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منظمة  
الغذية والزراعة  
للأمم المتحدة

# COMMITTEE ON CONSTITUTIONAL AND LEGAL MATTERS

## Hundred and Fourth Session

Rome, 13 - 15 March 2017

### Agreement for the Establishment of a Commission for controlling the Desert Locust in the Central Region - proposed amendments

#### I. Introduction

1. This item has been placed on the Provisional Agenda of the Committee on Constitutional and Legal Matters (hereinafter “CCLM” or “the Committee”) under Rule XXXIV, paragraph 7 (b) of the General Rules of the Organization (“GRO”), whereby the Committee considers specific items referred to it which may arise out of “*the formulation, adoption, entry into force and interpretation of multilateral conventions and agreements concluded under Article XIV of the Constitution*”.

2. This document addresses proposed amendments to the Agreement for the Establishment of a Commission for Controlling the Desert Locust in the Central Region (hereinafter “the Agreement”), which are set out in the Annex hereto.

#### II. Background

3. The Commission was established to promote national and international research and action with respect to the control of the Desert Locust in the Central Region, defined in the Agreement as: Bahrain, Djibouti, Egypt, Eritrea, Ethiopia, Iraq, Jordan, Kuwait, Lebanon, Oman, Qatar, Saudi Arabia (Kingdom of), Somalia, Sudan, Syrian Arab Republic, Turkey, the United Arab Emirates and Yemen. In practice, it contributes to protecting crop production from severe damage and grazing land in Member countries, to food security and fight against hunger in Africa and the Middle East through supporting plans on research and training at national, regional and international level, desert locust surveys, control operations and to the implementation of preventive control strategies.

4. The Agreement was approved by the FAO Council at its Forty-Fourth Session (21 June – 2 July 1965)<sup>1</sup>, in accordance with Article XIV of the FAO Constitution. In accordance with Article XIX paragraph 1 of the Agreement, it entered into force on 21 February 1967, that is, the date of receipt of the third instrument of acceptance by the Depository, the Director-General of FAO.
5. At its Seventh Session (October 1976), the Commission adopted amendments to the Agreement which were approved by the Seventy-second Session of the FAO Council (November 1977). At its Twentieth Session (December 1994), the Commission adopted further amendments to the Agreement that were approved by the FAO Council at its Hundred and Eighth Session (June 1995). The 1977 and 1995 amendments did not involve new obligations for Members of the Commission and entered into force on the date of the approval by the FAO Council in accordance to Article XIV of the Agreement.
6. Pursuant to Article XIV of the Agreement, “[p]roposals for amendments may be made by any Member of the Commission or by the Director-General of the Organization. Proposals made by a Member of the Commission shall be addressed to both the Chairman of the Commission and the Director-General of the Organization [...] not later than 120 days before the Session of the Commission at which the proposal is to be considered. The Director-General shall immediately inform all Members of the Commission of all proposals for amendments”.
7. The Commission has reviewed the Agreement to ensure it reflects the current reality and needs of the Commission in terms of Members’ obligations and the functions of the Executive Committee and the Secretariat, as further described below. The proposed amendments would enable the Commission, in particular, to strengthen its capacity to react in case of locust outbreaks, which is a major concern for its Members.
8. The proposed amendments were adopted by the Commission during its 30<sup>th</sup> Session which took place in Oman, Muscat, from 20 to 24 February 2017. In parallel, the proposed amendments were submitted by the Chairperson of the Commission to the Depository who circulated the proposals to all Members of the Commission in accordance with Article XIV of the Agreement.

### III. Proposed Amendments to the Agreement

9. **Preamble** – At present, the Commission is composed of the 16 countries listed in the preamble of the Agreement: Bahrain, Djibouti, Egypt, Eritrea, Ethiopia, Iraq, Jordan, Kuwait, Lebanon, Oman, Qatar, Saudi Arabia, Sudan, Syrian Arab Republic, United Arab Emirates and Yemen. In view of the admission of South Sudan as a FAO Member in 2013, it is proposed that the Agreement be amended to include South Sudan in the definition of “*Central Region*”. This will allow South Sudan to become a Member of the Commission, should it express interest therein, in accordance with established procedures.
10. **Article II – Obligations of Members regarding National Policies and International Cooperation for the Control of the Desert Locust:** FAO and the Members of the Commission have made considerable efforts to improve both national and international capacities to carry out preventive desert locust control and to strengthen the preparation and response capacities of all actors in locust emergency situations. The Agreement currently calls for the establishment of national bodies entrusted with monitoring and controlling the desert locust. A number of countries have established autonomous national centres with trained officials and agents. The proposal to amend Article II clarifies the undertaking by all Members to have an administratively and financially autonomous body responsible for permanently monitoring, preventing and controlling the desert locust, with guaranteed access to earmarked financial and other resources.

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<sup>1</sup> Resolution No. 6/44.

11. Moreover, in view of the at times disastrous consequences of the locust outbreaks for the Members, both from an agriculture and financial viewpoint, it is further proposed that all Members undertake to reduce crop damage by adopting procedures *inter alia* to use environmentally safe pesticides and to prepare a national contingency plan to deal with those outbreaks.

12. **Article VIII – Secretariat:** It is proposed to formally reflect the main role that the Secretary already discharges in practice, which is not addressed in the current text of the Agreement. In particular, the proposed amendment reflects the functions of the Secretary and of other staff of the Secretariat of the Commission related to the implementation of the Commission’s strategies and its recommendations.

13. Moreover, it is proposed to amend the Agreement to reflect the fact that the staff of the Secretariat of the Commission is responsible to and reports to the Secretary, despite other reporting lines that the Organization may establish and that arise out of their status as FAO staff members. Indeed, occasionally, Secretariat staff may be required to perform other functions, in addition to those for the Secretariat.

14. **Article IX – The Executive Committee:** Out of the desire to make savings, it is proposed that the Executive Committee only meets when necessary. Currently, the Agreement establishes a requirement that the Executive Committee meet at least once between any two successive regular sessions of the Commission.

15. In the same vein, it is proposed that the Secretary of the Commission shall act as Secretary, not only of the Executive Committee, as already established in the Agreement, but also of any other *ad hoc* committees of the Commission.

16. Furthermore, in order to encourage more regular payment of the assessed contributions it is proposed to introduce a clause which renders Members that are in arrears in the payment of their financial contributions for more than two years ineligible for membership of the Executive Committee. This is consistent with other agreements, such as CLCPRO, as well as the rules for membership of the FAO Council.

17. **Article XII – Finance:** The proposed amendment intends to clarify that the scale of contributions may be amended by a two-thirds majority of the Membership of the Commission.

18. **Article XXI – Authentic languages:** It is proposed to eliminate Spanish as one of the languages of the Commission in view of the fact that there is no Spanish – speaking Member. This would also result in cost savings.

#### **IV. Entry into force of Amendments and "Additional Obligations"**

19. The proposed amendments have been endorsed by the 30<sup>th</sup> Session of the Commission that took place from 20 to 24 February 2017. Following review by the CCLM, the proposed amendments will be transmitted to the forthcoming Session of the Council which has the right, pursuant to Article XIV, to refer them to the Conference if it considers it desirable.

20. Amendments not involving additional obligations for Members of the Commission shall take effect for all Members from the date of their approval by the Council or Conference, as appropriate. (Article XIV, paragraph 4). Amendments, which involve additional obligations “*shall, after approval by the Conference or Council of the Organization come into force in respect of each Member only upon acceptance by it.*” (Article XIV, paragraph 5).

21. The advice of the CCLM is specifically requested as to whether the proposed amendments, as negotiated and endorsed by the Commission, involve additional obligations for the Members of the Commission.

22. At its Thirty-fifth Session in October 1977, the CCLM set down the criteria for determining whether amendments to agreements establishing statutory bodies under Article XIV of the FAO Constitution involve new or additional obligations. These criteria have subsequently been endorsed by the Council<sup>2</sup> and the Conference<sup>3</sup> and reflect the established practice of the Organization. In particular, the CCLM stated:

*“if, as a result of the amendments, the overall burden to be borne by contracting parties in the implementation of their existing obligations, would remain substantially the same, the amendments would not involve new obligations. If that burden would be transformed in such a way that the tasks to be performed were different in character from those entailed under existing obligations, the amendments causing such a transformation could be said to involve new obligations. Any extension of an existing obligation could not be considered per se as a new obligation; there might however be cases where such an extension could be considered as tantamount to a new obligation – where, for example, it was bound to have substantial financial implications for the contracting parties or the burden entailed was disproportionate to the existing burden on contracting parties.”<sup>4</sup>*

23. It is considered that the overall burden to be borne by the Members of the Commission in the implementation of their obligations would remain substantially the same if the amendments are adopted by the Membership of the Commission. The proposed changes to the Agreement do not seem to impose any significant extra obligations or burden upon the Members of the Commission over and above their existing obligations.

24. Subject to such views as the CCLM may hold, it is considered that the proposed amendments would appear to be outside the scope of paragraph 5 of Article XIV of the Agreement.

## **V. Suggested action by the Committee**

25. The CCLM is invited to review the proposed amendments as endorsed by the Commission in light of the Basic Texts of the Organization and, in particular, to provide its views on whether any of the proposed amendments involve additional obligations for the Members of the Commission.

26. The Committee is further invited to submit the draft Council resolution, set forth in the Annex, to the Council for consideration.

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<sup>2</sup> CL 72/REP, paragraph 139.

<sup>3</sup> See, for example, the Report of the Twenty-Ninth Session of the Conference, paragraph 132.

<sup>4</sup> Report of the Thirty-fifth Session of the CCLM, 10- 14 October 1977, paragraph 46.

## Annex 1

## RESOLUTION .../..

AMENDMENTS TO THE AGREEMENT FOR THE ESTABLISHMENT OF A  
COMMISSION FOR CONTROLLING THE DESERT LOCUST IN THE CENTRAL REGION

## THE COUNCIL

**Recalling** the Council's approval of the Agreement for the Establishment of a Commission for Controlling the Desert Locust in the Central Region under Article XIV of the FAO Constitution its Forty-Fourth Session in June 1965, which came into force on 21 February 1967;

**Recalling also** that the Commission, at its 30th Session held in Muscat, Oman from 20 to 24 February 2017, proposed amendments to the Agreement;

**Considering** that the amendments will enter into force upon Council's approval;

**Having considered** the report of the 104<sup>th</sup> Session of the Committee on Constitutional and Legal Matters, and noting that the Committee found that amendments would not involve new obligations for Members of the Commission;

**Endorses** the amendments to the Agreement for the Establishment of a Commission for Controlling the Desert Locust in the Central Region, in accordance with paragraph 3 of Article XIV, as follows:

AGREEMENT FOR THE ESTABLISHMENT OF A COMMISSION FOR CONTROLLING  
THE DESERT LOCUST IN THE CENTRAL REGION<sup>5</sup>

## PREAMBLE

The Contracting Governments, having regard to the urgent necessity of preventing losses to agriculture in certain countries in the Near East caused by the Desert Locust, hereby establish within the framework of the Food and Agriculture Organization of the United Nations (hereinafter referred to as the "the Organization") a Commission to be known as the "Commission for Controlling the Desert Locust in the Central Region", whose object shall be to promote national and international research and action with respect to the control of the Desert Locust in the Central Region of its distribution area. The Central Region (hereinafter referred to as "the Region") is defined, for the purpose of this Agreement, as consisting of the territories of Bahrain, Djibouti, Egypt, Eritrea, Ethiopia, Iraq, Jordan, Kuwait, Lebanon, Oman, Qatar, Saudi Arabia, Somalia, *South Sudan*, Sudan, Syrian Arab Republic, Turkey, the United Arab Emirates, and Yemen.

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<sup>5</sup> Deletions appear as ~~striketrough~~ and insertions as *underlined italics*.

## ARTICLE I

### Membership

1. The Members of the Commission for Controlling the Desert Locust in the Central Region (hereinafter referred to as “the Commission”) shall be such member Nations and Associate Members of the Organization situated in the Region defined in the Preamble as accept this Agreement in accordance with the provisions of this Agreement.
2. The Commission may, by a two-thirds majority of its Members, admit to membership such other States, situated in the Region 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 of the Commission and a declaration made in a formal instrument that they accept this Agreement as in force at the time of admission.

## ARTICLE II

### Obligations of Members Regarding National Policies and International Cooperation for the Control of the Desert Locust

1. Members undertake to maintain through the Secretary of the Commission a regular exchange of information on the current locust situation and the progress of control campaigns within their countries, and also to transmit such information regularly to the FAO Desert Locust Information Service in Rome.
2. Members undertake to carry out all possible measures to control plagues of the Desert Locust within their countries and to reduce crop damage by adopting the following procedures:
  - (a) maintaining a permanent locust reporting and control service which will be administratively and financially autonomous;
  - (b) supporting the Desert Locust units in the implementation of the preventive control strategies;
  - (c) using environmentally safe pesticides in the control of Desert Locust by applying Environment and Health Safety Standards;
  - (bd) holding adequate reserves of insecticides and application equipment;
  - (ee) encouraging and supporting such training, survey and research work, including where appropriate the maintenance of national research stations for the study of the Desert Locust, as may be considered desirable by the Commission and as are compatible with the resources of the country;
  - (ef) participating in the implementation of any common policy of locust or prevention which may be approved by the Commission;
  - (eg) facilitating the storage of any items of anti-locust equipment and insecticides held by the Commission and permitting the duty-free import or export without hindrance of such goods and equipment as well as the free movement within the country of such goods and equipment;
  - (h) preparing a dynamic national contingency plan for implementation in case of outbreaks, with regular update;
  - (fi) providing the Commission with any information it may request to carry out its functions effectively.

3. Members undertake to submit to the Commission periodic reports on the action taken to fulfill the obligations specified in paragraphs 1 and 2 above.

### **ARTICLE III**

#### **Seat of the Commission**

1. The seat of the Commission shall be determined by the Commission.
2. Sessions of the Commission shall normally be held at its seat. Sessions may, however, be convened elsewhere in consultation with the Director-General of the Organization, in pursuance of a decision of the Commission at a previous session, or in exceptional circumstances, of a decision by the Executive Committee.

### **ARTICLE IV**

#### **Functions of the Commission**

The following shall be the functions of the Commission:

##### **1. Joint Action and Assistance**

The Commission shall:

- a) plan and promote joint action for the survey and control of the Desert Locust in the Region wherever required and, to this effect, arrange means whereby adequate resources can be made available;
- b) assist and promote, in any manner which it considers appropriate, any national, regional or international action relating to the control or survey of the desert locust;
- c) determine, in consultation with the Members concerned, the nature and extent of assistance needed by such Members for implementing their national programmes and for supporting regional programmes;
- d) assist, at the request of any Member whose territory is faced with Desert Locust situations beyond the capacity of this national services to control and survey, in any measures jointly agreed to that may become necessary;
- e) maintain at strategic localities determined by the Commission, in consultation with the Members concerned, reserves of anti-locust equipment, insecticides and other supplies, to be used in cases of emergency in accordance with decisions of the Executive Committee including supplementing of the national resources of any Member.

##### **2. Information and Co-ordination**

The Commission shall:

- a) ensure that all Members are provided with current information in regard to Desert Locust infestations, and collect and disseminate information on experience gained, research conducted and programmes adopted on the national, regional and international levels in connection with the control of the Desert Locust;
- b) assist the national research organizations of Members and coordinate research in the Region by arranging visits of research and survey units from Members and by other appropriate means.

### **3. Cooperation**

The Commission may:

- a) enter into arrangements or agreements, through the Director-General of the Organization, with nations in the Region that are not Members of the Commission, for common action in connection with survey and control of locusts in the Region;
- b) enter into or encourage arrangements, through the Director-General, with other United Nations specialized agencies or other international organizations concerned, for common action on the study and control of locusts and for the mutual exchange of information on problem concerning locusts.

### **4. Administrative Matters**

The Commission shall:

- a) consider and approve the report of the executive Committee on the activities of the Commission, the Programmes and Budget of the Commission for the ensuing financial period and the biannual accounts;
- b) keep the Director-General of the Organization fully informed of its activities and transmit to him the reports and recommendations of the Commission, its accounts, its Program and its Budget for such action by the Council or the Conference of the Organization as may be appropriate.

## **ARTICLE V**

### **Sessions of the Commission**

1. Each Member of the Commission shall be represented at sessions of the Commission by a 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 may not vote unless authorized by the delegate to substitute for him.
2. A majority of the Members of the Commission shall constitute a quorum. Each Member shall have one vote. Decisions of the Commission shall be taken by a majority of the votes cast except as otherwise provided for in this Agreement.
3. A Member which is in arrears in the payment of its financial contributions to the Commission shall have no vote if the amount of its arrears equals or exceeds the amount of the contributions due from it for the two preceding financial years.
4. The Commission shall elect, at the beginning of each regular session, a Chairman and a Vice-Chairman from amongst the delegates. These officers shall hold office until the beginning of the next regular session and shall be eligible for re-election.
5. The Director-General of the Organization in consultation with the Chairman of the Commission shall convene a regular session of the Commission at least once every two years. Special Sessions may be convened by the Director-General in consultation with the Chairman of the Commission, if so requested by the Commission in regular sessions or by at least one-third of the members during intervals between regular sessions.
6. The Director-General of the Organization or a representative designated by him shall have the right to participate without vote in all meetings of the Commission and of the Executive Committee.

## ARTICLE VI

### Special Emergencies

When situations envisaged in paragraph 1(d) of Article IV require urgent action during intervals between sessions of the Commission, the Chairman may propose required measures to the Commission's members by correspondence or by other rapid means of communication for a postal vote.

## ARTICLE VII

### Observers and Consultants

1. Participation of international organizations in the work of the Commission and the relations between the Commission and such organizations shall be governed by the relevant provisions of the Constitution and the General Rules of the Organization as well as by the rules on relations with international organizations adopted by the Conference or Council of the Organization.
2. Member Nations and Associate Members of the Organization that are not Members of the Commission may, upon their request, be represented by an observer at sessions of the Commission.
3. States which, while not Members of the Commission, nor Members or Associate Members of the Organization, are Members of the United Nations, any of its Specialized Agencies or the International Atomic Energy Agency may, upon request and subject to the concurrence of the Executive Committee and to the provisions relating to the granting of observer status to nations adopted by the Conference of the Organization, be invited to attend sessions of the Commission in an observer capacity.
4. The Commission may invite consultants or experts to attend its sessions. The Executive Committee may also invite consultants to attend its sessions or those of the Commission.

## ARTICLE VIII

### Secretariat

1. 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 condition as the staff of the Organization.
2. The Secretary and the other staff of the Commission shall execute the Commission's strategies and the recommendations arising from the Commission Sessions.
3. Notwithstanding other reporting lines as established by the Organization, the staff of the Commission shall be responsible to the Secretary.

## ARTICLE IX

### The Executive Committee

1. There shall be an Executive Committee composed of seven Members of the Commission, elected by the Commission at each of its regular sessions. Members of the Executive Committee shall be eligible for re-election. The representative of each Member of the Executive Committee should preferably be a locust specialist. The Chairman of the Executive Committee shall be elected by the Commission from amongst the representative of Members of the Committee. He shall hold office until the next regular session of the Commission and shall be eligible for re-election.

2. The Executive Committee shall meet at least once between any two successive regular sessions of the Commission, *if necessary*. The Chairman of the Executive Committee shall, in consultation with the Chairman of the Commission and the Director-General of the Organization, convene sessions of the Committee.

3. The Secretary of the Commission shall act as Secretary of the Executive Committee *and any other ad hoc committees*.

4. A Member which is in arrears in the payment of its financial contributions to the Commission under Article XII for more than two years shall have no right to be a member of the Executive Committee.

## ARTICLE X

### Functions of the Executive Committee

~~4.~~—The Executive Committee shall:

- (a) make proposals to the Commission concerning policy matters and the programme of activities;
- (b) ensure the implementation of the policies and programmes approved by the Commission;
- (c) submit draft programmes of work and budget and annual accounts to the Commission;
- (d) prepare the draft annual report on the activities of the Commission for the approval of the Commission and for transmission to the Director-General of the Organization;
- (e) carry out such other functions as the Commission may delegate to it.

## ARTICLE XI

### Rules of Procedure

The Commission may, by a two-thirds majority of its membership, adopt and amend its own Rules of Procedure which shall not be inconsistent with this Agreement or with the Constitution of FAO. The Rules of Procedure of the Commission and any amendments thereto shall come into force (upon approval by the Director-General of the Organization, and) as from the date of their adoption.

## ARTICLE XII

### Finance

1. Each Member of the Commission undertakes to contribute annually its share of the Budget in accordance with a scale of contributions to be adopted by a two-thirds majority of the membership of the Commission. Contributions by Members shall be made in cash. Amendments to the scale of contributions shall be adopted by a two-third majority of the membership of the Commission.

2. The Commission may also accept contributions and donations from other sources.

3. Contributions shall be payable in currencies to be determined by the Commission after consultation with each Member and with the concurrence of the Director-General of the Organization.

4. All contributions and donations and other forms of assistance received shall be placed in a Trust or special Fund administered by the Director-General of the Organization in conformity with the Financial Regulations of the Organization. FAO should assist the Commission in utilizing funds or donations that could not be deposited in its trust or special Fund.

### **ARTICLE XIII**

#### **Expenses**

1. The expenses of the Commission shall be paid out of its budget except those relating to such staff and facilities which may be made available by the Organization. The expenses to be borne by the Organization shall be determined and paid within the limits of an annual budget prepared by the Director-General and approved by the Conference of the Organization in accordance with the Constitution, General Rules and the Financial Regulations of the Organization.
2. Expenses incurred by delegates of Members of the Commission and of their alternates and advisers, when attending sessions of the Commission, as well as the expenses incurred by observers, shall be borne by the respective governments or organizations. Expenses incurred by the representative of each Member of the Executive Committee when attending sessions of the Executive Committee shall be borne by the Commission.
3. Expenses of consultants or experts invited to attend sessions or participate in the work of the Commission or the Executive Committee shall be borne by the Commission.
4. The Expenses of the Secretariat shall be borne by the Organization.

### **ARTICLE XIV**

#### **Amendments**

1. This Agreement may be amended by a two-thirds majority of the membership of the Commission.
2. Proposals for amendments may be made by any Member of the Commission or by the Director-General of the Organization. Proposals made by a Member of the Commission shall be addressed to both the Chairman of the Commission and the Director-General of the Organization and those made by the Director-General of the Organization shall be addressed to the Chairman of the Commission, not later than 120 days before the Session of the Commission at which the proposal is to be considered. The Director-General shall immediately inform all Members of the Commission of all proposals for amendments.
3. Any amendment to this Agreement shall require the approval of the Council of the Organization unless the Council considers it desirable to refer the amendment to the Conference of the Organization for approval.
4. Amendments not involving new obligations for Members of the Commission shall take effect from the date of the approval by the Council or Conference of the Organization, as appropriate.
5. Amendments involving new obligations for Members of the Commission shall, after approval by the Conference or Council of the Organization, come into force in respect of each Member only upon acceptance by it. The instruments of acceptance of amendments involving new obligations shall be deposited with the Director-General of the Organization. The Director-General shall inform all Members of the Commission and the Secretary-General of the United Nations of such acceptance. The rights and obligations of any Member of the Commission that has not accepted an amendment involving new obligations shall continue to be governed by the provisions of the Agreement in force prior to the amendment.
6. The Director-General of the Organization shall inform all Members of the Commission, all Members and Associate Members of the Organization and the Secretary-General of the United Nations of the entry in force of any amendment.

## **ARTICLE XV**

### **Acceptance**

1. Acceptance of this Agreement by any Member 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 instrument by the Director-General.
2. Acceptance of this Agreement 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 1 of this Agreement.
3. The Director General of the Organization shall inform all Members of the Commission, all Members 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 Agreement may be made subject to reservations which shall become effective only upon unanimous approval by the Members of the Commission. The Director-General of the Organization shall notify forthwith all Members 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. Failing such approval, the nation making the reservation shall not become a party to this Agreement.

## **ARTICLE XVI**

### **Territorial Application**

The Members of the Commission shall, when accepting this Agreement, 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 is responsible. Subject to the provisions of Article XVII.2, the scope of the territorial application may be modified by a subsequent declaration.

## **ARTICLE XVII**

### **Interpretation and Settlement of Disputes**

Any disputes regarding the interpretation or application of this Agreement, 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 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 XVIII**

### **Withdrawal**

1. Any Member may withdraw from the Commission at any time after the expiration of one year from the date on which its acceptance took effect or from the date on which the Agreement entered into force, whichever is the later, by giving written notice of withdrawal to both the Chairman of the Commission and the Director-General of the Organization. The Director-General shall forthwith inform all Members of the Commission, all Member Nations and Associate Members of the Organization and the Secretary-General of the United Nations of the receipt of any notice of withdrawal. The withdrawal shall become effective one year from the date of receipt by the Director-General of the Organization of the notification of withdrawal.

2. A Member 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. When a Member gives notice of its own withdrawal from the Commission, it shall 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 Members of the Commission is responsible, except that such withdrawal shall not be deemed to apply to an Associate Member.

3. Any Member 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 Member concerned is responsible, except that such withdrawal shall not be deemed to apply to an Associate Member.

## **ARTICLE XIX**

### **Termination**

1. This Agreement shall be considered terminated if and when the number of Members of the Commission falls below three, unless the remaining two Members of the Commission decide to continue, with the approval of the Conference of the Organization. The Director-General of the Organization shall inform all Members of the Commission, all Members and Associate Members of the Organization and the Secretary-General of the United Nations of such termination.

2. On termination of the Agreement all assets of the Commission shall be liquidated by the Director-General of the Organization and after settlement of the liabilities the balance shall be distributed proportionately amongst Members on the basis of the scale of contributions in force at the time. Nations whose contributions are in arrears for two consecutive years shall not be entitled to a share of the assets.

## **ARTICLE XX**

### **Entry into Force**

1. This Agreement shall enter into force as soon as three eligible Members 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 XV of this Agreement.

2. The Director-General shall notify all Nations having deposited instruments of acceptance as well as all Member Nations and Associate Members of the Organization and the Secretary-General of the United Nations of the date on which this Agreement comes into force.

## **ARTICLE XXI**

### **Authentic Languages**

The Arabic, English, *and* French ~~and Spanish~~ texts of this Agreement shall be equally authentic.