhan Nevy Wahab (Indonesia)
  - H.E. (Mr) Ali Albsoul (Jordan)
  - Ms Lineo Irene Molise-Mabusela (Lesotho)
  - H.E. (Ms) Monica Robelo Raffone (Nicaragua)
  - H.E. (Ms) Daniela Rotondaro (San Marino)
  - Ms Emily Katkar (United States of America)
3. The CCLM was informed that Mr Esala Nayasi (Fiji) was unable to attend the session.
4. The CCLM approved its Provisional Agenda.

## II. Measures to Improve Timely Payment of Assessed Contributions

5. The CCLM considered document CCLM 108/2 “*Measures to Improve Timely Payment of Assessed Contributions*”, following a detailed presentation by Management of, *inter alia*, the reasons for the submission.
6. The CCLM:
  - a. Noted with concern the negative impact arrears have on the financial situation of the Organization;
  - b. Appealed to Member States to make timely payments of assessed contributions to ensure the smooth functioning of the Organization;
  - c. Urged FAO Management to apply strictly existing mechanisms provided for in the General Rules of the Organization to ensure compliance with the requirements to pay assessed contributions on time.

## III. Reform of the International Poplar Commission (IPC) – Proposal to amend the Convention Placing the International Poplar Commission within the framework of FAO

7. The CCLM considered document CCLM 108/3 “*Reform of the International Poplar Commission (IPC) – Proposal to amend the Convention Placing the International Poplar Commission within the framework of FAO.*”
8. The CCLM endorsed the Draft Conference Resolution entitled “*Amendments to the Convention Placing the International Poplar Commission within the framework of FAO*” as set out in Annex to the document CCLM 108/03 subject to the following additional amendments :

a. In the Preamble :

“[...]”

**Having considered** the report of the 161<sup>th</sup> Session of the Council, ~~and that the Council found~~ *noting the understanding* that amendments would not involve new obligations for Members of the International Poplar Commission;

~~Approves~~ **Concurs** with the amendments to the Convention, in accordance with Article XII, paragraph 3, as follows:”

b. Article II- Membership – paragraph 3, second sentence:

“3. [...] *Non member States of the Organization, that are Members of the United Nations, any of its Specialized Agencies ~~or~~ or the International Atomic Energy Agency may, upon request,* [...]”

9. The CCLM endorsed the amendments adopted by the International Poplar Commission at its Special Session on 6 February 2019 and agreed to submit the draft Conference Resolution, set forth in the Annex to this Report, to the Council for consideration and subsequent on-forwarding to the FAO Conference in accordance with Article XII, paragraph 3 of the Convention Placing the International Poplar Commission within the framework of FAO.

#### IV. Any other matters

10. No other matter was raised under this item.

**Resolution .../...****AMENDMENTS TO THE CONVENTION PLACING THE INTERNATIONAL POPLAR COMMISSION WITHIN THE FRAMEWORK OF FAO<sup>1</sup>****THE CONFERENCE,**

**Recalling** the Conference's approval of the Convention Placing the International Poplar Commission within the Framework of FAO ("the Convention") under Article XIV of the FAO Constitution at its 10<sup>th</sup> Session in November 1959, which came into force on 26 September 1961;

**Recalling** the Conference's approval of the amendments proposed by the International Poplar Commission at its Second Special Session in October 1967 and of the amendments proposed at its Third Special Session in November 1977, which came into force as from the date of such approval;

**Recalling also** that the International Poplar Commission at its Special Session, held in Rome, Italy, on 6 February 2019, adopted proposed amendments to the Convention;

**Considering** that paragraph 3 of Article XII of the Convention requires the concurrence of the Conference for amendments to become effective;

**Having considered** the report of the 161<sup>th</sup> Session of the Council, and noting the understanding that amendments would not involve new obligations for Members of the International Poplar Commission[...]

**Concurs** with the amendments to the Convention, in accordance with Article XII, paragraph 3, as follows:

**~~Convention Placing the International Poplar Commission Within the Framework of FAO~~**  
**Convention on the International Commission on Poplars and Other Fast-Growing Trees Sustaining People and the Environment**

**Article I – Status**

The International ~~Poplar~~ Commission *on Poplars and Other Fast-Growing Trees Sustaining People and the Environment* (hereinafter referred to as "the Commission") ~~shall be~~ *which is* placed within the framework of the Food and Agriculture Organization of the United Nations (hereinafter referred to as "the Organization") ~~and the present Convention whose object is to achieve that purpose shall be governed by the provisions of Article XIV of the Constitution of the Organization~~ *and by the present Convention.*

**Article II – Membership**

1. Member Nations of the Commission shall be such Member Nations or Associate Members of the Organization as accept this Convention in accordance with the provisions of Article XIII of this Convention.
2. The Commission may, by a two-thirds majority of its membership, admit to membership such other States that are Members of the United Nations, any of its Specialized Agencies or the International Atomic Energy Agency as have submitted an application for membership and a declaration made in a formal instrument that they accept this Convention as in force at the time of admission.

<sup>1</sup> Deletions are indicated using ~~strikethrough text~~ and insertions are indicated using *underlined italics*.

3. Member Nations and Associate Members of the Organization that are not Members of the Commission may, upon request, be represented as observers at sessions of the Commission. Non-member States of the Organization that are Members of the United Nations, any of its Specialized Agencies or the International Atomic Energy Agency may, upon request, be represented as observers at sessions of the Commission, subject to the provisions relating to the granting of observer status to Nations adopted by the Conference of the Organization.

### **Article III – Functions**

The functions of the Commission shall be:

- a) to study and engage on the scientific, technical, social and economic aspects of poplar and willow cultivation ~~scientific, technical, social, economic, and environmental aspects of~~ Populus and other fast-growing trees. In addition to the Commission's work on the genus Populus, the Commission's subgroups may work on other genera that sustain people and the environment. Priorities of the Commission's work are forest resources production, protection, conservation and utilization, with a view to sustaining livelihoods, land uses, rural development and the environment. This work includes food security issues, climate change and carbon sinks, biodiversity conservation and resilience against biotic and abiotic threats, and combating deforestation.
- b) to promote the exchange of ~~ideas~~ sustainable management practices, knowledge, technology, and material, on mutually agreed terms, between researchers, developers, research workers, producers, and users;
- c) to arrange joint research programs;
- d) to stimulate the organization of congress combined with study tours;
- e) to report and make recommendations to the Conference of the Organization, through the Director-General of the Organization; and
- f) to make recommendations to ~~the National Poplar Commissions~~ or other national bodies provided for in Article IX of this Convention, through the Director-General of the Organization and the governments concerned.

### **Article IV – Establishment of National ~~Poplar~~ Commissions**

Each Contracting Nation shall make provision as soon as possible and to the best of its ability, either for the establishment of a National ~~Poplar~~ Commission dealing with poplars and other fast-growing trees, or, if not possible, for the designation of some other suitable national body, and shall transmit a description of the competence and scope of the National Commission or other body and of any changes thereto, to the Director-General of the Organization who shall circulate this information to the other Member Nations of the Commission. Each Contracting Nation shall communicate to the Director-General the publications of its National Commission or other body.

### **Article V – Seat of the Commission**

The seat of the Commission shall be in Rome at the Headquarters of the Organization.

### **Article VI – Sessions**

1. Each Member Nation of the Commission shall be represented at sessions of the Commission by a single delegate who may be accompanied by an alternate and by experts and advisers. Alternates, experts and advisers may take part in the proceedings of the Commission but not vote, except in the case of an alternate who is duly authorized to substitute for the delegate. Each Member Nation of the Commission shall have one vote. Decisions of the Commission shall be taken by a majority of the votes

cast except as otherwise provided in this Convention. A majority of the Member Nations of the Commission shall constitute a quorum.

2. The Director-General of the Organization, in consultation with the ~~Chairman~~*person* of the Executive Committee of the Commission, shall convene a regular session of the Commission once every four years. Special sessions of the Commission may be convened by the Director-General in consultation with the ~~Chairman~~*person* of the Executive Committee, or if requested by the Commission, or by at least one-third of the Member Nations of the Commission.

3. The sessions of the Commission shall be held at the place determined by the Commission within the territories of its Member Nations or at the seat of the Commission.

4. The Commission shall elect, at the beginning of each session, from amongst the delegates, a ~~Chairman~~*person* and two Vice-~~Chairman~~*persons*.

5. ~~There shall be a General Committee of the session consisting of the Chairman and the two Vice-Chairmen of the session and the Chairman and the Vice Chairmen of the Executive Committee. Recommendations of the Commission should be given due consideration by the National Commissions and other national bodies provided for in Article IV of this Convention.~~

## Article VII – Executive Committee

1. There shall be an Executive Committee of the Commission consisting of 12 members and up to 5 co-opted members.

2. Twelve members of the Executive Committee shall be elected by the Commission from among individuals nominated by Member Nations of the Commission upon the suggestion of their respective National ~~Poplar~~ Commissions *or other national bodies provided for in Article IV of this Convention*. Members of the Executive Committee shall be appointed in their personal capacity because of their special competence, and shall serve for a period of four years. Members of the Executive Committee shall be eligible for re-election.

3. The Executive Committee may, in order to ensure the co-operation of the necessary specialists, co-opt one to five additional members under the same conditions as are provided for in paragraph 2 above. The term of office of the additional members shall expire with the term of the elected members.

4. The Executive Committee shall, between sessions of the Commission, act on behalf of the Commission as its executive organ. The Executive Committee shall in particular make proposals to the Commission regarding the general orientation and the program of work of the Commission, study technical questions and implement the program as approved by the Commission.

5. The Executive Committee shall elect from amongst its members a ~~Chairman~~*person* and a Vice-~~Chairman~~*person*.

6. Sessions of the Executive Committee may be convened as often as necessary by the Director-General of the Organization in consultation with its ~~Chairman~~*person*. The Committee shall meet in connection with each regular session of the Commission. It shall also meet at least once between two regular sessions of the Commission.

7. The Executive Committee shall report to the Commission.

## Article VIII – Secretary

A Secretary of the Commission shall be appointed by the Director-General of the Organization from amongst the senior staff of the Organization and shall be responsible to the Director-General. The Secretary shall perform such duties as the work of the Commission may require.

### **Article IX – Subsidiary Bodies**

1. The Commission may, if necessary, establish sub-commissions, committees or working parties, subject to the availability of the necessary funds in the relevant chapter of the approved budget of the Organization. Sessions of such sub-commissions, committees or working parties shall be convened by the Director-General of the Organization in consultation with the ~~Chairman~~person of such body.
2. Membership in subsidiary bodies shall be open to all Member Nations of the Commission, or shall consist of selected Member Nations of the Commission, or of individuals appointed in their personal capacity, as determined by the Commission.

### **Article X – Expenses**

1. Expenses incurred by delegates of Member Nations of the Commission and of their alternates and advisers, when attending sessions of the Commission, or subsidiary bodies, as well as the expenses incurred by observers, shall be borne by the respective governments or organizations.
2. Expenses of all the members of the Executive Committee when attending sessions of the Executive Committee shall be borne by the countries of which they are nationals.
3. Expenses incurred by individuals invited in their personal capacity to attend sessions or participate in the work of the Commission or its subsidiary bodies shall be borne by such individuals except when they have been requested to perform a specific task on behalf of the Commission or its subsidiary bodies.
4. The expenses of the Secretariat shall be borne by the Organization.
5. When the Commission or Executive Committee hold sessions elsewhere than at the seat of the Commission, all additional expenses related to such sessions shall be borne by the host government. The expenses for publications relating to sessions of the Commission other than the reports of such sessions, of the Executive Committee and subsidiary bodies shall be borne by the host government.
6. *The Commission may accept voluntary contributions generally or in connection with specific projects or activities of the Commission. Such contributions shall be paid into a Trust Fund to be established by the Organization. The acceptance of such voluntary contributions and the administration of the Trust Fund shall be in accordance with the Financial Regulations of the Organization.*

### **Article XI – Rules of Procedure**

The Commission may, by a majority of two-thirds of its membership, adopt and amend its own rules of procedures, which shall be consistent with the General Rules of the Organization. The Rules of the Commission and any amendment thereto shall come into force upon approval by the Director-General of the Organization, and as from the date of such approval.

### **Article XII – Amendments**

1. This Convention may be amended by the Commission by a two-thirds majority of the membership of the Commission.
2. Proposals for amendments may be made by any Member Nation of the Commission in a communication addressed to the Director-General of the Organization not later than 120 days before the session at which the proposal is to be considered. The Director-General shall immediately inform all Member Nations of the Commission of all proposals for amendment.
3. Amendments shall become effective only with the concurrence of the Conference of the Organization and as from the date of such concurrence. The Director-General of the Organization shall inform all Member Nations of the Commission, all Member Nations and Associate Members of the Organization and the Secretary-General of the United Nations of such amendments.

4. Amendments involving new obligations for Member Nations of the Commission shall come into force in respect of each Member Nation only upon acceptance of amendments by it. The instruments of acceptance of amendments involving new obligations shall be deposited with the Director-General of the Organization. The Director-General of the Organization shall inform all Member Nations of the Commission, all Member Nations and Associate Members of the Organization and the Secretary-General of the United Nations of such acceptance. The rights and obligations of any Member Nation of the Commission that has not accepted an amendment involving additional obligations shall continue to be governed by the provisions of the Convention in force prior to the amendment.

### **Article XIII – Acceptance**

1. Acceptance of this Convention by any Member Nation or Associate Member of the Organization shall be effected by the deposit of an instrument of acceptance with the Director-General of the Organization and shall take effect on receipt of such notification by the Director-General.
2. Acceptance of this Convention by Non-Member Nations of the Organization shall become effective on the date on which the Commission approves the application for membership in conformity with the provisions of Article II of this Convention.
3. The Director-General of the Organization shall inform all Member Nations of the Commission, all Member Nations and Associate Members of the Organization and the Secretary-General of the United Nations of all acceptances that have become effective.
4. Acceptance of this Convention may be made subject to reservations which shall become operative only upon unanimous concurrence by the Member Nations of the Commission. The Director-General of the Organization shall notify forthwith all Member Nations of the Commission of any reservations. Members of the Commission not having replied within three months from the date of the notification shall be deemed to have accepted the reservation.

### **Article XIV – Territorial Application**

Member Nations of the Commission shall, when accepting this Convention, state explicitly to which territories their participation shall extend. In the absence of such a declaration, participation shall be deemed to apply to all the territories for the international relations of which the Member Nation of the Commission is responsible. Subject to the provisions of Article XVI, paragraph 2 below, the scope of the territorial application may be modified by a subsequent declaration.

### **Article XV – Interpretation and Settlement of Disputes**

Any dispute regarding the interpretation or application of this Convention, if not settled by the Commission, shall be referred to a committee composed of one member appointed by each of the parties to the dispute, and in addition an independent chairman ~~man~~<sup>person</sup> chosen by the members of the committee. The recommendations of such a committee, while not binding in character, shall become the basis for renewed consideration by the parties concerned of the matter out of which the disagreement arose. If as the result of this procedure the dispute is not settled, it shall be referred to the International Court of Justice in accordance with the Statute of the Court, unless the parties to the dispute agree to another method of settlement.

### **Article XVI – Withdrawal**

1. Any Member Nation of the Commission may give notice of withdrawal from the Commission at any time after the expiry of one year from the date of its acceptance of this Convention. Such notice of withdrawal shall take effect six months after the date of its receipt by the Director-General of the Organization, who shall inform all Member Nations of the Commission, all Member Nations and Associate Members of the Organization and the Secretary-General of the United Nations of such receipt.

2. A Member Nation of the Commission that is responsible for the international relations of more than one territory shall, giving notice of its own withdrawal from the Commission, state to which territory or territories the withdrawal is to apply. In the absence of such a declaration, the withdrawal shall be deemed to apply to all the territories for the international relations of which the Member Nation of the Commission is responsible. A Member Nation of the Commission may give notice of withdrawal with respect to one or more of the territories for the international relations of which it is responsible. Any Member Nation of the Commission that gives notice of withdrawal from the Organization shall be deemed to have simultaneously withdrawn from the Commission, and this withdrawal shall be deemed to apply to all the territories for the international relations of which the Nation concerned is responsible, with the exception of Associate Members.

#### **Article XVII – Termination**

This Convention shall be considered terminated if and when the number of Member Nations of the Commission falls below 6 unless the remaining Member Nations of the Commission unanimously decide otherwise, subject to the approval of the Conference of the Organization. The Director-General of the Organization shall inform all Member Nations of the Commission, all Member Nations and Associate Members of the Organization and the Secretary-General of the United Nations of such termination.

#### **Article XVIII – Entry into force**

1. This Convention shall enter into force as soon as twelve Member Nations or Associate Members of the Organization have become parties to it by the deposit of an instrument of acceptance in accordance with the provisions of Article XIII, paragraph 1 of this Convention.

2. With respect to such Nations as are already Members of the Commission and who become parties to the present Convention, the provisions of this Convention shall replace the provisions of the Statutes of the International Poplar Commission adopted at the second session of the Commission held on 20 to 28 April 1948 in Italy.

#### **Article XIX – Authentic Languages**

The English, French and Spanish texts of this Convention shall be equally authentic.