

**conference**

FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS

**conférence**

ORGANISATION DES NATIONS UNIES POUR L'ALIMENTATION ET L'AGRICULTURE

**conferencia**

ORGANIZACION DE LAS NACIONES UNIDAS PARA LA AGRICULTURA Y LA ALIMENTACION

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**VERBATIM RECORDS OF MEETINGS OF COMMISSION III  
OF THE CONFERENCE  
PROCÈS-VERBAUX DES SÉANCES DE LA COMMISSION III  
DE LA CONFÉRENCE  
ACTAS TAQUIGRAFICAS DE LAS SESIONES DE LA COMISION III  
DE LA CONFERENCIA**



TABLE OF CONTENTS

TABLE DES MATIERES

INDICE

FIRST MEETING  
PREMIERE SEANCE  
PRIMERA SESION

(12 November 1991)

Page/Página

III.	<u>CONSTITUTIONAL AND ADMINISTRATIVE MATTERS</u>	
III.	<u>QUESTIONS CONSTITUTIONNELLES ET ADMINISTRATIVES</u>	2
III.	<u>ASUNTOS CONSTITUCIONALES Y ADMINISTRATIVOS</u>	
24.	<u>Membership of Regional Economic Integration</u> <u>Organizations in FAO - Amendments to the Basic</u> <u>Texts of the Organization</u> (C 91/LIM/23; C 91/LIM/25; C 91/LIM/30)	
24.	Accession d'organisations d'intégration économique régionale à la qualité de membre de la FAO - <u>Amendements aux Textes fondamentaux de l'Organisation</u> (C 91/LIM/23; C 91/LIM/25; C 91/LIM/30)	2
24.	<u>Adhesión como miembros de la FAO de las organizaciones</u> <u>regionales de integración económica: enmiendas de los</u> <u>Textos Fundamentales de la Organización</u> (C 91/LIM/23; C 91/LIM/25; C 91/LIM/30)	

SECOND MEETING  
DEUXIEME SEANCE  
SEGUNDA SESION

(12 November 1991)

	<u>Page/Página</u>
III. <u>CONSTITUTIONAL AND ADMINISTRATIVE MATTERS</u> (continued)	
III. <u>QUESTIONS CONSTITUTIONNELLES ET ADMINISTRATIVES</u> (suite)	26
III. <u>ASUNTOS CONSTITUCIONALES Y ADMINISTRATIVAS</u> (continuación)	
24. <u>Membership of Regional Economic Integration Organizations</u> <u>In FAO - Amendments to the Basic Texts of the Organization</u> (C 91/LIM/23; C 91/LIM/25; C 91/LIM/30)	
24. <u>Accession d'organisations d'intégration économique régionale</u> <u>à la dualité de membre de la FAO - Amendements aux Textes</u> <u>fondamentaux de l'Organisation</u> (C 91/LIM/23; C 91/LIM/25; C 91/LIM/30)	26
24. <u>Adhesión como miembros de la FAO de las organizaciones</u> <u>regionales de integración económica: enmiendas de los</u> <u>Textos Fundamentales de la Organización</u> (C 91/LIM/23; C 91/LIM/25; C 91/LIM/30)	

THIRD MEETING  
TROISIEME SEANCE  
TERCERA SESION

(15 November 1991)

III. <u>CONSTITUTIONAL AND ADMINISTRATIVE MATTERS</u> (continued)	
III. <u>QUESTIONS CONSTITUTIONNELLES ET ADMINISTRATIVES</u> (suite)	52
III. <u>ASUNTOS CONSTITUCIONALES Y ADMINISTRATIVOS</u> (continuación)	
24. <u>Membership of Regional Economic Integration Organizations in</u> <u>FAO - Amendments to the Basic Texts of the Organization</u> (continued) (C 91/LIM/23; C 91/LIM/25; C 91/LIM/30; C 91/LIM/38)	
24. <u>Accession d'organisations d'intégration économique régionale à la</u> <u>qualité de membre de la FAO - Amendements aux Textes fondamentaux</u> <u>de l'Organisation (suite)</u> (C 91/LIM/23; C 91/LIM/25; C 91/LIM/30; C 91/LIM/38)	52
24. <u>Adhesión como miembros de la FAO de las organizaciones regionales</u> <u>de integración económica: enmiendas de los Textos Fundamentales de</u> <u>la Organización (continuación)</u> (C 91/LIM/23; C 91/LIM/25; C 91/LIM/30; C 91/LIM/38)	

FOURTH MEETING  
QUATRIEME SEANCE  
CUARTA SESION

(15 November 1991)

	<u>Page/Página</u>
III. <u>CONSTITUTIONAL AND ADMINISTRATIVE MATTERS</u> (continued)	
III. <u>QUESTIONS CONSTITUTIONNELLES ET ADMINISTRATIVES</u> (suite)	72
III. <u>ASUNTOS CONSTITUCIONALES Y ADMINISTRATIVOS</u> (continuación)	
24. <u>Membership of Regional Economic Integration Organizations in FAO - Amendments to the Basic Texts of the Organization (continued)</u> (C 91/LIM/23; C 91/LIM/25; C 91/LIM/30; C 91/LIM/38)	
24. <u>Accession d'organisations d'intégration économique régionale à la qualité de membre de la FAO - Amendements aux Textes fondamentaux de l'Organisation (suite)</u> (C 91/LIM/23; C 91/LIM/25; C 91/LIM/30; C 91/LIM/38)	72
24. <u>Adhesión como miembros de la FAO de las organizaciones regionales de integración económica: enmiendas de los Textos Fundamentales de la Organización</u> (continuación) (C 91/LIM/23; C 91/LIM/25; C 91/LIM/30; C 91/LIM/38)	
<u>DRAFT REPORT OF COMMISSION III - PART 1</u> (C 91/III/REP/1)	
<u>PROJET DE RAPPORT DE LA COMMISSION III - PREMIERE PARTIE</u> (C 91/III/REP/1)	100
<u>PROYECTO DE INFORME DE LA COMISION III - PARTE 1</u> (C 91/III/REP/1)	
24. <u>Membership of Regional Economic Integration Organizations in FAO - Amendments to the Basic Texts of the Organization (Resolution .../91)</u> (paras 1-11)	
24. <u>Accession d'organisations d'intégration économique régionale à la qualité de membre de la FAO - Amendements aux Textes fondamentaux de l'Organisation (Résolution .../91)</u> (par. 1-11)	100
24. <u>Adhesión como miembros de la FAO de las organizaciones regionales de integración económica: enmiendas de los Textos Fundamentales de la Organización</u> (Resolución .../91) (párrs. 1-11)	

FIFTH MEETING  
CINQUIEME SEANCE  
QUINTA SESION

(20 November 1991)

	<u>Page/Página</u>
III. <u>CONSTITUTIONAL AND ADMINISTRATIVE MATTERS</u> (continued)	
III. <u>QUESTIONS CONSTITUTIONNELLES ET ADMINISTRATIVES</u> (suite)	106
III. <u>ASUNTOS CONSTITUCIONALES Y ADMINISTRATIVOS</u> (continuación)	
27. <u>Amendments to the General Regulations of WFP</u> (C 91/LIM/18; C 91/LIM/24; C 91/LIM/37; C 91/LIM/37-Sup.I)	
27. <u>Amendements aux Règles générales du PAM</u> (C 91/LIM/18; C 91/LIM/24; C 91/LIM/37; C 91/LIM/37-Sup.I)	106
27. <u>Enmiendas de las Normas Generales del PMA</u> (C 91/LIM/18; C 91/LIM/24; C 91/LIM/37; C 91/LIM/37-Sup.I)	
29. <u>Audited Accounts</u> (C 91/5; C 91/6; C 91/7; C 91/LIM/19; C 91/LIM/37; C 91/LIM/37-Sup.I)	
29. <u>Comptes vérifiés</u> (C 91/5; C 91/6; C 91/7; C 91/LIM/19; C 91/LIM/37; C 91/LIM/37-Sup.I)	115
29. <u>Cuentas comprobadas</u> (C 91/5; C 91/6; C 91/7; C 91/LIM/19; C 91/LIM/37; C 91/LIM/37-Sup.I)	
23. <u>Statutory Report on Status of Conventions and Agreements, and Amendments thereto</u> (C 91/31; C 91/31-Sup.I)	
23. <u>Rapport statutaire sur l'état des conventions et accords et sur les amendements y relatifs</u> (C 91/31; C 91/31-Sup.I)	119
23. <u>Informe reglamentario sobre el estado de las convenciones y acuerdos, y de las enmiendas a los mismos</u> (C 91/31; C 91/31-Sup.I)	
26. <u>Revision of Conference Resolution 46/57 and the Appendix thereto (Section R of Volume II of the Basic Texts)</u> (C 91/LIM/17; C 91/LIM/37; C 91/LIM/37-Sup.I)	
26. <u>Révision de la Résolution 46/57 de la Conférence et de son Annexe (Section R du Volume II des Textes fondamentaux)</u> (C 91/LIM/17; C 91/LIM/37; C 91/LIM/37-Sup.I)	122
26. <u>Revision de la Resolución 46/57 de la Conferencia y del Apéndice a la misma (Sección R del Volumen II de los Textos Fundamentales)</u> (C 91/LIM/17; C 91/LIM/37; C 91/LIM/37-Sup.I)	

28.	<u>Other Constitutional and Legal Matters (C 91/LIM/27)</u>	
28.	<u>Autres questions constitutionnelles et juridiques (C 91/LIM/27)</u>	125
28.	<u>Otros asuntos constitucionales y jurídicos (C 91/LIM/27)</u>	
25.	<u>Confirmation of the Agreement between FAO and the African Development Bank (C 91/32)</u>	
25.	<u>Confirmation de l'accord entre la FAO et la Banque africaine de développement (C 91/32)</u>	127
25.	<u>Confirmación del Acuerdo entre la FAO y el Banco Africano de Desarrollo (C 91/32)</u>	

SIXTH MEETING  
SIXIEME SEANCE  
SEXTA SESION

(21 November 1991)

III.	<u>CONSTITUTIONAL AND ADMINISTRATIVE MATTERS (continued)</u>	
III.	<u>QUESTIONS CONSTITUTIONNELLES ET ADMINISTRATIVES (suite)</u>	132
III.	<u>ASUNTOS CONSTITUCIONALES Y ADMINISTRATIVOS (continuación)</u>	
29.	<u>Audited Accounts (cont'd) (C 91/5; C 91/6; C 91/LIM/19; C 91/LIM/37)</u>	
29.	<u>Comptes vérifiés (suite) (C 91/5; C 91/6; C 91/LIM/19; C 91/LIM/37)</u>	132
29.	<u>Cuentas comprobadas (cont.) (C 91/5; C 91/6; C 91/LIM/19; C 91/LIM/37)</u>	
30.	<u>Scale of Contributions 1992-93 (C 91/LIM/4; C 91/LIM/4-Corr.1; C 91/LIM/37)</u>	
30.	<u>Barème des contributions 1992-93 (C 91/LIM/4; C 91/LIM/4-Corr.1; C 91/LIM/37)</u>	137
30.	<u>Escala de cuotas para 1992-93 (C 91/LIM/4; C 91/LIM/4-Corr.1; C 91/LIM/37)</u>	
31.	<u>Financial Position of the Organization</u>	
31.	<u>Situation financière de l'Organisation</u>	139
31.	<u>Situación financiera de la Organización</u>	
31.1	<u>Status of Contributions (C 91/LIM/11; C 91/LIM/32; C 91/LIM/45)</u>	
31.1	<u>Etat des contributions (C 91/LIM/11; C 91/LIM/32; C 91/LIM/45)</u>	139
31.1	<u>Estado de las cuotas (C 91/LIM/11; C 91/LIM/32; C 91/LIM/45)</u>	

31.2	<u>In-depth Study on Question of Contributions Outstanding and in Arrears (C 91/LIM/20)</u>	
31.2	<u>Etude approfondie de la question des contributions restant dues et des arriérés de contributions (C 91/LIM/20)</u>	149
31.2	<u>Estudio en profundidad sobre la cuestión de las cuotas pendientes v atrasadas (C 91/LIM/20)</u>	
32.	<u>Other Administrative and Financial Matters</u>	
32.	<u>Autres questions administratives et financières</u>	159
32.	<u>Otros asuntos administrativos v financieros</u>	
32.1	<u>Headquarters Accommodation (C 91/LIM/14)</u>	
32.1	<u>Locaux du Siège (C 91/LIM/14)</u>	159
32.1	<u>Locales de oficina en la Sede (C 91/LIM/14)</u>	
	<u>DRAFT REPORT OF COMMISSION III - PART 2 (C 91/III/REP/2)</u>	160
	<u>PROJET DE RAPPORT DE LA COMMISSION III - DEUXIEME PARTIE (C 91/III/REP/2)</u>	
	<u>PROYECTO DE INFORME DE LA COMISION III - PARTE 2 (C 91/III/REP/2)</u>	
27.	<u>Amendments to the General Regulations of WFP (paras 1-8)</u>	
27.	<u>Amendements aux Règles générales du PAM (par. 1-8)</u>	160
27.	<u>Enmiendas de las Normas Generales del PMA (párrs. 1-8)</u>	

SEVENTH MEETING  
SEPTIEME SEANCE  
SEPTIMA SESION

(21 November 1991)

	<u>SPECIAL INTERVENTION BY FAO PERSONNEL REPRESENTATIVE. Ms D. VALLIN</u>	
	<u>INTERVENTION EXTRAORDINAIRE DU REPRESENTANT DU PERSONNEL DE LA FAO. Mme D. VALLIN</u>	164
	<u>INTERVENCION ESPECIAL POR UN REPRESENTANTE DEL PERSONAL DE LA FAO Sra. D. VALLIN</u>	
III.	<u>CONSTITUTIONAL AND ADMINISTRATIVE MATTERS (continued)</u>	
III.	<u>QUESTIONS CONSTITUTIONNELLES ET ADMINISTRATIVES (suite)</u>	172
III.	<u>ASUNTOS CONSTITUCIONALES Y ADMINISTRATIVOS (continuación)</u>	
32.	<u>Other Administrative and Financial Matters (continued)</u>	
32.	<u>Autres questions administratives et financières (suite)</u>	172
32.	<u>Otros asuntos administrativos v financieros (continuación)</u>	

	<u>Page/Página</u>
32.2 <u>Personnel Matters</u> (C 91/LIM/15)	
32.2 <u>Questions de personnel</u> (C 91/LIM/15)	172
32.2 <u>Asuntos de personal</u> (C 91/LIM/15)	
32.3 Other Matters	
32.3 <u>Autres questions</u>	176
32.3 <u>Otros asuntos</u>	
- <u>Working Capital Fund</u> (C 91/LIM/13; C 91/LIM/37)	
- <u>Fonds de roulement</u> (C 91/LIM/13; C 91/LIM/37)	176
- <u>Fondo de Operaciones</u> (C 91/LIM/13; C 91/LIM/37)	
- <u>Replenishment of Special Reserve Account</u> (C 91/LIM/26; C 91/LIM/37)	
- <u>Reconstitution du Compte de réserve spécial</u> (C 91/LIM/26; C 91/LIM/37)	180
- <u>Reposición de la Cuenta Especial de Reserva</u> (C 91/LIM/26; C 91/LIM/37)	
- <u>Commissary Account 1988-89</u> (C 91/LIM/28; C 91/LIM/37)	
- <u>Compte du groupement d'achats du personnel</u> <u>1988-89</u> (C 91/LIM/28; C 91/LIM/37)	221
- <u>Cuenta del Economato. 1988-89</u> (C 91/LIM/28; C 91/LIM/37)	

EIGHTH MEETING  
HUITIEME SEANCE  
OCTAVA SESION

(22 November 1991)

<u>PART III - CONSTITUTIONAL AND ADMINISTRATIVE MATTERS</u> (continued)	
<u>TROISIEME PARTIE - QUESTIONS CONSTITUTIONNELLES ET ADMINISTRATIVES</u>	226
(suite)	
<u>PARTE III - ASUNTOS CONSTITUCIONALES Y ADMINISTRATIVOS</u> (continuación)	
A. <u>Constitutional and Legal Matters</u> (continued)	
A. <u>Questions constitutionnelles et juridiques</u> (suite)	226
A. <u>Asuntos constitucionales y jurídicos</u> (continuación)	
28. <u>Other Constitutional and Legal Matters</u> (continued)	
28. <u>Autres questions constitutionnelles et juridiques</u> (suite)	226
28. <u>Otros asuntos constitucionales y jurídicos</u> (continuación)	

<u>ADOPTION OF REPORT</u> (continued)	
<u>ADOPTION DU RAPPORT</u> (suite)	228
<u>APROBACION DEL INFORME</u> (continuación)	
<u>DRAFT REPORT OF COMMISSION III - PART 4</u> (C 91/III/REP/4)	
<u>PROJET DE RAPPORT DE LA COMMISSION III - QUATRIEME PARTIE</u> (C 91/III/REP/4)	228
<u>PROYECTO DE INFORME DE LA COMISION III - PARTE 4</u> (C 91/III/REP/4)	
A. <u>Constitutional and Legal Matters</u>	
A. <u>Questions constitutionnelles et juridiques</u>	228
A. <u>Asuntos constitucionales y jurídicos</u>	
23. <u>Multilateral Treaties deposited with the Director-General</u> (paras 1-4)	
23. <u>Traités multilatéraux dont le Directeur général est dépositaire</u> (par. 1-4)	228
23. <u>Tratados multilaterales depositados en poder del Director General</u> (párrs. 1 a 4)	
25. <u>Cooperation Agreement between the African Development Bank (ADB), the African Development Fund (ADF) and the Food and Agriculture Organization of the United Nations (FAO)</u> (paras 5-9)	
25. <u>Accord de coopération entre la Banque africaine de développement (BAD), le Fonds africain de développement (FAD) et l'Organisation des Nations Unies pour l'alimentation et l'agriculture (FAO)</u> (par. 5-9)	228
25. <u>Acuerdo de cooperación entre el Banco Africano de Desarrollo (BAfD) y el Fondo Africano de Desarrollo (FAfD) v la Organización de las Naciones Unidas para la Agricultura y la Alimentación (FAO)</u> (párrs. 5 a 9)	
26. <u>Revision of Conference Resolution 46/57 and the Appendix thereto</u> (Part R of Volume II of the Basic Texts) (Resolution .../91) (paras 10-13)	
26. <u>Révision de la Résolution 46/57 de la Conférence et de son annexe</u> (Section R, Volume II des Textes fondamentaux) (Résolution .../91) (par. 10-13)	228
26. <u>Revision de la Resolución 46/57 de la Conferencia v del Apéndice a la misma</u> (Sección R del Volumen II de los Textos Fundamentales) (Resolución .../91) (párrs. 10 a 13)	

28. Other Constitutional and Legal Matters: Observations on the Terms of Reference of the Committee on Constitutional and Legal Matters (CCLM) (paras 14-17)
28. Autres questions constitutionnelles et juridiques: observations concernant le mandat du Comité des questions constitutionnelles et juridiques (CQCJ) (par. 14-17) 229
28. Otros asuntos constitucionales y jurídicos: observaciones sobre el mandato del Comité de Asuntos Constitucionales y Jurídicos (CACJ) (párrs. 14 a 17)

NINTH MEETING  
NEUVIEME SEANCE  
NOVENA SESION

(25 November 1991)

- ADOPTION OF REPORT (continued)  
ADOPTION DU RAPPORT (suite) 234  
APROBACION DEL INFORME (continuación)

- DRAFT REPORT OF COMMISSION III - PART 3  
(C 91/III/REP/3)  
PROJET DE RAPPORT DE LA COMMISSION III - TROISIEME PARTIE  
(C 91/III/REP/3) 234  
PROYECTO DE INFORME DE LA COMISION III - PARTE 3  
(C 91/III/REP/3)

29. Audited Accounts 1988-89 (paras 1-4)  
29. Comptes vérifiés 1988-89 (par. 1-4) 234  
29. Cuentas comprobadas de 1988-89 (párrs. 1-4)

- Regular Programme 1988-89  
- Programme ordinaire 1988-89 234  
- Programa Ordinario. 1988-89

- UNDP 1988-89  
- PNUD 1988-89 234  
- PNUD 1988-89

- World Food Programme 1988-89  
- Programme alimentaire mondial 1988-89 234  
- Programa Mundial de Alimentos. 1988-89

31. (part of)	<u>Financial Position of the Organization</u>	
31. (partiel)	<u>Situation financière de l'Organisation</u>	234
31. (parte)	<u>Situación financiera de la Organización</u>	
31.1	<u>Status of Contributions</u> (Resolution .../91) (paras 5-10)	
31.1	<u>Etat des contributions</u> (Résolution .../91) (par. 5-10)	234
31.1	<u>Estado de las cuotas</u> (Resolución .../91) (párrs. 5-10)	
32. (part of)	<u>Other Administrative and Financial Matters</u>	
32. (partiel)	<u>Autres questions administratives et financières</u>	235
32. (parte)	<u>Otros asuntos administrativos v financieros</u>	
32.1	<u>Headquarters Accommodation</u> (paras 11-12)	
32.1	<u>Locaux du Siège</u> (par. 11-12)	235
32.1	<u>Locales de oficina en la Sede</u> (párrs. 11-12)	
32.3	<u>Other Matters</u> (paras 13-15)	
32.3	<u>Autres questions</u> (par. 13-15)	235
32.3	<u>Otros asuntos</u> (párrs. 13-15)	
-	<u>Status of Cash Flow and Other Information</u> <u>on the Financial Position as of 31 October 1991</u>	
-	<u>Situation de trésorerie et autres renseignements</u> <u>sur la situation financière de l' Organisation au</u> <u>31 octobre 1991</u>	235
-	<u>Estado del flujo de fondos información sobre la</u> <u>situación financiera al 31 de octubre de 1991</u>	
 <u>DRAFT REPORT OF COMMISSION III - PART 5</u> (C 91/III/REP/5)		
	<u>PROJET DE RAPPORT DE LA COMMISSION III - CINQUIEME PARTIE</u> (C 91/III/REP/5)	235
	<u>PROYECTO DE INFORME DE LA COMISION III - PARTE 5</u> (C 91/III/REP/5)	
32. (part of)	<u>Other Administrative and Financial Matters</u>	
32. (partiel)	<u>Autres questions administratives et financières</u>	235
32. (parte)	<u>Otros asuntos administrativos v financieros</u>	
32.3	<u>Other Matters</u>	
32.3	<u>Autres questions</u>	235
32.3	<u>Otros asuntos</u>	

-	<u>Increase in Level of the Working Capital Fund</u> (Resolution .../91) (paras 1-7)	
-	<u>Augmentation du montant du Fonds de roulement</u> (Résolution .../91) (par. 1-7)	236
-	Incremento de la cuantía del Fondo de operaciones (Resolución .../91) (párrs. 1-7)	
-	<u>Replenishment of the Special Reserve Account for 1992-93</u> (Resolution .../91) (paras 8-14)	
-	<u>Reconstitution du Compte de réserve spécial pour 1992-93</u> (Résolution .../91) (par. 8-14)	236
-	<u>Reposición de la Cuenta Especial de Reserva para 1992-93</u> (Resolución .../91) (párrs. 8-14)	
-	<u>Commissary Account - 1988-89</u> (para 15)	
-	<u>Compte du Groupement d'achats du personnel - 1988-89</u> (par. 15)	236
-	<u>Cuenta del economato - 1988-89</u> (párr. 15)	
-	Authorized transfers to Reserves (Resolution .../91)	
-	Transferts autorisés aux réserves (Résolution .../91)	236
-	Transferencias autorizadas a las reservas (Resolución .../91)	
	<u>DRAFT REPORT OF COMMISSION III - PART 6</u> (C 91/III/REP/6)	
	<u>PROJET DE RAPPORT DE LA COMMISSION III - SIXIEME PARTIE</u> (C 91/III/REP/6)	236
	<u>PROYECTO DE INFORME DE LA COMISION III - PARTE 6</u> (C 91/III/REP/6)	
30.	<u>Scale of Contributions 1992-93</u> (Resolution .../91) (para 1)	
30.	<u>Barème des contributions 1992-93</u> (Résolution .../91) (par. 1)	236
30.	<u>Escala de cuotas para 1992-93</u> (Resolución .../91) (párr. 1)	
31.	<u>Financial Position of the Organization</u>	
31.	<u>Situation financière de l'Organisation</u>	236
31.	<u>Situación financiera de la Organización</u>	

31.2	<u>In-depth study on the question of Contributions Outstanding and in Arrears (paras 2-3)</u>	
31.2	<u>Etude approfondie de la question des contributions restant dues et des arriérés de contributions (par. 2-3)</u>	236
31.2	<u>Estudio en profundidad de sobre la cuestión de las cuotas pendientes v atrasadas (párrs. 2-3)</u>	
-	<u>Measures to be Considered to Encourage Prompt Payment of Contributions</u>	
-	<u>Mesures à envisager pour inciter au paiement rapide des contributions</u>	236
-	<u>Medidas que han de examinarse para estimular el pago puntual de las cuotas</u>	
 DRAFT REPORT OF COMMISSION III - PART 7 (C 91/III/REP/7)		
	<u>PROJET DE RAPPORT DE LA COMMISSION III - SEPTIEME PARTIE</u> (C 91/III/REP/7)	236
	<u>PROYECTO DE INFORME DE LA COMISION III - PARTE 7</u> (C 91/III/REP/7)	
32.	<u>Other Administrative and Financial Matters</u>	
32.	<u>Autres questions administratives et financières</u>	236
32.	<u>Otros asuntos administrativos y financieros</u>	
32.2	<u>Personnel Matters</u>	
32.2	<u>Questions de personnel</u>	236
32.2	<u>Asuntos de personal</u>	
-	<u>Statement of Staff Representatives (paras 1-3)</u>	
-	<u>Déclaration des représentants du personnel (par. 1-3)</u> <u>Declaración de los representantes del personal (párrs. 1-3)</u>	236
-	<u>Changes in Salary Scales and Allowances (para 4)</u>	
-	<u>Modifications du barème des traitements et indemnités (par. 4)</u>	236
-	<u>Variaciones en las escalas de sueldos v en los subsidios (párr. 4)</u>	
-	<u>Statistics of Personnel Services (para 5)</u>	
-	<u>Statistiques relatives au personnel (par. 5)</u>	236
-	<u>Estadísticas de los servicios de personal (párr. 5)</u>	

-	<u>Recent Developments in the Activities of the International Civil Service Commission (ICSC) and the UN Joint Staff Pension Board</u>	
-	<u>Faits nouveaux résultant des activités de la Commission de la Fonction publique internationale (CFPI) et du Comité mixte de la Caisse commune des pensions du personnel des Nations Unies</u>	237
-	<u>Novedades en las actividades de la Comisión de Administración Pública Internacional (CAPI) y el Comité Mixto de Pensiones del Personal de las Naciones Unidas</u>	
a)	<u>International Civil Service Commission</u> (paras 6-8)	
a)	<u>Commission de la Fonction publique internationale</u> (par. 6-8)	237
a)	<u>Comisión de Administración Pública Internacional</u> (párrs. 6-8)	
b)	<u>UN Joint Staff Pension Board</u> (paras 9-12)	
b)	<u>Comité mixte de la Caisse commune des pensions du personnel des Nations Unies</u> (par. 9-12)	237
b)	<u>Comité Mixto de Pensiones del Personal de las Naciones Unidas</u> (párrs. 9-12)	
	<u>OTHER MATTERS</u> (continued)	
	<u>QUESTIONS DIVERSES</u> (suite)	237
	<u>OTROS ASUNTOS</u> (continuación)	

## **conference**

FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS

## **conférence**

ORGANISATION DES NATIONS UNIES POUR L'ALIMENTATION ET L'AGRICULTURE

## **conferencia**

ORGANIZACION DE LAS NACIONES UNIDAS PARA LA AGRICULTURA Y LA ALIMENTACION

C

**C 91/III/PV/1**

Twenty-sixth Session  
COMMISSION III

Vingt-sixième session  
COMMISSION III

26° período de sesiones  
COMISION III

### **FIRST MEETING PREMIERE SEANCE PRIMERA SESION**

(12 November 1991)

The First Meeting was opened at 10.45 hours

Mr Samuel Fernández Illanes. Chairman of Commission III, presiding

La première séance est ouverte à 10 h 45 sous la présidence de M. Samuel Fernández Illanes. Président de la Commission III

Se abre la primera sesión a las 10.45 horas bajo la presidencia del Sr. Samuel Fernández Illanes. Presidente de la Comisión III

**EL PRESIDENTE:** Distinguidos delegados, quisiera que estas primeras palabras fueran de bienvenida, en nombre de la Presidencia de esta Comisión, para las delegaciones de Estonia, Letonia y Lituania que nos acompañan como miembros de la FAO, y de Puerto Rico, como miembro asociado. Creo que interpreto a la Sala al respecto.

En cuanto a los trabajos de nuestra Comisión y a sus procedimientos, desearía informarles, en relación a las Vicepresidencias, que hay acuerdos al respecto, pero deberán ser comunicados por el Comité General, que formalmente hará esta proposición a partir de mañana en que será sometido este tema a su consideración.

Asimismo, respecto al Comité de Redacción, también hay consultas y se decidirá oportunamente a medida que nuestros trabajos avancen.

III. CONSTITUTIONAL AND ADMINISTRATIVE MATTERS

III. QUESTIONS CONSTITUTIONNELLES ET ADMINISTRATIVES

III. ASUNTOS CONSTITUCIONALES Y ADMINISTRATIVOS

24. Membership of Regional Economic Integration Organizations in FAO - Amendments to the Basic Texts of the Organization

24. Accession d'organisations d'intégration économique régionale à la qualité de membre de la FAO - Amendements aux Textes fondamentaux de l'Organisation

24. Adhesión como miembros de la FAO de las organizaciones regionales de integración económica: enmiendas de los Textos Fundamentales de la Organización

**EL PRESIDENTE:** Distinguidos delegados, tenemos ante nosotros y por mandato de la Plenaria, la necesidad de estudiar y analizar el tema 24 relativo a las enmiendas propuestas presentadas por el Consejo en su 99º periodo de sesiones para la enmienda de los Textos Fundamentales de la Organización, al objeto de permitir la admisión como miembros de la FAO de las organizaciones regionales de integración económica. Quisiera al respecto dar la palabra al distinguido Consejero Legal para que nos haga la introducción de este tema. Perdón, hay un punto de orden de la distinguida delegación de los Estados Unidos

POINT OF ORDER

POINT D'ORDRE

PUNTO DE ORDEN

**Frank BUCHHOLZ (United States of America) :** I am sorry to raise a point of order at this time but I think the issues before us are of such importance that we must look at it from a perspective of caution and prudence.

I know that Legal Counsel would like to introduce this item but I would point out that, while we may have a quorum, we have quite a number of delegates who are absent. I am looking at a full bank of empty seats. I cannot even see the delegation to my left. It is empty from St. Lucia all the way through to Somalia.

I do believe that we owe it to our delegates, particularly those who have come many miles, to discuss this issue in their presence.

Secondly, I would note that the documents for this item have only just been issued and many delegations have not had an opportunity to read them. These documents are extremely detailed, particularly from a legal perspective and will require some time to read and digest. In addition, some delegations have not had an opportunity to consult their capitals on these documents and would like further time to consider them.

Finally, I might mention that a number of governments are very concerned about these documents and about the proposed texts. I expect that consultations between governments will continue through this week.

Another reason for delay at this time would be because I believe the document identified as C 91/LIM/30 is, for all intents and purposes, the substance of a resolution which will be proposed later during our discussions here.

In reviewing our procedures, particularly the criteria for conference resolutions and functions and operating procedures of the Resolutions Committee contained in document C 91/12, I would like to point out the criteria for the formulation of resolutions. According to this criteria resolutions should be confined essentially to the following formal matters. The first one is amendments to the Constitution. It then lays out the functions of the Resolutions Committee.

**EL PRESIDENTE:** Lo siento, distinguido delegado de los Estados Unidos. Hay un punto de orden del distinguido delegado de Colombia.

POINT OF ORDER

POINT D'ORDRE

PUNTO DE ORDEN

**Gonzalo BULA HOYOS (Colombia):** Encuentro normal que el delegado, en un punto de orden, se refiera al aplazamiento del debate sobre un tema, pero no es lógico ni aceptable que dentro de la intervención en ese punto de orden se refiera al Comité de Resoluciones, a criterios y otras cosas que ahora no están en discusión. De manera que ruego al colega de Estados Unidos que concluya su intervención pero que la concrete al objetivo inicial de su intervención.

**EL PRESIDENTE:** Con excusas de las dos distinguidas delegaciones, he escuchado atentamente lo que decía el delegado de Estados Unidos y preparaba mentalmente una posible respuesta. Desearía terminar de escuchar la posición del distinguido delegado americano, y luego, con su autorización, señor Embajador, desearía dar la posición de la Presidencia. Puede usted continuar, distinguido delegado de Estados Unidos.

**Frank BUCHHOLZ (United States of America):** The functions of the Resolutions Committee include at (a) that the Resolutions Committee shall examine all draft resolutions whatever their origin unless determined otherwise by the General Committee.

I then turn to operating procedures of the Resolutions Committee which is (b), that draft resolutions shall be transmitted to the Resolutions Committee before - and I emphasize "before" - they are submitted to a Commission or a Plenary Meeting of the Conference for discussion and approval.

Finally, I would note that the Basic Text of the Constitution requires 120 days' notification period for the submission of amendments to governments; that is, 120 days before the Conference. I realize that last June the Council did submit to the Conference a document which contained variants of possible amendments to a text. However, that text has just been put together in what I would call a code form, which is to say it is something which can be considered.

I am not suggesting at this time that we are acting improperly but I am suggesting that we are certainly on the edge here of an improper action from the standpoint of our rules, procedures and even the Basic Text itself.

In sum, I would urge that we adjourn this meeting until Friday to give us an opportunity to resolve some of these issues, as well as to give delegations an opportunity to consult with their capitals on these issues.

**EL PRESIDENTE:** Distinguidos delegados, quisiera, con la autorización de ustedes, dar a conocer el pensamiento de la Presidencia sobre la moción que ha presentado la delegación de los Estados Unidos. Naturalmente, nos ha costado encontrar el "quorum" requerido, pero lo hemos alcanzado. Iniciamos nuestras sesiones con más de una hora de retraso. El tiempo fue suficiente, a juicio de la Presidencia, para las delegaciones, que no podemos presumir de irresponsables, para poder analizar el tema y estar debidamente preparadas. Asimismo, el tema ha venido siendo discutido - para nadie es un misterio - desde hace larguísimos años, más de dos, en nuestra Organización.

Comparto, naturalmente, su preocupación de que haya delegaciones que no estén presentes, pero no podemos evitarlo; hay otros compromisos y no todas tienen la representación suficiente para estar en todos los trabajos de la Organización.

Asimismo, vemos que la documentación ha sido presentada oportunamente. No hemos discutido aún si, en realidad, corresponde esto a una propuesta o corresponde a una resolución. Es algo que, por supuesto, esta Comisión tendrá que decidir de acuerdo a los Reglamentos. Al mismo tiempo, algunas delegaciones todavía no conocen en detalle cómo está siendo presentado el tema y los documentos que tenemos a nuestra vista. Y, por cierto, deberíamos escuchar la opinión no sólo de los delegados, sino también la introducción al tema, por parte del distinguido Consejero Legal.

Desearía interpretar el sentir de la Sala, en el sentido de que podemos ir avanzando en la discusión de los temas. Usualmente nos vamos a encontrar con poco tiempo al final y podríamos - "ad referendum", naturalmente, de las decisiones que ustedes mismos van a tener que adoptar - avanzar en la discusión del tema, que por cierto tiene interés, creo que para todos. Yo no sé, distinguido delegado de los Estados Unidos, si le satisface esta posibilidad de continuar adelante, ya que no estamos tomando decisiones propiamente y podemos ir avanzando en nuestros trabajos, como es lo natural.

Por otra parte, las disposiciones respecto a los 120 días que usted, con razón, mencionaba pueden ser dispensadas por la Conferencia. Es lo usual, si así se desea. En fin, lo pongo en su consideración y me parece entender el sentir de la Sala: que debemos seguir adelante. Le agradezco. Muy gentil.

¿En un punto de orden, señor delegado de Estados Unidos? Tiene usted la palabra.

POINT OF ORDER

POINT D'ORDRE

PUNTO DE ORDEN

**Frank BUCHHOLZ (United States of America):** I do believe that I have a motion which takes precedence on the floor to decide. I would like to hear the views of other delegations on whether we should adjourn the meeting until Friday.

**EL PRESIDENTE:** De acuerdo a las normas de procedimiento, esta moción de punto de orden debe ser decidida de inmediato. Sobre la moción de orden, tiene la palabra el distinguido Embajador de Colombia.

**Gonzalo BULA HOYOS (Colombia):** En primer lugar, quiero apoyar su actitud, señor Presidente, y expresar mi sorpresa, cordialmente, por la reacción del Representante de Estados Unidos. Usted, en términos muy amables, le preguntó a él si tenía objeción en que se iniciara el debate; él, en ese momento, por lo menos desde aquí no vimos que hiciera ningún gesto desaprobatorio, y por ello usted empezó a concederle la palabra al Consejero Legal. De manera que su procedimiento ha sido impecable y lo respaldamos.

Hubiéramos preferido evitarnos decir lo que ahora tenemos que expresar. Hay, por lo menos, dos incoherencias y dos argumentos sofísticos y demagógicos en la propuesta de Estados Unidos. Primero, fue el Comité General, del cual forman parte los Estados Unidos, el que recomendó que se adelantaran los trabajos de esta Comisión III para que hoy se discutiera el tema 24. Entonces, ¿por qué allá, en el Comité General, el representante de Estados Unidos aceptó esa recomendación y aquí se rebela contra ella?

Segunda incoherencia. No es serio que venga a decirse aquí que estos documentos acaban de distribuirse. Ningún país como los Estados Unidos ha participado tan activamente en el Comité que yo he presidido. Son tres años

largos y los Representantes de los Estados Unidos conocen los documentos; y los conocen mejor que todos nosotros, porque tienen grandes equipos: especialistas, analistas, tecnologías modernas.

Creo que también es inaceptable la forma ambigua como ha intervenido el Representante de Estados Unidos. El dice que algunos Gobiernos tienen preocupaciones. Nosotros nos preguntamos: ¿A nombre de qué Gobiernos ha intervenido Estados Unidos? Si precisamente estamos a favor de que se exprese el debate sobre este tema es para dar a todos los Gobiernos la oportunidad de que expresen aquí los comentarios, las reservas y las críticas que tengan.

El más pueril de todos los argumentos esgrimidos por Estados Unidos es el del Comité de Resoluciones. Esto no es un proyecto de resolución; éste es un texto que dice "Enmiendas a las propuestas presentadas". Sabemos, a través de una modesta experiencia, que los proyectos de resolución se producen después de que un tema ha sido discutido, y el contenido de ese proyecto de resolución se redacta a la luz del resultado del debate. Por ello, éste no es un proyecto de resolución, y no aceptamos que se diga que estamos fuera de orden. El proyecto de resolución será presentado en el momento oportuno, y en el Comité de Resoluciones, donde está Estados Unidos también, allá ellos podrán intervenir; pero que, por favor, ahora se nos permita iniciar este debate.

**EL PRESIDENTE:** Agradezco su apoyo, distinguido Embajador. Con enorme cordialidad le quiero decir al distinguido delegado de los Estados Unidos que me excuse si desde la Mesa no lo vi hacer ningún gesto en relación a mi decisión, la cual, con el mismo interés de cordialidad, deseo mantenerla, distinguido delegado, y el tema lo vamos a seguir discutiendo.

**Frank BUCHHOLZ (United States of America):** Mr Chairman, I have tried to be respectful of you because I consider you a friend although we have not known each other very long. I will continue to have respect for you, but I must say I have tried the best I can to introduce a Point of Order as a formal motion, and it is a motion I believe must be acted on if someone seconds it. I would also like to say to the delegate of Colombia, who I also regard as a friend, that first of all amended documents which were available to the members of the CCLM and various contact groups in the Council were not, however, provided to all members of the Conference in advance. So the truth is that members of the Conference have had only a short period of time, in fact measured in minutes rather than days, to review this document.

Also, on the General Committee the United States of America has been helpful in proceeding with this debate in trying to take into consideration the interests of Conference members as well as the European Community in resolving this debate. However, nothing we agreed to in the General Committee should be interpreted as an abrogation of the Rules, particularly of the Resolutions Committee. This which was presented to us is in effect the substance of the Resolution which must be sent to the Resolutions Committee before it is sent to Commission III.

Again, I appeal to others if they have views to please express them.

**EL PRESIDENTE:** Gracias, señor delegado. Por supuesto, esto no tiene nada que ver con la amistad; ésa podemos mantenerla. Desearía tomar la consideración de la Sala sobre este punto.

**Peter Rieuwer JANUS (Netherlands):** Like the delegate of Colombia, I wish to support your point of view, Mr Chairman. As you may be aware, the European Community and its Member States on whose behalf I am speaking to you, have a definite interest in starting the discussions on this Agenda Item 24 as early as possible. The reason is that in that way we would be allowed to follow through procedures that will have to be carried out in Brussels in looking at the various documents under this agenda item.

So once again, as you have done, Mr Chairman, I ask the delegate of the United States to take this into account and enable us to start our work. I fully agree with the delegate of Colombia that as of now there is no resolution on the Table, so from the formal point of view we can start discussing this item and come to a decision on the resolution at a later stage. We still have time to do that, but I strongly support your view that we should start our discussion today.

**EL PRESIDENTE:** Querría hacer un pequeño punto de aclaración. El documento al cual se estaba refiriendo el distinguido delegado de los Estados Unidos no ha sido aún introducido; era precisamente el que tratábamos de hacer. Es una pequeña aclaración.

**Juan Nuiry SANCHEZ (Cuba):** En primer lugar, señor Presidente, quisiera expresar la satisfacción, tanto en lo personal, como latinoamericano que experimenta la delegación de Cuba, al verlo dirigir esta Comisión III de este 26° período de sesiones, señor Presidente, como digno y capaz representante de la hermana República de Chile.

Señor Presidente, para nosotros constituye grata satisfacción compartir estas deliberaciones con las delegaciones de los recién admitidos países de Estonia, Letonia y Lituania, a los cuales les hago llegar nuestro saludo, así como a Puerto Rico, como miembro asociado, pues, señor Presidente, todo lo que contribuya a fortalecer en un amplio sentido de representatividad la política multilateral de la FAO, será acogido siempre con el beneplácito de Cuba.

Muy brevemente, para no repetir por coincidir en su correcta apreciación, respaldamos, señor Presidente, su planteamiento de continuar el debate ahora mismo, así como respaldamos las razones de fondo expuestas por la distinguida representación de Colombia. Este tema no es posible dilatarlo más, es importante comenzar su debate, e iniciarlo de inmediato. Eso es lo que queríamos expresar, señor Presidente.

**EL PRESIDENTE:** Muchas gracias al distinguido Embajador de Cuba, gracias por sus palabras, entiendo es el apoyo a continuar el debate de este tema.

Al respecto me ha pedido la palabra la distinguida delegación del Japón. Tiene usted la palabra señor delegado.

Perdón, distinguido delegado del Japón, hay un punto de orden de la distinguida delegación del Líbano. Adelante, señor, tiene usted la palabra.

POINT OF ORDER

POINT D'ORDRE

PUNTO DE ORDEN

**Samir ABU-JAWDEH (Lebanon):** I think we are discussing a motion that has not been seconded, and discussing a motion which has not been seconded is just wasting time. So unless there is somebody to second this motion, I think it has been dropped, and we do not have to discuss it.

**EL PRESIDENTE:** Coincido absolutamente con usted distinguido delegado, pero había querido escuchar el parecer de todos, como debe ser naturalmente, si no hay problemas a su vez de suspender para continuar esto.

**Kiichi NARITA (Japan) :** My delegation would like to point out that the members of Council and CCLM might very well know about the proposed amendment because they have been working very hard on these very important matters for a long time. However, Member Countries of FAO which are not a member of Council might not have enough time to study these very detailed and very important documents. Therefore, it might be a good idea to hear the opinions of the Member Countries which are not a member of Council as to whether they are well prepared to start discussion about these very complicated matters or not.

**EL PRESIDENTE:** Muchísimas gracias distinguido delegado del Japón, comparto su preocupación y es justamente lo que estamos haciendo en este momento, aunque sea de una manera preliminar.

**MA GENG-OU (China) (Original language Chinese):** Allow me to begin by congratulating you on your election to the Chairmanship of Commission III. We are meeting here today in Commission III in order to debate the admission of Regional Economic Integration Organizations to FAO. This is leading to a Conference decision following what has been decided by the General Committee. The report of the General Committee was adopted in plenary. China is a member of the General Committee, so China supports our discussing today this problem.

**Ernst ZIMMERL (Austria) (Original language German) :** Austria is not a member of the Council; however, we support your proposal that we immediately discuss this item following the introduction to be given to the document by a representative of the Secretariat. We are against the postponement of this debate. We will have occasion at a later stage to give our views on this document.

**Vanrob ISARANKURA (Thailand):** On this matter, I think I would like to record that all of the Member Countries have received the basic document

referred to, the proposed amendment to the Basic Texts and for the General Rules of the Organization as shown in Appendix K of C 91/LIM/23. I think every country has received it already. But now we have the new document of C 91/LIM/23, C 91/LIM/25 and C 91/LIM/30. I fully agree with the proposal by you that we should consider those three documents, and after that we can consider whether or not we should continue our discussions today or postpone it until tomorrow or any time up to this Committee.

**Sture THEOLIN (Sweden)** : I am delighted to work under your guidance on this Committee, and I congratulate you on your election. I asked for the floor only to assist you in guiding the work of this Committee by indicating that also Sweden, like other Members, although we are not a member of CCLM or the working parties which have been dealing with these matters, that we are fully prepared to go forward in discussing this matter.

**Daniel D.C. DON NANJIRA (Kenya)**: I want to apologize for coming late. I have been here for about 45 minutes, which is not very late, though, because 45 minutes is a long time for hearing the same thing. Nevertheless, I would like to congratulate you.

I think we are dealing with a very important item, and it is one of the items that we have wanted to get some clear indication from this body as to what it is that should be done. Sometimes we are capable of wasting time, but many times we are not capable of finding the right solutions on time. We have been talking for almost an hour, and we are saying the same thing all the time. Therefore, given what has gone on since this meeting started, I want to call upon you as the Chairman of this Commission to rule now - I am talking on a point of order now - you rule now, given what has gone on, as to what is to be done. I am very sorry to be unfair to you, but I think it is only you at this point in time who can save the situation. So if you think the time is ripe for us to discuss this thing so that we hear from the various delegations and what they have to say, including explanations, so be it. If your view is, on the contrary, that we should postpone, so be it. But I am requesting you as the representative of Kenya to give an indication, and I am appealing to each and every one of us here to abide by the ruling of the Chair so that we can really do some business here. If it is that we are going to postpone this thing, let us postpone it and discuss other things. If it is that we are not going to postpone it, let us start discussing the substance of the matter. I am sorry for being unfair to you, but it is you I am appealing to, and I appeal to everybody else - and this is a point of order. I appeal to everybody else to accept whatever the distinguished Chairman is going to rule.

**EL PRESIDENTE**: Muchísimas gracias, señor delegado, le agradezco enormemente, es justamente lo que la Presidencia necesitaba escuchar de las delegaciones y especialmente de un delegado con la reconocida competencia y calidad de usted señor delegado, le agradezco. Como último orador respecto de este tema escucharé al distinguido Embajador de Senegal. Tiene usted la palabra distinguido Embajador.

**Sidaty AIDARA (Sénégal)**: M. le Président, je voudrais tout d'abord très sincèrement m'excuser auprès de vous et auprès des membres de la Commission

pour être arrivé en retard à cet important débat. J'ai dû hier soir déménager de l'actuel appartement que j'occupe ici, à San Giovanni, pour me retrouver du côté de Monte Sacro. Vous imaginez un peu les difficultés que j'ai pu rencontrer pour arriver ici, ayant eu à travailler pratiquement toute la nuit pour ce déménagement.

M. le Président, je voudrais également, et très sincèrement, vous dire combien je suis heureux de vous voir à la présidence de cette Commission. Juriste émérite, vous avez, je crois, été valablement choisi pour présider ces travaux; et nous sommes persuadés que vos qualités humaines, vos compétences, nous permettront d'arriver à faire des progrès substantiels sur cette importante question qui est soumise à l'attention des Etats Membres depuis bientôt trois ans.

M. le Président, je voudrais apporter un peu d'eau au moulin de la Colombie, au moulin de la Suède, et à celui du Kenya, pour vous dire que, de l'avis de la délégation sénégalaise, il est temps, il est grand temps de prendre une décision. Depuis trois ans, les Etats Membres ont eu la possibilité d'examiner cette question sous tous ces aspects. Au fil de ces trois années, évidemment beaucoup d'eau a coulé sous les ponts; des précisions ont été apportées aux Etats Membres, des suggestions ont été faites, des modifications ont été proposées.

Le Comité des questions constitutionnelles et juridiques s'est emparé du problème sous l'initiative, la direction, et la décision du Conseil qui lui-même a créé un comité des Etats Membres chargé d'examiner les amendements possibles qu'il conviendrait d'apporter aux textes de base pour permettre l'adhésion des OIER à la FAO.

Je crois, M. le Président, que beaucoup de choses ont été faites. Renvoyer cette question me semble être une façon d'occulter le problème. Or, M. le Président, je pense que nous ne pouvons pas occulter le problème. Nous ne pouvons nous cacher qu'il faut que nous prenions une décision. Et c'est la raison pour laquelle je voudrais encore une fois insister auprès de mes collègues membres de cette Commission pour leur demander de faire preuve de sagesse et de continuité, de manière à nous permettre d'aller de l'avant. Plus tard, nous aurons l'occasion de dire les avantages et, peut-être bien-sûr, les inconvénients parce que, de toute manière, toute initiative a des avantages comme des inconvénients. Il nous appartiendra ici de dégager et de voir quelles sont pour nous les avantages d'avoir les OIER dans notre Organisation. Mais, de grâce, au moins examinons le problème. Les Etats ont eu la possibilité d'examiner les différentes propositions qui ont été faites, et ceci depuis trois ans. Ce n'est pas en renvoyant à une, deux, ou trois journées que nous allons avoir peut-être des instructions de nos pays. Les instructions, nous les avons déjà. La plupart d'entre nous, disposent déjà de leurs instructions. Et fondamentalement, je pense qu'il est important qu'à cette étape nous puissions prendre la décision, celle qui me semble être juste, c'est-à-dire celle de continuer le travail qu'ensemble nous avons commencé et qu'ensemble, je le souhaite en tout cas, nous devrons pouvoir terminer. Je vous remercie.

**EL PRESIDENTE:** Muchas gracias a usted distinguido Embajador, muy gentil en sus palabras. Distinguidos delegados, de acuerdo a las disposiciones del Artículo 2, párrafo 20 del Reglamento, la decisión de la Presidencia sobre el punto de orden, es de continuar el debate del tema. ¿Alguna observación?

**Frank BUCHHOLZ (United States of America):** Thank you Mr. Chairman. I don't wish to prolong discussion on the point of order any further. I am looking for my fellow colleagues who noted their positions quite well.

I would just like to note that we have for three years and I really do not believe that the presentation today will make much difference.

I would like to also note today for the record my strong objection to meeting in this fashion and I hope that these procedures will not serve as a precedent for further action. Thank you.

**Gonzalo BUJA HOYOS (Colombia):** Sólo deseo expresar mi extrañeza por la declaración que acabamos de oír, aquí estamos en una Comisión de la Conferencia, no sé cuantas delegaciones participamos, pero todos somos iguales. No hay preeminencia, señor Presidente, el veredicto democrático ha sido el suyo y nadie puede enfrentarlo.

**EL PRESIDENTE:** Muchas gracias distinguido Embajador. Señores delegados con la venia de la sala, voy a dar la palabra al distinguido Consejero Legal para que nos introduzca en el tema de nuestra agenda. Tiene usted la palabra distinguido Consejero Legal.

**LEGAL COUNSEL:** Thank you, Mr Chairman. When I was thinking about my intervention over the weekend I first thought that I should say that this is a subject which requires no introduction as the subject has been on everybody's mind for at least the last year or so. On reflection, however, Mr Chairman, I realized that this is in fact the first time that this matter comes before the Conference and that some explanation is required of the process by which the Conference is now seized of the proposal to amend the Basic Texts of the Organization to allow for a form of membership in the Organization for regional economic integration organizations. Mr Chairman, you have a number of documents before you today. I merely wish at this point to place those documents in their proper historical perspective.

Mr Chairman, the whole question had its origins in the discussions during the Ninety-fifth Session of the Council in June 1989 when Spain, the country then holding the presidency of the Council of Ministers of the European Economic Community asked for an improvement in the status of the European Economic Community in FAO and asked for exploratory talks with the Director-General with a view to devising a status of member that would be commensurate with the powers of the European Economic Community.

The EEC felt that it was necessary to ask for a change in the status of the EEC in FAO because on a number of matters within the purview of the Organization competence had been transferred by the Member States of the EEC to the EEC itself. And on those matters it was the EEC itself rather than the Member States that held the decision-making power.

Indeed, this situation caused us some difficulties in connection with the negotiation of the proposed Indian Ocean Tuna Commission Agreement since responsibility for fisheries management questions had been transferred to the European Community and no longer lay with the individual Member States.

Our Constitution, however, only recognized Member States for the purpose of participation in the decision-making process.

Mr Chairman, as you will recall the Council preferred to approach this issue in terms of regional economic integration organizations to which their member states had transferred competence in some fields of activities in FAO and invited the Director-General to explore the options for a form of membership in FAO for such regional economic integration organizations.

The report of the Director-General on options for a form of membership in FAO was presented to the Ninety-eighth Session of the Council in November, 1990. That report underlined the concepts on which such a form of membership could be based, namely, the concept of the alternative exercise of membership rights and the concept that the form of membership should not involve the participation of a member organization in matters affecting the institutional life of the Organization. The Council at its Ninety-eighth Session in 1990 stressed also that a form of membership for member organizations should not in any way entail any direct or indirect increase in the membership rights accorded to the Member Nations that are member states of that organization.

Mr Chairman, a series of amendments to the Constitution and General Rules of the Organization were presented to the CCLM at its Fifty-sixth Session in April 1991 and thence to the Council at its Ninety-ninth Session in June, 1991. At that session the Council agreed, after an extensive discussion, to transmit a series of amendments to the Constitution and General Rules of the Organization to this present session of the Conference. This proposal is before you in the extract of the report of the Ninety-ninth Session of the Council set out in document C 91/LIM 23. The proposed amendments have been circulated to all Member Nations by the Director-General on 5 July 1991 in accordance with the requirements of Article XX.4 of the FAO Constitution. As you know, Mr Chairman, the Council was unable to reach final agreement on a single text for some of the proposed amendments and therefore included in its proposal to the Conference a series of alternative texts or variants in respect of these amendments. It then requested the Director-General to convene a Committee of Member Nations selected in consultation with the various regional groups. This Committee, the so-called REIOC Committee, met twice under the Chairmanship of Ambassador Bula Hoyos. The report of the Second Session of the REIO Committee produced a Chairman's single compromise text which reflected the state of agreement reached on the proposed amendments. Three points remained outstanding, however, namely the precise wording of Article II.2 which deals with the admission of eligible regional economic integration organizations, the eligibility criteria set out in Article II.3, and the acceptance of one word in General Rule XLIV.3. Further discussions were held during the course of the Hundredth Session of the Council last week and a Single Text was produced by the Chairman of the REIO Committee, Ambassador Bula Hoyos, on these three points.

The Council at its Hundredth Session last week reviewed the whole question and agreed to transmit to the Conference the Chairman's Compromise Text contained in the second report of the REIOC Committee as completed by the Chairman's Single Text on the three points referred to above. This new compromise text, which contains no brackets or variants, is set out in the extract of the report of the Hundredth Session of the Council contained in document C 91/LIM/25. The Compromise Text was transmitted by the Council to

the Conference for consideration as a possible amendment to the Council's proposal submitted in June 1991.

These then, Mr Chairman, are the documents presently before the Conference for your consideration. There remains only the formal requirement of a formal proposal to amend the proposals presented by the Council at its June Session, and I understand that some Member Nations intend to make a formal proposal on this point.

Mr Chairman, I apologize for taking up the valuable time of your Commission, but I would like now, with your indulgence, to say a few words about the basic concepts underlying the compromise text transmitted by the Hundredth Session of the Council for your consideration. I would, in fact like to draw your attention to five points. First, the form of membership for member organizations as devised and set out in this text is sui generis, that is, it is different from, and not in any way identical to, that of membership by Member Nations.

Secondly, the form of membership is open to all regional economic integration organizations that meet the eligibility criteria set out in Article II.3, namely, that the member states have transferred competence to the organization over a range of matters within the purview of the Organization, including the authority to take decisions binding on its Member States in respect of these matters, provided, of course, that those organizations have been admitted to membership in FAO.

Thirdly, that the scheme of membership for member organizations is based on the fundamental concept of the alternative exercise of membership rights. I will explain.

Let us imagine that membership rights can be separated from the Member Nations that currently exercise them. We have then this bundle of membership rights presently exercised by Member States of a regional economic integration organization that are Member States of FAO. The member states of the regional economic integration organization then transfer competence over some matters within the purview of FAO to the regional economic integration organization and are no longer empowered to take binding decisions on those matters. On those matters it is the regional economic integration organization that is competent, hence the need to include the regional economic integration organization in the FAO decision-making process in respect of these matters. Once that regional economic integration organization concerned is accepted into membership of FAO, then the essence of the concept of alternative exercise of membership rights is purely and simply this: on matters within its competence, the member organization will exercise that bundle of membership rights, and on other matters that remain within the competence of the member states, it will be the member states that exercise that same bundle of membership rights. In no case will that bundle of membership rights become larger, in no case will it become smaller. It remains unchanged. That is the essence of the concept underlying the proposed scheme of membership you have before you today.

The fourth concept is that member organizations should not become involved in matters affecting the institutional life of the organization, matters indeed in respect of which they will have no competence. In broad terms, Mr Chairman, this means no holding of office, no participation in Committees

of restricted membership dealing with the institutional life of the organization, such as the Programme and Finance Committee, the CCLM, the General Committee of the Conference and Credentials Committee of this Conference. It would also mean no right to vote on the budget and no right to vote in cases of elections.

Finally, I should like to add that, as the Director-General stated yesterday, this is indeed an historic moment. The eyes of the world, or at least the eyes of the UN System, if I may use such an expression, are on this Conference, in that this is the first time that regional economic integration organizations are seeking a form of membership in an agency of the UN System itself. It is for this reason that we have consulted extensively with other agencies in the UN System, and that those agencies are following with intense interest the pioneering work being done by FAO in this field.

I have already reported, Mr Chairman, to the CCLM and through it to the Council on their reactions and on the fact that they are, in general, appreciative of the pioneering role being played by FAO and, indeed, by this Conference on this matter.

This then, Mr Chairman, is the proposed scheme of membership of regional economic integration organizations in FAO which is now before your commission for its consideration.

I thank you, Mr Chairman, and apologize once again for the length of my introduction.

**EL PRESIDENTE:** Muchas gracias al distinguido Consejero Legal por su excelente exposición de un tema que todos conocemos sus dificultades en el plano jurídico, y quisiera agradecer por su intermedio a sus colaboradores por esta excelente presentación que nos ha hecho.

Me ha pedido la palabra el distinguido Embajador de Colombia, Presidente del Comité de las ORIE.

**Gonzalo BULA HOYOS (Colombia):** Los representantes de Colombia sentimos gran satisfacción cuando Ud. anunció que en esta Sala se hallan representantes de los tres respetables Estados Bálticos que ayer la Conferencia aceptó como Estados Miembros de nuestra Organización. Damos a los representantes de esos tres países nuestra más cordial bienvenida. Particularmente nos complace la presencia del representante del Estado asociado de Puerto Rico, Estado que pertenece a la región de América Latina y el Caribe, en la cual Puerto Rico está rodeado de general simpatía y de gran respeto. Los representantes de Colombia participaremos en las reuniones con los voceros del Estado de Puerto Rico seguros de que sumaremos nuestros esfuerzos en favor del mejoramiento de las condiciones de la agricultura y de la alimentación en la región de América Latina y el Caribe.

En esta nuestra primera intervención de fondo, no podemos ocultar los representantes de Colombia el placer inmenso que nos causa verle a Ud. presidir esta importante Comisión. Estamos seguros de que, con la inteligencia y las grandes capacidades que le conocemos, Ud. asegurará el buen éxito de nuestras reuniones. Los representantes de Colombia nos hemos

asociado, a honor nuestro, con un respetable grupo de representantes de gobiernos para presentar el proyecto de texto de enmiendas a la Constitución y al Reglamento General de la Organización, que aparece en el documento C 91/LIM/30, a fin de permitir la admisión como miembros de la FAO de las organizaciones regionales de integración económica. Además de los países que figuran en ese documento C 91/LIM/30, se han asociado a nosotros Austria, España, Argelia, Cuba, Madagascar, Camerún y seguramente muchos otros que no hemos tenido tiempo de anotar. Irán también.

Hemos procedido así, señor Presidente, basados en la recomendación neta y unánime de la última instancia política que se ha ocupado de este tema, el Consejo, el organismo inmediatamente subalterno de la Conferencia.

El Consejo de la semana pasada, consta así en el documento C 91/LIM/25 párrafos 8 y 9, decidió por unanimidad, repito por unanimidad, transmitir a esta Conferencia el segundo informe del Comité que yo presidí, modificado y completado por el texto único que, como Presidente, yo había propuesto al Consejo, y el Consejo agregó, cito: "Ese texto representa una contribución extraordinariamente importante a la consecución de un posible consenso sobre un texto aceptable."

Es así como, al presentar este documento, mis compañeros y amigos representantes de los Gobiernos que he citado hemos cumplido la voluntad del Consejo y entregamos este texto con la esperanza de que facilite las labores de esta importante Comisión y, por lo tanto, la decisión final de la Conferencia.

Señor Presidente, a través de mi larga vinculación a este asunto, hoy puedo afirmar que tengo la impresión muy fundada de que estamos llegando afortunadamente a un final generalmente satisfactorio para todos.

Ha sido un largo e intenso proceso durante el cual han surgido, como era natural, miles de inquietudes, dudas, preguntas, justificado todo ello por la importancia del tema, su carácter novedoso y las posibles implicaciones.

Hasta donde ha sido posible, todo eso ha sido absuelto y definido en su casi totalidad de manera favorable. Hemos procurado prevenir, salvaguardar todas las posibles y hasta imaginarias incidencias que pueden presentarse. Ha sido un ejercicio exhaustivo.

Creo que todos debemos declararnos satisfechos al haber creado así este marco dentro del cual los representantes de todos los gobiernos, todos los gobiernos repito, han hecho valiosos aportes que corresponden a la responsabilidad y competencia con que todos han participado.

Reitero la opinión del Consejo: este texto contiene bases serias y muy respetables que creo vale la pena sean utilizadas de la mejor manera posible por esta Comisión.

Ya el Dr. Moore se refirió a los principales aspectos de esta propuesta. Yo quiero limitarme a decir simplemente que hemos logrado solucionar las principales controversias. Nunca en ningún órgano, en ninguna ocasión, la CEE podrá ejercer un voto que tenga alcance superior al de los Estados Miembros de esa Comunidad que en determinada reunión tengan derecho a votar. Es decir, jamás la CEE podrá superar los doce votos de sus Estados

Miembros, y el voto estará siempre limitado al número de países que en cada oportunidad pudieran ejercerlo.

Los criterios de elegibilidad hemos logrado definirlos de manera equilibrada, sin legislar con nombre propio a favor de la CEE, abriendo el camino para que en el futuro otras organizaciones regionales puedan entrar a ser miembros de la FAO pero al mismo tiempo sin abrir exageradamente la puertas que puedan conducir a una desordenada proliferación de ingresos de organizaciones que no sean debidamente aptas y que pongan en peligro la estabilidad y la solidez de nuestra Organización en el futuro.

A este respecto, doy fe de la preocupación permanente del Director General por preservar el porvenir ordenado de nuestra Organización.

Sobre la forma como se ejercerán las competencias entre la Organización y sus Estados Miembros, hemos llegado hasta mínimos detalles, tratando de cubrir todas las posibles situaciones que puedan presentarse. Creo que ahora podemos proceder con un amplio margen de tranquilidad. Podrán presentarse nuevas incidencias, pero creo que ha llegado el momento de dar este primer paso con valor y decisión, sin temores. La decantación de las experiencias que se vayan obteniendo, la evaluación progresiva, seria y juiciosa de los resultados, nos permitirán ir corrigiendo las deficiencias, revisando lo que sea necesario, rectificando lo que se justifique, y así consolidaremos las normas, que serán la puerta de entrada, el camino entonces más seguro, la senda protegida y debidamente garantizada, a través de la cual, en el futuro, ojalá a no muy largo plazo, otras organizaciones regionales, particularmente de países en desarrollo, podrán entrar a ser miembros de la FAO.

En su afirmativa declaración de ayer a la Conferencia, el Director General dijo que ya la CEE es un valioso interlocutor en la consideración de los problemas de la agricultura y de la alimentación en el mundo. Esa condición actual de la CEE se fortalecerá si llegara a ser miembro de la FAO. Podremos sentarnos en todas las reuniones con los representantes directos de esa Comunidad a discutir con ellos, a criticar su política, a entablar un diálogo, cuyos resultados tendrán que ser fructíferos y positivos.

Estoy seguro de interpretar el sentimiento de mis colegas copresentadores de este texto al afirmar que no pretendemos que el contenido de este documento se acepte como dogma intocable. Por el contrario, sabemos que al presentar esta contribución hemos ya provocado y estimulado el diálogo. Con abierto espíritu democrático asistiremos y participaremos en este debate. Pero al mismo tiempo valdrá la pena reconocer lo que este esfuerzo significa y estoy seguro de que todos meditaremos seria y profundamente sobre la necesidad de concluir este proceso, en vez de reabrir un debate que ha sido ya tan largamente sostenido. Ese es el llamado cordial y respetuoso que nos permitimos hacerles a todos los miembros de esta Comisión.

Queremos rendir homenaje a la capacidad de trabajo de nuestro Consejero Legal, Dr. Gerald Moore, hombre incansable, con inmensa capacidad de trabajo, con competencia excepcionalmente singular, quien ha sido el artífice obstinado de este final, que todos anhelamos plenamente satisfactorio.

Como dijimos en una de las intervenciones que hicimos cuando se planteó el punto de orden, este texto no es un proyecto de resolución. Vamos a conocer la opinión de los miembros de esta Comisión, y posiblemente esta tarde propondremos, entonces sí, un verdadero proyecto de resolución. Ese proyecto de resolución, como las disposiciones lo indican, deberá pasar al Comité de Resoluciones, Comité que ya ha sido designado por la Conferencia. Recordará usted, señor Presidente, y recordarán los miembros de esta Comisión, que el Comité General había recomendado que el debate sobre este tema 24 se celebrara hoy y posiblemente mañana por la mañana, si fuese necesario, y que la correspondiente parte del informe se discutiera el jueves por la tarde. Nosotros, desde ahora, para ofrecer atención a aquellas delegaciones que dicen que necesitan aún más tiempo, proponemos que usted, señor Presidente, considere la posibilidad de que la discusión del informe sobre este tema en esta Comisión pudiera aplazarse solamente hasta el viernes, porque es indispensable que el lunes de la próxima semana la Plenaria se ocupe de este asunto, porque hay términos y plazos que son irrenunciables.

**EL PRESIDENTE:** Muy gentiles sus palabras de saludo a la Presidencia. Recuerdo una vez más a la Comisión el gran trabajo desempeñado por el Comité que usted presidió, así como le agradecemos su presentación a nombre suyo y de las demás distinguidas delegaciones del documento C 91/LIM/30 que nos acaba de hacer.

En cuanto a su propuesta, me parece que podremos, por supuesto, tomarla en consideración un poco más adelante, cuando escuchemos las opiniones del resto, y seguramente podríamos llegar a esa solución.

Distinguidos delegados, quisiera ofrecerles la posibilidad de hacer uso de la palabra. Desearía conocer cuáles son las delegaciones que quieren hacerlo en este momento.

**Peter Rieuwer JANUS (Netherlands):** First of all, I would like to join others in welcoming you to the Chair of this important Third Commission.

I have the honour to speak on behalf of the European Commission and its Member States.

During the Hundredth Session of the FAO Council, it was stated that the European Community and its Member States are broadly satisfied with the content of document CL 100/LIM/2, the so-called single text proposed by the Chairman of REIOC, and considered it a good basis for the work of the Conference. In the meantime this document has been studied very carefully. It is my pleasure to announce that the proposed amendments contained in that document are acceptable to the European Community Members of FAO. It provides a good basis for the decision that will shortly be made by the European Community on whether to make a formal application for membership of FAO.

May I express the hope that other delegations share this view and will also be in a position to endorse all the proposed amendments to the Basic Texts for adoption by this Conference and thus pave the way for accession to FAO of eligible Regional Economic Integration Organizations.

**EL PRESIDENTE:** Tengo en mi lista al distinguido Presidente del CACJ, el Embajador Poulides, de Chipre, a quien me honro en darle la palabra.

**Fotis G. POULIDES (Chypre):** Monsieur le Président, je tiens d'abord à vous féliciter de votre désignation en tant que Président de la Commission trois dont le rôle à cette session de la conférence sera encore plus important que d'habitude, voire même capital. D'ailleurs, notre matinée nous a prouvé combien celle-ci était importante.

Avant d'en arriver à mon intervention, je voudrais exprimer de la part de mon gouvernement et de moi-même notre joie et nos félicitations aux trois Républiques Baltiques pour leur retour comme membres au sein de la famille de la FAO, ainsi qu'à Porto Rico comme membre associé, et les assurer que nous serons heureux de collaborer avec eux.

Maintenant, j'en arrive à la question qui nous intéresse énormément. En effet, la question de l'adhésion éventuelle à la FAO des Organisations régionales d'intégration économique a fait l'objet de nombreuses délibérations au sein des divers organes de l'Organisation, notamment les Conseils et les Comités des questions constitutionnelles et juridiques depuis plus de deux ans. De longues discussions ont été consacrées à la rédaction des textes portant amendement des textes fondamentaux de l'Organisation, afin d'adapter ceux-ci à la venue éventuelle de telles Organisations dans son sein.

Permettez-moi d'observer non pas cette fois-ci en tant que Président du Comité des questions constitutionnelles et juridiques depuis quatre ans, mais en ma capacité en tant que délégué de Chypre, qu'à mon avis le moment est venu de reconnaître que la question dont nous sommes saisis revêt avant tout un caractère politique. Voulons-nous oui ou non, qu'à l'avenir notre organisation, la FAO, puisse accueillir des organisations régionales d'intégration économique en tant que membres? Si tel est le cas, pour ma part je le souhaite, nous ne devons pas rouvrir à ce stade les nombreuses questions juridiques et techniques dont nous avons d'ores et déjà longuement débattu.

Le moment est venu de décider. Nous avons devant nous un texte transmis par le Conseil à la Conférence. Ce texte est le fruit d'un compromis éventuel qui pourrait répondre aux intérêts des membres de notre organisation et à ceux de la FAO elle-même. Il me semble important que la Commission III tienne pleinement compte dans ses débats de l'enjeu politique, et s'achemine vers un accord sur la base des textes proposés.

**EL PRESIDENTE:** Compartimos plenamente su preocupación, señor Embajador Poulides.

**Sra. Hilda G. GABARDINI (Argentina):** No tuve oportunidad de saludarlo antes, señor Presidente, y felicitarlo por su elección como Presidente de esta Comisión, así que aprovecho para hacerlo ahora. Mi intervención es solamente para pedirle su ayuda a fin de clarificar dos dudas que tengo con respecto al documento C 91/LIM/30. En la versión en español, el Artículo II.2 (bis) habla de la admisión en calidad de Organización Miembro, cosa que no se ve reflejada en la versión en inglés ni en la

versión en francés, que hablan de decidir la admisión como Miembro. Por favor, quisiera saber cuál es la versión válida.

La segunda duda que necesitaría que usted me ayudara a aclarar es que quisiera que usted me explicara cuál es el estatus de un documento LIM; es decir, como qué tenemos que tomar un documento LIM.

**EL PRESIDENTE:** Voy a dar la palabra al distinguido Consejero Legal, para que tenga la bondad de aclarar sus dos preguntas.

**LEGAL COUNSEL:** May I answer the first question from the distinguished delegate of Argentina.

Indeed, I think there is an error in the Spanish text. The gremlins have struck again! In fact, it should read "admit as member" and not "as a member organization". The English and French versions are correct. There has been a typing error in the Spanish version.

On the second point raised by the distinguished delegate from Argentina, "LIM" merely means "limited distribution": LIM documents are produced on the floor of the Conference.

The status of the document depends on what the document contains. In this case, as I understand it, it contains a proposal to formally amend the proposals put forward by the Council in June, so that you can discuss the compromise text before you.

**EL PRESIDENTE:** Muchísimas gracias, Dr. Moore, por su aclaración.

**S. Azmat HASSAN (Pakistan):** First of all, I would like to join other delegations in congratulating you and members of your Bureau on your respective elections. My delegation wishes you every success in the discharge of your important duties.

Pakistan has remained a Member of the FAO Council, of its Committee on Constitutional Legal Matters and of the ad hoc Committee of the Council on Regional Economic Integration Organizations. In these capacities it has been in close contact with this important matter through all the different stages of its review. We, therefore, feel rightly pleased to see the possibility of an amicable conclusion to the exercise.

It is not our wish during the present examination to intervene on every amendment proposed to the text but to confine ourselves merely to the articles or rules on which we have specific views. However, in general our position remains ostensibly the same as noted during the preceding meetings. We agree that the EEC, by virtue of the competence transferred to it by Member States in areas of activities of FAO, has a definite role to play in these areas and should be provided with the possibility of exercising such a role in areas of its competence.

We endorse the decision of the FAO Council that such a possibility for membership should not be limited to the EEC but apply to a broader category

of Regional Economic Integration Organizations to whom its Member States have transferred competence in a range of areas in the field of activities of FAO.

This membership shall be sui generis and based on an alternative exercise of rights of membership between REIOs and its member states. Within these parameters our delegation has a relatively flexible position and can accept the compromise arrangements ensuing from the second session of the REIOC, and those contained in document CL 100/LIM/2, the Single Text proposed by the Chairman of the REIOC, are generally acceptable. We note with disappointment, however, that the eligibility criteria laid out in document CL 100/LIM/2 under Article II.3 would restrict membership of the FAO to only the EEC for quite some time to come. Nevertheless, over the last few days, having discussed this text with the FAO Legal Office, who were very helpful, our Mission in New York and a number of colleagues from other delegations in Rome, in the greater interest of FAO operations and from a practical point of view we would be willing to go along with the proposed criteria.

However, we do hope that where such status is achieved for by other REIO in the future, its entry into FAO would be without hindrance.

Finally, being cognizant of the constraints on our time I would suggest to the Commission that we confine our general discussion to the three points in document CL 100/LIM/2. If we fail to achieve a consensus, we should adjourn our session and allow the main proponents to meet under your chairmanship, Sir, to resolve these differences. Following such a resolution, we may come back to the adoption of the document amendment by amendment.

**EL PRESIDENTE:** Muchas gracias, distinguido delegado por sus saludos a la Presidencia. Vamos a ver cómo se desarrolla el debate y tendremos muy en cuenta su propuesta.

**Ernst ZIMMERL (Austria) (Original language German):** The Austrian delegation also wishes to welcome the three new Member States, Estonia, Latvia and Lithuania and the Associate Member, Puerto Rico. What is more, I should like to express thanks to the Legal Counsel and the Chairman of the Committee on Constitutional and Legal Matters for their introductions.

My delegation has carefully examined the amendment proposals which would enable REIOs to become members of FAO. We have scrutinized them carefully and during the last meeting of the Council - its Hundredth Session - we also examined the various problems raised and took a look at them with representatives and legal experts in UNIDO and the United Nations. We believe that the fact that Member States transfer certain competencies to certain organizations should be reflected in the responsibility shouldered by such organizations in given activities, such as international organizations.

On many occasions the Member Nations of the EEC have already transferred certain competencies to the Community so they are therefore bound by the decisions taken by the governing bodies of the Community. Austria welcomes

EEC membership in FAO; this would be the logical outcome of the integration policy.

In fact, we think these amendments which enable membership of REIOs in FAO are necessary. The proposed amendment by the Chairman of the REIOC corresponds to all these criteria. In fact, it is a good legal basis for the amendment of the Basic Texts.

Therefore, the Austrian delegation is in favour of the proposed amendment to the Basic Texts of FAO. I should like to add that we agree with the proposal made by the delegate of Colombia as regards the timetable to be followed in the examination of this item.

**Ricardo VELAZQUEZ HUERTA (México):** Señor Presidente, me uno a las felicitaciones que le han expresado varios países Miembros y también al ingreso de los Países Bálticos.

Entrando en materia seré un poco directo. México siempre ha tenido una enorme preocupación cuando se trata de establecer sus reformas a documentos básicos, tanto de naciones, como de organismos internacionales. No por temor, ni por miedo, sino porque una reforma debe darse en términos de un cuidado muy meditado porque ello modifica la estructura y la fisonomía que los miembros fundadores quisieron otorgarle a ésta y repercute directamente con sus objetivos.

Entiendo con mucha claridad que el primer paso para el ingreso de Organizaciones Regionales de Integración Económica, no es la reforma de los documentos básicos de la organización y que los miembros para poder considerar la admisión de la Comunidad Económica Europea - primera solicitud que se recibe de un organismo regional de integración económica -, será obviamente posterior a que en el seno de esta Comisión se apruebe alguna resolución que deba tomar la Conferencia.

Agradezco mucho el que se haya precisado que en el documento en español hay un error sobre la designación de miembro y de organización miembro. Este error, no solamente existe en el Artículo II(bis), sino se advierte a todo lo largo del documento presentado, y ello hace de inmediato saltar una de las primeras preocupaciones de la delegación mexicana, si no se trata de una Organización miembro, y se trata solamente de admitir a una organización regional de integración económica como miembro, esto implicaría que no cae dentro de ninguno de los dos supuestos a que hace referencia el Artículo II.2, de los textos fundamentales, y el II.3 también.

Como expresamos en una pasada ocasión, el Artículo II.2, se refiere a miembros como Estados. Las organizaciones regionales de integración económica, no son Estados. El II.3 se refiere a miembros asociados, y hace referencia a territorios que no tengan a su cargo la dirección de sus propias relaciones internacionales. La Comunidad Económica tampoco cae dentro de este supuesto. Entonces, a la delegación mexicana le preocupa que se reformen los textos fundamentales sin especificar qué estatus debe tener una organización regional de integración económica.

La dedicación y sapiencia de nuestro Consejero Legal, nos ha indicado que se trata de un miembro sui generis, así lo expresó o al menos así lo

escuché. Si esto fuese cierto, no veo por qué en la propuesta que se nos hace, no se incluya que se trata de una organización o de un miembro sui generis y se diga solamente miembro.

Esta es una primera intervención que hará la delegación mexicana en cuanto al fondo. En México decimos que el fondo es la forma y que la forma es el fondo. Debemos ser cuidadosos en la forma para no caer en vicios de fondo, y nos reservamos el derecho de intervención posterior.

**Kiichi NARITA (Japan):** I am grateful for the opportunity to speak because this is one of the most important items in this session. I commend the FAO Secretariat for their preparation of the several documents on this agenda item.

First of all, as my delegation has repeatedly said, Japan can support in principle the participation of the EEC in FAO activities in the areas where the EEC has the competence which has been delegated to it by the Member States of the EEC. However, a number of countries, including Japan, have pointed out since the Ninety-eighth Session of the FAO Council that sufficient elaboration is necessary to study issues such as the clarification of the specific details of the area of the competence of the EEC and the ramifications of having the EEC as a member in FAO to the other United Nations systems.

In the Hundredth Session of FAO Council last week, somebody said that it was time to make a political decision concerning this very important matter. However, as my delegation said in the last Council meeting, we did not get any satisfactory explanatory paper from the EEC concerning the areas of competence of the EEC. Many members have been working on this very important matter for a very long time in order to help the EEC to join FAO, but nobody knows clearly about the concrete idea about the EEC's area of competence. We want to know more clearly the areas in which full competence has been transferred and the areas in which competence is shared. After receiving and studying this information we can proceed properly. My delegation believes that we should not make a political decision before we get sufficient information.

Concerning the proposed amendment of the Constitution and General Rules, my delegation has several comments. However, my delegation would like to make sure that our comments on each articles comes simply from the legal aspects. As my delegation just said before we are never opposed to accepting EEC or other REIO as a member of FAO.

With regard to the assimilation clause, namely Article II.2 of the FAO Constitution, my delegation believes that we should clearly stipulate the idea that "the reference to the Member Nations under this Constitution shall include Member Organizations within the limits of their respective competence." Also, since we have already agreed at the Ninety-ninth Session of the FAO Council in June that we might accept REIOs as a sui generis status - that means some kind of a special status - my delegation is of the view that the difference between Member Nations and Member Organizations should be clearly stipulated in the articles by using the term "Member Organizations."

Concerning the definition or the requirement for membership, namely Article II.3, my delegation is of the opinion that a stipulation concerning the competence of REIOs to enter into treaties and to make decisions binding on its Member States is necessary in addition to the stipulation concerning the sovereign states and transferred competence. Moreover, my delegation believes that all member of REIOs which apply for membership of FAO should be members of FAO. With regard to the speaking right, which has relation to Article II.4 of the Constitution and General Rule XLIV, we agreed in the Ninety-ninth Session of the FAO Council that alternative exercise principles will have to be applied, and there should be no increase of right. Furthermore, the stipulation in Article II.4, namely, "a Member Organization shall exercise membership rights on an alternative basis with its Member States" should be applied not only to voting rights but also to the speaking right. Therefore, my delegation is of the view that only one party, either REIO or its Member States, can participate in meetings and speak and vote as a member of FAO. In this regard, we believe that General Rule XLIV, which was proposed by the Chairman of the REIO Committee, does not reflect the alternative exercise principle properly.

Besides these very important points, my delegation would like to point out a concern from a purely legal point of view with regard to Article XIV.3(b). As we know from the document C 91/LIM/23, page 7, Article XIV.3(b), the sentence which is underlined reads as follows: "as regional economic integration organizations other than member organizations." However, the same sentence which is in document C 91/LIM/25, page A2, reads as "and regional economic integration organizations including Member Organizations." The difference is "other than" and "including." My delegation believes that the wording which is included in the former document is legally correct. My delegation would like to get a clear explanation from Legal Counsel on this point. Furthermore, my delegation would like to make sure that these amendments will be pursuant to Article XX to the Constitution, and no new obligations to Member Nations of FAO should be allowed. Therefore, there should be specific comments in the Resolution to make reference to no new obligations.

**Oscar MAS HERRERA (Costa Rica):** Muchas gracias, señor Presidente, como es la primera vez que tomo la palabra, me complace en saludarle a usted de una manera muy amable y cariñosa con todo el orgullo de ver a un jurista latinoamericano presidiendo nuestra Comisión III.

En segundo lugar, quisiera, en nombre del pueblo y del Gobierno de Costa Rica conocido por la forma de vivir la libertad y por la forma de luchar por las libertades, saludar a los países de Estonia, Letonia y Lituania por su entrada en la FAO y por verlos una vez más figurar en el plano internacional como países de pleno derecho. Esto me complace extraordinariamente.

Saludo también a Puerto Rico, país latinoamericano, Estado libre asociado, que hoy, por primera vez, lo vemos entre nosotros cumpliendo su histórico papel.

Al respecto del tema que nos ocupa, es cierto que la revisión de los Textos Básicos de la FAO es todo un problema que puede traer dificultades. Sin embargo, es opinión de nuestra delegación, que siendo como es la vida

cambio y que solamente lo mineral es estático, era de esperar que en un momento dado los Textos Básicos al respecto de la admisión de nuevos miembros, también se flexibilizaran y cambiaran un tanto ante la posibilidad, hoy realidad, de que organismos de integración económica tocaran las puertas de nuestra Organización.

Recientemente el intelectual francés Sr. Attali, en su Conferencia McDougall, hablaba de que en el futuro él veía las democracias comunitarias como una nueva fórmula de vida social. Creo que las ORIE son una forma, un embrión, una esperanza de democracias comunitarias, fórmula que oí por primera vez en sus labios. De modo que si las grandes dificultades que ofrecía la revisión de estos Textos Básicos han quedado, por lo menos en lo fundamental, limitadas gracias en especial al equipo de trabajo que pacientemente revisó durante días y días el marco jurídico presidido por el Embajador de Colombia, Gonzalo Bula Hoyos, y esto es ya una realidad, cuánto mejor es poder contar con un marco jurídico que nos garantice que la entrada de las ORIE será hecha cuando todas las condiciones, por lo menos las más importantes, estén ya debidamente llenadas.

He recibido instrucciones del Gobierno de mi país para apoyar la entrada de la CEE. Es muy posible que haya aún elementos que perfeccionar en el Estatuto, pero si esto es así, nos quedan aún estos días de intenso trabajo en la Conferencia para mejorar lo que haya que mejorar, sin olvidar la flexibilidad que hay que instituir para no cerrar las puertas de la FAO y del mundo de los organismos de las Naciones Unidas a futuros organismos que lleguen a cumplir con los requisitos de idoneidad que son de desear para tenerlos entre nosotros justamente dentro de este marco ampliado que permite la entrada de las ORIE.

The meeting rose at 12.45 hours.

La séance est levée à 12 h 45.

Se levanta la sesión a las 12.45 horas.

## **conference**

FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS

## **conférence**

ORGANISATION DES NATIONS UNIES POUR L'ALIMENTATION ET L'AGRICULTURE

## **conferencia**

ORGANIZACION DE LAS NACIONES UNIDAS PARA LA AGRICULTURA Y LA ALIMENTACION

C

**C 91/III/PV/2**

Twenty-sixth Session  
COMMISSION III

Vingt-sixième session  
COMMISSION III

26° período de sesiones  
COMISION III

### **SECOND MEETING DEUXIEME SEANCE SEGUNDA SESION**

(12 November 1991)

The Second Meeting was opened at 15.15 hours

Mr Samuel Fernández Illanes. Chairman of Commission III, presiding

La deuxième séance est ouverte à 15 h 15

sous la présidence de M. Samuel Fernández Illanes. Président de la  
Commission III

Se abre la segunda sesión a las 15.15 horas

baio la presidencia del Sr. Samuel Fernández Illanes. Presidente de la  
Comisión III

- III. CONSTITUTIONAL AND ADMINISTRATIVE MATTERS (continued)  
III. QUESTIONS CONSTITUTIONNELLES ET ADMINISTRATIVES (suite)  
III. ASUNTOS CONSTITUCIONALES Y ADMINISTRATIVOS (continuación)
24. Membership of Regional Economic Integration Organizations in FAO - Amendments to the Basic Texts of the Organization (continued)  
24. Accession d'organisations d'intégration économique régionale à la qualité de membre de la FAO - Amendements aux Textes fondamentaux de l'Organisation (suite)  
24. Adhesión como miembros de la FAO de las organizaciones regionales de integración económica: enmiendas de los Textos Fundamentales de la Organización (continuación)

**EL PRESIDENTE:** Distinguidos señores delegados, muy buenas tardes. Se inicia la segunda sesión de la Comisión III. Continuamos con la discusión del tema 24 del programa. El primer orador que tengo en mi lista es la distinguida delegación de Yugoslavia.

**Marinko DOMLJANOVIC (Yugoslavia):** Although it is not a member of any regional economic integrated organization, Yugoslavia has carefully studied the issue of the possible forms of membership of REIOs in FAO.

Bearing in mind the increasing urgency of new regional integrations not only among the developed but also among the developing countries, we are of the opinion that the issue of the membership of such groupings in international organizations of the United Nations system is of exceptional importance. The resolution of similar requests in future will depend on how this issue is resolved now. Having in mind what Legal Counsel said this morning in his introductory comments about the principles which are provided for by the compromise text presented to the Conference by the Hundredth Session of Council, such as formal membership of regional economic integrated organizations is *sui generis*, the possibility of membership of all regional economic organizations providing they fulfil the provisions of Article II.3, a scheme based on the fundamental principle of alternative exercise of rights, and so on, the Yugoslavian delegation is of the opinion that the proposed Single Text is a good basis for further discussion which might bring us to the point of drafting an adequate resolution on the matter.

**Vishnu BHAGWAN (India):** First of all, Mr Chairman, I would like to congratulate you and the members of the Bureau on your election. I shall be very happy to work under your leadership. My delegation also welcomes the new members - Estonia, Latvia and Lithuania - to the FAO family, and we extend our welcome to Puerto Rico on its associate membership. I wish them all success in this esteemed Organization.

I would like to record the appreciation of my delegation to Mr Moore who has worked so hard on this issue. We much appreciated his lucid presentation this morning, when he clearly indicated the principle on which this issue has been based, and the draft amendments prepared. In fact, he has explained them so often that this principle and these bases are now very clear to all members attending the meeting here.

I would be failing in my duty if I did not record my appreciation and admiration for the delegate of Colombia, Mr Bula Hoyos, who has worked untiringly on this issue, something which has aroused a lot of controversy, but with his efforts and the efforts of the ad hoc group we were able to work out an agreed text during the last Council based on this principle.

My delegation has no difficulty in endorsing this principle and accepting the text which was accepted during the time of the last Council. In fact we have discussed this matter for so long, from the Ninety-eighth Council to the Hundredth Council, that we have gone over it umpteen times. We very much appreciate the aspirations not only of the EEC, but the regional economic integrated organizations who might become members of FAO at a later stage as and when they fulfil the criteria laid down. We also believe that this is a dynamic situation. Today it is the EEC; tomorrow it could be other organizations as well.

In our view the text which we finally worked out at the time of the Council is a good basis, and we can definitely work on it to reach a definite conclusion.

**Milan BERÁNEK (Czechoslovakia) :** As I have had many opportunities to express my sincere personal congratulations to you, Mr Chairman, on your election to the Chair of this Commission, I would like to repeat it now once more formally and in the capacity of representative of my Government. I would like also to welcome the newly-elected members of FAO taking part in our work.

After the excellent presentation of Mr Moore and Mr Bula Hoyos - and I must say I appreciated them very much - I have only too little to say on the substance of this matter. My delegation is one of the co-sponsors of the proposed text which has been introduced so brilliantly. Having heard also the positive reaction of the delegate of the Netherlands on behalf of the EEC, the delegate of Pakistan, along with many other delegations, and taking into account careful consideration of the matter by all the legal and political bodies of the FAO - and not only of FAO but also other agencies, including the United Nations Legal Office - my delegation cannot do other than recommend to this Commission of the supreme FAO body the acceptance of perhaps not an ideal one but really the politically balanced proposal which now lies upon the Table.

We would like to see the proposal transferred to the Plenary without further delay and without repeating the whole negotiation process which we have gone through in the past months and years. Of course, my delegation is at any time ready to intervene further in the debate or to take part in further negotiations or explanatory consultations or whatever you like on the specific questions if there is any further and open minded need to do so.

**MA GENG-OU (China) (Original language Chinese):** Before my formal intervention, I would like to congratulate the three new members of the FAO. I would also like to welcome Puerto Rico to be admitted as an associate member into FAO.

Just as the Chinese delegation has mentioned in the Hundredth Session of the Council, at present there are many regional economic integration organizations in the world. They have now shouldered actually many works within the competence of FAO which their Member Nations have already done. Therefore, the admittance of REIOs into FAO has become a very practical issue now. Many efforts have been done in this regard by FAO. Therefore, I would like to thank the Special Ad Hoc Committee, and also I would like to thank Mr Bula Hoyos and also the Members of this Committee. I thank you for your efforts. I would like to thank the Secretariat for their detailed documents prepared for this Session. Through the study of this document, we have some in-depth and overall understanding of this issue. Also, we have gained insight into the process of studying this issue. Therefore, I think, as Ambassador Bula Hoyos has mentioned, a single text can serve as a very good basis for our debate. The single text concerning the REIOs has laid out the competence and rights and responsibilities of all the Member Nations as well as many important issues in a very detailed way. To these principles we find ourselves in agreement. But this one single issue needs to be further clarified. That is, in terms of REIOs, when they are admitted into the FAO as a Member instead of a Member Organization, I would like to give you my understanding of this issue. I think FAO has two kinds of members. One refers to Member Nations; one refers to Member Organizations. If EEC applies for membership to FAO and has been defined as a Member Nation in FAO but they still are regarded as a Member Organization, they cannot be seen as a Member Nation. In the amendment text there are a lot of rules laid out for Member Organizations. They are also suitable for EEC. If my understanding on this issue is correct, I would like to endorse EEC's being admitted into FAO. Therefore, China will support this. If my understanding goes against this description or classification, I would like the Chairman and the Legal Counsel to give me an explanation.

**EL PRESIDENTE:** Muchísimas gracias, distinguido delegado. Agradezco sus palabras hacia la Presidencia. Sus dudas podrán ser resueltas un poco más adelante, si es que quedara alguna, por el distinguido Consejero Legal.

**Francis MBEWE (Zambia):** Zambia participated in the discussions on this subject, and therefore in principle and generally we accept the concept of the regional economic integration organizations in FAO. What, however, I would like to point out here is that there appears to be confusion as to whether we are talking about the EEC or whether we are talking about the principle of admitting other REIOs. I think the issue at hand at first, in our view, is to amend the Constitution which provides thereafter admission of REIOs. It would appear that people are referring to areas of competency, whether EEC should be admitted or not. I think we are putting the last things first. I think the issue at hand is that we accept that the regional economic integration organizations should be admitted. Therefore, if the answer is yes, let us look at the text, the amended text. When the text has been amended providing for admission of REIOs, then we will look at the EEC application and its criteria for admission. I thought I should clarify that, considering the various interventions I have observed.

Coming to the amendment of the Constitution, I would recall that in June this year, the issue of exclusive competence was at the centre of our debate in both the Council and also the small committee which was set up by the Council. I note from the draft proposal of the amendment that this has

been excluded and thereby substituted with explanations which relate to Rule XLIV regarding competence which describes what should happen to the process of participation in debate of an REIO. In my view, if the words "exclusive competence" were included in Article II.3, there would not have been a need for that rule explaining extensively the need for Member States to ask for areas of competence, the need for the Member Organizations in an REIO to declare the area of competence and so on and so forth. Maybe at a later stage the Legal Counsel can provide us with wisdom as to why the words "exclusive competence" have been left out. It was supposed to have been submitted to the Council of the last Commission.

**EL PRESIDENTE:** Efectivamente, el texto al que usted hace referencia es justamente el texto a cuyo compromiso llegó, en su oportunidad, el Comité de las ORIE. Por ello, no aparece esa mención que usted citaba. En todo caso, cualquier otra duda que quede al respecto será gustosamente respondida, en su oportunidad, por el distinguido Consejero Legal.

**Sture THEOLIN (Sweden):** I told you earlier under a Point of Order how much we appreciate working under your leadership, and I wanted to repeat that now under more regular circumstances.

Like other speakers before us, we would like equally to welcome the new members of the Organization, Puerto Rico as an Associate Member and in particular, the Baltic States, which will provide Sweden with an opportunity also within FAO to reopen and build on the relationship which was so close and fruitful in earlier periods. As you know, I have been a bad participant by withdrawing from the list of speakers this morning. I had really intended to deliver this then, but I was forced by other circumstances to leave this Committee, and I apologize for that.

Concerning the process which has led to our present predicament, we are impressed by the different variety of opinions and views which have been able to be heard and voiced and that a compromise has been worked out in which so many countries have been indeed involved, and countries from all regions. Sweden was a member of the Regional Economic Integration Organization Committee which met earlier, and we would like to thank the participants of the Ad Hoc Group for the work they have done in providing the Committee and the Conference with a single proposal.

Sweden believes that the regional economic integration organizations may play an important and crucial role in the life of FAO. We welcome and support the definition of a criteria which has been established in this proposal and we welcome the innovative arrangements for the practical working out of how a member organization can participate.

We understand that these ways eventually will have to evolve, but this is an extremely good starting point which we should thank the working group for helping us out with.

Further, Mr Chairman, moving them according to the same line which the Colombian delegation expressed we welcome the opportunity for the European Community to eventually become a member of the FAO.

I would also like to express support for the timetable which was suggested by Ambassador Bula Hoyos when the report was introduced, and I think it is only fair to share the thankfulness expressed by others to Ambassador Bula Hoyos for the excellent work he has performed. So, Mr Chairman, the one merit of speaking late if you can, most of the things have actually been said, and suffice it therefore to say that Sweden does accept and support the proposal, the single proposal which has been put forward to this Committee, and like others we suggest it be approved by the Committee and sent forward in order that the EEC will eventually become a member at this very Conference. Thank you.

**EL PRESIDENTE:** Ha sido una importantísima declaración, de la que hemos tomado nota. Se han agregado algunas delegaciones a la lista de oradores.

**Roberto PONCE ALVARADO (Ecuador):** En primer lugar, deseo hacerle llegar a usted, señor Presidente, las congratulaciones de nuestra delegación por su elección para la Presidencia. Nos complace mucho verle dirigiendo estos trabajos. Igualmente y aunque ya nos sumamos al aplauso caluroso que se tributó ayer en la Plenaria a los nuevos miembros, quisiera, en el marco de esta Comisión III, dar la bienvenida a los tres nuevos miembros, Estonia, Letonia y Lituania y también al Estado Libre Asociado de Puerto Rico, que ingresa en esta Organización como Estado asociado también.

Trataré de ser breve, pero no sin antes hacer una pequeña aclaración que creemos necesaria. Nuestro país no es miembro del Consejo; no es miembro tampoco del Comité de Asuntos Constitucionales y Jurídicos ni formó parte del Comité de miembros escogidos por el Director General para examinar ese asunto. Por tanto, ésta es la primera vez en que mi país puede expresar oficialmente su posición respecto al tema, de tal manera que es probable que las opiniones expresadas por mi delegación se sumen a la diversidad de opiniones que han maravillado a alguna delegación aquí.

Deseo comenzar indicando que somos partidarios de la participación de las organizaciones regionales de integración económica en la FAO, pero creemos que eso debe darse a través de un proceso estructurado en una forma, podríamos decir abstracta, es decir, sin destinatario alguno, de tal forma que se deje abierto el camino para el ingreso, ahora y en el futuro, de una, dos o varias organizaciones regionales de integración económica que deseen participar y colaborar en los trabajos de esta Organización.

Por ello compartimos la declaración formulada esta mañana por la distinguida delegación de México, que destaca claramente la necesidad de dar a este proceso una mayor racionalidad metodológica; es decir, primero habría sido deseable determinar las bases en las cuales se debería dar el ingreso de las ORIE a esta Organización y, luego, examinar las solicitudes de ingreso que se presenten.

En segundo lugar, es necesario tener claramente presente la distinción que debe hacerse entre Estados soberanos y organizaciones regionales de integración económica. Digo esto porque recojo una afirmación realizada esta mañana por el Asesor Jurídico, en el sentido de que si ingresa alguna ORIE en la FAO - una o varias - ésta o éstas tendrán que tener necesariamente un estatus sui generis - creo que así lo dijo: estatus sui

generis - que, por ser tal, no puede ser equiparado de ninguna manera al de los Estados Miembros.

A esta observación se podrían sumar algunas otras observaciones de fondo inclusive, tales como la relativa a la definición de competencias, que nosotros pensamos debe ser un requisito previo - y subrayo: previo - al examen de cualquier solicitud de admisión de una ORIE en esta Organización.

**Mme Amina BOUDJELTI (Algérie):** Permettez-moi à mon tour de vous féliciter pour votre élection à la présidence et de vous dire combien nous apprécions de travailler sous votre direction.

Ma délégation a eu l'honneur de participer aux travaux du Comité des Etats Membres depuis déjà deux mois, elle a donc eu l'occasion à maintes reprises d'exprimer sa position tant en ce qui concerne l'adhésion d'éventuelles OIER à notre Organisation qu'en ce qui touche plus particulièrement l'entrée de la CEE.

Elle tient toutefois en cette enceinte à faire une courte déclaration, tout d'abord pour féliciter et remercier tous ceux qui, tant au niveau du Secrétariat qu'au niveau des différents Comités, ont permis d'aboutir au résultat actuel.

C'est à dire que nous sommes actuellement co-auteurs des amendements proposés dans le document C 91/LIM/30 et que nous avons peu de choses à ajouter sur le fond car nous estimons qu'il s'agit là d'un texte équilibré et pertinent qui est le fruit d'une volonté certaine.

Nous nous associons donc pour toutes ces raisons à tous ceux qui ont recommandé la transmission de ce texte en Plénière.

**EL PRESIDENTE:** Gracias por sus palabras tan gentiles para la Mesa. Por cierto, recordamos el gran trabajo que a su delegación le correspondió en el Comité presidido por el distinguido Embajador de Colombia.

**Winston R. RUDDER (Trinidad and Tobago):** Thank you Mr Chairman. Permit me first of all to extend best wishes to you as a colleague Member Nation of the Latin American and Caribbean region. And secondly to join with others who have spoken before me in welcoming to this august institution the three Baltic States, Estonia, Latvia and Lithuania and particularly, our good neighbour Puerto Rico. We were witness to that very short but moving ceremony this morning and we are very happy that they have joined us.

Mr Chairman with respect to the particular matter before us at this time may I be permitted a few brief comments. Mr Chairman, the world has changed significantly since FAO came into being some forty-odd years ago. Nations, both developed and developing have recognized the significance of bonding together on the basis of commonality. And in fact what we are finding are these arrangements are deepening to the extent that we have to consider different arrangements if we seek about the governance of development in the world today.

In this regard therefore, Mr Chairman, with regard to these trends that have taken place and in light of the substantive discussions that have taken place within the halls of the FAO over the last two or more three years on this specific matter the question of regional economic integration organizations, and the desirability and the conditions under which they may be considered for membership in this Body. We feel satisfied that the major concerns that we held at the beginning of the debate some two years ago are far gone today.

And indeed we feel pleased to join with others who have spoken before us to endorse the proposal that we have here and which we considered balanced and suggest and recommend that in fact they be taken forward in the process of finally determining the circumstances, the criteria and the conditions which would allow for the admission of regional economic integration organizations to FAO. Thank you very much.

**EL PRESIDENTE:** Gracias por sus gentiles palabras, especialmente por venir de nuestra región de América Latina y el Caribe, y gracias por su importante declaración.

**Thomas YANGA (Cameroun):** Avant tout je voudrais m'excuser de ne pas avoir pris part à la séance du matin de cette importante Commission. C'est avec un peu de retard que je voudrais vous adresser nos vives et sincères félicitations pour votre élection à la tête de cette Commission. Je vous assure de notre appui total pour la réussite de votre importante mission. Mon pays s'associe à d'autres pays pour souhaiter la bienvenue aux nouveaux Etats Membres et même nous pourrions déjà souhaiter la bienvenue aux éventuelles organisations membres qui se joindraient à nous au sein de la FAO.

Mon pays a eu l'honneur et la responsabilité de participer à presque toutes les discussions qui ont eu lieu dans différentes enceintes, ici à la FAO, sur la question de l'admission des OIER. C'est ici le lieu de réitérer que mon pays se prononce favorablement pour l'admission de la CEE à la FAO.

Comme je l'ai dit nous avons participé aux différentes discussions qui ont eu lieu et je puis vous confesser que ces discussions ont été très intéressantes, riches parfois en rebondissements, d'où l'absence de certains termes ou de certains mots qui ne figurent pas dans le texte par exemple du document C 91/LIM/30 par rapport au texte que le Conseil avait examiné dans sa quatre-vingt-dix-neuvième session. C'est le fruit d'une longue réflexion, de discussions ardues et des explications en profondeur qui ont permis aux membres participant à ces discussions notamment au Comité des Etats Membres chargé d'examiner les amendements aux Textes fondamentaux, d'essayer de simplifier autant que possible et de clarifier les choses, et de produire ce document C 91/LIM/30 auquel mon pays est associé et que j'appuie de tout coeur.

C'est dire que nous souhaitons que ce texte puisse être transmis à la Conférence pour être examiné par la Plénière pour être éventuellement adopté. Je crois que le Conseiller juridique et d'autres membres peuvent donner des explications à ceux qui auraient des interrogations sur les implications ou les aspects juridiques de certains termes qui manquent ou qui ont été ajoutés.

Voilà ce que ma délégation voulait dire à ce stade des débats.

**Kiala KIA MATEVA (Angola):** M. le Président, puisque j'interviens pour la première fois, je voudrais vous féliciter pour votre désignation à la tête de la Commission III. Je suis certain que les travaux de cette Commission trouveront une bonne issue, de bons résultats, sous votre direction.

La délégation angolaise félicite également les quatre pays: Lettonie, Estonie, Lituanie et Porto Rico qui sont parmi nous. Elle leur souhaite la bienvenue au sein de la FAO. Je manquerais à mon devoir si je ne félicitais pas M. Moore, Conseiller juridique de la FAO, pour l'exposé clair et concis qu'il a présenté ce matin.

Nos félicitations s'adressent également à M. Bula Hoyos, Ambassadeur de la Colombie et Président du COIER pour sa compétence devenue légendaire et la façon dont il a conduit ce groupe pour nous présenter un texte équilibré, comme l'a dit mon collègue de gauche qui n'est pas là malheureusement.

Sur le document sujet de notre discussion, la délégation angolaise, bien que ne faisant pas partie du COIER, accepte le principe exposé sur les amendements à l'Acte constitutif qui concernent l'adhésion à la FAO d'organisations d'intégration économique régionale à la qualité de membre de la FAO.

En ce qui concerne l'admission de la CEE au sein de la FAO, l'Angola doit être compté parmi les pays qui veulent son entrée. Je vous remercie.

**Frank BUCHHOLZ (United States of America):** Thank you Mr Chairman. We are faced today with an important issue that has implications not only for the FAO but for other international organizations. We have before us amendments to the FAO Constitution which would, in effect, create a new form of membership for the international community. We must take our task seriously and proceed cautiously and prudently to ensure that there is no ambiguity or lack of clarity in the text of the proposed amendments. In particular, we should not proceed with the text if it obscures fundamentally differing viewpoints.

In this regard we would like to draw the attention of delegates to the letter of the Legal Office of the United Nations reproduced in Council document CL 100/9-Sup. 1 which in part states: "What is needed is a reference to transference, full transference of competence in a given field, from the members of the Organization to the Organization itself, and the competence of the Organization to make decisions in that field which are binding on the members of the Organization. The rationale behind allowing an Organization to cast the votes of its Member States is based upon the fact that those Member States no longer have any role to play in the matter being discussed".

As to substance, the text contained in document C 91/LIM/30 would not, in the United States' view, constitute an acceptable basis for adoption of an amendment on this issue. Specifically, as suggested by the representatives of Zambia and Japan, the text requires clarification concerning what is meant by transfer of competence. The United States therefore believes it is essential that any amendment of Article II.3 include the following language

in the text or any commentary. "The transfer of competence to REIO on a particular matter means that the REIO's members may no longer exercise competence with respect to that matter". We could not agree to any text if this concept were not made clear in the text or at least in the commentary.

Second, it must be clear in the text that it is a requirement of membership that the REIO's competence includes the competence to enter into treaties as well as to take other decisions binding on its member states in respect of matters within FAO's purview. We believe this requirement is necessary for two reasons. First, to undertake the obligations of membership in the FAO is regarded by many nations as tantamount to undertaking the treaty obligation. Secondly, Article XIV of the Constitution envisages a situation where member organizations will be allowed to enter into treaties and agreements approved and submitted by the Conference. It would therefore be logical for the eligibility requirements to specify the competence to enter treaties.

A number of multilateral agreements to which REIOs made here have already addressed this problem and incorporated the competence to enter into treaties as eligibly a requirement. These agreements include the 1989 Treaty on Intellectual Property in respect of integrated circuits, the 1991 ECE Convention on Environmental Impact Assessment in a trans-boundary context, the 1979 ECE Convention on Long-Range Trans-Boundary Air Pollution, and the Law of the Sea Convention. The United States therefore believes it is essential for Article II.3 to include wording that the competence transferred "include the competence to enter into treaties and to make other decisions binding on its member states in respect of those matters".

We would also like to support the comments by the representative of Japan concerning the insertion of the words: "within the limit of their respective competence" in Article II.2 and clarification of speaking rights in Rule XLIV.

Like the representative of Japan, we would also like the opportunity to review the EC's letter of competence as soon as possible. On the basis of the membership criteria contained in the proposed text contained in document C 91/LIM/30, we would have to reconsider our position on the amendments generally. At the very least the United States could not support the view that a REIO join the FAO as a "Member" as opposed to "Member Organization".

As to how to proceed, I would like to support the suggestion by the Representative of Pakistan that you, Mr Chairman, convene a group of interested delegations, perhaps from individual regions, to discuss what changes could be made to the text such that it would receive the support of all delegations. Thank you Mr Chairman.

**Mme Maria De Lourdes MARTINS DUARTE (Cap-Vert):** M. le Président, tout d'abord nos félicitations et réjouissances de vous voir présider notre commission.

Le Cap-Vert, en tant que co-auteur du texte proposé sous le code C 91/LIM/30, tient une fois encore à souligner le remarquable travail du Comité présidé par l'Ambassadeur Bula Hoyos, et propose que le texte des amendements soit soumis à la Plénière pour approbation.

**Earl W. WEYBRECHT (Canada):** Mr Chairman, my delegation would like to join others in congratulating you on your election to the position of Chairman of this Commission and to members of your Bureau. My remarks will be very general at this point.

Mr Chairman, my delegation wishes to acknowledge the substantial progress that has been achieved to date in paving the way for the admission of regional economic integration organizations in FAO: The object of achieving an amendment to the Basic Texts to enable the EEC to join the Organization is one that we fully support.

We wish to express our appreciation as well to those who have worked so intensively on this exercise over the past few weeks, including members of the Working Group under the Chairmanship of Ambassador Bula Hoyos.

My delegation had contributed to the discussion on this issue in previous Council sessions, and we have followed closely the work of the Working Group. We note that there are a number of points where differing views still exist. It would be our hope, however, Mr Chairman, that since so much progress has been achieved to date, it will be possible to reach a full consensus on this important issue.

To avoid any possible confusion and to enable us to effectively plan our time it would be helpful, we believe, if you could set out quite clearly the process that we will need to follow in our deliberations on this issue, particularly once a resolution is introduced on this subject.

**Sidaty AIDARA (Sénégal):** Je voudrais avant tout m'acquitter d'un agréable devoir, celui de présenter, au nom du Gouvernement et du peuple sénégalais, les chaleureuses félicitations de ma délégation, à celle des Etats Baltes qui ont été admis comme membres à part entière de l'Organisation et à celle de Porto Rico bien sûr, admis à notre Organisation en qualité de membre associé.

La présence au sein de la FAO de ces nouveaux membres est une preuve éclatante de l'universalité de notre Organisation. Et je suis persuadé, que leur présence dans notre Organisation va permettre d'enrichir la réflexion au sein de cette Institution et nous permettre, en tant qu'Etats Membres, de bénéficier de leurs expériences respectives. Ceci étant dit, je voudrais dire que, s'agissant de la question qui nous occupe actuellement, il est important, comme l'a dit tout à l'heure le distingué représentant du Canada, que l'on définisse le processus sur la base duquel nous devons travailler pour mener à bien cette tâche importante que nous avons entreprise.

Ma position sur la liste des orateurs me permet de ne pas être très long. J'ai écouté une vingtaine de délégations. Ceci veut dire que le débat que nous avons eu a permis d'enrichir la réflexion que nous avons entamée sur cette question. Je crois que ceci est important.

L'initiative, comme je le rappelais ce matin, est partie il y a trois ans. Beaucoup de chemin a été parcouru. Beaucoup ont apporté leurs contributions à cet exercice. Et je crois que la Conférence, et notamment notre Commission, est tout indiquée pour les féliciter de ce travail.

Intervenant à ce stade du débat, je n'ai aucunement l'intention de répondre à un certain nombre de questions. Ceci appartient au Secrétariat. Il vous appartiendra à vous-même, M. le Président, de dégager les grandes lignes de notre débat. Mais je voudrais évoquer un certain nombre de questions.

Je crois qu'il est important de savoir que tout le monde est d'accord sur le fait que les organisations d'intégration économique régionale ne sont pas des Etats. La CEE, même si elle peut se prévaloir d'être un Etat en formation, ce que lui reconnaît d'ailleurs le droit international, ne peut en l'état actuel se considérer comme tel.

Donc nous sommes tous conscients qu'une OIER ne peut être un Etat. Et c'est la raison pour laquelle d'ailleurs, tant au niveau du Comité des questions constitutionnelles et juridiques que du Comité des Etats Membres chargés d'examiner les amendements au texte de base pour permettre l'adhésion des OIER, nous avons tenu à faire le distinguo entre OIER et Etats Membres sur le plan de la forme comme sur le plan du fond.

Sur le plan de la forme: Initialement, si mes souvenirs sont bons, l'amendement qui était proposé était un amendement unique, qui incluait l'admission autant des Etats Membres que des OIER, c'est-à-dire les organisations d'intégration économique régionale. La réflexion s'améliorant, les suggestions se faisant tant au niveau du CQCJ qu'au niveau des Etats Membres, l'on s'est rendu compte qu'il fallait dissocier les Etats Membres, et les OIER. C'est ainsi qu'il a été proposé deux amendements :

Un amendement qui concerne bien sûr l'admission des Etats en tant qu'Etats Membres, et l'admission des OIER en tant qu'organisations d'intégration économique régionale. Donc sur le plan déjà de la forme, il y a un distinguo net qui est opéré.

Sur le plan du fond, beaucoup de choses ont été dites ici que je n'ai pas besoin de rappeler. Je voudrais tout simplement insister sur le caractère sui generis de l'Organisation d'intégration économique régionale. En aucune manière, cette organisation ne peut être considérée comme un Etat. Et d'ailleurs, elle ne peut agir comme tel. L'OIER, certes, a ses compétences qui lui seront déléguées. Elle agira dans le cadre de ses fonctions. Nous ne pouvons pas comparer l'Etat Membre avec l'OIER. L'Etat Membre peut à tout moment voter sur tout ce qui concerne la vie de l'Organisation. Ce n'est pas le cas de l'OIER. L'Etat Membre peut à tout moment participer à tout débat au sein de l'Organisation. Ce n'est pas le cas de l'OIER.

Ne serait-ce que pour citer ces deux cas, je pense qu'il est honnête de dire que, même s'il y a une dose d'assimilation, l'OIER n'est pas un Etat Membre. Donc, le fait de dire que cette OIER-là est admise en tant qu'organisation membre, ou que cette OIER est admise en tant que membre, pour moi revient au même. C'est, comme j'ai l'habitude de le dire, le discours de la bouteille à moitié vide ou à moitié pleine.

Ce qui m'importe, ce n'est pas la bouteille. Ce qui m'importe, c'est le contenu de la bouteille. Donc le caractère sui generis, la qualité de membre d'une organisation, ne peut être jugé que par les fonctions que cette OIER exerce. Ceci me semble fondamental.

Je voudrais insister sur un deuxième point: l'exercice alternatif des droits attachés à la qualité de membre. Ceci est clairement défini dans les amendements qui sont proposés. Je crois que ceci est également important, cette notion d'alternance de l'exercice des droits qui sont attachés à la qualité de membre de l'OIER.

On nous a dit qu'il était important de reprendre le processus pour intégrer un certain nombre de réflexions qui ont été menées ici. Je pense qu'il est important que nous fixions les formes et les limites de cet exercice.

Nous avons entrepris déjà une grande tâche à tous les niveaux, au niveau institutionnel de la FAO, au niveau des Etats Membres, au niveau de consultations sous-régionales et régionales. Je pense que reprendre cet exercice depuis le début ne serait pas non seulement opérationnel, mais serait contre-productif.

L'Ambassadeur de Colombie, ce matin, nous a fait une bonne suggestion.

Le Sénégal, comme vous le savez, est co-auteur de cette proposition soumise à la Conférence. Mais nous sommes ouverts à toute forme d'amélioration qui puisse permettre de rallier un plus large consensus. Ne l'oublions pas, nous avons travaillé dans cet esprit depuis le début. Les avis étaient très partagés, et c'est normal. C'est normal que les avis soient partagés, parce que c'est la première fois dans l'histoire des institutions spécialisées du système des Nations Unies qu'une OIER demande à être membre d'une institution spécialisée. C'est tout à fait normal, et je crois que nous devons nous en féliciter. Nous devons nous féliciter de faire oeuvre de pionniers dans cet exercice car demain, que ce soit la CEE, que ce soient les autres organisations d'intégration économique régionale, celles-ci vont certainement élargir la réflexion au niveau d'autres institutions spécialisées. Ce qu'il nous appartient de faire ici, c'est de tracer un canevas, des garde-fous, pour éviter les extrêmes, de quelque bord que ces extrêmes se trouvent d'ailleurs. Et je pense que ceci est extrêmement important.

M. le Président, je ne voudrais pas prolonger ce débat. Nous avons eu, je pense, un échange très fructueux de points de vue de tous les côtés.

La délégation sénégalaise, en ce qui la concerne en tout cas, est prête à participer à toute forme de consultation pour aboutir à un consensus constructif. Et j'insiste sur l'adjectif constructif. Je pense que nous devons aller de l'avant. Nous ne pouvons plus revenir en arrière. Je pense que le problème est arrivé à un moment où il appartient à la Conférence générale de prendre une décision, et la bonne décision. Et c'est nous, Etats Membres, qui devons placer la FAO, notre organisation, en mesure et dans la situation de prendre la bonne décision. Voilà ce que je tenais à dire à ce stade de nos débats. Encore une fois, ma délégation est ouverte à toute suggestion qui puisse permettre de réaliser un consensus. Il vous appartiendra bien sûr de dégager les nouvelles étapes sur la base desquelles nous devons travailler pour arriver à ce consensus. En tout cas, pour notre part, encore un fois, nous sommes prêts à participer, à

coopérer, à collaborer dans un esprit constructif pour l'aboutissement heureux de cette initiative, de cet exercice, qu'ensemble nous avons entrepris.

**EL PRESIDENTE:** Muchísimas gracias Embajador de Senegal por sus afectuosas palabras a la Presidencia y su muy importante declaración, especialmente recordando que Ud. ha sido un miembro destacado del Comité de las ORIE y es un miembro destacado del CACJ.

Raphaël RABE (Madagascar): M. le Président, la délégation malgache voudrait, elle aussi, vous féliciter pour votre brillante élection à la présidence de cette importante Commission. Nous vous assurons de notre entière collaboration.

Nous aussi, M. le Président, nous voudrions souhaiter la bienvenue aux Etats Baltes, et à Porto Rico.

Mon intervention sera très brève car, comme vous le savez, M. le Président, Madagascar a participé à tous les travaux ayant conduit à l'élaboration des documents qui nous sont soumis et que, bien entendu, nous appuyons étant donné que nous sommes co-auteurs.

Nous appuyons, bien entendu, très chaleureusement, les déclarations des délégations de Colombie, du Cameroun, du Cap-Vert, et tout récemment du Sénégal.

M. le Président, nous ne manquons pas de manifester notre reconnaissance à Son Excellence l'Ambassadeur Bula Hoyos pour les efforts inlassables qu'il a déployés pour parvenir au résultat actuel qui, à notre sens, devrait faciliter grandement la réalisation du consensus. Bien entendu, nous étendons cette reconnaissance au Conseiller juridique, M. Moore, et à tous ceux qui ont oeuvré pour permettre la saisine de la Conférence.

Enfin, M. le Président, nous sommes toujours disposés à nous employer autant que possible pour que cette vingt-sixième session de la Conférence finalise la procédure d'adhésion de la Communauté économique européenne à la FAO, en qualité de membre, telle qu'elle est formulée dans le document C 91/LIM/30. Je vous remercie.

**Sra. Mayra IVANKOVICH ANZOLA (Panamá):** Muchas gracias señor Presidente. Sean mis primeras palabras para felicitarle, en nombre de la delegación de Panamá, por su elección como Presidente de esta Comisión. Como distinguido miembro del Grupo Latinoamericano y del Caribe, conocemos su condición y capacidad jurídica que nos llevará a una conclusión atinada de este complejo tema. Le ruego que, por su intermedio, dé la bienvenida de parte de nuestra delegación a las tres Repúblicas Bálticas y a Puerto Rico como miembro asociado, otro hermano latinoamericano que nos acompaña.

Señor Presidente, a la delegación de Panamá le interesan de particular manera todas las acciones tendientes a reforzar esta Organización, y es precisamente en esta óptica que pensamos que cualquier iniciativa que se adelante en ese sentido debe tomar en consideración no sólo el presente sino el futuro de la Organización y las implicaciones jurídicas que para

ella tiene en el futuro. Mi país, Panamá, no es miembro del Consejo, no ha formado parte de los comités que se han formado para analizar este complejo tema como es el ingreso de las ORIE a la FAO. Sin embargo, he venido siguiendo con interés el desarrollo de cada uno de los debates que se han suscitado en el Consejo, y con relación al informe del CACJ, después de cada una de estas reuniones, mi delegación ha informado a nuestra cancillería sobre los progresos logrados.

Mi delegación considera, señor Presidente, que a lo largo del tiempo y de los debates el tema del ingreso de las ORIE a la Organización ha sido paralelo al ingreso de la CEE a la FAO, y esto ha sido a nuestro juicio un gran error debido a que no hemos logrado serenamente introducir cambios en los Textos Fundamentales de la Organización que se refieran solamente a las ORIE, a las ORIE por ellas mismas, tomando en consideración su estatus, competencia, etc., cambios que se pueden referir en el futuro a cualquier otra ORIE de África, de Asia, de América Latina.

Pero dejando estas consideraciones a un lado, quiero informarle, señor Presidente, que lo importante y fundamental para nuestra delegación es establecer cómo deben entrar las ORIE a la FAO, con qué estatus y con qué competencias y posteriormente ver las solicitudes a la Organización. Después de haberle dicho estas palabras, señor Presidente, quiero manifestarle que el Gobierno de Panamá no se opone en ningún momento al ingreso de la CEE a la FAO, pero consideramos que antes se deben disipar ciertas dudas que todavía hay en ciertas delegaciones.

**Parviz KARBASI (Iran, Islamic Republic of):** In the name of God, on behalf of the delegation of the Islamic Republic of Iran, I would like to welcome the new Member States to the FAO family, and congratulate you, Mr Chairman, on your election.

I have said before that in FAO we have enough rights of voting and right of voice. What is needed is the assistance of this Organization in order to eliminate hunger and malnutrition through technical assistance, and more production. We have been looking back to the cooperation of the EEC and FAO. When we look back, we can see comparatively many positive points. This is very important if we look at how this Organization is running, and how much assistance is coming from the different sectors of this Organization. So in this respect, the Islamic Republic of Iran has no objection to the admission of the EEC to FAO. We hope we will witness closer cooperation and assistance from the EEC and FAO.

The Islamic Republic of Iran agrees with document C 91/LIM/30, and agrees with the suggestion made by the delegate of Pakistan to look into this in more detail in order to reach consensus.

**Mahmoud Ahmed Samir SAMY (Egypt) (Original language Arabic):** Mr Chairman, allow me to begin by joining the ranks of all delegates who congratulated you on your election to chair the work of this Commission. We are convinced that under your helmsmanship our work will be crowned with success. Allow me also to welcome the four new Member States in FAO.

Now, as regards the item at present before us, I would like to stress the fact that my country wholeheartedly welcomes the admission of the EEC to FAO. That, in fact, is a reflection of the statement we made during the Ninety-ninth Session of Council. Because of the importance of this subject, my Government wished to participate very closely in the examination of the subject. That is why we were one of the members of the Committee that examined the subject of regional economic integrated organizations, REIOC.

As regards the work done so far on this subject, I think the discussions were useful and fruitful. We need to safeguard and preserve what we have acquired. We have managed to produce a Single Text which is at present before us. This will in itself represent an excellent result, and we have every reason to congratulate ourselves, and we should like to thank Mr Bula Hoyos for his great contribution to this. I beg the Commission to focus on document C 91/LIM/30. I would not like to see us opening a general debate and going back in time. We do not want to go back to the various alternatives proposed at the outset.

I should also like to tell you that as things are at present in this debate, we are convinced that document C 91/LIM/30 will provide us with an excellent basis for negotiation. It is something we should scrutinize carefully. A far-reaching examination of C 91/LIM/30 I am sure will enable us to reach a consensus. Of course, we have remarks to make, but we will reserve the right to make these when we go into detail on the various proposals.

**Samir ABU-JAWDEH (Liban) (Langue originale arabe):** Permettez-moi tout d'abord, M. le Président, de vous féliciter à l'occasion de votre élection pour présider aux travaux de cette Commission, dans une période qui peut constituer un tournant décisif dans l'histoire de la FAO.

Il y a toujours des préoccupations quand il s'agit d'amender l'acte constitutif et ce n'importe où dans le monde. Les avis sont divers et divergeants. Il y a une préoccupation pour l'avenir et un attachement au présent; il y a des analyses objectives et d'autres qui ont des significations différentes.

C'est la raison pour laquelle nous avons écouté différent avis, certains sont préoccupés de l'avenir de la FAO, d'autres sont en faveur des amendements, l'objectif de tous étant bien entendu de servir l'organisation. Nous sommes persuadés que les amendements proposés à l'Acte constitutif quand ils visent à servir un groupe de pays avec tout ce que cela comporte comme avantages futurs pour la FAO ne doivent pas nous amener à nous préoccuper, surtout que ces amendements proposés ont été longuement examinés par des gens compétents et jaloux de l'intérêt de la FAO.

C'est la raison pour laquelle nous voulons joindre notre voix à la Colombie, à Chypre, à l'Algérie, à tous ceux qui ont appuyé ces amendements.

Quant à la proposition de créer un Comité restreint pour examiner les points de divergences nous ne pensons pas que ce soit utile parce que cette question a été longuement débattue et surtout parce que il n'y a pas de

divergence sur le principe. Il reste seulement des points qui doivent être éclaircis, c'est le droit de ceux qui les demandent.

C'est la raison pour laquelle nous pensons que le CQCJ qui connaît parfaitement les tenants et les aboutissants de cette question pourrait expliciter ces zones d'ombres et inclure ces explications comme note de bas de page à ces amendements.

**Ahmed Tidjane KANE (Guinée):** La délégation guinéenne voudrait à son tour joindre sa voix à celles qui l'ont précédée pour vous féliciter à l'occasion de votre brillante élection à la présidence de notre Commission.

Elle voudrait également adresser ses souhaits de bienvenue et ses vives félicitations aux nouveaux membres et membres associés de notre Organisation.

La question soumise à notre appréciation, à savoir l'admission en qualité de Membres de la FAO des organisations d'intégration économique régionale, revêt pour nous une très grande importance. Ma délégation entretient de très bonnes relations de coopération avec la CEE, c'est dire qu'elle ne formule aucune objection à l'admission de cette organisation régionale au sein de la FAO.

Toutefois la délégation guinéenne reste convaincue de la nécessité d'examiner cette question sous l'angle plus large de l'admission des OIER en général ce qui, bien sûr, suppose une démarche prudente devant se traduire par une révision des Textes fondamentaux de notre Organisation.

A ce titre la délégation guinéenne soutient les propositions contenues dans le document C 91/LIM/30, brillamment présenté par le distingué représentant de la Colombie, document qui, à notre avis, doit être soumis à la Plénière sans aucune modification.

Enfin ma délégation souhaite vivement que le point soumis à examen ne constitue pas un recul par rapport aux recommandations et conclusions auxquelles ont abouti le Conseil et le CQCJ.

**Rashid Mohammed ABBAS (Iraq) (Original language Arabic):** I should like to begin by expressing my delight at working under your Chairmanship. I should also like to welcome the three Baltic States which have joined FAO and Puerto Rico, the Associate Member of FAO.

I do not know why we are having such a lengthy debate on a subject which could have been accepted straight away without much change of the Constitution. As a matter of fact, the activities of this Organization in agriculture include rural development, animal husbandry, improving the living conditions of various social groups and so on. In other words, our Organization has a leading role in many aspects relating to the destiny of mankind. That is why I think that this young Organization one day or another will play a role which will be of similar importance to that of the Organization of the United Nations itself and will have in its midst some regional organizations as "Members", different from what is known as "Member States". That is why I see no reason for continuing this lengthy debate and trying to find different solutions. All we need is to draft a

new Article II.2(bis), concerning the admission of REIOs dealing with food, agriculture, rural development, land and water development in accordance with document C 91/LIM/30.

**Peter Robert BENNETT (New Zealand):** May I join other delegates in congratulating you on your election to your position. You have a brilliant career in FAO, and that experience, that brilliance is already showing in your handling of this Commission. I would also like to welcome to membership of the Organization, since this is the first time that I am speaking, the three new members of FAO, Lithuania, Estonia and Latvia, and Puerto Rico as Associate Member. Coming from a fairly small country, we welcome very much other small countries to this body.

I will be very brief. New Zealand looks forward to and welcomes the membership of the European Economic Community to FAO. We would have been very happy to have accepted their entry on the basis of the compromise text in C 91/LIM/30. A great deal of time and work have been put in to reach this consensus. That said, we do acknowledge that there are, among some delegations, some fairly deep-rooted reservations. It does seem to us that it is vital for the future of FAO and for those regional economic integration organizations that do join FAO that they do so on the basis of clarity and on the basis of a full consensus. We look forward, therefore, to your suggestions on how we might reach that consensus. New Zealand thinks, nonetheless, that it is most important that we do reach that consensus in this Conference, that the matter not be put off until any future time. That I think is very important.

**Pavel GRECU (Romania) :** It is the pleasure of my delegation to convey to you its warmest congratulations on your election to the High Office of Chairman of our Committee. At the same time, my delegation congratulates and welcomes the three countries newly admitted to the FAO, namely Estonia, Latvia and Lithuania, as well as the Associate Member, Puerto Rico.

Now passing to the issue under consideration, and in order to save time, and without going so into detail, I would like to voice my delegation's support for the admission of the EEC to the membership of FAO. We are confident that once admitted the European Community will play an important role in the work of the Organization.

**EL PRESIDENTE:** Señores delegados, en este momento no tengo más oradores en mi lista. Sin perjuicio de si alguna delegación deseara hacer uso de la palabra posteriormente, a objeto de avanzar en nuestras deliberaciones, rogaría al distinguido Asesor Legal, que nos informe sobre aquellas materias que han quedado en la mente de ustedes, en las preguntas que han propuesto algunas delegaciones.

Tiene la palabra el distinguido Consejero Legal, Dr. Moore.

**LEGAL COUNSEL:** I would like to try to respond first of all to some of the points which have been made in this very interesting debate and try to answer and clarify, I hope, some of the doubts still remaining in a few delegates' minds. Then I would like to go on to the process because I think

this is one of the things that everybody has been asking. Where do we go from here? Exactly what is required of this Commission? What are the stages that you would have to go through? If I can start, then, first, by trying to answer some of the questions. First of all, a number of distinguished delegates have raised questions about the form of membership for regional economic integration organizations. I think a number have said, "Is it the same as that of Member Nations, or is it different?" I think really we have tried to be very clear on this. The form of membership one is suggesting for regional economic integration organizations is sui generis. It is different. It is different from the form of membership for Member Nations. I think the distinguished delegate of Senegal said it very clearly when he said to look at how it is spelt out in the basic text, all the differences. It is a sui generis form of membership which has been devised in order to deal with the very real situations where you have regional economic integration organizations to which competence, including powers to take decisions, have been transferred in certain areas, so it has to be a very different form of membership. It is sui generis, and all of the attributes of that membership are spelt out in the basic text, in the amendments which are being proposed to you today. So that is the first thing. I do not think it is really a good idea to get held up on one word - member organization - or anything. I think we are talking about a form of membership, fine. But it is a sui generis form of membership. And I think throughout our negotiations, we keep on getting hung up on particular words. Basically, words mean what you want them to mean, and basically we have got all of the facts down here in the amendments, which says exactly what it means. That is what the important thing is. I just want to make that very, very clear, so that there is no doubt.

The second point regards the eligibility criteria. A lot of people have said we are dealing with just the EEC. No, we are not dealing with just the EEC. I do not think we have ever been dealing with just the EEC. Right from the beginning, we have been asked to devise a form of membership for all regional economic integration organizations, and that is what we have been trying to do throughout this process, which has been a long process over the last two years. We have been trying to devise a status which is applicable to all regional economic integration organizations. But regional economic integration organizations have to meet certain criteria, of course, because we do not get into a situation of needing to consider a form of membership until we get into a situation where regional economic integration organizations have reached a certain stage where, in fact, powers have been transferred from the Member States to those regional economic integration organizations, powers to take binding decisions. This is really the situation. Then we are talking about all regional economic integration organizations that meet those criteria. There are developments in all parts of the world, and I think serious regional economic integration organizations are developing, that eventually will be meeting those criteria. But the question is, we are talking about participation in a decision-making process, so who should participate in the decision-making process? And really, it is only those Organizations that have the power to take decisions who can really participate in the decision-making process.

Questions also have been raised about the form of speaking rights that had been devised in this long process of negotiation, where a single agenda item may cover some items within the competence of a member organization and other matters within the competence of the member states. And the point is being raised - "is the system that we have proposed which says in that

instance both the member organization and its member states may speak, but only one may speak authoritatively?" - and the question is being raised, is this a good example of the alternative exercise of membership rights.

We in our long negotiations felt it was a suitable compromise because the member organizations and their member states would have to choose who is going to be speaking authoritatively on this particular subject. I think this is something where we spent a long time, almost two years, working over this particular wording and we came to this compromise. And it seems to us that is something that is a clear example of the alternative of membership rights. Only one speaks authoritatively, the other one speaks without the authority of the one that has the voting rights.

Other points were raised by a number of delegates including why certain words were dropped out as we were developing, negotiating this particular compromise. All I can say is that it is such a long process that we have been going over for the last two years, concepts have been developing throughout, certain words have been dropped if they are found to be immaterial or misleading, and really I would ask you to bear with us because we really have been trying to develop the text as time has passed. And I think we have all of us gained a greater understanding of the concepts we have been dealing with.

I would like to now turn to the process that faces the Commission at the moment. It seems that there are three real things that need to be done by the Commission. First of all, there is, if you like, almost a clearing up, a housekeeping operation that we have in front of us, because certain amendments were submitted by the Council at its session last June to this Conference, to this Commission. Since then the Council has asked for further negotiations to take place in order to try to reach agreement on the compromise text.

We have a compromise text and that was submitted in the proposal submitted by Ambassador Bula Hoyos. I think one of the things, perhaps one of the first things that the Commission has to do, is to clear its decks, as it were, and to say, let's get out of this time warp with having the old amendments which were presented in June, and let's bring it up to date by adopting, perhaps, the proposal of Ambassador Bula Hoyos either now or later in order to ensure that we are dealing with a single compromise text, a compromise text that has come out of the Council last week. And then it is a matter of what changes need to be made to that compromise text. So that is one of the first things to do. And this as I understand is why the proposal to amend the amendments submitted by the Council in June has been put forward, to clear the decks and to make sure that we are dealing with a single compromise text that represents the degree of agreement we have already reached in our negotiations.

The second task I think that the Commission maybe needs to do is to go through the compromise text as it were article by article and see if everybody agrees with the individual paragraphs and provisions as set out in the proposed amendment.

And the third task is to prepare and submit a resolution to the Plenary of this Conference to say, these are the suggestions of the Commission with respect to the actual amendments proposed to the Basic Texts of the Organization. I would make one further point. Yes, the whole question of

EEC admission comes later. Once we have adopted an amendment to the Basic Texts, which deals with regional economic integration organizations and once they have applied for admission to the organization then we face the question of, do we wish to admit, do you wish to admit, the EEC as the first of the regional economic integration organizations that may be eligible to apply for membership.

Thank you Mr Chairman.

**EL PRESIDENTE:** Muchísimas gracias, Dr. Moore, muy importante su clarificación, tanto desde el punto de vista del fondo de las materias que estamos discutiendo, como desde el punto de vista de las posibilidades procesales que tenemos en nuestras manos para continuar nuestros debates.

Antes de avanzar sobre estos puntos, agradeciéndole una vez más, quisiera otorgar la palabra al distinguido Embajador Sr. Bula Hoyos, de Colombia.

**Gonzalo BULA HOYOS (COLOMBIA):** Señor Presidente, habíamos anticipado esta mañana que a la luz del resultado del debate sobre este tema, teníamos el propósito de presentar un Proyecto de Resolución.

Ahora al final de esta tarde, de este día intenso, creemos que la manera como se ha celebrado el debate justifica plenamente el cumplimiento de ese propósito.

Presentaremos un Proyecto de Resolución, oportunamente suministraremos a la Secretaría, la lista de los países copatrocinadores que serán más o menos los mismos del documento C 91/LIM/30 con otros países que posteriormente han adherido y, desde luego, ese proyecto de resoluciones está abierto a todos los colegas y amigos que quieran igualmente suscribirlo.

Entendemos que una vez que la Secretaría reciba ese Proyecto de Resolución, lo transmitirá al Comité de Resoluciones.

Esperamos que el informe del Comité de Resoluciones será distribuido cuanto antes y que se tomarán las medidas adecuadas para elaborar el proyecto de informe que ojalá sea distribuido con la mayor anticipación posible para que los representantes de todos los gobiernos puedan conocerlo en oportunidad, estudiarlo y si es posible consultar a sus países.

Reiteramos la propuesta provisional de esta mañana, en el sentido de que a fin de atender las solicitudes justas de aquellos colegas que dicen necesitar aún más tiempo, que esa parte de nuestro proyecto de informe sobre este tema 24 sea discutido solamente el día viernes, señor Presidente, en la mañana o en la tarde, eso lo veremos más adelante.

Sólo un miembro del Comité General y sabemos que cuando ese Comité recomendó a la Conferencia anticipar el comienzo de los trabajos de esta Comisión III para tratar el tema 24, el Comité General sabiamente previó que oportunamente haría nuevas recomendaciones a la Conferencia, sobre el calendario global de esta Conferencia si fuera el caso, es así como yo confío en que el Comité General en su reunión que tendrá mañana por la mañana, procederá a recomendar a la Conferencia el cambio necesario para que se cumpla la propuesta que ahora reiteramos, porque todos sabemos que

hay tres reuniones en curso y que la Comisión I está esperando iniciar sus trabajos.

Señor Presidente, los representantes de Colombia estamos plenamente de acuerdo con los tres puntos que ha planteado el Dr. Moore, nuestro Consejero Legal, y para cumplir todo ello hemos anunciado ya el tercero, o sea la presentación del Proyecto de Resolución.

Pensamos, señor Presidente, que de esta manera estamos procediendo con la seriedad, la cautela y la prudencia que compartimos. En relación con la manera como deba seguirse tratando este asunto, entre las delegaciones, somos escépticos como lo han dicho particularmente los colegas de Egipto y Libano, sobre la conveniencia y la utilidad de crear otro grupo de trabajo en el seno del cual, seguramente, podría reabrirse el debate sobre algunos puntos para llegar a los cuales hemos ya celebrado tantas reuniones y tenido tantos contactos, señor Presidente. Sin embargo, pensamos que respecto a esta manera de proceder, la Comisión debe confiar a usted plenamente la decisión que deba tomar dirigida como lo han dicho particularmente Canadá, Senegal y Nueva Zelandia a que este asunto sea decidido por consenso. Gracias.

**EL PRESIDENTE:** Muchísimas gracias distinguido Embajador de Colombia. De sus palabras recojo algo que me ha llamado poderosamente la atención por su claridad.

La Comisión ha trabajado, como lo sabemos, de manera sumamente delicada en este tema, y no ha sido el único organismo.

La FAO en sus diversos órganos, se ha venido preocupando con gran dedicación en el Comité de las ORIE, en el CACJ, en el Consejo, en reuniones pasadas y en innumerables contactos de negociación.

Las explicaciones del Dr. Moore, han servido para clarificar de manera precisa aquellos alcances que tal vez pudieran estar todavía no suficientemente aclarados.

La profundidad de las declaraciones que hemos escuchado hoy día, nos permiten asegurar que es un tema que está cabalmente comprendido en todas sus implicancias por los distintos países.

De esta manera, sin por ello negar la posibilidad como Presidente de esta Comisión, de estar abierto a toda sugerencia, me inclino en poner a consideración de ustedes: primero, suspender los debates y conversaciones que se tienen bajo la guía de la Presidencia, salvo que se acuerde lo contrario en vista del avance que se ha logrado en las distintas negociaciones; segundo, tomar como base de discusión, el Proyecto de Resolución que oportunamente conoceremos una vez que el Comité de Resoluciones lo ponga en conocimiento de la Comisión. Por qué, porque tenemos absoluta confianza que en ese proyecto estarán reflejados cabalmente todos los avances que en las distintas etapas de discusión del tema se han podido alcanzar; tercero, discutir esas bases y todas las otras que la Comisión decida el día viernes en alguna sesión de la mañana o la tarde que la Secretaría asegure su posibilidad de realización. Someto estas ideas generales a Uds., señores delegados, al objeto de permitir que éste

muy importante tema sea efectivamente avanzado de la manera que hemos propuesto. Tiene la palabra la distinguida delegada de Argentina.

**Sra. Mónica DEREGBUS (Argentina):** Mi delegación ha escuchado hace un momento que Ud. dijo que se suspende el debate atento al estado de avance en las negociaciones. Yo quisiera saber, señor Presidente, si esto es una suspensión o una clausura del debate, en primer lugar.

En segundo lugar, señor Presidente, quisiera saber cuándo podremos reanudar el debate y si eventualmente podremos hacer uso de la palabra sobre este tema. O sea, cuándo se va a reunir la Comisión para considerar este debate.

**EL PRESIDENTE:** No hablé de suspensión del debate, dije, tal vez expresándome no en la forma precisa, que la idea era no continuar negociaciones informales con grupos de contacto bajo la Presidencia a menos que la Comisión así lo decidiera. Eso significa que confiamos en poder discutir este tema, naturalmente con una lista de oradores que no he cerrado, y que continuará en su momento cuando la Secretaria disponga que podemos reunimos el día viernes de acuerdo al punto 3 de mi propuesta. Lo que si es conveniente que quede claro es que, desde el punto de vista de la Presidencia, el avance de los temas es tal y la profundidad de sus discusiones ha sido tal que no parece conveniente continuar los contactos y negociaciones informales a menos que la Comisión decidiera lo contrario. El Embajador de Colombia tiene la palabra.

**Gonzalo BULA HOYOS (Colombia):** Creemos que las observaciones de la distinguida colega Mónica Deregibus de Argentina son sensatas, están plenamente fundadas y que todos debemos tener ocasión de volver sobre esta discusión. Por ello, creo que la Comisión ha estado de acuerdo en los tres puntos sugeridos por el Dr. Moore, el último de los cuales dice que "se discutirá el texto artículo por artículo". Entonces todos tendremos ocasión de pronunciarnos.

**EL PRESIDENTE:** Justamente dependiendo de si el asentimiento de la Sala así lo manifestaba, la discusión en su oportunidad que tendremos el día viernes se hará sobre esas bases de artículo por artículo. Por supuesto, en su oportunidad en ese proyecto al ir discutiendo artículo por artículo, podremos ir viendo cómo avanzamos en ese texto.

Señores delegados, gracias por su comprensión y por su apoyo. Deseo simplemente convocarles para el día viernes a la reunión de nuestra Comisión en el horario y lugar que la Secretaría comunicará oportunamente. Se levanta la sesión. Un momento por favor. Tiene la palabra el señor Secretario de la Comisión.

**Richard STEIN (Secrétaire de la Commission III):** J'interviens pour vous dire juste deux choses que l'on m'a prié de vous exposer. Tout d'abord, il s'agit du document C 91/LIM/30: une petite erreur s'est glissée tout au début du texte dans l'énumération des pays pour des délégations ayant soumis la proposition: Il s'agit d'une erreur du Secrétariat. Nous vous prions donc de bien vouloir nous excuser. Il faut biffer le nom de la

Belgique qui ne devrait pas être parmi les délégations. C'est une erreur matérielle qui n'implique pas plus que cela.

Par ailleurs, il m'est demandé de vous rappeler ce à quoi il est fait référence dans le document diffusé ce matin et qui s'appelle "le journal de la Conférence", page 7 de la version française: il s'agit de l'audience du Pape qui est prévue pour après-demain, jeudi 14 novembre. Ceux qui souhaiteraient y assister peuvent en faire la demande comme cela est indiqué dans le document que vous pouvez lire à votre aise. Je vous rappelle simplement que les délégués observateurs qui souhaitent assister à cette audience sont priés de bien vouloir remplir l'un des cartons spéciaux qui ont été distribués aux délégations au bureau des documents et de le rendre le plus rapidement possible. La date précisée ici est celle d'aujourd'hui parce qu'il faut un certain temps pour établir les invitations formelles, etc.

Vous pouvez donc relire cela dans le bulletin mais j'insiste sur la nécessité de remettre ces cartons pour ceux qui veulent assister à l'audience.

Je vous remercie.

**EL PRESIDENTE:** Muchas gracias por sus precisiones al distinguido Secretario de la Comisión.

The meeting rose at 17.15 hours.

La séance est levée à 17 h 15.

Se levanta la sesión a las 17.15 horas.

## **conference**

FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS

## **conférence**

ORGANISATION DES NATIONS UNIES POUR L'ALIMENTATION ET L'AGRICULTURE

## **conferencia**

ORGANIZACION DE LAS NACIONES UNIDAS PARA LA AGRICULTURA Y LA ALIMENTACION

C

**C 91/III/PV/3**

Twenty-sixth Session  
COMMISSION III

Vingt-sixième session  
COMMISSION III

26° período de sesiones  
COMISION III

### **THIRD MEETING TROISIEME SEANCE TERCERA SESION**

(15 November 1991)

The Third Meeting was opened at 10.45 hours

Mr Samuel Fernández Illanes. Chairman of Commission III, presiding

La troisième séance est ouverte à 10 h 45

sous la présidence de M. Samuel Fernández Illanes. Président de la  
Commission III

Se abre la tercera sesión a las 10.45 horas

bajo la presidencia del Sr. Samuel Fernández Illanes. Presidente de la  
Comisión III

**EL PRESIDENTE:** Muy buenos días, señores delegados. Les pido excusas por no haber podido comenzar en la hora prevista; no contábamos con el quórum requerido para sesionar. Afortunadamente, ahora sí tenemos el quórum.

Desearía poner en conocimiento de ustedes, señores delegados, algunas materias que son de interés para los trabajos de nuestra Comisión. En primer término, me es muy grato, particularmente grato, anunciar a ustedes que el Comité General propuso y la Plenaria adoptó los nombramientos de los Vicepresidentes de nuestra Comisión. Ellos son la Sra. Maria Galvolgyi, de Hungría, y el Sr. Sidaty Aidara, del Senegal. Sean mis primeras palabras para felicitarlos calurosamente por integrar la Mesa de nuestra Comisión.

Asimismo, el Comité General y la Plenaria adoptaron para el tema 24, que estamos discutiendo, un Relator, cargo que será ejercido por el distinguido Representante de Marruecos, Sr. Mustapha-Menouar Sinaceur, a quien al mismo tiempo le corresponderá, por su reconocida capacidad y experiencia, el cargo de Presidente del Comité de Redacción de nuestra Comisión.

Asimismo, por la importancia del tema en discusión, por sus reconocidas calidades y trabajos en el tema en cuestión, al miembro de la Mesa, Vicepresidente Embajador Aidara del Senegal, también le corresponderá colaborar en la relatoría de este tema. Mi reconocimiento a ambos, y creo interpretar el sentir de la Comisión al expresarles nuestro agradecimiento y nuestras felicitaciones. También desearía presentar ante ustedes la nómina de países que integrarían nuestro Comité de Redacción para los otros temas que estaremos discutiendo. Ellos son Marruecos, que presidirá el Comité, Ghana, Pakistán, Tailandia, El Salvador, Argentina, Egipto, Yemen, Japón, Francia, Estados Unidos de América, Austria y Países Bajos. Mis felicitaciones a ellos, y será espléndido poder contar con su eficiente colaboración en los otros temas que tenemos en nuestra Comisión. Me ha pedido la palabra el distinguido representante de Pakistán.

**Mohammad Saleem KHAN (Pakistan):** Since this is the first time that I am taking the floor, although belatedly allow me to express my great pleasure in seeing you in the Chair. I am most thankful for your congratulations on our being on the Drafting Committee. Actually as Chairman of the Asian Group, I was not consulted when the present Drafting Committee discussed the proposal of having Rapporteurs. Personally I feel that now the agenda has been so shortened that you might continue with the Rapporteurs to cover all the discussed items and not bother with having a Drafting Committee. That is my proposal.

**EL PRESIDENTE:** No sé si nuestro Relator estaría en condiciones de asumir... Sé perfectamente que sí, pero si corresponde esta decisión, debe ser adoptada por el Comité General o Comité de la Conferencia. Me ha pedido la palabra la distinguida delegación de Suiza.

**Rudolph DE POURTALES (Suisse):** J'aimerais appuyer très fortement la proposition du délégué du Pakistan de continuer avec un Rapporteur. C'est une expérience que nous devons essayer à cette Commission, qui semble se dérouler très bien, et je crois que ce serait un exemple pour d'autres commissions par la suite.

**Sra. Monica DEREGBUS (Argentina):** Señor Presidente, la delegación de Argentina no sabe si la experiencia de tener un Relator en una de las comisiones de la Conferencia será positiva o negativa, pero, ya que hemos comenzado la práctica, podrá seguirse hasta el final por lo menos en una Comisión. Por eso me adhiero a la propuesta de Pakistán.

**Peter Rieuwer JANUS (Netherlands) :** We would also like to support the proposal made by Pakistan with the idea to continue the practice of having two Rapporteurs, two excellent Rapporteurs as we have elected.

**Mohammad Saleem KHAN (Pakistan):** I just wanted to clarify that since we have initiated a practice this is on the one-time basis, this should not be considered a precedent. We have initiated something here on a one-time basis for this particular session because of very specific circumstances. Now we do not want to split the arrangements for the different items, let us not talk about precedence. If the need arises in the future we could consider this on the case-to-case basis. As far as the decision of the General Committee is concerned perhaps the Legal Counsel could say how we would work around that.

**LEGAL COUNSEL:** I am not sure on this point, but I know that the General Committee has made a recommendation and the Conference has adopted a decision that there should be a Rapporteur for Item 24. I would therefore suggest that maybe the Chairman should take up the matter with the Chairman of the Conference to see whether the Bureau feels that the matter should again be referred to the General Committee or whether the decision can be taken here, in view of the decision of the Conference - if perhaps that can be done to see whether it is necessary at all to refer it back to the General Committee.

**EL PRESIDENTE:** Deseo ver si interpreto a la Comisión en lo siguiente: respecto al punto 24, fue decidido que exista un Relator. Respecto de los otros temas, la Sala siente su interés en que tengamos un Relator para los otros temas de la Comisión para que en esta Conferencia se proceda de esta manera sin que por ello constituya un acuerdo de mayor alcance o un precedente para el resto de las Conferencias. En tal sentido, si Uds. así lo acuerdan, podré, ante el Presidente de la Conferencia, transmitir esta inquietud y hacer que el Comité respectivo establezca la relatoria que será ejercida por los distinguidos representantes de Marruecos y de Senegal para que asistan en el resto de los temas de nuestra Comisión. ¿Alguna opinión sobre el particular? La distinguida delegada de Argentina tiene la palabra.

**Sra. Mónica DEREGBUS (Argentina):** Señor Presidente, tal vez el Consejero Legal pueda decirnos, porque a mi delegación no le queda claro, si es facultad de cada una de las Comisiones o es facultad del Comité General determinar la forma en que se ha de elaborar el informe de cada Comisión a la Conferencia. Aparentemente esto, por la decisión que se adoptó anteriormente, es una facultad que corresponde al Comité General porque, que yo sepa, esta Comisión no fue consultada al respecto, no se había reunido cuando esa decisión se adoptó. De modo que en algún lado estará escrito que es una decisión que compete al Comité General. En el caso de

que eso fuera así, señor Presidente, yo propondría que la Comisión propusiera que el Comité General decidiera que tuviéramos un Relator para esta sesión y sin que constituya precedente.

**EL PRESIDENTE:** Es realmente lo que podría acordar esta Comisión y corresponde hacer. El distinguido delegado de Colombia tiene la palabra.

**Gonzalo BULA HOYOS (Colombia):** Creo que llego tarde. Ya la colega argentina analizó muy bien la situación. El Comité General se ocupó de este asunto porque la Comisión III no había en ese momento elegido Comité de Redacción y era necesario que algunos representantes de Gobiernos participaran con la Secretaría en la preparación del Proyecto de Informe. Creo que la solución transaccional es la propuesta por la Argentina. Esta Comisión decide que el Relator, y yo complemento la propuesta, con la asistencia de los dos Vicepresidentes de Senegal y de Hungría, preparen el informe de manera excepcional y Ud., señor Presidente, con respecto al Presidente de la Conferencia y en atención a que el Comité General se ocupó de este asunto, transmite esa recomendación de la Comisión al señor Presidente de la Conferencia.

**EL PRESIDENTE:** Someto a la consideración de la Comisión lo que acaba de decir el señor Embajador. ¿Hay asentimiento? Así queda decidido.

- III. CONSTITUTIONAL AND ADMINISTRATIVE MATTERS (continued)
- III. QUESTIONS CONSTITUTIONNELLES ET ADMINISTRATIVES (suite)
- III. ASUNTOS CONSTITUCIONALES Y ADMINISTRATIVOS (continuación)
- 24. Membership of Regional Economic Integration Organizations in FAO- Amendments to the Basic Texts of the Organization (continued)
- 24. Accession d'organisations d'intégration économique régionale à la qualité de membre de la FAO- Amendements aux Textes fondamentaux de l'Organisation (suite )
- 24. Adhesión como miembros de la FAO de las organizaciones regionales de integración económica: enmiendas de los Textos Fundamentales de la Organización (continuación)

**EL PRESIDENTE:** Continuamos, distinguidos delegados, con el análisis del tema 24 de nuestra agenda. Como habíamos señalado en la sesión última de la Comisión, entre los puntos que la Presidencia se permitió compartir con Uds. en cuanto a cómo continuaríamos nuestras labores, uno de ellos que recuerdo ahora, es que tendríamos un texto que sería presentado en la forma de un proyecto de resolución para el análisis global del tema, el cual reflejaba el resumen de las negociaciones y avances en las distintas instancias en que el tema había sido discutido. Por supuesto, este tema y este documento están abiertos a la discusión, pueden continuar aquellas delegaciones que así lo deseen a hacer uso de la palabra en general sobre el tema, pero para facilitar los trabajos de nuestra Comisión desearía que el Embajador de Colombia, que presentó el documento en la sesión anterior, pueda presentar ante Uds., si acaso la Comisión lo acepta, que tengamos el documento de resolución como base de nuestros trabajos en su globalidad,

sin perjuicio de que cada delegación pueda opinar y su discusión se lleve adelante párrafo a párrafo.

**Sra. Monica DEREGBUS (Argentina):** El día 12 de este mes, señor Presidente, cuando levantamos nuestra sesión le pregunté a usted, y usted me contestó, si el debate sobre esta cuestión estaba suspendido o clausurado. Usted me contestó que estaba suspendido y no clausurado. Le pediría, señor Presidente, que antes de entrar en un análisis de un texto, nos diera la oportunidad a las delegaciones que así lo deseen de intervenir en el debate general que fue suspendido el día 12.

**EL PRESIDENTE:** En ningún momento se suspendió el debate. Aclaré ese punto cuando usted tuvo a bien preguntarme. Dije, además, que todas aquellas delegaciones que quisieran hacer su declaración general podían, efectivamente, hacerla. Acabo de decirlo, también, que la lista se encuentra abierta para intervenir en ella. Por tanto invito a quienes así deseen hacerlo, en general, para hablar sobre este tema.

A este respecto, tiene la palabra la distinguida Embajadora de Malasia.

**Miss Ting WEN LIAN (Malaysia):** Mr Chairman, first of all I wish to congratulate you on your election, and also your Bureau on their election.

I have the impression that my delegation is taking the floor at almost the eleventh hour. We feel that we would be remiss if we did not recall the interventions we made at the two previous Council meetings. My delegation has viewed with very serious concern the issue before us today. Therefore, we feel compelled to look at the subject again in perspective and request the indulgence of our Council delegates here who are familiar with our views.

First of all, I wish to say that we have no objections whatsoever to the application of the EEC, an economic organization with which Malaysia has close links, not to mention the yearly dialogue between our regional organization, ASEAN, and the EEC. My delegation fully appreciates the desire of the EEC, in view of its political union in 1992, to be more fully associated with the FAO than as mere observers. However, it disturbs us profoundly to witness its insistence on joining the FAO as a member.

Mr Chairman, as you know, member status is accorded only to sovereign nations. An economic organization, by any stretch of the imagination, is not a sovereign nation. In short, we are setting a very dangerous precedent and it is our duty to examine the implications in depth.

I repeat that my delegation supports a more meaningful status for the EEC in the FAO, but what is important is the manner in which this is realized. We heard references to two years being a long time as the period that had been devoted to that subject. My delegation is of the view that when we propose to make major amendments to the Constitution of an important international organization, the number of years is immaterial to the discussion because it is a very serious matter when we propose to amend the Constitution of an international organization.

My delegation made it clear in the Council that the EEC request is a political issue which requires a political decision. We have suggested in Council that this should appropriately be taken up at the United Nations General Assembly. In fact, it is not merely a political decision but one requiring the consideration of all UN members given its precedence implications. When an organization requests admission as a member of FAO, then it is no longer technical or legal considerations that we should be looking at. My delegation appreciates that Mr Moore has been doing a great deal of legal footwork on the matter, but really we should be extremely prudent at this stage in congratulating FAO on its pioneering role.

Let me be frank, the FAO has been made the testing ground, a kind of Cape Canaveral, for the EC political experiment. As I understand it, other UN organizations are very apprehensive as to when their turn will come, after the FAO has set this dangerous precedent of admitting an REIO as though it is a sovereign nation. My delegation remains deeply perturbed by this sort of experiment in which FAO is engaged.

However, the reality now is that we have a single text in front of us, and for this we wish to express our deep appreciation to the Ambassador of Colombia who is our most distinguished and most experienced colleague. Ambassador Bula Hoyos has done a sterling task in putting together this single text. My delegation has said in Council that the criteria for admission should not seek to exclude other REIOs from the outset. In this regard, we merely wish to note that in this single text, the criteria are still stringent to the extent that it would prevent REIOs like our regional organization, ASEAN, being considered for organizational participation in FAO for many years to come.

Where do we go from here? We seem to have little choice but to proceed on a path that has been prescribed for us. My delegation takes note of this constraint with great regret and a deep sense of disquiet.

Mr Chairman, I would like to conclude by reiterating that we have nothing whatsoever against the EEC, but wish that they had not put us in this predicament where we are asked to take a political decision at a technical forum and before all the implications and ramifications have been considered by all UN members.

**Eduardo HERMANNY (Brasil):** Queremos felicitarle, señor Presidente, por su elección y por la forma eficaz e inteligente con que usted está dirigiendo nuestros trabajos.

La delegación de Brasil quería también pronunciarse sobre el tema objeto de nuestras discusiones, y porque ahora la delegación de Brasil está preparada para hacer algunos comentarios, a fin de dar una contribución para avanzar en nuestros trabajos de manera que estos sean constructivos.

Con relación al texto del Compromiso presentado en la sesión anterior por el Embajador de Colombia, cuyo trabajo también reconocemos, ya que fue muy importante y constructivo para llegar a una posible decisión. La delegación de Brasil quiere declarar ahora que apoya claramente el ingreso de la Comunidad Europea en la FAO. Apoyamos este ingreso porque acreditamos que contribuirá positivamente en los trabajos futuros de la FAO, aunque tenemos el deber de indicar que nadie puede negar que hay implicaciones políticas y

aspectos técnicos jurídicos que deben ser tomados en cuenta. Es necesario que se tomen en cuenta estos aspectos.

Con relación al texto de Compromiso, Artículo II.2(bis), la delegación de Brasil considera que el ingreso de la Comunidad Europea como miembro pleno de la FAO, crea un precedente y crearía también consecuencias inciertas en el sistema de las Naciones Unidas. Queremos recordar sobre esta cuestión que el Comité Jurídico de la FAO también considera más apropiado que la Comunidad Europea ingrese en la FAO en calidad de Organización Miembro. La delegación de Brasil, sin embargo, acepta el texto del Artículo II.2(bis) como está ahora, como un esfuerzo también de compromiso y de contribuir para una decisión sobre la cuestión. Esta es nuestra posición. Aceptamos el texto como una necesidad de llegar a una solución.

En lo que se refiere a las cualificaciones necesarias para el ingreso de otras organizaciones en la FAO en el futuro, que está previsto en el Artículo II.3, la delegación de Brasil considera que el texto actual, que también es una base de compromiso, crea dificultades para el futuro ingreso de organizaciones de integración regional de nuestro interés. Tal como está redactado ahora ese artículo da la impresión de que estas normas restrictivas son más difíciles para el futuro ingreso de otras organizaciones; pero como ya dije anteriormente, es una base para nuestros entendimientos. De manera que aceptamos tomar este texto y avanzar en nuestros trabajos.

El último comentario que vamos a hacer, señor Presidente, es sobre la cuestión de la participación en los debates de la FAO en el futuro. Esto está reflejado en el XLIV.3. Es una cuestión importante para mí país porque nosotros tenemos preocupaciones técnico-jurídicas, con relación a los puntos ya mencionados.

Igualmente manifestamos nuestra preocupación de que en el futuro la participación de la Comunidad en los debates en la FAO, en general, sea lo más clara y precisa posible porque sabemos que las negociaciones son difíciles y delicadas; pero de todas maneras, señor Presidente, yo creo que esta regla como está ahora, todavía presenta algunas dificultades en el sentido de que no tenemos la exactitud de que los futuros informes de las reuniones de la FAO sean presentados de una manera más equilibrada; pero, una vez más, y como nosotros no queremos crear obstáculos para avanzar en nuestros trabajos, consideramos que es una base también de compromiso, aunque tenemos el deber de indicar que como base de compromiso el texto presenta problemas. También refleja un resultado de negociaciones muy complejas y muy detalladas.

Finalmente, señor Presidente, la delegación de Brasil quería indicar que acepta este último texto como base de una decisión en los próximos días. De manera que nuestra intención era solamente exponer un poco más clara nuestra posición. Considerábamos que teníamos el deber de hacer estos comentarios.

Gürsu OKURER (Turkey): My delegation would like to join others in congratulating you and the members of your Bureau on your election. We have carefully studied the proposed amendments to the Basic Texts of the Organization to allow for membership of FAO by Regional Economic

Integration Organizations, and my delegation would like to make some brief general remarks.

We consider that under the present circumstances it would be appropriate to recognize the right of REIOs to full participation in an international specialized organization, in such cases where REIOs have established an entity as a "supra-national union" among their Member States through the transfer of their certain competences to an executive body in given matters which fall within the mandate of the organization concerned. We do however attach importance to the clear identification of the Rules and to the avoidance of vague definitions when setting the legal basis for such participation.

My delegation considers the issue of the EEC's full membership of FAO in the light of the foregoing principles. As the Member States of EEC have transferred their competences in certain matters including agriculture to this Community and thereby cannot exercise their individual competences in these matters in international fora, it would in our opinion be a realistic approach to agree to a durable set of amendments for the Basic Texts to allow for the EEC's membership of FAO, rather than seeking provisional solutions to the issue under discussion.

In view of the foregoing considerations, my delegation is in favour of the proposed amendments to the Basic Texts of FAO which would allow the admission of EEC to the Organization.

**Sra. Mercedes FERMIN-GOMEZ (Venezuela):** La delegación de Venezuela podrá suscribir completamente la intervención de la distinguida Embajadora de Malasia, cuyos conceptos tan claros y pertinentes sobre el problema que estamos tratando vale la pena tomar en cuenta. Pero nos vamos a limitar, por considerar que este es un tema que ya hemos estudiado ampliamente en nuestras organizaciones regionales, a fijar nuestra posición de una manera escueta.

Nosotros no nos oponemos a la admisión de la Comunidad Económica Europea, pero queremos puntualizar algunos conceptos que ya hemos presentado anteriormente en nuestras discusiones en los organismos regionales. Por eso nos limitaremos a precisar el punto esencial de nuestra diferencia de criterio, que está contenido en el Artículo II.2(bis).

Está bien que la Comunidad Económica Europea pueda ser admitida a participar, como ya lo viene haciendo, a título de observador, desde hace mucho tiempo, en nuestras deliberaciones, en nuestras decisiones, pero no como miembro en igualdad de circunstancias, en igualdad de derechos de los Estados Miembros, porque la FAO es una organización de Estados soberanos; somos miembros los Estados soberanos que la integramos, y la Comunidad Económica Europea no es un Estado soberano, es una organización supra-Estados.

Entonces, podríamos estar perfectamente de acuerdo con que se le admita como Organización Miembro, puesto que ella va a ser un miembro sui generis y, como tal, este concepto debe ser expresado en la denominación que reciba como Organización Miembro. Es tan cierta esta situación, que el mismo texto, cuando habla en los sucesivos artículos, utiliza siempre esa misma expresión. Así, por ejemplo, en el Artículo II.3 dice que "se presumirá que

los Estados Miembros de una Organización Miembro conservan la competencia", etcétera. De la misma manera, en el Artículo II.5 se dice: "Salvo disposición contraria prevista en este artículo, una Organización Miembro tendrá derecho a participar en asuntos de su competencia", etcétera. Y si seguimos, por no abusar del tiempo, analizando el texto, sigue diciendo siempre Organización Miembro.

Por consiguiente, si pudiéramos nosotros o si pudiera la Asamblea aceptar la modificación que requiere el Artículo II.2(bis), se solventarían estas dificultades, porque allí habría que decidir la admisión, en calidad de Organización Miembro, de toda organización regional de integración económica, etcétera.

Queremos dejar esta salvedad en principio, porque, por este camino de admisión de organizaciones miembros, se va a desnaturalizar totalmente la característica de esta Organización. Ya no vamos a ser una organización de Estados soberanos; vamos a ser una organización de Organizaciones Miembros, lo cual no es ya lo que actualmente es nuestra Organización.

El otro aspecto que quisiera dejar sentado y que es importante que conste en acta, es que la admisión de esta Organización Miembro debería sentar el precedente de que otras organizaciones del mismo tipo sean admitidas, de las cuales ya tenemos ejemplos en otros continentes. Al decir Organización Miembro, deberíamos considerar las organizaciones que tenemos en América Latina o las organizaciones que existen en Asia o en África. Sabemos que se argumenta, en beneficio exclusivo de la Comunidad Económica Europea, que ella tiene tales características, que han depositado en ella las competencias, etcétera, los Estados soberanos miembros. Perfectamente. Pero entonces dejemos abierta la posibilidad de que las organizaciones correspondientes de los otros continentes (el caso, por ejemplo, del SELA, o el caso de las Organizaciones de Asia o de África) puedan también, a su vez, ir depositando o constituyendo a sus organizaciones, concediéndoles estos privilegios para estar en igualdad de circunstancias de las que tiene actualmente la Comunidad. Eso no se va a producir en este año ni probablemente en la década, pero como nuestras organizaciones de las Naciones Unidas esperamos que no sean finiquitas en el siglo XX, sino que vayan más allá, deberíamos dejar sentada esta posición de que en el futuro otras organizaciones de los otros Estados de carácter económico, llámense organizaciones, comunidades o cualquier otra denominación, puedan ser admitidas como organizaciones miembros en los organismos de Naciones Unidas.

Estamos de acuerdo perfectamente con la distinguida Embajadora de Malasia cuando ha hecho la referencia de que esto debería ser una decisión tomada por la Asamblea de Naciones Unidas, puesto que hay aquí un ingrediente político. Estamos de acuerdo con eso. Pero si tenemos que establecer un primer paso aquí, que sea con estas condiciones, con la denominación de Organización Miembro, y que conste que se debe dejar el precedente para que otras organizaciones de otros continentes sean admitidas en igualdad de circunstancias, llámense como se llamen. Tenemos el caso - y lo quiero citar específicamente, para que quede constancia en acta - de que la organización más importante de América Latina, que es el SELA, se llama Sistema Económico Latinoamericano. Para que no se argumente en el futuro que no se llama "Comunidad Económica". Se llama "Sistema Económico", pero es una comunidad económica de las características de la Comunidad Económica

Europea; es decir, cubriendo los mismos campos de atención que ésta tiene: políticos y económicos.

No quiero abundar más en mi intervención, porque creo que ésta va a ser una sesión que amerita concentración en el tiempo, y por esa razón dejo sentados aquí nuestros criterios, sin que nosotros nos oponamos a la admisión, pero clarificando las condiciones en que la Comunidad Económica debe ser admitida como Organización Miembro y previendo lo que significa para la Organización FAO, como organización misma, el convertirse en una Organización de organizaciones miembros.

**Sra. Monica DEREGIBUS (Argentina):** La delegación argentina agradece esta oportunidad de intervenir en el debate sobre esta importante cuestión. Seremos muy breves y no nos referiremos a las muchas alternativas que culminan hoy en la consideración de textos legales. Permítasenos señalar los siguientes aspectos.

La República Argentina apoya la enmienda a los Textos Fundamentales de la FAO para permitir el ingreso de cualquier organización regional de integración económica, incluida la Comunidad Económica Europea, y a la cual sus Estados Miembros hayan transferido competencias en áreas gobernadas por la Constitución de nuestra Organización y en las cuales, en virtud de esa transferencia, sus Estados Miembros ya no pueden actuar. La consideración de este tema en este momento permitirá atender la necesidad de participación de la Comunidad Económica Europea, atento que en determinadas actividades, sus Estados Miembros no poseen ya competencias. La delegación argentina, en las distintas instancias que se han ocupado de este tema, ha trabajado siempre con espíritu constructivo en este sentido.

El referido ingreso debería realizarse, en opinión de la República Argentina, en el contexto de una nueva categoría, distinta de la de Estado Miembro.

Atento que la resolución de esta cuestión puede tener consecuencias jurídicas y políticas, no sólo para la FAO, sino también para otros organismos del sistema de Naciones Unidas, tanto el aspecto señalado precedentemente cuanto los criterios de elegibilidad de las organizaciones regionales de integración económica y la fijación de normas precisas para el ejercicio de los derechos por las ORIE deben ser cuidadosamente formulados.

Deben perfilarse criterios precisos para el ejercicio de los derechos de voz y de voto de las organizaciones regionales de integración económica y sus miembros. Este debe ser alternativo. Ello significa, para la República Argentina, que las organizaciones regionales de integración económica pueden ejercerlos en reemplazo y no en adición a sus Estados Miembros y viceversa.

Para ser admitida como miembro, la organización regional de integración económica - en este caso, la Comunidad Económica Europea - deberá explicitar los términos y la extensión de las facultades que le han sido delegadas por los Estados que la integran en las diversas materias de competencia de la FAO y que, por consiguiente, no serán ejercidas por los países comunitarios a título individual.

Soumaila ISSAKA (Niger): Nous commencerons par associer notre voix à celles de toutes les autres délégations qui nous ont précédé et qui ont présenté leurs félicitations pour votre élection à la Présidence de notre Commission.

Le point actuellement à l'examen, dans cette Commission, et cela a été souligné par toutes les délégations qui se sont prononcé sur ce point, revêt une importance particulière; importance, parce qu'il s'agit d'une question, disons de "première universelle" dans la vie des institutions internationales, du système des Nations Unies, et en cela donc, l'examen qui doit en être fait devrait revêtir tous les caractères de rigueur et de sérieux car toutes les autres institutions du système des Nations Unies ont sur cette matière les yeux braqués sur les travaux qui se déroulent actuellement au sein de la vingt-sixième Conférence.

Compte tenu de cette importance, on doit se demander quelles sont les questions fondamentales qu'il faut se poser à propos du débat sur cette question.

A nos yeux, la première question importante qu'il faut se poser, c'est de savoir pourquoi il faudrait envisager un amendement éventuel aux Textes fondamentaux de la FAO en vue de l'admission d'organisations d'intégration économique régionale afin de déterminer si cette admission est opportune et nécessaire. La réponse à cette question a été esquissée par plusieurs délégations. Compte tenu de l'évolution du monde qui fait que l'on tend de plus en plus à conférer des compétences particulières aux organisations régionales au détriment des Etats qui les composent, il est tout à fait souhaitable que ces organisations puissent participer à part entière aux travaux des organisations du système des Nations Unies, dans la mesure où les Etats qui sont à la fois membres de ces organisations d'intégration régionale et membres des organisations du système des Nations Unies concernées ne pourront plus exercer leurs compétences dans certains domaines du fait de ce transfert.

Pour nous, il est donc tout à fait souhaitable que la Commission puisse examiner favorablement le principe de l'admission à la FAO d'organisations d'intégration économique régionale, étant entendu que ces organisations ont les compétences qu'elles exercent à ce titre.

Ma deuxième considération, c'est que, une fois cela admis, il faut savoir quelle est la procédure à suivre pour adopter les amendements nécessaires à cette fin. Toutes les précautions doivent être prises afin de concilier les principes sur lesquels se fondent les Textes fondamentaux et cette volonté d'associer le plus possible ces organisations d'intégration régionale aux travaux de la FAO, compte tenu des compétences particulières qui sont les leurs.

Nous ne sommes membres ni du CQCJ ni du Conseil, mais nous avons suivi les travaux importants qui se sont déroulés en leur sein. Nous avons également suivi avec attention le travail important mené sous la présidence de l'Ambassadeur de Colombie au sein du groupe intergouvernemental qui a été créé pour examiner les différentes propositions en vue d'un texte qui a pu, heureusement, être proposé au Conseil et transmis à la Conférence. Notre sentiment sur ce texte unique est qu'il a pu être élaboré avec suffisamment de sérieux, en tenant compte de toutes les hypothèses et de tous les scénarios possibles.

Ma délégation appuie donc le texte qui nous est soumis et elle est tout à fait favorable aux amendements qui y sont contenus.

Elle pense que l'admission de la CEE et de toute autre organisation répondant aux critères énumérés dans ce texte peut être envisagée par la Conférence en temps opportun.

**Mme Seloua EJJENNANE (Maroc):** Je serai très brève. M. le Président, permettez-moi de vous féliciter pour votre élection à la Présidence de cette importante Commission. Nos félicitations vont également aux deux vice-présidents élus.

Ma délégation a coparrainé le projet de résolution soumis à notre examen et c'est pourquoi nous n'avons pas jugé nécessaire d'intervenir au cours du débat.

Si nous prenons la parole à ce niveau de la discussion, c'est pour indiquer très clairement la position de notre pays sur cette question. Ma délégation réaffirme son appui à l'adhésion de la CEE à la FAO.

En conclusion, ma délégation voudrait faire remarquer que la décision permettant l'adhésion d'OIER à la FAO relève de la seule compétence de notre Organisation. En effet, la FAO est une organisation souveraine et la Conférence peut prendre cette décision sans référence à aucune autre instance.

**Oscar MAS HERRERA (Costa Rica) :** En este momento tomo la palabra en nombre de la región centroamericana, es decir, en nombre de los siguientes países dichos en orden alfabético: Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua y Panamá. Como es bien sabido, desde la 99<sup>o</sup> reunión del Consejo celebrada en junio del año en curso, nuestra región se pronunció a favor de la admisión de la CEE como Miembro de la FAO. En aquella ocasión dijimos que los países de Centroamérica y Panamá reconocíamos la gran importancia de la labor de la CEE y de la colaboración que brinda a los países en vías de desarrollo en materia de asistencia y financiación de sus proyectos y programas, y por ello consideraban positiva su aspiración a ingresar en la FAO. Idéntica voluntad nos mueve hoy a la hora de tomar la palabra. En lo único en que quisiéramos insistir y con toda cortesía, es que esta entrada de la CEE en la FAO nos parecería que debería hacerse en calidad de miembro sui generis, de manera que quede subrayado su estatus análogo, pero no idéntico, a un Estado soberano Miembro de la FAO. Suele decirse que "quien bien distingue, bien filosofa", y nos parece que es de prudencia elemental distinguir entre Estados Miembros ordinarios y organizaciones de integración económica. La expresión sui generis, que como todo el mundo sabe significa "de género especial", nos parece que permitiría dejar en claro que estamos ante un tipo de entidad parecida a un Estado soberano pero no idéntico, pues se sabe que hay aspectos en las ORIE que difieren de los Estados soberanos, como la prohibición de formar parte de comités restringidos o votar los presupuestos. Por lo anterior, nos parecería, como dicen los abogados, una inelegancia juris no hacer algún matiz de diferencia en el texto que queremos añadir a la Constitución de la FAO, cuando en realidad sí hay diferencias reales como ya las hemos señalado.

Nuestra atenta solicitud va en la misma línea de lo expresado por la señora Embajadora de Malasia y la señora Embajadora de Venezuela. Este matiz que proponemos creemos que daría luz en los textos y permitiría establecer jurídicamente el estatus diferente de unas entidades que lo son, es decir los Estados soberanos de un lado y, de otro, los organismos de integración económica.

**Ricardo VELAZQUEZ HUERTA (México):** La delegación mexicana le ruega atentamente que los consejos que vamos a vertir puedan quedar claramente reflejados en actas, toda vez que es una repetición de lo que dijimos anteayer. Nuestra delegación sí tiene dificultades en aceptar el documento de manera global y tal como se plantea, porque reiteramos nuevamente la necesidad indispensable de precisar con claridad los siguientes puntos: primero, el estatus, al que ya los oradores que me han precedido se han referido y que expresé con mucha claridad hace dos días. La fórmula que nosotros proponemos es la que el Embajador de Costa Rica, en nombre de los miembros de la región central de América, ha propuesto. Debe haber una tercera categoría, es decir, que se llamen miembros sui generis, y dentro de éstos tendrán que ir las organizaciones regionales de integración económica y dejar la puerta abierta para cualquier otra que en el futuro, en relación con la dinámica de las relaciones internacionales, pudiese darse. La segunda observación se refiere a que es menester que en los documentos estén precisadas con absoluta claridad las competencias que los Estados Miembros transfieran a cualquier organización regional de integración económica en el trabajo que hayan de realizar dentro de la FAO, una vez que la Asamblea General decida admitirlas o no.

La primera observación se refiere al Artículo II, y la segunda que acabo de hacer sobre las competencias se refiere con toda claridad al Artículo XLI.2. No nos gustaría, de ninguna manera, que antes de cada sesión se nos dijera quién tiene competencia para tratar una materia y ejercer el voto. Creemos que son cuestiones que deben quedar zanjadas y definidas por el documento; que al momento de presentar su solicitud se estipule con toda claridad cuáles son las competencias que se transfieren y quiénes deberán ejercer los votos. Pensamos que este artículo, que se refiere a que antes de las sesiones se nos pudiese aclarar o decir quién tiene la competencia para tal o cual asunto o ejercer el derecho de voto, no es congruente de ninguna manera con ninguna regla clara que pudiese dejar sentado con anterioridad la competencia que deba ejercer éste o el otro.

En este contexto, yo agradezco que lo que acabamos de mencionar en beneficio de las instrucciones de mi Gobierno quede asentado en actas.

**EL PRESIDENTE:** Muchísimas gracias, distinguido delegado de México. Por cierto, sus declaraciones constarán en actas, así como las declaraciones que fueron formuladas oportunamente por todas las delegaciones en la sesión que sostuvimos el martes pasado.

**Horacio M. CARANDANG (Philippines):** On instructions of my Government I have the honour to voice the support of my delegation for the resolution contained in C 91/LIM/38. This resolution reproduces the compromise text

deliberate on by the Council, the CCLM, the Special Working Group and also informal consultations among the interested parties.

In my view there are three issues that were involved. Regarding Article II.2 on whether the EEC is a Member or a Member Organization, we believe that our concerns are fully taken into account because, although in Article II.2 it is not indicated that it is a Member and not a Member Organization, from the other articles it is clearly indicated that the membership of the EEC is sui generis membership because of the specifications on how the rights of this membership are to be exercised, which are not exactly the same as the sovereign Member Nations of this Organization.

With regard to Article II.3, I believe that the concerns of my Government are also taken into account, because when our inter-regional organization begins to transfer competences in agriculture and food to our Member Organization, then we believe we shall be able to qualify for membership of this Organization. We hope that will not be long in coming.

With regard to the exercise of competences in the EEC, I think this has been resolved in a very practical and pragmatic manner. Therefore, we have no difficulty in accepting this resolution, and I hope that we can resolve this issue to the satisfaction of all Members of this Organization.

**Rachmat RANUDIWIJAYA (Indonesia):** Mr. Chairman, since this is the first time my delegation has taken the floor, I would like to associate myself with other delegations to congratulate you on your election.

Along with others, my delegation is also of the view that the EEC has emerged as one of the very important regional integration organizations of the world. Putting aside the negative effect of such regional groupings, we do think that in the future the EEC could be a positive factor in the work of FAO in helping developing countries to continue their economic development, in particular rural development.

The request of the EEC to change their status from Observer to become a full Member of FAO has at least given us the positive indication of the importance they attach to the work of FAO. In this case, the Member Nations of FAO, as we have learned from their interventions during the deliberations on this issue, have given responses in the same way. For this reason, we reiterate what has been expressed by my delegation during the Ninety-ninth Session of the Council. In principle my delegation supports the wish of the EEC to become a Member of FAO. However, we also have learned from our many deliberations that this issue is very complex and involves political, legal and technical matters.

Knowing the complexity of this issue my delegation will not fail again to appreciate what has been done by all bodies involved in this tremendous task which has produced a tremendous result.

As has been repeatedly stated by many delegations, my delegation also would like to see reflections of certain principles in the formulations before us, among others, in order to avoid any additional rights whatsoever of its membership in FAO, REIO membership should be based on the principle of the alternative exercise of membership rights. Indonesia supports the idea that

there must be a transparency in principles of competence in which is reflected the mechanisms that the Member Nations of the FAO will always know who has the competence of the REIO or its Member States. Therefore my delegation also supports that any REIO that wishes to apply for a full membership of the FAO should provide a statement containing a full detailed declaration of competence that has been given authenticity by its Member States to the REIO.

Last but not least the criteria of the membership of the REIO should keep the room open to other REIOs who may wish to become a member of FAO. With those principles that my delegation has stated here we will continue to maintain our positions in accepting the admissions of any REIO, such as the EEC to FAO, which we believe will be contributive to the activities of FAO.

**Sra. Mireya DURAN ROSALES (Bolivia):** Primeramente, señor Presidente, deseo expresar nuestra felicitación por su elección como presidente de esta Comisión, felicitación que hacemos extensiva a todos los miembros de la Mesa.

Mi delegación, señor Presidente, ya en el 99° periodo de sesiones del Consejo expresó que Bolivia no se oponía al ingreso de las organizaciones regionales de integración económica a la FAO, al contrario, la apoyamos. Pero, creemos que el carácter de membresía de éstas debe ser muy sui generis. En este sentido consideramos que en las enmiendas propuestas en el Artículo II.2(bis) es ambigua.

Mi delegación apoya el ingreso de las ORIE como Organización Miembro.

**Miss Birgitta STENIUS-MIADENOV (Finland):** The delegation from Finland wants to join the delegations here that have expressed their support for the membership of EEC. We have closely followed the preparation work to which we have had a positive and open mind. We have also found that the draft text in the draft resolution is a good basis for decision. My delegation wants to stress that the decisions to be taken here in FAO concerns only this Organization and could not be transferred directly to other United Nations organizations.

Finally, I want to put a question that I do not think has been clarified during the deliberations here nor in the Council. How is it planned that the member organizations will meet the administrative costs which according to the Article XVIII.6 should be divided among the Member States.

**EL PRESIDENTE:** Gracias a la distinguida representación de Finlandia por sus gentiles palabras y declaración. En cuanto a su interrogante, tal vez podríamos revenir sobre ese punto y tener una clarificación que le sea conveniente.

**Mme. Amina BOUDJELTI (Algérie):** Je voudrais simplement corriger une omission qui a consisté à oublier l'Algérie en tant que co-auteur du projet de résolution. Je m'étais portée co-auteur à la précédente session et j'espère que cela sera corrigé.

**Parviz KARBASI (Iran, Islamic Republic of):** The delegation of the Islamic Republic of Iran during the different forums of the issue of the admission of the REIOs to FAO has clearly mentioned that the Organization has not the difficulty with the right of vote and with the right of voice but the difficulty with the assistance and enough money. As I mentioned before when we look back comparatively at the assistance of different countries and organizations of the REIO to the FAO we see that the EEC has a lot of positive points. In this regard my delegation would like to support the resolution contained in the document C 91/LIM/38 and agrees with the admission of EEC to FAO with the hope of seeing more commitment and assistance of the EEC to FAO to the benefit of developing countries.

**Ernst ZIMMERL (Austria) (Original language German) :** I would like to refer to what we have in document C 91/LIM/38 because we were a co-sponsor and I think our name has been left off. I would like to point out here that what was said by Ambassador Bula Hoyos and what is given in the minutes on page 12 is something that we support.

**EL PRESIDENTE:** Me ha pedido la palabra el distinguido Consejero Legal para la consulta hecha por la delegación de Finlandia.

Tiene usted la palabra señor Consejero Legal.

**LEGAL COUNSEL:** I would just like to clarify the point raised by the delegate of Finland. I think in this case the administrative and other expenses arising out of the membership we are talking about are the additional expenses in respect of documents and other expenses that will arise out of the membership in the Organization of Regional Economic Integration Organizations. It is not intended that this should be a drain on the Regular Programme Budget of the Organization but should be met directly by the Regional Economic Integration Organization concerned, the member organization concerned.

**EL PRESIDENTE:** No tengo más oradores en mi lista respecto del tema en sus términos generales.

Hemos tenido, señores delegados, una discusión amplia, profunda y sumamente útil esta mañana.

Les invito a ustedes, por consiguiente, a tomar una decisión respecto de considerar como documento de trabajo el proyecto que tenemos a la vista, documento C 91/LIM/38. Por cierto, cada delegación podrá hacer las observaciones que estime pertinentes y se irá discutiendo paulatinamente este documento. Lo podemos considerar como un documento de base para nuestras discusiones.

Si no veo una oposición, así queda decidido.

Distinguidos señores delegados, desearía, en consecuencia, para presentar este documento a consideración de la Comisión, solicitar al Embajador de Colombia que nos haga la presentación.

Embajador de Colombia, usted tiene la palabra.

**Gonzalo BULA HOYOS (Colombia):** Señor Presidente, la intensidad y el interés de este debate no nos eximen de referirnos a aspectos que en este caso no son protocolarios, sino que corresponden a sentimientos muy sinceros de los representantes de Colombia. Estamos felices con la decisión afortunada de esta Comisión de haber elegido Vicepresidentes a nuestros colegas y amigos, Maria, nombre familiar, con el cual la llamamos, de Hungría, y nuestro hermano del Tercer Mundo, Abdouli K. de Senegal.

Igualmente nos complace que los dos Vicepresidentes asesorarán en sus tareas de redacción al competente Relator escogido, nuestro colega y amigo Mustapha Sinaceur, de Marruecos.

Creemos que usted, señor Presidente, ha procedido con singular acierto al atender la solicitud que se hizo esta mañana a fin de que las delegaciones que aún quisieran referirse, en términos generales, a este tema, así lo hicieran. Usted ha garantizado adecuadamente la amplitud de este debate, porque todos sabemos que se trata de un asunto sumamente importante con proyecciones históricas. Seguí todas las intervenciones de esta mañana con mucha atención y quiero destacar, en primer lugar, la declaración de mi colega y amigo Horacio Carandang, de Filipinas, quien, brevemente, reflejó la manera tan cuidadosa, atenta y seria como hemos procedido a través de este proceso a incorporar en este texto las principales observaciones que se han venido planteando.

Entre todos los oradores que oí esta mañana, me complació muchísimo - y lo digo con la mayor sinceridad, señor Presidente, las declaraciones de mis dos queridos colegas y amigas, las Embajadoras Wen Lian, de Malasia y Fermín-Gómez, de Venezuela. Mujeres inteligentes, combativas y capaces con quienes yo he librado conjuntamente batallas en favor de los ideales y principios del Tercer Mundo. Creo que esas declaraciones fueron constructivas y verdaderamente estimulantes. Porque yo comparto con ellas muchas de las inquietudes que plantearon sobre las implicaciones políticas, jurídicas y técnicas que tendrá este asunto, y porque ellas, en actitud que les agradezco, dijeron que tomaban nota de todo ello y, naturalmente, como lo dijo el colega de México, Velázquez, también, todo ello no sólo aparecerá en las actas de las deliberaciones de esta Comisión, sino que espero también que se reflejará adecuadamente en el Informe de esta Comisión sobre el tema 24.

Señor Presidente, el punto fundamental al cual se refirieron mis dos queridas amigas las Embajadoras, es el único al cual quiero referirme en particular. Se trata del criterio de elegibilidad para que las ORIE puedan entrar a ser miembros de la FAO. Puedo asegurarles a esas distinguidas colegas, y a los demás miembros del Comité que han planteado este asunto, que las deliberaciones fueron muy intensas y que los términos en que ahora se presentan esas condiciones de elegibilidad, en mi opinión tienen las características fundamentales de flexibilidad; pero al mismo tiempo carácter racional y ordenado, porque creo que es interés de todos los representantes de Gobierno preservar el futuro y la vida de esta Organización.

En todas mis declaraciones, en los Comités y en el Consejo, he dicho siempre, señor Presidente, y creo que lo estamos logrando, que no estamos

legislando con nombre propio, que no vamos a adoptar enmiendas solamente en favor de la Comunidad Económica Europea, sino que esperamos que en un futuro no muy lejano, ORIE, particularmente de regiones de países en desarrollo, puedan, igualmente, entrar a ser miembros de la FAO.

Señor Presidente, todos los miembros de la Comisión tienen el documento C 91/LIM/38 y empiezo por presentar mis excusas a los colegas de Austria y Argelia, quienes ya han dicho con razón que los nombres de sus países faltan en este texto. Igualmente Hungría se ha adherido como copatrocinador de este proyecto de resolución y, naturalmente, sigue abierto a todos los copatrocinadores que quieran acompañarlos.

Ya el colega Eduardo Hermann, del Brasil, ha dicho con razón que para llegar a este texto se han celebrado negociaciones complejas y difíciles. Creo, señor Presidente, que pedazo por pedazo, hemos logrado construir un equilibrio a base de concesiones mutuas de todos los participantes que hemos hecho grandes esfuerzos y que todo ello vale la pena que la Conferencia lo utilice y lo fortalezca.

Después del debate preliminar que sobre este tema tuvo lugar aquí el martes pasado en esta Comisión, siempre en la búsqueda afanosa del consenso, seguí participando en otras consultas informales. Bajo mi propia responsabilidad, desafortunadamente, sin tiempo de consultar a los demás colegas que representan a los países copatrocinadores de este texto. Y tengo la gran satisfacción de transmitir a usted, señor Presidente, y a los Miembros de esta Comisión la impresión fundada de que como resultado de esas consultas y de esos contactos existe el propósito generalizado de no introducir ninguna modificación en este texto.

Sin embargo, señor Presidente, con el ánimo de asegurar el debate democrático y, sobre todo, el resultado del consenso que todos deseamos y perseguimos; haciendo un gran esfuerzo, señor Presidente, debo transmitir a esta Comisión la propuesta que ha sugerido como consecuencia de la opinión de algunas delegaciones, en el sentido de que, si bien aceptan que no se introduzca ninguna modificación en el propio texto de esta Resolución, sí se agregue un comentario, repito, comentario, que aparecerá solamente en el proyecto de Resolución y que no se incorporará en los Textos Básicos que vamos a modificar. Espero que esto esté claro, señor Presidente; o sea, un comentario en el proyecto de Resolución. Ese comentario diría como sigue: "El término transferencia de competencia en relación con una determinada materia incluye la transferencia de poderes por los Estados Miembros para concluir tratados, y la transferencia completa de poderes significa que en los Estados Miembros no resta ninguna facultad residual".

Este comentario, que, repito, iría solamente en la Resolución, espero que sea aceptado por todos y que nos permita concluir exitosamente el debate sobre este importante tema.

**EL PRESIDENTE:** Muchísimas gracias, distinguido Embajador de Colombia, por su completa y además sumamente recordatoria introducción de este proyecto. Como usted decía, ha sido un largo trabajo y ha habido extensas e importantes negociaciones. Se ha llegado a un texto equilibrado, que es el que hemos estado discutiendo.

Me ha solicitado una aclaración la distinguida delegación de los Países Bajos, en el sentido de que al texto habría que añadir entre los copatrocinadores a Países Bajos, en representación de los doce países miembros de la Comunidad. La Secretaría tomará nota de esta materia.

**Fotis G. POULIDES (Chairman, Committee on Constitutional and Legal Matters)** : I would like to state that I fully support what Ambassador Bula Hoyos has proposed concerning the commentary on the terms of transfer of competence to be inserted in the resolution after Article II.4.

**Sra. Monica DEREGBUS (Argentina)**: Yo quisiera pedirle, señor Presidente, si fuera usted tan amable, que hiciera leer nuevamente, en español, el texto, que entiendo que es una enmienda al proyecto de resolución que figura en el documento C 91/LIM/38, presentado por el Embajador Bula Hoyos; que, por favor, se nos pueda indicar exactamente dónde sería ubicado ese texto.

**EL PRESIDENTE**: Voy a pedirle a la distinguida Secretaría que sea leído a velocidad de dictado el comentario que sería agregado al documento.

**LEGAL COUNSEL**: I have it in English; I will read it in English. As I understand it, this would go in the resolution in paragraph 1 dealing with the amendment to Article II, that is Article II.4. It will come after that. This relates to the eligibility criteria, the paragraph dealing with the eligibility criteria, and it would read as follows:

Commentary: "The term 'transfer of competence' in respect of a given subject includes the transfer of treaty-making powers by Member States and means that complete power with respect to that subject is transferred and that no residual power remains with the Member States".

**EL PRESIDENTE**: ¿Han podido tomar nota o se requiere una nueva lectura?

**Sra. Mónica DEREGBUS (Argentina)**: Lo que acaban de traducir en español es distinto de lo que el Embajador Bula Hoyos leyó. Yo quisiera, por favor, escuchar la versión auténtica en español de este comentario.

**EL PRESIDENTE**: Le pediría, entonces, al distinguido Embajador Bula Hoyos que tuviera la bondad de leer el texto en castellano.

**Gonzalo BULA HOYOS (Colombia)**: Este texto no es nuevo, este texto aparece en muchísimos documentos, a través de los cuales se ha venido manejando la discusión de este tema. Espero que pueda transmitirlo a la Comisión en mi modesto castellano. Se trata, señor Presidente, del párrafo 4 del Artículo II de la Constitución. Diría así: "El término transferencia de competencia en relación con una determinada materia incluye la transferencia de poderes por los Estados Miembros para concluir tratados, y la transferencia completa significa que en los Estados Miembros no resta

ninguna facultad residual". Estas expresiones, repito, están incluidas en documentos anteriores, que son bien conocidos.

**EL PRESIDENTE:** Entiendo que se ha podido tomar nota cabalmente de este comentario.

**Abdesselem ARIFI (Maroc):** Ma délégation voudrait appuyer la proposition telle que formulée et proposée par l'Ambassadeur Bula Hoyos de la Colombie.

**Roberto PONCE ALVARADO (Ecuador):** Quisiera solicitarle una aclaración, señor Presidente, porque no veo muy diáfano cuál va a ser el procedimiento. Usted solicitó al señor Embajador Bula Hoyos que hiciera la presentación del documento. Al hacer esta presentación, y si no he entendido mal, el Embajador Bula Hoyos citó que no ha existido intención de introducir modificaciones en este texto, refiriéndose seguramente a los países patrocinadores y a aquellos que, de acuerdo a un criterio que yo desconozco, han sido consultados sobre esta Resolución.

Quisiera de su parte una definición acerca de cuál va a ser el procedimiento que vamos a adoptar para examinar el texto preciso de la Resolución: si se va a discutir párrafo por párrafo, artículo por artículo, o el texto global. Porque si se refiere a que la Comisión como tal, de la cual todos los Estados formamos parte, no ha tenido intención de hacer modificaciones, me permito señalar que esa impresión no es exacta.

**EL PRESIDENTE:** Le doy la primera aclaración. Lo referido por el distinguido Embajador de Colombia ha sido que el texto contendrá un comentario, el cual no implica modificación del texto de la Resolución en sí misma, sino en cuanto al comentario que fue leído a velocidad de dictado y del que fue tomada nota por las distintas delegaciones. Este comentario incluido en el texto para su equilibrio y como resultas de las negociaciones que fueron efectuadas es el que ahora se somete a la consideración de la Comisión.

En cuanto al procedimiento respecto de este proyecto, desearía obtener el parecer de la Comisión. Les propongo lo siguiente: podemos avanzar en nuestros trabajos en cuanto a su adopción, en la medida en que ha sido comentado y analizado, como consta en el documento que ustedes tienen ante sí y adoptarlo en su totalidad, salvo opinión expresa en contrario. Como método de trabajo, lo someto a consideración de la Comisión.

**Roberto PONCE ALVARADO (Ecuador):** Quisiera proponerle, señor Presidente, que considere la posibilidad de discutir el proyecto de Resolución párrafo por párrafo.

**Ricardo VEIAZQUEZ HUERTA (México):** Sólo para apoyar la propuesta de Ecuador. Pensam que conveniente que el documento se analice párrafo por párrafo.

**EL PRESIDENTE:** Al ser apoyado por usted, distinguido delegado, se procederá en esta forma. ¿Algún otro comentario?

Me indica la Secretaría que hemos llegado a la extensión máxima del plazo de nuestra interpretación. Lamentablemente, no podemos continuar más allá de este momento. Les ruego, por tanto, volver a la Sala a las 14.30, para poder continuar con nuestra discusión.

The meeting rose at 12.45 hours.

La séance est levée à 12 h 45.

Se levanta la sesión a las 12.45 horas.

## **conference**

FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS

## **conférence**

ORGANISATION DES NATIONS UNIES POUR L'ALIMENTATION ET L'AGRICULTURE

## **conferencia**

ORGANIZACION DE LAS NACIONES UNIDAS PARA LA AGRICULTURA Y LA ALIMENTACION

C

**C 91/III/PV/4**

Twenty-sixth Session  
COMMISSION III

Vingt-sixième session  
COMMISSION III

26° período de sesiones  
COMISION III

### FOURTH MEETING QUATRIEME SEANCE CUARTA SESION

(15 November 1991)

The Fourth Meeting was opened at 15.30 hours

Mr Samuel Fernández Illanes. Chairman of Commission III, presiding

La quatrième séance est ouverte à 15 h 30

sous la présidence de M. Samuel Fernández Illanes. Président de la  
Commission III

Se abre la cuarta sesión a las 15.30 horas

bajo la presidencia del Sr. Samuel Fernández Illanes. Presidente de la  
Comisión III

**III. CONSTITUTIONAL AND ADMINISTRATIVE MATTERS (continued)**  
**III. QUESTIONS CONSTITUTIONNELLES ET ADMINISTRATIVES (suite)**  
**III. ASUNTOS CONSTITUCIONALES Y ADMINISTRATIVOS (continuación)**

- 24. Membership of Regional Economic Integration Organizations in FAO-  
Amendments to the Basic Texts of the Organization (continued)**  
**24. Accession d'organisations d'intégration économique régionale à la  
qualité de membre de la FAO - Amendements aux Textes fondamentaux  
de l'Organisation (suite)**  
**24. Adhesión como miembros de la FAO de las organizaciones regionales de  
integración económica: enmiendas de los Textos Fundamentales de la  
Organización (continuación)**

**EL PRESIDENTE:** Para retomar el análisis del tema que estuvimos discutiendo esta mañana, me ha solicitado la palabra el distinguido delegado del Ecuador.

**Roberto PONCE ALVARADO (Ecuador):** Por instrucciones de mi Gobierno, debo ratificar aquí la declaración que realizara en esta misma Sala el día 12 de este mes, en el sentido de que el Gobierno ecuatoriano es partidario del ingreso de las organizaciones regionales de integración económica en la FAO. También por instrucciones de mi Gobierno y, naturalmente, contando con venia y agradeciendo cordialmente el apoyo que brindara la honorable delegación de México a mi moción respecto del procedimiento, que realicé esta mañana, quisiera, contando con su venia, repito, retirarla, señor Presidente.

**EL PRESIDENTE:** Se ha tomado debida nota de su declaración.

**Ernst ZIHMERL (Austria) (Original language German) :** The Draft Resolution we have in document LIM/38 is the result of lengthy discussion and consideration within the various bodies of FAO. We believe that this document encompasses all the relevant aspects regarding the entry of regional economic integration organizations in FAO. That is why I would like to say that this is the felicitous outcome of the sub-group that was set up by the Council and chaired by Mr Bula Hoyos. Within this Committee, as everyone knows, all the regions were duly represented. Hence, my delegation feels that an article-by-article discussion of the resolution that we have before us would not produce anything new or innovative. Therefore, we feel that such an article-by-article consideration is not necessary.

That is why, on behalf of thirty states, I proposed that the text contained in document C 91/LIM/38 be adopted as submitted to us in that document, including the accompanying commentary regarding Article II.4.

**EL PRESIDENTE:** Muchísimas gracias, distinguido delegado de Austria. Se ha tomado debida nota de su declaración hecha en nombre de treinta países.

**LI SI HONG (Democratic People's Republic of Korea):** First of all, let me congratulate you on your election to the Chairmanship of this important Commission, and also to the Vice-Chairmen on their election.

I have just received an instruction from my Government, the Democratic People's Republic of Korea, to support the admission of Regional Economic Integration Organizations into FAO. My country is one of those which has no official relations with the EEC, but since the EEC makes large contributions to the developing countries through FAO, I do not see any necessity to oppose the proposal regarding REIOs, including the EEC.

I would therefore like, on behalf of the delegation of the Democratic People's Republic of Korea, to support the admission of REIOs, including the EEC, to FAO.

In my view, the problem concerns the method of allowing membership to the regional organizations, and their contributions to the operations of FAO, and I would like to emphasize that the single text proposed by the Ambassador of Colombia is reasonable and realistic. My delegation therefore fully supports it. I would also like to mention that the amended text should be the one for the other REIOs who want to join FAO.

**Ricardo VELASQUEZ HUERTA (México):** En cumplimiento estricto de las instrucciones de mi Gobierno, tomo la palabra por tercera vez en este tema. Esta mañana, al concluir las sesiones, si mal no recuerdo, se había aceptado que el documento C 91/LIM/38 se discutiese punto por punto. Hay ahora propuesta de que su análisis se haga de manera global y se acepte. Antes de pasar a decidir si se analizará punto por punto o de manera global, queremos dejar perfectamente clara la posición de México en el asunto.

Lo primero es que México no se opone de ninguna manera, como lo hemos dicho reiteradamente, al ingreso de las organizaciones regionales de integración económica en el seno de la FAO.

Cuando digo organizaciones regionales de integración económica me refiero a todas las que pudiese haber en el ámbito internacional. Aquí, a mi modo de ver, se habla concretamente de la CEE en razón obviamente de que ya presentó su solicitud, pero el tema global que se plantea en el documento C 91/LIM/38 es el ingreso de las organizaciones regionales de integración económica, no de la organización regional de integración económica. Repetimos, no nos oponemos de ninguna manera al ingreso de las organizaciones regionales de integración económica a la FAO. Lo dijimos en una ocasión e insistimos en ello. No es un sí o un no, sino un cómo, porque para mi país es importantísimo considerar con toda claridad, con toda nitidez, con toda precisión, en su dimensión adecuada, la reforma a los Textos Básicos de nuestra Organización.

En este respeto a los Textos Fundamentales en interés de las propias organizaciones regionales de integración económica que puedan solicitar su ingreso en la FAO y que ya lo hayan hecho, en el propio interés de la FAO y de los miembros que integramos la FAO, es por lo que mi Gobierno desea ser cuidadoso sobre la manera cómo se dé el ingreso a una organización regional de integración económica, y, repito, a lo que no nos oponemos. Ello nos impele a precisar, primero, el estatus con que deben ingresar. Se ha dicho

aquí esta mañana - conté 17 países que hablaron en el mismo sentido - que una organización regional de integración económica no es un Estado, y los Textos Fundamentales de la FAO se refieren, cuando dicen "Miembros" a Estados soberanos.

Seguidamente se ha dicho con todo tino - y nosotros lo hemos repetido también - que el Artículo II habla de una segunda categoría de miembros, que se refiere a los miembros asociados, que son territorios, y que los organismos regionales de integración económica no son territorios; por ende, no pueden ser miembros asociados.

La propuesta de México es que en la reforma que se pudiese hacer a los Textos Básicos, y que ya se contiene en la propuesta del documento C 91/LIM/38, en la parte final de la segunda hoja, que dice "Constitución I, enmiendas al Artículo II de la Constitución", bastaría con que se modificara ese artículo agregando una palabra simple y sencilla que implicaría una tercera categoría de miembro, que es miembro sui generis para que dentro de ésta se dé cabida a las organizaciones regionales de integración económica y a otros organismos que pudiesen en el futuro poder ingresar en la Organización y que pudiesen ser organismos que suman países a los cuales se les ha transferido competencias.

Hay organizaciones, hay sistemas, hay asociaciones, hay una serie de grupos que bien podrían enriquecer la estructura de la FAO; que pudieran con su fuerza económica, con su inteligencia, contribuir al desarrollo futuro del organismo.

El segundo punto que mi delegación desea precisar con toda claridad - y ya lo hemos hecho así - es el que se refiere a las competencias. A nuestro juicio, las competencias del organismo miembro o de la organización miembro, o diría yo, del miembro sui generis, organización regional de integración económica, deben estar perfectamente precisadas y listadas en un documento que se presente cuando se haya presentado la solicitud, tal como ya lo dice el documento C 91/LIM/38 y con el cual estamos totalmente de acuerdo. Lo que no podemos aceptar es que antes de cada sesión se nos diga quién va a ejercer la competencia y quién va a ejercer el derecho de voto.

Yo no quisiera suponer que el texto en español está equivocado y que los duendes han actuado de nueva cuenta, como se dijo en alguna ocasión hace cuatro días cuando el documento en español hablaba de organizaciones miembros y los demás documentos, en otros idiomas, no lo indicaban así. El documento en español es claro y nos indica que antes de cada sesión la organización miembro - que es por cierto un concepto que no se maneja en la reforma del Artículo II y sí en todo el texto del documento C 91/LIM/38 - repito, que antes de esa reunión, la organización miembro o los miembros que la componen nos dirán quién tiene el derecho de competencia según la materia y quién tiene el derecho de voto. Ojalá el duende haya actuado y yo esté equivocado, pero el texto en español así lo dice.

Precisamos pues la postura de México en ese sentido y pedimos respetuosamente a la Mesa que la decisión tomada este mediodía se respete y el documento se someta a votación punto por punto.

**EL PRESIDENTE:** Se ha tomado atenta y debida nota de las distintas propuestas en los distintos párrafos que Ud. ha mencionado para el documento C 91/LIM/38. Me ha pedido el uso de la palabra la distinguida delegación de Polonia.

**Tadeusz STROJWAS (Poland):** I know that I am not the first, but I would not like to be the last, to congratulate you on your election to the Chairmanship of this important Commission, and to extend to you all my best wishes in your conducting of these - as they appear to be - extremely sensitive discussions.

On behalf of the delegation of Poland, I have the honour to join those speakers who have supported the request from the European Economic Community for membership in FAO. As you may recall, the delegation of Poland has supported that request from the very beginning, and has expressed that support in very clear words on more than one occasion. In the same way, and because of that, this delegation now supports the Draft Report, en bloc, contained in document C 91/LIM/38.

Let me also take this opportunity to say that we very gladly express satisfaction and thanks for all the explanations provided in this connection by Mr Moore, the FAO Legal Counsel, during both the recent Session of the FAO Council and now during the deliberations of this Commission.

**Mrs Maria GALVOLGYI (Hungary):** Since my delegation is taking the floor for the first time, may I congratulate you, Mr Chairman, on being elected to the Chair of our very important Commission.

My delegation wishes to second the point raised by the delegate of Austria at the very beginning of the afternoon session. We also propose to take the Draft Resolution en bloc or as a package in order to avoid opening up the debate on the particular items. I can propose this because my country supports the admission of the EEC into our Organization. Moreover, we have no difficulty with the Draft Resolution including the amendment made by the delegate of Colombia.

**Horacio M. CARANDANG (Philippines):** As indicated during the deliberations of this Commission this morning, my delegation can go along with the text in the Resolution of C 91/LIM/38. Therefore we have no more amendments or changes to propose in the same text. We have participated in the debate on this text in the Council and in the Special Working Group. If the Commission is willing to adopt it en bloc my delegation will be ready to support it.

We believe it is already implicit in the text that the EEC is going to be a sui generis member of FAO. This is spelt out in the various texts. With regard to its competence we expect a full declaration of competence will be made. Furthermore, we hope that the compromise solution will be indicated in the General Rules on how to determine this if there should be a misunderstanding in the application of this declaration of competence.

We know that the competence of the EEC is now mainly concentrated in the sphere of food and agriculture and therefore understand the interest of the EEC in joining the Food and Agriculture Organization of the United Nations. In the future when the EEC achieves a political union like that of the State of Mexico or the United States of America they then perhaps can also apply to the United Nations, but that is not our concern. All I will say now is that we are willing, if everyone else is, to support the en bloc adoption of the Draft Resolution.

**Saleh Idris MUHAMMED (Tanzania):** Since this is the first time we have spoken may I congratulate you, Mr Chairman, on your election to the Chair.

Tanzania accepts the principle of membership of the Regional Economic Integrated Organizations into FAO. We also have no objection to accepting the Resolution en bloc. However, my delegation requests some clarification on the question of voting.

Paragraph 10 of document C 91/LIM/38 states, and I quote in part, "a Member Organization may exercise on matters within its competence ... a number of votes equal to the number of its Member States which are entitled to vote in such a meeting." Does this mean the Member States must be present at that meeting, or is that not necessary? If their presence is not required, they may be given an unfair advantage over other states. For example, I look around this room and see a number of people are absent. If you were to take a vote, those people would not be able to vote. However, if a particular organization representing a number of states, or representing those people or states is present, then they can vote for them. I think this will be of advantage to the other states.

My other query relates to the question of quorum. Are we counting a particular organization as one quorum, or as equal to the number of states it represents?

**LEGAL COUNSEL:** I will answer those questions quickly as they are matters discussed at length in the CCLM and there is a definite view on them.

First of all, with respect to whether a Member Organization would exercise a number of votes of only those Member States present or of all those entitled to vote in the meeting, it is in fact all of those votes of the members who are entitled to vote at that meeting. They do not have to be present. Why do they not have to be present? Because they will for the most part not have competence in these matters and therefore would not be talking anyway. So it does not matter in fact whether they are present or not. If the particular organization has competence in the matter then it would exercise all the votes of its Member States who would be entitled to participate in that meeting, whether they are present or not.

The second point is, do you count a particular organization as one for a quorum or count them as being equal to the number of votes they would exercise. The answer is, you would count them as equal to the number of votes they would exercise.

**Miss Ting WEN LIAN (Malaysia):** My delegation can go along with the proposal put forward by the delegate of Mexico that we look at every paragraph, at every article because they are all very important and secondly, if necessary to vote on each article.

My next point - in view of the reservations that we have heard in this Commission III, I really do not see us as a Commission adopting this whole Resolution en bloc. It really troubled me to hear that. The Malaysian delegation wishes to insist that we take a vote when we finally come to it on this whole Resolution, or article by article, because we would like to express our views accordingly.

**EL PRESIDENTE:** Señores delegados, tengo aún algunas distinguidas delegaciones que me han solicitado el uso de la palabra. Antes de tomar una decisión respecto de los puntos principales que estamos discutiendo, con la anuencia de la Sala desearía conceder la palabra a dos delegaciones más y luego poder tomar alguna decisión escuchando naturalmente, sobre ese punto, el parecer de la Sala. Les pido esto porque ha habido dos tipos de declaración, si Uds. me lo permiten. Algunas se refieren al tema en concreto de fondo - el tema 24 en discusión - y otras más particulares sobre el procedimiento que debemos adoptar en relación al C 91/LIM/38. De ahí que les ruegue acepten mi sugerencia para no prolongar en exceso el tema que naturalmente podrá seguir siendo discutido para poder clarificarnos y separar ambas cosas. La delegación de Túnez tiene la palabra.

**Amor Ben RHOMDHANE (Tunisie) (Langue originale arabe):** Permettez-moi, M. le Président, de vous féliciter à l'occasion de votre élection. Nous sommes certains que nos travaux seront couronnés de succès grâce à votre expérience et à votre efficacité.

Au nom de la délégation tunisienne, je voudrais appuyer la décision qui nous est proposée. Il est tout à fait justifié que la Communauté Européenne puisse adhérer à notre Organisation. Cette nouvelle adhésion ne pourrait que renforcer notre Organisation et en augmenter l'efficacité. Ma délégation n'éprouve donc aucune difficulté à adopter dans sa totalité le document qui nous est présenté et nous souhaitons que le Secrétariat ajoute la Tunisie à la liste des Etats co-auteurs du document C 91/LIM/38.

**Sra. Mónica DEREGIBUS (Argentina):** La delegación argentina, señor Presidente, tiene la impresión que el martes, día 12, estábamos en una Comisión y que hoy estamos en otra, ya que la delegación argentina entiende que nosotros el martes 12 tomamos la decisión de ir discutiendo el texto de las enmiendas artículo por artículo. Hoy, esa decisión parece ser puesta en tela de juicio. Señor Presidente, en el documento C 91/III/PV/2, que es el acta taquigráfica de la segunda sesión de esta Comisión, en la página 18, figura la propuesta del Consejero Legal de proceder al examen de los textos de enmiendas artículo por artículo. En el mismo documento, en la página 20, figura una declaración del delegado de Colombia que dice: "Creo que la Comisión ha estado de acuerdo en los tres puntos sugeridos por el Dr. Moore, el último de los cuales dice que se discutirá el texto artículo por artículo".

A continuación, señor Presidente, figura una declaración suya que dice: "Por supuesto, en su oportunidad en ese proyecto al ir discutiendo artículo por artículo podremos ir viendo como avanzamos en ese texto".

Esta mañana, señor Presidente, cuando se levantó la sesión parecía que habíamos ratificado ese acuerdo de nuestra sesión del día 12. Apparently, los mismos delegados que en aquel momento estuvieron de acuerdo con proceder de esa manera, ahora están cambiando de parecer, señor Presidente, pero yo creo que es natural que si hay delegaciones que tienen objeciones definidas con relación a algunos de los párrafos o de los artículos, se les permita expresar esas opiniones y poder presentar eventualmente las propuestas que tengan que hacer.

Si nosotros no hacemos esto en la Comisión, señor Presidente, podemos encontrarnos con que en el Plenario van a suceder estas cosas, que normalmente suceden en las comisiones, y por eso las comisiones de la Conferencia se crean y funcionan para resolver los pequeños casos y para que en el Plenario luego se haga la votación eventualmente sobre un texto integral.

Yo le pido, señor Presidente, que tome en cuenta que esto ya había sido decidido el día 12 en el sentido de proceder al examen del texto de las enmiendas a los Textos Fundamentales de la FAO, sobre la base de artículo por artículo.

**EL PRESIDENTE:** Gracias distinguida delegada. Usted ha puesto en mis palabras una interpretación que no es correcta. Desde el momento que la Mesa ha continuado permitiendo la discusión del tema y escuchando las distintas opiniones - y usted ha leído bien, las palabras no son exactamente "decisión", de tomar y discutir de una manera o de otra. He querido, justamente, tener la opinión general de la Sala sin imponer ninguna solución, la que, por cierto, queda en manos de ustedes.

Al respecto, y tal como lo había dicho, desearía, precisamente sobre la base de lo expresado por usted, pedir a la Sala determinar la forma y procedimiento que desea adoptar, y, teniendo en cuenta que hemos escuchado a la delegación de Austria hablando a nombre de 30 países, y otra cantidad importante de delegaciones que han expresado sus sentimientos en el sentido de adoptar el texto en su totalidad como está presentado. Al mismo tiempo, hemos escuchado también, atentamente, a tres delegaciones que prefieren y se han pronunciado claramente por una discusión del texto artículo por artículo. Desearía al respecto que se adopte por la Sala una decisión y, sobre este punto en concreto, materia de trascendental importancia para la continuación de nuestros trabajos, un pronunciamiento. Desearía escuchar sobre este tema específico de votar artículo por artículo o en su totalidad las expresiones de dos delegaciones a favor y dos delegaciones que quieran oponerse y someterlo a consideración de la Sala.

Estoy en manos de ustedes, señores delegados.

**Gonzalo BULA HOYOS (Colombia):** Cuando concluimos la primera sesión dedicada a este tema, las referencias que se han hecho estaban dirigidas a asegurar el más amplio debate sobre este asunto. Como ya lo dijimos en nuestra declaración de esta mañana, toda la sesión de hoy en la mañana fue dedicada

a las delegaciones que quisieron expresarse sobre este tema. Más que artículo por artículo lo hicieron de la manera más amplia, completa y específica muchas de ellas. Creo que no podemos deliberar con base en sofismas, señor Presidente. La propuesta que se había hecho al final de esta mañana fue retirada al principio de esta tarde. Inmediatamente después se produjo la propuesta de Austria. Treinta países copatrocinadores estuvieron vinculados a esa propuesta de Austria que, además, ha sido apoyada por numerosas delegaciones.

Convendrá observar también, señor Presidente, que en el documento C 91/III/REP/1 que se ha distribuido ya como Informe de esta Comisión sobre el tema 24, se reflejan adecuadamente las opiniones de aquellos países que no han podido estar enteramente de acuerdo con este texto; luego ese derecho de las minorías está debidamente protegido.

Para atenerme, señor Presidente, a su sabia directriz de expresarme concretamente, quiero repetir mi apoyo decidido a la propuesta de Austria.

**Guido D'ALESSANDRO (República Dominicana):** Quiero ante todo, señor Presidente, felicitarlo por su elección y también por su extraordinaria dirección de los debates.

Para hablar brevemente quiero informarle, señor Presidente, que por instrucciones y por indicación propia de la delegación Dominicana, apoyo la propuesta de la delegación de Austria y respaldo lo propuesto por el representante de Colombia, de conocerse como un solo documento.

**Alberto MORILLO MORANTES (Venezuela):** Nosotros, señor Presidente, quisiéramos apoyar la proposición que hizo México respaldado por Argentina, a considerar el punto artículo por artículo, tal como el Consejero Legal lo había propuesto en la anterior reunión.

**Rudolph de POURTALES (Suisse):** Il serait bon de savoir, de la part des délégations qui aimeraient procéder au vote paragraphe par paragraphe, si elles ont effectivement des amendements formels à proposer. S'il s'agit simplement de faire des commentaires ou de demander des explications, je ne vois pas pourquoi on ne pourrait pas adopter le texte en bloc, et ensuite donner des explications s'il y a lieu.

**EL PRESIDENTE:** Distinguidos delegados, desearía someter a ustedes lo siguiente. Podríamos solicitar a la Sala, a las distinguidas delegaciones que así lo deseen, presentar alguna proposición formal de enmienda respecto de lo que estamos discutiendo, tal como lo ha dicho el delegado de Suiza.

Distinguidos delegados, una breve adición a lo dicho hace un momento. ¿Podríamos considerar, respecto del documento que tenemos a nuestra vista, que sería de interés concentrarnos en los dos primeros artículos de él para obtener una mayor rapidez en nuestras deliberaciones? Y ¿el resto sea adoptado en su totalidad? ¿Alguna opinión al respecto?

**Ricardo VELASQUEZ HUERTA (México):** Quiero volver a repetir mi propuesta. En principio estaría de acuerdo con discutir algunos puntos del documento; de ninguna manera mi país ha dicho que esté en contra de todos los artículos. Ha expresado simplemente su preocupación sobre dos puntos fundamentales. Uno contenido en las enmiendas al Artículo II y, el otro, contenido en las enmiendas al Artículo XLI.2. Son los dos únicos puntos en los que nosotros pensamos que puede haber una enmienda que asegure de la manera que lo hemos expresado un ingreso limpio, claro y preciso de las organizaciones regionales de integración económica a la FAO.

**EL PRESIDENTE:** Entiendo de sus palabras que su delegación desea que sus opiniones se vean reflejadas absolutamente en el Informe respectivo, ¿o es una propuesta formal de enmienda a algún artículo? Su aclaración por favor.

**Ricardo VELASQUEZ HUERTA (México):** Es una enmienda al artículo; es una enmienda. Lo que quiere decir, si me explico bien, si la delegación mexicana ha venido planteando que se adopte la forma de enmienda de miembro sui generis, es eso una enmienda a los artículos. No es que quede exclusivamente señalado como está. Es una enmienda al artículo. La otra, que se refiere al XLI.2, también es una enmienda, en tanto no aceptamos el texto que dice que antes de las sesiones se diga qué competencia deberá tener cada quién y qué voto deberá ejercer.

**Sidaty AIDARA (Sénégal):** Je suis désolé de prendre la parole à ce stade de nos débats, parce que j'avais très sincèrement espéré que les discussions approfondies auxquelles nous avons procédé depuis quelques jours déjà pour finaliser cet exercice important qui a été soumis à la considération de la Conférence tiraient à leur fin et que nous étions en mesure de prendre une décision.

J'ai suivi avec beaucoup d'intérêt cette discussion et je crois qu'en ma qualité d'Etat Membre et en ma qualité de Vice-Président et de Rapporteur de la Commission, je suis en mesure d'apporter un certain nombre d'éclaircissements à ce stade de nos discussions.

Il y a une série de questions qui ont été évoquées et je peux peut-être les résumer en trois volets.

La première série de questions concerne le statut sui generis de l'organisation membre de la FAO.

Il n'y a pas de doute. Nous l'avons dit, lors de notre première déclaration, nous l'avons répété lors de la deuxième déclaration en tant que pays membre, et plusieurs Etats se sont faits l'écho de cet aspect particulier de la qualité de membre de l'Organisation d'intégration économique régionale. Je crois que ce caractère sui generis est contenu dans les amendements proposés et j'avais donné des exemples, j'avais dit qu'en aucune manière nous ne pouvions considérer l'OIER comme un Etat Membre pour plusieurs raisons, et la qualité qui s'attache à son statut de membre est différente de celle de l'Etat Membre. L'Etat Membre a droit de vote à tout moment, ce qui n'est pas le cas de l'OIER, et l'Etat Membre participe à toute discussion au niveau de la Conférence et de l'Organisation. L'Etat Membre a la possibilité d'être élu, d'être éligible

au sein de tous les organes de la FAO, ce qui n'est pas le cas de l'OIER, donc en aucune manière l'OIER ne peut être considéré comme Etat Membre.

Il y a une seconde série de questions concernant la décision politique. Quelqu'un a dit ici que cette question nécessitait une décision politique. C'est ce que nous sommes en train de vouloir faire. La décision politique nous appartient ici, en tant qu'Etats Membres de l'Organisation, au sein de cette Commission, et au sein de cette Conférence. Il n'appartient pas à d'autres organes de le faire à notre place; c'est nous qui, souverainement, devons prendre cette décision.

Il y a un certain nombre de propositions qui ont été faites, et principalement celles qui consistent à adopter le texte en bloc. Ceci a été fait au nom d'un groupe de pays, d'une trentaine de pays. Donner la possibilité aux Etats, ce qui est tout à fait normal, d'amender le texte qui nous est présenté, risque d'ouvrir la boîte de Pandore et ceci me semble très dangereux. Nous avons négocié pendant longtemps pour arriver à un texte de compromis. Ce texte de compromis est celui qui a été présenté au nom des Etats co-auteurs par l'Ambassadeur de Colombie. Il est le reflet fidèle de toutes les tractations, de toutes les négociations qui ont été engagées sur cette question. Il tient en compte les différentes sensibilités qui ont été évoquées par les Etats Membres particulièrement intéressés par cette question. Je crois qu'il est important, à ce stade, que nous prenions une décision, la bonne décision, c'est-à-dire celle qui consiste à adopter ce texte en bloc et à l'envoyer à la Conférence lors de sa séance plénière, car si nous introduisons ici des amendements, nous risquons de rouvrir, comme je le disais, la boîte de Pandore, et cela va davantage compliquer la situation, c'est pourquoi je voudrais en appeler à toutes les délégations, je voudrais en appeler à leur sagesse, je voudrais en appeler à leur esprit constructif pour qu'elles permettent à la Commission de prendre une décision sage sur cette question.

Voilà ce que je tenais à dire. A ce stade, j'ai dû enlever un chapeau, le chapeau d'Etat Membre. Et encore une fois, je voudrais sincèrement en appeler à la sagesse de tout le monde afin que l'on puisse adopter ce texte de compromis constructif et dynamique, en bloc, et pas paragraphe par paragraphe.

**EL PRESIDENTE:** Muchísimas gracias, señor Embajador del Senegal. Es precisamente lo que he intentado, escuchando todas las opiniones, para tratar de avanzar en los trabajos y tomar una decisión respecto de la mejor manera de resolverlo.

Existen, como ustedes han podido constatar, dos puntos. Uno es procesal, en cuanto a la manera como abordaremos el documento, sin perjuicio de las posiciones de fondo que todos los países puedan tener sobre el texto, de las cuales la mayor parte ha sido expresada a lo largo de las reuniones de la Comisión. Con el objeto de avanzar verdaderamente en nuestros trabajos, desearía someter a ustedes la siguiente posibilidad: si nos podemos concentrar en los dos primeros artículos y luego, sin anunciar cuál será la decisión, ustedes podrán decidir qué hacemos y cómo procedemos respecto de los artículos para concentrar la discusión. ¿Hay alguna oposición en este sentido?

**George O. LAMPTEY (Ghana):** Mr Chairman, this delegate of Ghana does not take the floor easily, I do not like to waste time. I want to lodge a protest to you, Mr Chairman. I had the Ghana plate up for fifteen minutes; the whole podium was blind; I sent a note to you, Mr Chairman, that as Chairman of the Resolutions Committee I would like to make a statement here before you take whatever decision you have to take. That is a long time ago. I did that a long time ago before my colleague from Senegal left the podium to come to speak. Before he came to speak you had called Ghana then you gave it to Senegal.

Now, I have noted that a number of people are excited by this item, especially in the Bureau, in the Secretariat, there people tend to misjudge even what delegations are to say. I wanted to help your work, that is why I asked for the floor. So, Mr Chairman I protest strongly over this lack of courtesy given to me because when I wrote the note to you, even if you did not see you should have sent me a note if you did not want me to speak.

Now, Mr Chairman, let me make the point I was going to make. Perhaps after Senegal I should not make the statement I am making now. I said I do not waste time but I wanted to appeal to those who are asking for paragraph by paragraph consideration to think deeply, more deeply on the matter and perhaps to withdraw because when you are negotiating items of this nature it reaches a point where you know that you will have a few people objecting and it is not for the few to stand in that case in the way of adoption, in the way of the majority, what seems a significant majority. What we have here is a compromise. It was brought to the Resolutions Committee as a compromise that had followed long periods of negotiations. Therefore if you take one word, a "the" or "of" from there you destroy the compromise and you go back to square one and in that event all you can actually do is for the Commission to take a decision by consensus and even if it is amendments, reflect that in the Report. This is all I wanted to tell you from the beginning.

**EL PRESIDENTE:** Le ruego, señor Embajador, acepte mis excusas. Tengo no menos de veinte papeles de solicitud de uso de la palabra, y no lo vi. Le ruego me excuse. Al mismo tiempo, le quiero agradecer muy sinceramente su muy constructiva declaración.

**Gonzalo BUIA HOYOS (Colombia):** Continuamos siguiendo con la mayor atención, con toda paciencia y con profunda convicción democrática, este debate. Hubiéramos preferido no volver a intervenir, pero la constructiva intervención que, afortunadamente, acaba de expresar ahora nuestro colega de Ghana nos mueve a plantear un punto de procedimiento radical, aun en contra de ciertos principios que hemos sostenido siempre, pero convencidos de que ya se ha prolongado intensamente la discusión sobre este tema.

Antes de hacer la propuesta formal, quiero decir una vez más que admiro, valoro y aprecio la declaración de la distinguida Embajadora de Malasia, quien ha dicho que es necesario que se tenga en cuenta la opinión de la minoría. A ese respecto, ya me permití señalar el proyecto de informe que supongo discutiremos más adelante.

Después de sentar estas premisas, los delegados de Colombia proponemos una moción formal: cierre del debate sobre la propuesta de Austria. Entendemos

que sobre esa moción formal podrán expresarse dos oradores a favor y dos en contra, y luego la Comisión tomará la decisión.

**EL PRESIDENTE:** Gracias, distinguido Embajador. Tenemos ante nosotros una proposición formal de cierre del debate. Estoy obligado por el Reglamento a hacer precisamente lo que muy bien recordaba el señor Embajador: ofrecer la palabra a dos delegaciones que apoyen y a otras dos que estén en contra. Sobre esa moción de cierre del debate, ofrezco la palabra. Opiniones a favor.

POINT OF ORDER

POINT D'ORDRE

PUNTO DE ORDEN

**Guido D'ALESSANDRO (República Dominicana):** Ya en mi anterior intervención, yo apoyaba la moción de Austria y ahora respaldo la moción del delegado de Colombia.

**Ernst ZIMMERL (Austria) (Original language German) :** My delegation also supports the motion for closure put forward by His Excellency Ambassador Bula Hoyos.

**Ricardo VELAZQUEZ HUERTA (México):** Tratando de conciliar el asunto, me permito recordar que nuestra propuesta siempre ha sido sobre dos puntos esenciales, no sobre todo el documento; lo volvemos a repetir. En ese contexto, nosotros deseáramos plantear que se nos permita discutir dos puntos del tema nada más y aprobar el resto en lo global, si ello es permisible. No todo el documento, sino dos puntos.

**Alberto MURILLO MORANTES (Venezuela):** Como ya lo dijimos en una anterior oportunidad, nosotros apoyamos la posición de México. No nos oponemos a la totalidad del texto, pero hay dos puntos que nosotros también quisiéramos aclarar. Es simple. No es la totalidad, repito; son solamente dos puntos. Si aclaramos esos dos puntos, no tenemos ningún problema.

**EL PRESIDENTE:** Habiéndose expresado las dos delegaciones a favor y las dos delegaciones con la salvedad de que no es respecto de todo el texto, sino respecto de las partes fundamentales que habían mencionado en su oportunidad, ¿puedo asumir que la Comisión desea en este momento cesar en el debate de fondo del tema y volcarse a decidir sobre los dos primeros artículos del documento que estamos considerando?

**Gonzalo BULA HOYOS (Colombia):** Mi propuesta ha sido muy clara, señor Presidente. Yo lo siento. Se ha decidido ya sobre suspender el debate. Ahora la Comisión debe decidir sobre la propuesta de Austria: si se adopta o no en bloque el informe.

**EL PRESIDENTE:** Señores delegados, desearía solicitarles que votemos y decidamos entonces sobre la propuesta que acabamos de escuchar.

**Sra. Mónica DEREGBUS (Argentina):** Señor Presidente, yo le pido a usted, muy respetuosamente, que nos diga exactamente qué es lo que vamos a votar. Yo quisiera saber si lo que vamos a votar es considerar la Resolución en bloque o en artículos, o si lo que vamos a votar es el texto del documento C 91/LIM/38.

**EL PRESIDENTE:** El distinguido Consejero Legal me ha pedido la palabra para una aclaración.

**LEGAL COUNSEL:** As I understand it, the motion now before the meeting is whether we should close the discussion on the procedural item, whether we should adopt it en bloc, or whether we should go article by article, and then to decide that matter. Therefore, I would presume the motion would be that this meeting would decide to adopt the procedure of adopting the Resolution en bloc - is that correct? - and then afterwards we will take the vote on the Resolution.

We are on the procedural matter first, and that is how we are to proceed. Are we to proceed by adopting en bloc or by adopting it article by article? That is the question before you on which the motion has been proposed.

**John KNOX (United States of America) :** I have a question on the point of order. It seems to me from reading Rule XII, paragraph 23, that the motion on the floor at this moment is to close the debate. Under paragraph 23 of Rule XII, the motion that we now must proceed to vote on is whether to close the debate. It is not to vote on the motion prior to the most recent motion.

If I am mistaken in this reading of paragraph 23, then I will be happy to hear the correct reading of the paragraph.

**LEGAL COUNSEL:** It was my understanding that the item we are closing the debate on, as it were, is not the entire Agenda Item, because we also have a Report to adopt as well. We have a number of other matters to discuss. But on this particular subject of the procedural debate that we are having, perhaps I can seek clarification from the proposers of this motion, if this were in fact the case, that they merely wished to close the discussion on this item of whether we should adopt the Resolution en bloc or item by item, and then at that stage to go on to the vote on the actual resolution.

Is this correct?

**John KNOX (United States of America):** I am afraid that I still do not understand Mr Moore's answer. If paragraph 23 of Rule XII is not the basis for the motion currently under discussion, then I do know what the basis is. I am sorry. If that paragraph is the basis, it seems to me that we have to vote, under the terms of this paragraph, on that motion. If this is not

the basis for the motion, I nevertheless do not see how we can combine the two different motions, purely as a legal matter. There is a first motion on the Table, the Austrian motion; and then there is a second motion, the Colombian motion. I do not see how we can vote on both of them at once.

**George O. LAMPTEY (Ghana):** May I try to help? What is happening is this: you had a motion on the floor from Austria. On the basis of that motion, discussions were going on. Then Colombia moved for a closure of that debate - the debate on that first motion. So what we have to do now, is to stop and take a decision on the closure. When we have taken a decision on the closure, we will then take a decision on the Austrian motion.

Let me put it more clearly. We will first take a decision on closing the debate. Then we shall take a second motion as to whether we consider the thing fully. But there will be no more debate, because the debate has gone on, and you will take a decision as to whether you accept the thing being considered as a whole, or paragraph by paragraph. That is it; it is finished.

**Gonzalo BUIA HOYOS (Colombia):** Creo que los colegas de Ghana y de Estados Unidos tienen razón. Yo no me refiero nunca a voto porque generalmente no soy partidario de votar. Creo en primer lugar que Ud. debe preguntar a la Comisión quiénes se oponen al cierre del debate, y si se declara cerrado, luego preguntar quiénes se oponen a la propuesta de Austria, sin que se prosiga el debate sobre la propuesta de Austria.

**Sidaty AIDARA (Sénégal):** Je me félicite de ce que l'Ambassadeur du Ghana, cette fois, ait pris la parole avant moi. J'ai eu un sentiment de culpabilité, tout à l'heure, quand vous m'avez donné la parole et que j'ai dû m'exprimer avant lui.

Je crois que, jusqu'à présent, nous avons fait du très bon travail sur le fond de la question qui nous intéresse, à savoir la possibilité que nous devons offrir aux OIER d'entrer à la FAO. Je crois qu'il serait dangereux, à ce stade, de noyer ce poisson important dans une mare de motions.

Si j'ai bien compris sa déclaration, le délégué du Mexique ne s'oppose pas à la clôture du débat. Il a, me semble-t-il, deux points mineurs. Si la délégation du Mexique accepte de faire refléter son point de vue dans le rapport de la Commission, je ne vois pas pourquoi nous ne pourrions pas adopter le projet de compromis qui nous est soumis en bloc.

S'il est nécessaire de suspendre la séance, ne serait-ce que cinq minutes, pour nous permettre de nous mettre d'accord, je serai favorable à cette démarche. J'ai le sentiment, comme l'Ambassadeur de Colombie, qu'il faut éviter les procédures de vote. Nous allons d'abord voter sur une première motion, ensuite sur une deuxième motion? Cela ne me semble pas une procédure qui doive être l'aboutissement logique de tout ce travail de consensus que nous avons effectué jusqu'à présent. Donnons-nous cinq minutes de réflexion; dix minutes, s'il le faut. Peut-être que le délégué du Mexique, rencontrant l'Ambassadeur de Colombie, trouvera une solution qui nous permette d'adopter le texte de compromis en bloc et non pas paragraphe par paragraphe.

Encore une fois, formellement, avec votre permission, M. le Président, je voudrais que la Commission examine cette possibilité de suspendre la séance pour quelques minutes de manière à permettre une concertation rapide afin d'arriver à une décision par consensus sur l'intégralité du texte de compromis.

**EL PRESIDENTE:** Gracias Embajador del Senegal. Ha sido muy constructivo su aporte. El Consejero Legal me ha pedido la palabra para aclarar algunos puntos.

**LEGAL COUNSEL:** It seems to me that we are getting ourselves into a little bit of a procedural difficulty at the moment. It appears that there is great pressure from almost everybody to adopt this en bloc. Therefore a five-minute break may help to settle this matter. However, I just want to add one thing, and this may confuse it; I hope it does not.

I have discussed it with a number of people, and I have to draw your attention to the fact formally - and I would ask you, Mr Chairman, if you could ask the Chairman of the CCLM to introduce one additional point before you actually close the debate on this item.

There is one point - a purely formal, technical point - but one which I understand was overlooked by the CCLM and which should be drawn to your attention. We have prepared a document to do this.

Perhaps, Mr Chairman, if you could ask the Chairman of CCLM to introduce this point before we take our short break, I can then circulate a paper on it and, after that, I could read out the exact wording in English and the other languages of the suggested commentary, because that was another item which was left pending.

So perhaps, Mr Chairman, with your permission we could ask the Chairman of the CCLM to clarify this technical legal point, and I could then go through the wording of the commentary that was suggested this morning. I think we will then be in a position to get to grips with the problem of adopting the Resolution.

**EL PRESIDENTE:** Distinguidos delegados, quiero compartir con Uds. algunas inquietudes muy brevemente. Tenemos a consideración un tema en el cual naturalmente se ha ido abandonando más el fondo para entrar en un proceso de discusión de carácter procesal en el cual hay por cierto - y lo he escuchado a todos - distintas posturas. Ahora bien, naturalmente entiendo a muchas delegaciones que desearan, via procedimiento, obtener tal o cual postura que afecte al fondo; no se nos escapa esa posibilidad. Sin embargo, he querido, a riesgo de no dar la palabra oportunamente a quienes la han pedido, posiblemente por cortedad de vista, a quienes la han solicitado para puntos específicos de orden o para materias de fondo, escuchar porque éste es nuestro deber y tratar de buscar, en donde sí hay posibilidades de acuerdo, aún más acuerdo, y podemos pedirlo. Pueden muchos de Uds. pensar que no han sido satisfechas de inmediato las posturas reglamentarias que han sido levantadas. Lo he hecho expreso. Prefiero escucharles antes de decidir sobre la base exclusiva de un procedimiento en una materia que ciertamente nos interesa a todos. Creo señores que con responsabilidad les

puedo pedir abordar el tema de fondo con su forma respectiva, sin tratar de que la discusión nos lleve a situaciones no queridas por la inmensa mayoría de esta Sala. Es un llamado muy cordial y creo entonces que, en esta forma, la posibilidad de escuchar, en estos aspectos técnico-jurídicos que están pendientes, al distinguido Embajador Poulides, nos va a servir para calmar un tanto más los ánimos y para después, terminado esto, tener la posibilidad de suspender por algunos minutos la sesión y retomarla con alguna otra perspectiva. La distinguida delegada de Argentina me ha vuelto a pedir la palabra. Ud. la tiene.

**Sra. Mónica DEREGBUS (Argentina):** Ya que estamos hablando de otras enmiendas, yo quisiera pedir por su intermedio a la Secretaría que distribuyera el texto del comentario que fue propuesto por el delegado de Colombia esta mañana, porque yo he notado que hay diferencias entre el texto que se nos dio en español y el texto que se nos volvió a dar en español y los textos que circulan en inglés. Si Ud. es tan amable, antes de adoptar ninguna resolución, yo pediría que se circularan todos los textos que van a ser integrados en esa Resolución.

**EL PRESIDENTE:** Justamente me afirma el Consejero Legal que así se hará. Vamos a escuchar entonces con mucho agrado al Embajador Poulides y posteriormente vamos a circular la documentación requerida.

**Fotis POULIDES (Chairman, Committee on Constitutional and Legal Matters):**

It seems to me that it could also be appropriate to amend Rule XIX. 1 of the General Rules of the Organization by inserting after the words "any nation" the words "or Regional Economic Integration Organization meeting the criteria set out in Article II.4 of the Constitution."

This is purely a technical matter which the CCLM overlooked, and I feel that it should be amended consequent upon the other amendments. It is not a substantive matter. This amendment can be circulated in the room if you so wish.

**EL PRESIDENTE:** Gracias señor Embajador. Se circulará y se tomará nota de este punto. Tiene la palabra el Embajador de Senegal.

Sidaty AIDARA (Sénégal): Je voudrais tout juste remercier l'Ambassadeur Poulides qui a bien voulu attirer l'attention de la Commission sur cette question, qui n'est pas une question de fond mais une question de forme, dans la mesure où l'amendement proposé permet un certain alignement de ce qui aura été adopté comme amendements aux Textes fondamentaux dans le Règlement général de l'Organisation. Il ne s'agit donc pas d'un amendement de fond mais tout simplement d'un alignement. C'est une conséquence des amendements qui sont apportés à l'Acte constitutif et qui doivent être reflétés dans le Règlement général de l'Organisation. Vous pouvez aisément comprendre que, préoccupé par la question fondamentale qui est celle de l'admission des OIER à l'Organisation, le Comité des questions constitutionnelles et juridiques ait laissé échapper cela à sa vigilance.

Il s'agit donc tout simplement d'un amendement de forme qui ne porte en aucune manière sur le fond de l'Acte constitutif ou du Règlement général lui-même. Voilà ce que je tenais à dire en remerciant, encore une fois, l'Ambassadeur Poulides et en espérant que la Commission n'éprouvera pas de difficulté à approuver cet amendement. Je suis même réticent à le désigner comme un amendement mais puisque, de toute manière, il faut modifier le texte, il faut bien l'appeler "amendement". Mais, encore une fois, c'est un amendement de pure forme.

**EL PRESIDENTE:** Gracias por su aclaración, distinguido Embajador. Se está repartiendo en estos instantes - espero que cada uno de Uds. lo tengan en su poder - el documento C 91/LIM/38-Sup.1. Me ha pedido la palabra la distinguida delegada de Uruguay.

**Srta. Graziella DUBRA (Uruguay):** Gracias, señor Presidente. Usted hizo un llamamiento a esta Comisión recogiendo opiniones que se habían vertido anteriormente, en el sentido de levantar la sesión por un par de minutos para ver si se podía lograr un entendimiento. Yo formalmente propongo que se suspenda la sesión por cinco minutos.

**Milan BERÁNEK (Czechoslovakia) :** I asked for the floor for the same technical reason as that of my colleague from Cyprus, because there is another paragraph of the same article where we should, for the same reasons as the Ambassador of Cyprus indicated a few moments ago, either delete the word "nation" in paragraph 4, or add after "nation" the words "or Regional Economic Integration Organization." Again this is purely a technical matter.

**EL PRESIDENTE:** Desearía pedir a ustedes se suspendiera la sesión unos diez minutos.

The meeting was suspended from 17.00 to 18.05 hours.

La séance est suspendue de 17 à 18 h 05.

Se suspende la sesión de las 17.00 a las 18.05 horas.

**EL PRESIDENTE:** Distinguidos delegados, por favor les ruego tomen sus asientos. Les pido excusas por esta demora, pero ha sido necesario contar con la presencia de ustedes y el número de países que deben estar representados.

En este momento tenemos la posibilidad de sesionar, pero no todavía la posibilidad de tomar eventualmente una decisión por voto respecto de la siguiente moción, la que ha sido presentada en su momento por el distinguido Embajador de Colombia, en el sentido de suspender el debate. Por lo tanto, no teniendo la mayoría requerida para ello, desearía, con la anuencia de la Sala y teniendo en cuenta las negociaciones que se han llevado a cabo durante la suspensión de nuestra sesión y lo dicho y expresado por las distintas delegaciones, y, con la anuencia de ustedes, someter a su consideración el proyecto que nos ha venido ocupando, en su totalidad, con las correcciones hechas por el distinguido Representante y

Presidente del CACJ, el Embajador Poulides, la señora Representante de Hungría y las correcciones que en su momento fueron leídas por el señor Consejero Legal y a las cuales también se refirió el Embajador de Colombia.

Por cierto, de adoptarse esta moción y el documento en su totalidad, las delegaciones que tengan que expresar sus respectivas posiciones podrán hacerlo a continuación de nuestra sesión, y habrá constancia de ello en las actas.

En todo caso, me indica el Consejero Legal que, como ustedes lo conocen, de acuerdo a las disposiciones reglamentarias, esta materia será considerada una vez más en la Plenaria, la cual deberá - insisto: deberá - adoptar por votación las reformas, porque se trata precisamente de reformas a la Constitución y al Reglamento General de nuestra Organización.

Señores delegados, ha sido largo el trabajo. Quisiera escuchar alguna opinión al respecto.

**Ricardo VELASQUEZ HUERTA (México):** La delegación mexicana de ninguna manera desea tener alguna cuestión conflictiva en relación con el consenso del documento. Volvemos a repetir que en lo general estamos de acuerdo con él; no en su totalidad, pero en lo general estamos de acuerdo con el documento. De ninguna manera nos oponemos al ingreso de la Comunidad Económica Europea en el seno de la Organización. Queremos tener siempre especial cuidado en las modificaciones a los Textos Fundamentales y expresamos con mucha claridad nuestra reserva en dos artículos, solamente, del documento: el que se refiere al Artículo II, en el cual nosotros propondríamos que hubiera tres clasificaciones de miembros: Estados Miembros, Miembros Asociados y Miembros sui generis, dentro de los cuales caerían las organizaciones regionales de integración económica.

La segunda reserva es respecto al Artículo XLI.2, en el que nuestra posición es que las competencias para los asuntos específicos que se traten deben ser precisadas con anterioridad y no en el momento inmediato a las sesiones. Con estas dos salvedades que se expresan como una reserva, estaríamos de acuerdo en la aprobación general del documento.

**EL PRESIDENTE:** La Secretaría ha tomado debida nota de su constructiva declaración, que agradecemos, y de sus reservas.

**Sra. Mercedes FERMIN-GOMEZ (Venezuela):** Nosotros vamos a ser muy breves. Simplemente, queremos apoyar la posición de México, que acaba de expresarla claramente y que nosotros, en la anterior intervención, ya habíamos manifestado, es decir, que eran solamente dos puntos. El lo ha dicho y nosotros apoyamos esa posición.

**Franz ONDARZA LINARES (Bolivia):** Quisiéramos decir que, sustancialmente, ya se ha expresado la posición de Bolivia respecto de la admisión de la Comunidad, en los debates generales. Sin embargo, en este momento, esta Comisión está examinando las enmiendas a la Constitución y, en consecuencia, nos preocupa que por la adopción de una solución deseada de todos, que es la incorporación de la Comunidad, vayamos a incurrir en

reformas que pueden alterar la vida de la Organización. Nosotros creemos que este debate no debe ser agotado; que este debate, en lo posible, debe encontrar una solución o algunas propuestas alternativas para el Plenario. Las Comisiones deben procurar llevar en lo posible algunos consensos bien articulados para el Plenario. En esa perspectiva y en la necesidad de legislar con validez universal y cierta permanencia, no precisamente con carácter coyuntural, estimamos que debiéramos admitir, como ha planteado México, la exigencia de tres tipos de miembros en nuestra Organización: los Estados Miembros, que son la base jurídica en la que se fundan inclusive las Naciones Unidas - y esto es inexorable -, las organizaciones que ya se reconocen en nuestra Constitución, que son las que tienen la categoría de miembros asociados y, por último, naturalmente, este tipo especial que surge a la vida actual y que son las organizaciones sui generis u organizaciones miembros. El desconocer este hecho nos estaría llevando a incurrir en algunos defectos que posteriormente pueden influir en la vida de la Organización; no sólo la Constitución y sus normas están referidas a los Estados Miembros y a la calidad de ellos, no sólo las reformas de la Constitución misma: la vida misma de la Organización.

En consecuencia, estimamos que es un asunto sustancial. No quisiéramos que la incorporación de la Comunidad, que todos la queremos, se empañara por una discusión que en el fondo, aparentemente, es formal, pero tiene contenidos conceptuales. En esa dimensión, si bien apoyamos, en aras del consenso, la posibilidad de la aceptación de esta Resolución, creemos que deben estructurarse muy claramente las categorías de cada uno de los miembros de la Organización.

No es que lo manifestemos como reserva, porque estimamos que no ha sido tomada una decisión respecto a la Resolución; estimamos que el debate está abierto en esa perspectiva y que lo que necesitamos es simplemente una articulación respecto del propósito final, que significa la apertura de esta Organización a otro tipo de organizaciones de integración que están surgiendo y han surgido en el mundo.

**EL PRESIDENTE:** Se ha tomado debida nota de los puntos de vista del distinguido delegado de Bolivia.

**Miss Ting WEN LIAN (Malaysia):** I am taking the floor just to remind you, that in an earlier intervention my delegation requested that a vote be taken in this Commission, because I understand from interventions made by several delegations and from the Secretariat that we are moving towards sending to Plenary our consensus from this Commission.

It is clear from the intervention of my delegation this morning that we have reservations on this subject. It is also very clear from the interventions of some other delegations that they, too, have reservations on the Resolution. It is the conviction of the Malaysian delegation that it would not reflect the reality of our debate here if we were to send the conclusion of the work of Commission III as being that we have reached a consensus on Item 24.

My delegation requests a vote. If there is resistance to voting on the paragraph as I see it we are agreeable to having a vote on the whole Resolution. This is because there is nothing sinister in our request. As I

said in our intervention, we have nothing against the EEC request to join FAO as a REIO; it was just the manner of realizing its objectives. We should like to see a vote. If it is the desire of this Commission to have a secret vote we are agreeable to it but our delegation wishes to have the opportunity to register our position on this subject. We cannot see ourselves being part of a consensus because that is not the reality. I am sure the great Western and European democracies represented here would not stand in the way of countries wishing to express their democratic right on the position that they hold.

**EL PRESIDENTE:** Efectivamente, se está dejando constancia expresa de aquellas manifestaciones y aquellas posiciones que han sido, como usted bien lo ha escuchado, reflejadas en un sentido contrario o con algunas reservas.

Antes de avanzar, quisiera también señalar que no estamos hablando de consenso, sino de la adopción, mediante las reservas expresadas por el momento.

**Julio César LUPINACCI (Uruguay):** Mi delegación también quiere que este problema se resuelva lo más pronto posible y comparte el sentimiento general de la Sala en cuanto que no puede haber oposición ni objeciones fundamentales a la admisión de las organizaciones de integración económica en la Organización. Mi delegación comparte ese criterio. Pero también tiene algunas preocupaciones, fundamentalmente respecto de dos artículos - aparte de algunos defectos de redacción que puedan ser corregidos en su oportunidad, en otros artículos - ; las mismas preocupaciones que expresó el distinguido Representante de México, apoyado por el distinguido Representante de Venezuela.

En cuanto al párrafo 3 del Artículo I, mi delegación cree interpretar - y así va a apoyar eventualmente esta Resolución - que, de todas maneras, estamos creando una nueva categoría de Miembros de la FAO. Esto, aunque no se diga en el numeral 3 del párrafo 1 del Artículo II, surge del resto del texto de los demás artículos o párrafos que forman parte de la Constitución. Por tanto, mi delegación quiere dejar señalada su interpretación de que el numeral 3 del párrafo primero del Artículo II de la Constitución debe entenderse en el sentido de que las organizaciones de integración económica formarán parte, en calidad de miembros de la Organización, como Organizaciones Miembros; es decir, formando parte de una categoría propia de Organizaciones Miembros. Esta es la interpretación correcta que debe darse y la que da mi delegación, que en ese sentido apoya el proyecto.

En cuanto al párrafo segundo del Artículo XLI, esto sí puede suscitar más dificultades a mi delegación. Sólo podría aceptarse una solución de esta propuesta, que es, evidentemente, defectuosa, en la medida en que se entienda que esta determinación, la del párrafo 2, se hace con arreglo a lo dispuesto en los párrafos 5 y 7, del párrafo primero, del Artículo II de la Constitución; es decir, las Organizaciones Miembros, en el momento de presentar su solicitud de admisión, deben presentar también una declaración de competencia, en la que se especifique la materia respecto de las cuales los Estados Miembros le han transferido competencia. Ese es el único documento objetivo que tiene que tener en cuenta la Organización para

determinar quién interviene en cada caso; no puede ser potestativo de la Organización Miembro o de los Estados Miembros de la Organización Miembro el determinar quién habla o quién interviene, cuando tenemos un documento objetivo que determina, sí, quién tiene competencia en cada caso. Conforme a eso, la cuestión específica formará parte de la competencia de la una o de los otros. En ese sentido se deberá obrar.

Por eso esta redacción es, evidentemente, defectuosa y sólo puede ser aceptable en la medida en que se armonice y esté de acuerdo con los párrafos 5 y 7 del Artículo II de la Constitución.

En ese entendido, mi delegación está dispuesta a apoyar, pero quiere dejar expresa constancia de la interpretación que da a estos dos textos.

**Rudolph DE POURTALES (Suisse):** Mon intervention devient presque caduque après l'intervention de l'Ambassadeur de l'Uruguay. Je voudrais simplement me référer à l'Article XLI, paragraphe 2. Je crois que cet article est destiné, simplement, à éviter tout malentendu lors de réunions techniques où les délégués ne sont pas forcément au courant des compétences de la Communauté ou des pays membres et il convient, il est essentiel, au début de chaque réunion, de fixer quels points seront traités par les délégués de la Communauté et quels autres points seront traités par les Etats Membres et ceci, bien sûr, en conformité avec les paragraphes 5 et 7 de l'Article II de la Constitution.

**EL PRESIDENTE:** Muchísimas gracias por su declaración, señor Representante de Suiza. Era el último orador en la lista para hacer las exposiciones de reserva que hemos escuchado. Tiene la palabra el distinguido Representante de Bolivia.

**Franz ONDARZA LINARES (Bolivia):** En mi intervención de hace unos minutos podría haber quedado la duda de que nuestra posición era de reserva. Sin embargo, debo reiterar que hemos hecho un cuidadoso examen de todo el texto del proyecto de Resolución, y en verdad lo que correspondería simplemente es, para ser aprobado este texto, hacer que en el Artículo II, después del párrafo 2, pudiera efectivamente agregarse "decidir la admisión en calidad de miembros de la Organización", la adecuación a todo el resto de lo que se trata en la proyectada Resolución. Es decir, hablar de Organización Miembro. Entendemos que tanto en lo que dice relación con Organización Miembro, como también en la parte pertinente relativa al Reglamento General de la Organización, estamos abriendo la posibilidad para la admisión de todo tipo de organización de integración económica. En consecuencia, si ése es el entendido y ésa es la comprensión, nosotros no hemos formulado una reserva, en absoluto, sino una comprensión exacta del término de la Resolución.

**EL PRESIDENTE:** Se ha tomado debida nota de lo expresado por usted. No tengo más oradores en mi lista. ¿Puedo asumir, después de escuchar a las distintas delegaciones, y teniendo en cuenta las negociaciones que se han efectuado y los debates llevados a cabo por la Comisión, que, salvo oposición expresa en contrario, podemos asumir, con las reservas que se han expresado y si no hay otra opinión, que la Comisión desea adoptar el texto?

**Miss Ting WEN LIAN (Malaysia):** Mr Chairman, perhaps I have been speaking to the wall. I would like to hear from you what is the state of my proposal that I have made twice, that is, my request for this Commission to have a secret ballot on this subject. If we adopt the report with the reservations and send it up to Plenary, we will be giving the Plenary the wrong signals and also the wrong signals to the rest of the United Nations organizations. So I would like to hear from you what is the state of my proposal of a secret ballot.

**EL PRESIDENTE:** No ha estado hablando con la pared. Lo tengo muy en cuenta, por cierto. Justamente preguntaba en este instante el parecer de la Sala respecto a la postura general, la cual incluye naturalmente lo que se ha escuchado de Ud. y la propuesta formal de votación que Ud. ha hecho. No he escuchado nuevos comentarios. Estoy a la espera de ellos. El distinguido delegado de Marruecos me ha pedido la palabra.

**Mustapha-Menouar SINACEUR (Maroc):** Avant tout, je voudrais préciser que je ne m'inscris pas en faux contre votre proposition, M. le Président. Je ne prends la parole que pour éclaircir quelques points. Je viens d'entendre parler de vote secret. Je ne pensais pas qu'on allait voter mais au cas où l'on voterait, je pensais, bien sûr, que ce serait à main levée. Que le Conseiller juridique me corrige si je me trompe.

En tant que délégué du Maroc, je vous remercie, M. le Président, pour tous les efforts que vous avez déployés afin d'éviter que l'on procède à un vote. Comme vous l'avez si bien dit, il y a eu des consultations, le chemin a été très long, et nous sommes dans une situation où quelques pays ont des réserves à exprimer. Donc, si nous ne pouvons pas satisfaire ces pays en exprimant leurs réserves dans le rapport, je pense qu'effectivement ce n'est pas la peine de prolonger davantage le débat. Ce n'est pas une opération malheureuse puisque, de toute manière, lundi, nous aurons également à voter sur ces amendements. Ce n'est pas un vote contre la CEE; c'est un vote contre l'amendement à certains amendements concernant l'adhésion d'organisations d'intégration économique régionale. Pourquoi avoir peur des mots? Je suis désolé de le dire, M. le Président, mais si cela doit être la solution pour nous permettre d'aller de l'avant - vous connaissez mieux que moi les échéances qui sont en face de nous quant à ce point 24 - votons.

**EL PRESIDENTE:** Efectivamente la Presidencia ha tratado, en vista de las consideraciones dichas anteriormente y de la necesidad de votar en el Plenario sobre las reformas, de llegar al mayor acuerdo posible dejando constancia de las reservas. Sin embargo, distinguidos delegados, existe la proposición formal de una delegación - la distinguida Embajadora de Malasia lo ha hecho por su delegación - de proceder al voto.

Me gustaría previamente indicar dos cosas: primero, que la Secretaría nos indique el número de países presentes para proceder a votar. Perdón el distinguido delegado de Colombia me pide la palabra.

**Gonzalo BULA HOYOS (Colombia):** Espero que el Consejero Legal confirme que en el párrafo 7 del Artículo XII del Reglamento General y en el apartado a)

del párrafo 9 de ese mismo Artículo XII se especifiquen los casos que requieren votación secreta. Luego dice el apartado b) del párrafo 9: "también se decidirá por votación secreta cualquier otro asunto si la Conferencia o el Consejo así lo acuerdan". Como este asunto no está incluido en la primera parte que he leído, creo que en primer lugar debemos votar sobre la propuesta de Malasia, si queremos o no votación secreta, y yo anticipo mi voto contrario.

**EL PRESIDENTE:** Precisamente, dentro de las posibilidades que les mencionaba y los comentarios, estaba el de que necesitábamos saber en primer término cuántas delegaciones están presentes para obtener los quórum requeridos. En segundo lugar, le quería pedir justamente al distinguido Consejero Legal que nos volviera a refrescar la memoria con las disposiciones relativas a la votación. Tiene la palabra el distinguido Consejero Legal.

**LEGAL COUNSEL:** Thank you, Mr Chairman. I am informed that we now have a quorum.

The rules regarding voting are in fact that normally, as it says in Rule XII.6 the voting should be by a show of hands, role call vote or secret ballot. The normal way to do it is by a show of hands. It can be by roll call vote, if required. However, it is not required that it be by secret ballot unless the Conference or the Council so determines. That would require a majority, either consensus or a majority of the Conference, or the Commission deciding that they want to have it by secret ballot. Otherwise, the normal way is by the show of hands. If requested, a roll call vote can be taken, and if the Commission so decides that it wishes to, a secret ballot, but that is not the normal way.

**EL PRESIDENTE:** Señores delegados, tenemos ante nosotros la necesidad de votar. Podemos hacerlo de la manera que Uds. decidan. La forma normal, como lo ha explicado el Consejero Legal, es levantando la mano. ¿Desean proceder de esta manera? ¿Hay alguna opinión al respecto? Tiene la palabra la distinguida delegada de Argentina.

**Sra. Mónica DEREGBUS (Argentina):** Yo no sé sobre cuál voto está preguntando Ud., porque me parece que aquí se plantearon dos votos. Me da la impresión de que el Embajador de Colombia llamó un voto a la solicitud de voto secreto de la Embajadora de Malasia. Yo escuché eso. Parece que no fue así. Tenemos solamente el voto propuesto por Malasia. Si tenemos solamente el voto propuesto por Malasia, señor Presidente, debemos decidir sobre el voto propuesto por Malasia por levantara de manos, por nominación o por voto secreto a su vez. Estoy en sus manos, señor Presidente.

**EL PRESIDENTE:** Trataba justamente señores delegados de no importunar a la Sala manteniéndola excesivamente en cuestiones procesales evitando la adopción de temas de fondo. Preguntaba, en ánimo de cordialidad, teniendo presentes las opiniones de cada cual, si acaso era conveniente o era decisión de Uds. votar levantando la mano. Ud. no se opuso a eso. Me plantea la postura de una votación de manera distinta. Por supuesto,

podemos considerarla si Ud. lo propone, siguiendo lo que ha propuesto la delegación de Malasia.

**Gonzalo BUIA HOYOS (Colombia):** La distinguida Embajadora de Malasia - si entendí bien - había propuesto que la totalidad del proyecto de Resolución se votara por votación secreta. Yo me limité a señalar, al igual que el Dr. Moore, las disposiciones del Artículo XII del Reglamento que regula la manera de hacer esas votaciones. Ud. mismo dijo después de esas explicaciones que la votación normal en estos casos se hace por alzada de manos. Entonces, yo creo que podríamos complacer a la distinguida Embajadora de Malasia y votar, como Ud. lo ha propuesto, por alzada de manos simplemente para evitar más discusiones.

**George O. LAMPTEY (Ghana):** The Legal Counsel has given the conditions for voting. I suggest that you make a ruling as the Chair now and let us go on with the vote.

**EL PRESIDENTE:** Antes de ello, quisiera escuchar a dos delegaciones que me han pedido el uso de la palabra. La distinguida delegada de Argentina y luego la distinguida delegada de Malasia.

**Sra. Mónica DEREGBUS (Argentina):** Señor Presidente, en opinión de la delegación de Argentina, si la delegación de Malasia quiere tener un voto por votación secreta, no vemos ningún inconveniente en que así sea. Nosotros no creemos que necesariamente el voto tenga que ser nominal o por alzada de manos. El voto puede ser secreto si lo pide una delegación y así lo acuerda la Sala. La delegación de Argentina puede aceptar que la votación sea secreta.

**Miss Ting WEN LIAN (Malaysia) :** I thank the delegate of Argentina who has clarified the situation. I wanted to say the same thing myself. I had requested a secret ballot and according to the Legal Counsel, from what he said just now, he was reading out something, that if that was the case then there should be a decision whether we could have a secret ballot.

**EL PRESIDENTE:** Tenemos ante nuestras manos una moción de voto secreto. ¿Alguna delegación desea secundar esta propuesta? ¿No hay ninguna? ¿Puedo asumir entonces que la Sala desea votación por mano alzada? La distinguida delegada de la Argentina tiene la palabra.

**Sra. Mónica DEREGBUS (Argentina):** Señor Presidente, discúlpeme. Yo no quise volver a pedirle la palabra, pero yo secundé la moción de Malasia y acá nadie se opuso, señor Presidente.

**EL PRESIDENTE:** Perdón, distinguida delegada. Si ahora yo no escuché mal ¿Ud. dijo que no se oponía o apoya formalmente la votación secreta? Le pido aclaración por favor.

**Sra. Mónica DEREGBUS (Argentina):** Si Ud. cree que es necesario que se apoye formalmente el pedido de votación secreta, yo lo hago así. No creo que sea necesario; en ningún lado está escrito. No hay nadie que se haya opuesto. Considero que podemos realizar el voto secreto sin problemas.

**EL PRESIDENTE:** Mi propuesta fue en sentido contrario, es decir, preguntaba si Ud. lo apoyaba y Ud. lo apoyó. Está bien. Tiene la palabra el distinguido delegado de Colombia.

**Gonzalo BULA HOYOS (Colombia):** Señor Presidente, el Artículo XII.9(b) diceLo siguiente: "También se decidirá por votación secreta cualquier otro asunto si la Conferencia o el Consejo así lo acuerdan". Yo me opongo a que haya votación secreta y ahora a Ud. le corresponde preguntar a la Comisión, por mano alzada, quiénes están a favor de la votación secreta y quiénes se oponen.

**EL PRESIDENTE:** Justamente me había solicitado la palabra el distinguido Consejero Legal para pronunciarse sobre el particular.

**LEGAL COUNSEL:** As I understand it now you have a motion to hold a secret ballot on this particular subject, which is a motion which has been put and which has been seconded and I would therefore suggest that you may wish to ask for a show of hands whether you wish to have this or not; first of all to place the question "Do you wish to have a secret ballot? Yes?" and ask for raised hands; "Do you wish not to have a secret ballot?" and ask for raised hands.

**EL PRESIDENTE:** Estamos en votación. Solicito al Secretario nos dé a conocer si tenemos el quórum y la cantidad de delegaciones presentes. Un instante por favor.

Distinguidos delegados, para poder iniciar la votación, les ruego que tomen asiento. Se va a proceder a la votación. Según la Secretaría, hay 83 delegaciones presentes en la Sala. Se somete a votación si se vota por mano alzada o procedemos a un voto secreto. Aquellos que estén en favor de la votación por mano alzada ... Perdón señores, una aclaración. Aquellos que están a favor de un voto secreto, sírvanse expresarlo.

Vote by show of hands

Vote à main levée

Votación a mano alzada

**EL PRESIDENTE:** Gracias, señores delegados. El resultado de la votación lo han podido observar ustedes. La votación se hará por mano alzada. Se somete a votación en este momento por mano alzada.

It was so decided.

Il en est ainsi décidé.

Así se acuerda.

Desearía someter a consideración de ustedes, por votación de mano alzada, como lo hemos decidido, la adopción del texto en su conjunto con la reservas que han sido expresadas oportunamente, más las correcciones y los párrafos que fueron leídos en su oportunidad. Aquellos que estén a favor sírvanse expresarlo.

Marruecos tiene la palabra para un punto de orden.

POINT OF ORDER

POINT D'ORDRE

PUNTO DE ORDEN

**Mustapha-Menouar SINACEUR (Maroc):** Il y a peut-être une incompréhension due à l'interprétation, mais j'ai entendu que nous avons voté le texte avec les corrections et les réserves qui ont été apportées. Ce n'est pas comme cela que je vois les choses, M. le Président, sauf s'il y a un problème d'interprétation.

**EL PRESIDENTE:** Gracias, distinguido delegado de Marruecos. Las reservas figurarán en el informe respectivo. Es el texto como lo hemos estado discutiendo y adoptado en el documento con lo que se ha expresado anteriormente.

El delegado de Colombia tiene la palabra.

**Gonzalo BULA HOYOS (Colombia) :** Yo creo que es muy importante que todos los miembros de esta Comisión sepamos exactamente qué es lo que vamos a votar. Vamos a votar el Proyecto de Resolución contenido en el documento C 91/LIM/38, con las modificaciones de carácter técnico-legal que fueron suscitadas por el presidente del CACJ y por Checoslovaquia. Más el comentario que yo propuse esta mañana sobre el Artículo II.4 de la Constitución.

Eso es todo, señor Presidente, las reservas aparecerán en las actas y luego lo veremos también en el proyecto de Informe.

**EL PRESIDENTE:** Justamente, señor Embajador, yo me había referido a ello anteriormente citando aquellos párrafos, documentos y disposiciones que estábamos decidiendo..

Tiene la palabra el Consejero Legal para una aclaración.

**LEGAL COUNSEL:** I would just like to clarify so that there is no misunderstanding.

As I understand it, we are voting on the resolution which is set out in document C 91/LIM/38, with the clarifications and modifications introduced in C 91/LIM/38-Sup.1 which is commentary proposed by Colombia and the modification to Article XIX.1, as suggested by Cyprus, and in addition the further modification suggested orally by the delegate of Czechoslovakia.

Is that correct?

**Miss Ting WEN LIAN (Malaysia) :** I would also like the Legal Counsel to clarify how we are going to vote. Is it in the usual UN manner or is it just "yes" or "no"?

**LEGAL COUNSEL:** As I understand it, it has been decided by the meeting that it should be a vote by a show of hands. This is the way we do it in the FAO anyway. Should countries wish to give explanations afterwards, that is normal.

**Miss Ting WEN LIAN (Malaysia) :** The Legal Counsel has not answered my question. Even in the FAO we have three positions on voting: yes, no or abstain. In the UN system there is the further position of "non-participation" . How do we go about it?

**LEGAL COUNSEL:** I now understand the point of your question. In this instance, the normal procedure in a vote by a show of hands would be to ask for those in favour of the proposition, for those against the proposition, and for those who abstain.

**EL PRESIDENTE:** ¿Le ha satisfecho la respuesta del Consejero Legal? Tiene la palabra Bolivia.

**Franz ONDARZA LINARES (Bolivia):** Señor Presidente, no aparece escrita la propuesta de Checoslovaquia porque ha sido oral, ¿puede la Secretaria darnos información sobre esto? Sería sumamente útil.

**EL PRESIDENTE:** La Secretaria estoy seguro le dará a usted los antecedentes necesarios.

Señores delegados, procedemos entonces a votar. Aquellos delegados que estén a favor del proyecto - creo que esto se aclaró suficientemente.

**Julio César LUPINACCI (Uruguay) :** Hay una cosa que debe ser previa a la votación, y es que las delegaciones tengan por escrito la propuesta de Checoslovaquia. Yo no la tengo y quisiera conocerla antes de votar.

Es una cuestión previa a la votación.

**EL PRESIDENTE:** Puedo, señor Embajador, pedir a la Secretaria que lo lea o ¿desea usted tenerlo por escrito?

El Consejero Legal dará lectura a esta propuesta.

**LEGAL COUNSEL:** As I have the wording which was suggested by the distinguished delegate of Czechoslovakia, it is as follows:

"In Rule XIX.4 the first sentence of paragraph 4 is amended by adding after the words 'the applicant nation' the words 'or regional economic integration organization'..."

I will now read the whole paragraph as it is amended:

"The Director-General shall inform the applicant nation or regional economic integration organization of the decision of the Conference if the application is approved..." and so on. This is the provision. It is the addition of the words "or regional economic integration organization".

**EL PRESIDENTE:** ¿Han tomado nota las delegaciones de lo que acaba de ser leído? Así parece. Señores delegados ¿podemos votar?

Les ruego, de acuerdo con lo expresado, y a los documentos que tenemos a nuestra disposición, expresen aquellos que estén en favor levantando el cartel de su país. Los que estén en favor del Proyecto de Resolución en la forma que ha sido presentada y enmendada.

Vote by show of hands

Vote à main levée

Votación a mano alzada

**EL PRESIDENTE:** Gracias, señores delegados, el recuento ha sido efectuado.

Invito a aquellas delegaciones que estén en contra a que levanten sus carteles.

Vote by show of hands

Vote à main levée

Votación a mano alzada

**EL PRESIDENTE:** Señores delegados, aquellos que estén por la abstención que levanten sus letreros.

Vote by show of hands

Vote à main levée

Votación a mano alzada

The proposal was adopted by 61 votes to 0 with 10 abstentions.

La proposition est adoptée par 61 voix contre 0 et 10 abstentions.

Por 61 votos contra 0 y 10 abstenciones queda aprobada la propuesta.

**EL PRESIDENTE:** Señores delegados, ¿desean hacer alguna intervención? Tiene la palabra el delegado de Brasil.

**Eduardo HERMANNY (Brasil):** La delegación de Brasil, señor Presidente, ha hecho comentarios hoy en la mañana sobre el tema que estamos discutiendo y le pide, señor Presidente, que estos comentarios sean reflejados en el Informe. Quisiéramos hacer un último comentario para que de esta forma podamos exponer de una manera completa, nuestra posición.

El último comentario que quisiéramos hacer es que el Gobierno Brasileño considera que en el futuro las organizaciones de integración regional que tuvieran los requisitos necesarios, como por ejemplo la obtención de competencia exclusiva para tratar de temas de la FAO, que estas Organizaciones que tengan competencias, tienen tanto derecho como la Comunidad Económica Europea de solicitar su admisión a la FAO y el derecho de que esta solicitud sea atendida.

**EL PRESIDENTE:** Gracias al distinguido delegado de Brasil. Efectivamente su declaración será reflejada como usted lo ha solicitado.

¿Alguna delegación desea hacer uso de la palabra?

**Miss Ting WEN LIAN (Malaysia):** I take the floor just to say, as we said in our intervention, that we had really nothing against the EEC's desire for a fuller status with FAO. It was simply that we had very deep reservations about the manner in which the subject was being resolved and, because we were not against the desire of the EEC for a more comprehensive status with FAO, we abstained on the Resolution.

**EL PRESIDENTE:** Muchísimas gracias por su declaración, distinguida Embajadora. ¿Tiene alguna otra delegación deseo de hacer uso de la palabra?

Distinguido delegados, desearía solicitar la venia de la Comisión para escuchar el Informe de la misma. Invito al distinguido delegado de Marruecos, Relator de esta Comisión, a que tome su puesto en la Mesa, así como al distinguido Embajador del Senegal, Vicepresidente de nuestro Comité, para que nos acompañe en el podio.

DRAFT REPORT OF COMMISSION III - PART 1  
PROJET DE RAPPORT DE LA COMMISSION III - PREMIERE PARTIE  
PROYECTO DE INFORME DE LA COMISION III - PARTE 1

PARAGRAPHS 1 TO 8  
PARAGRAPHERS 1 A 8  
PARRAFOS 1 a 8

**Mustapha-Menouar SINACEUR (Rapporteur de la Commission III):** Nous proposons à la plénière de la Commission III le point 24 concernant les questions constitutionnelles et administratives relatives à l'accession d'organisations d'intégration économique régionales à la qualité de membre de la FAO; amendements aux Textes fondamentaux de l'Organisation. Ce document est entre les mains de Messieurs les délégués auquel il faudra joindre bien sûr la résolution qui vient d'être adoptée à l'instant.

Dans la tâche de préparation de ce C 91/III/REP/1, je voudrais dire combien j'ai apprécié le soutien et l'assistance de M. Sidaty Aidara, Représentant du Sénégal, sans le soutien de qui je n'aurais pas été en mesure de dire que nous proposons en plénière le rapport sur cette question, et sans le soutien également du groupe d'appui rédactionnel - c'est un terme cher à l'Ambassadeur de France - composé d'un certain nombre de membres de la FAO qui nous ont assistés, qui nous ont conseillés et qui nous ont donné leur point de vue. Je ne voudrais pas terminer sans dire que le Secrétariat nous a grandement facilité la tâche et a toujours été à nos côtés à tout moment de la journée et parfois même de la soirée.

Ce rapport doit bien sûr tenir compte de certaines réserves qui ont été exprimées à la séance d'aujourd'hui, et plus particulièrement la séance de l'après-midi, mais nous pensons que l'essentiel, pour ne pas dire la globalité, de ces réserves se trouve repris dans le document C 91/III/REP/1 qui vous est proposé, et plus précisément au paragraphe 9.

Je dis bien que la substance des réserves exprimées aujourd'hui par certaines délégations se trouve reflétée dans le paragraphe 9 du document qui est entre vos mains. Bien sûr, comme c'est la procédure, pour tout le détail et pour avoir toute la substance des déclarations de quelques délégations sur les réserves qu'elles ont exprimées, nous pouvons recourir au verbatim mais, je tiens à le répéter, la substance des réserves exprimées se trouve reflétée dans le paragraphe 9.

Ainsi, M. le Président, au nom de M. Sidaty Aidara et en mon nom propre, je sou mets ce rapport à la décision de la plénière de la Commission III.

**EL PRESIDENTE:** Muchísimas gracias al distinguido Relator. Mis agradecimientos por el trabajo realizado y, asimismo, mi reconocimiento y el reconocimiento de la Sala por el trabajo realizado por el Embajador de Senegal, Sr. Aidara. Ha sido un excelente trabajo. Las opiniones y reservas serán, sin ninguna duda, reflejadas.

Desearíamos someter a ustedes, señores delegados, el Informe que ha sido presentado por nuestro Relator, el señor Representante de Marruecos, y el señor Representante de Senegal.

**Gonzalo BULA HOYOS (Colombia):** Gracias a nuestros colegas Sinaceur y Aidara por su excelente trabajo. Proponemos que se adopten los párrafos del 1 al 8 sin discusión y que se debatan solamente los párrafos 9, 10 y 11 que contiene la Resolución.

**EL PRESIDENTE:** Han escuchado ustedes la propuesta del Embajador de Colombia: párrafos 1 a 8, adoptados en su totalidad. No veo objeciones en la Sala. Quedan adoptados.

Paragraphs 1 to 8 approved

Les paragraphes 1 à 8 sont approuvés

Los párrafos 1 a 8 son aprobados

PARAGRAPHS 9 TO 10

PARAGRAPHE 9 A 10

PARRAFOS 9 a 10

Pasamos, en consecuencia, a la discusión de los otros párrafos. En cuanto al párrafo 9, ¿hay alguna observación? No veo ninguna. Queda aprobado.

Someto a consideración de ustedes el párrafo 10.

**Gonzalo BUIA HOYOS (Colombia):** Queremos proponer un agregado en la segunda frase del párrafo 10. Esa frase dice "se señaló que la adopción como miembro de las organizaciones regionales de integración económica", y ahí viene el agregado: "particularmente aquellas de países en desarrollo". Este agregado se justifica por el contenido del resto de esa última frase del párrafo 10, que dice que todo ello garantizarla un diálogo más completo y una mayor cooperación. Espero que esto no ofrezca ninguna dificultad.

**EL PRESIDENTE:** Muchísimas gracias, distinguido Embajador. No veo oposición en la Sala para agregar lo que usted acaba de sugerir. Se adopta, entonces, el párrafo 10 con su agregado.

Paragraphs 9 to 10 approved

Les paragraphes 9 à 10 sont approuvés

Los párrafos 9 a 10 son aprobados

**Gonzalo BULA HOYOS (Colombia):** Como podemos constatar a través del veredicto democrático de esta Sala, no hubo ni un solo voto de oposición a este texto de Resolución. Deberíamos, entonces, reflejar esto, tal como lo hicimos en el Consejo, diciendo que la Conferencia aprobó por unanimidad el texto de Resolución que se adjunta.

**Julio César LUPINACCI (Uruguay) :** Mi delegación votó a favor de la Resolución, pero creo que no podemos afirmar, señor Presidente, que se votó por unanimidad. Eso no refleja la realidad de la votación, cuando hubo abstenciones. Por tanto, me parece que esa mención no se ajustaría a la realidad procesal de la votación. Con mis respetos al Embajador de Colombia, creo que no debemos decir eso. Mi delegación, repito, votó a favor, pero hay que reconocer que no es por unanimidad como se adoptó la Resolución.

**EL PRESIDENTE:** Sobre este punto, quisiera tener la opinión del Relator, el distinguido representante de Marruecos.

**Mustapha-Menouar SINACEUR (Rapporteur de la Commission III) :** Sur la proposition d'amendement faite par l'Ambassadeur de la Colombie et sur la base de la remarque faite par le délégué de l'Uruguay, nous pouvons considérer que finalement, tout est une question d'interprétation parce que l'abstention se situe exactement au milieu, entre le vote pour et le vote

contre. Mais peut-être que s'il y avait quelques difficultés à reprendre le terme "unanimité" il serait bon de dire "sans aucun vote exprimé contre". Ce serait peut-être plus précis et refléterait plus exactement les débats et le vote qui a lieu dans cette Commission. Donc je proposerais, avec l'accord de l'Ambassadeur Bula Hoyos, de dire plutôt "sans aucun vote exprimé contre".

**Gonzalo BULA HOYOS (Colombia):** Agradezco la observación de mi querido colega y amigo el Embajador Lupinacci, de Uruguay, y acepto la propuesta del Relator.

**EL PRESIDENTE:** Veo el asentimiento del Embajador Lupinacci en la forma que ha sido propuesta. Someto a ustedes, entonces, a consideración para adopción, el párrafo 11. No veo observaciones en contrario. Queda adoptado.

Paragraph 11. including Draft Resolution, approved

Le paragraphe 11. y compris le Projet de Résolution, est approuvé

El párrafo 11. incluido el Proyecto de Resolución, es aprobado

**EL PRESIDENTE:** Distinguidos delegados, de acuerdo al Informe que me acaban de dar los distinguidos Relatores, esto concluiría el Informe. El punto 24, por tanto, de nuestra agenda ha sido concluido. Les agradezco su asistencia para la próxima reunión, que será el miércoles de la próxima semana, en la tarde.

The meeting rose at 19.30 hours.

La séance est levée à 19 h 30.

Se levanta la sesión a las 19.30 horas.

## **conference**

FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS

## **conférence**

ORGANISATION DES NATIONS UNIES POUR L'ALIMENTATION ET L'AGRICULTURE

## **conferencia**

ORGANIZACION DE LAS NACIONES UNIDAS PARA LA AGRICULTURA Y LA ALIMENTACION

C

**C 91/III/PV/5**

Twenty-sixth Session  
COMMISSION III

Vingt-sixième session  
COMMISSION III

26° período de sesiones  
COMISION III

### FIFTH MEETING CINQUIEME SEANCE QUINTA SESION

(20 November 1991)

The Fifth Meeting was opened at 15.15 hours

Mr Samuel Fernández Illanes, Chairman of Commission III, presiding

La cinquième séance est ouverte à 15 h 15

sous la présidence de M. Samuel Fernández Illanes, Président de la Commission III

Se abre la quinta sesión a las 15.15 horas

bajo la presidencia del Sr. Samuel Fernández Illanes, Presidente de la Comisión III

**EL PRESIDENTE:** Buenas tardes distinguidos delegados. Desearía en primer lugar solicitar que tomen sus asientos para poder iniciar nuestra sesión.

Se abre la quinta sesión de la Comisión III de nuestra Conferencia.

Distinguidos delegados, antes de iniciar el estudio del temario que tenemos previsto para esta tarde, desearía solicitar a nuestra querida amiga la Sra. Maria Galvolgyi, distinguida Representante de Hungría y Vicepresidente de nuestra Comisión, que tenga la bondad de asumir la Presidencia en razón de que tengo algunos compromisos que cumplir. La invito, pues, a tomar la Presidencia de la Comisión, agradeciéndole muy especialmente su colaboración.

Ms Maria Galvolgyi. Vice-Chairman of Commission III, took the Chair

Mme. Maria Galvolgyi. Vice-Présidente de la Commission III, assume la présidence

Ocupa la presidencia la Sra. Maria Galvolgyi. Vicepresidente de la Comisión III

III. CONSTITUTIONAL AND ADMINISTRATIVE MATTERS (continued)

III. QUESTIONS CONSTITUTIONNELLES ET ADMINISTRATIVES (suite)

III. ASUNTOS CONSTITUCIONALES Y ADMINISTRATIVOS (continuación)

27. Amendments to the General Regulations of WFP

27. Amendements aux Règles générales du PAM

27. Enmiendas de las Normas Generales del PMA

**CHAIRMAN:** Ladies and Gentlemen, distinguished delegates, it is my great honour to chair this afternoon meeting, and I do hope that with your constructive cooperation we can fulfil our duty for this afternoon. Now we are going to our first agenda item of this afternoon. This is Agenda Item 27, Amendments to the General Regulations of WFP. The documents for this agenda item are the following: C 91/LIM/24, C 91/LIM/37, C 91/LIM/18. Before discussing this matter, I would invite our Legal Counsel, Mr Moore, to introduce this agenda item.

**LEGAL COUNSEL:** As has been announced, there are three documents before us on this agenda item: C 91/LIM/18, Amendments to the General Regulations of WFP, C 91/LIM/24, Administration of the WFP Fund, Draft Conference Resolution, and C 91/LIM/37, Third Report of the Resolutions Committee.

The documents and the item itself, fall naturally under two main subjects.

The first and main subject is the consideration and adoption of the revised General Regulations of WFP. The second is the consequential action that the Conference is being asked to take with respect to the implementation of FAO's own financial regulations and the legal basis on which the WFP Fund is to be administered. There are draft Conference Resolutions for your consideration on each of these main topics.

With your permission, Madame Chairperson, I would suggest that the Commission deal separately with each of these subjects. I would like now to introduce the draft Conference Resolution on the amendments to the General Regulations of WFP.

This is a subject that, I feel, needs very little introduction. As you know, the Committee on Food Aid Policies and Programmes, at its first special session in March 1991, decided to submit to the FAO Council a draft Resolution for transmission to this session of the FAO Conference on the membership of the CFA and the revision of the WFP General Regulations. The draft Resolution was endorsed by the FAO Council at its ninety-ninth session in June 1991 and is now being submitted to the present session of the Conference for your approval. Meanwhile, the Conference should note that a parallel submission was made to ECOSOC, that the ECOSOC has endorsed a parallel draft General Assembly Resolution in July 1991 and that that draft Resolution is currently before the UN General Assembly for formal adoption.

You have before you an extract from the report of the ninety-ninth session of the Council formally transmitting the draft Conference Resolution as well as the report of the Resolutions Committee on that draft Resolution. I would merely wish to draw the Commission's attention to one or two points concerning the draft Resolution. First of all, Appendix A to the Resolution sets out the listing of UN and FAO Member States for the purpose of elections to the CFA. I would merely wish to draw your attention to the changes in List E consequent upon the admission of the three Baltic States as new members of FAO, and, indeed, of the UN itself. The actual text of the revised General Regulations of WFP is set out in Appendix B of the Draft Resolution and represents, as you know, a consensus developed within the framework of the CFA, now endorsed by the FAO Council and ECOSOC.

I should point out that the revised General Regulations, if and when approved by the FAO Conference and the UN General Assembly, would enter into force on 1 January 1992.

On the substance of the Resolution, I would merely wish to draw your attention to the recognition in the draft revised General Regulations of the principle of reliance by WFP on the technical services of FAO, including its services regarding global information and early warning systems. Indeed, the Council, in paragraph 273 of its report which is before you, has noted that this principle of reliance on the technical services of FAO has been strengthened and that FAO's technical role in project preparation and evaluation has been expressly recognized in view of its general responsibility for food security and policy in that context.

As I mentioned earlier, I would suggest that the Commission deal separately with the formal subject of the draft Resolution on the administration of the WFP Fund.

**CHAIRMAN:** Thank you for your introductory statement. Before opening the floor and following the request of our Legal Counsel, I wonder whether I can invite our Deputy Executive Director from the WFP. Sir, you have the floor if you wish to take it.

**Salahuddin AHMED (WFP):** The Resolution before you marks the culmination of the efforts made by governments for a timely and thorough revision of the guiding regulations of the World Food Programme. It is an expression of the collective will of governments arrived at by consensus in an atmosphere of extraordinary cordiality and understanding. The cooperation displayed by the Secretariats of the United Nations, the FAO and the World Food Programme has been commendable. We look forward to working together in the same spirit, harder and faster. At this moment, it remains for me to place on record on behalf of the Executive Director of the World Food Programme, the Programme itself and all of us in the Programme, our very deep appreciation and gratitude for what has been achieved. It may interest the Commission to learn at this stage that the Second Committee of the United Nations General Assembly has, in the meantime, endorsed the corresponding Resolution meant for the General Assembly's approval, which is expected at any time.

**CHAIRMAN:** The floor is open for discussion, and I wish to remind you of the request of our Legal Counsel to handle these agenda items separately. First, I would like to ask you to comment on the draft General Regulations. So the floor is open. I recognize on my list of speakers that the first is India.

**R.C.A. JAIN (India):** My delegation views the proposed amendments to the General Regulations of WFP as contained in C 91/LIM/18 with great satisfaction as a success of the protracted debate on the governance of the UN/FAO World Food Programme, and the relationship between the Food and Agriculture Organization of the United Nations and the World Food Programme. My delegation had made its views known at several stages of the discussions in the CFA sessions and the Ninety-ninth Session of the FAO Council held in June 1991 and had happily joined the consensus worked out in the Working Group and in the CFA session held in March 1991. Having got the approval of the FAO Council and the ECOSOC to the proposed changes in the governance of the WFP and the relationship issues, we now commend the proposed amendments to the General Regulations of the WFP for approval by the FAO Conference in order to bring them in force and effect from 1 January 1992. My delegation trusts that with the enlargement of the membership of the CFA, the developing countries, the recipients of the biggest food aid programme in the UN system, would be better able to influence its policies and programmes in meeting the twin challenges of poverty and hunger.

We also believe that with the proposed amendments the symbolic relationship between the WFP/FAO and other bodies would be further strengthened leading to greater effectiveness in tackling the global issues in the field of food and agriculture confronting the world today.

**Mohammad Saleem KHAN (Pakistan) :** It is with great pleasure that my delegation notes your presence in the Chair. We are happy that you are conducting our proceedings during this important Session. In fact, it is a pleasant surprise. I was not in Commission III when you were elected, and would now like to congratulate you on this election.

Madame Chairperson, as a member of the FAO Council, the Committee on Food Aid Policies and Programmes of the World Food Programme, the ad hoc working group of the CFA on the governance of WFP, and the Committee on Constitutional and Legal Matters of FAO, Pakistan has been closely associated with the entire Review exercise which concluded with the organizational changes reflected in the amendments to the General Rules of WFP before us today.

We are therefore pleased to see a happy conclusion to this exercise which at times became extremely difficult to sort out. We look forward to working closely with other colleagues under the new arrangements for the CFA. On this occasion, we also wish to express our support for the attached draft Resolution which includes revised General Regulations of WFP.

Madame Chairperson, with your permission I wish to note for record an important agreement between Member States in relation to elections to the CFA. I would request the Legal Counsel and the Rapporteur to look into the possibility of either incorporating this within the report or annexing this as an appendix to the report.

Distinguished delegates would have noticed in the draft Resolution that, under paragraph 2(b) of the Resolution 3(b), one member to the new CFA is to be elected on rotation in the FAO Council between Member States of Group I corresponding to the Asia region of FAO, and Group II corresponding to the Near East region of FAO in List B of Appendix A.

In my honoured capacity as the current Chairman of the Asia Group of the FAO and with the kind consent of my friend, Mr Waleed Elkhareiji, delegate from the Kingdom of Saudi Arabia to the FAO and present Chairman of the Near East region, I would like to note for the record the following agreement on rotation of this seat, and I quote, "the first term of 3 years", i.e. 1991 to 1993, "will go to a Member State of Group II. A Member State of Group I will take over the rotation seat for the next term of 3 years", i.e. 1994 to 1996, "in this arrangement each of the two groups will succeed each other for one term of three years. Notwithstanding the foregoing, the Chairmen of the Near East and of the Asia and Pacific regions after consultation with their respective Member States may inform of any changes to the above arrangement to the Secretary General of the Conference at least seven days before the next scheduled election".

"Member States listed in this Appendix A request the FAO Council to adopt the above agreed rotation for elections on the rotation seat between the two Groups."

Madame Chairperson, as a consequence of the above agreement it has been further agreed that in the forthcoming elections to the CFA at the first session of the FAO Council, the new seat for the two year term will be contested by Member States of Group I, that is Member States which correspond with the Near East region of FAO and the one for the term of one year by Member States of Group II which corresponds to the Asia and Pacific regions of the FAO in List B of Appendix A.

**CHAIRMAN:** Thank you very much delegate of Pakistan, Mr Saleem Khan. I really thank you for your kind words. I appreciate your advice for the Rapporteur and for the recommendation. I recognize that our Legal Counsel

took note of it, but he would very much appreciate if you could hand it over to us.

Thank you again, Mr Saleem Khan, for your very, very valuable contribution. Now I would like to give the floor to the next speaker on my list and this is the delegate of Niger.

Sir, you have the floor.

**Salha HAIADOU (Niger)** : Les amendements qui nous sont recommandés par le document C 91/LIM/18, élaboré par un groupe de travail créé par le CPA, comportent plusieurs aspects constructifs de nature à assurer au Programme une évolution dynamique, donc adaptative par rapport aux situations nouvelles qui pourraient apparaître sur le terrain.

Je voudrais citer ici comme éléments positifs la capitalisation et l'utilisation efficiente de l'expérience et de la technicité de la FAO ainsi que l'ouverture en direction des autres structures des Nations Unies. Ces six régions ont le souci constant des Etats Membres de voir compléter les synergies du système des Nations Unies mais aussi et surtout la rationalité et l'efficacité dans la gestion.

Le deuxième point important c'est la responsabilisation effective du CPA et à travers lui des Etats Membres dans la coordination des activités du Programme mais surtout dans une représentation géographique plus équitable. C'est dire que le réalisme et l'objectivité gagneraient à travers ces rééquilibres du centre de décision.

Le troisième aspect non moins important est l'autonomie relative du Secrétariat. C'est un plus dans la recherche d'une plus grande souplesse et célérité dans les procédures et les mécanismes d'intervention du Programme.

Le nouveau règlement financier viendra certainement conforter cette possibilité sans pour autant éluder le rôle du Comité financier de la FAO qui demeurera un conseiller technique fort utile au CPA.

C'est pour toutes ces raisons que notre délégation, qui a eu l'honneur de participer pleinement aux travaux du groupe ad hoc et au CPA, soutient les propositions du Conseil relatives aux règles générales révisées du Programme, notamment la résolution soumise à notre approbation. Mais nous pouvons certainement faire plus que cela car les règles et les procédures n'ont de portée effective que si les mécanismes et les moyens sont adaptés aux objectifs. Aussi la réflexion doit-elle se poursuivre sur cet aspect et nous aurons toute latitude de revenir lors du débat sur le point 21 sur les objectifs de contribution au Programme 1993-94. Nous regrettons qu'il ne soit pas intégré au point 27 pour une question d'harmonie et de suite dans les idées.

**Major General M. Majid-UL-HAQ (Bangladesh)**: The draft Resolution for the Conference on Financial Regulations for the World Food Programme as contained in C 91/LIM/24 is indeed a landmark in the history of the Conference of the FAO.

Madame Chairperson, it is needless to say that the Resolution under consideration will be an important contribution in establishing and consolidating further the relationship between the World Food Programme and the FAO. Having served in the past as Chairman of the World Food Programme, CFA, and as a member of the CFA, we have taken part, a constructive part in the CFA as well as in the other group set up to consider the whole amalgam of the issues related to the relationship between these two very important food organizations as well as other relevant issues.

My delegation joins all the previous speakers in registering and recording our deep sense of satisfaction, our deep sense of satisfaction at the outcome which we are going to see very soon with the unanimous adoption of the Resolution under consideration.

We also believe that the enlargement of the CFA will certainly help all of us, all the membership, and certainly including the developing countries whose needs are more than ever before insofar as food assistance and its benefit is concerned.

Before I conclude I would like to put on record my personal appreciation to the creative leadership that was given to our negotiations at various phases by Mr Edouard Saouma, the Director-General of FAO and Mr Jim Ingram, the Executive Director of the World Food Programme.

While I am mentioning their names, they are the leaders, I would also like to put on record very steadfast support for the creative assistance that was given to all of us by the able aides and colleagues and one man certainly I would like to mention is Mr Salahuddin Ahmed, the Deputy Executive Director of the WFP. Madame Chairperson, I would like to thank everybody for having this Resolution tabled and am hoping that this is going to be adopted. Thank you.

**CHAIRMAN:** Thank you very much distinguished delegate of Bangladesh.

The last speaker on my list is Saudi Arabia. I wish to know are there any other speakers from the floor? I recognize the Philippines, yes. Japan, Kenya, the United States of America, Senegal, Lebanon.

Thank you.

Now I call the distinguished delegate of Saudi Arabia. Saudi Arabia, you have the floor.

**Abdullah AL-MUSAED (Saudi Arabia, Kingdom of) (Original language Arabic):** In the name of God the compassionate and the merciful, thank you Chairman, for having given me the floor.

We are very happy to see you chair the work of our Commission.

Very briefly allow me to support what was said by Mr Saleem Khan of Pakistan, the Chairman of the Asian Group with respect to rotation as it applies to the Asian region in the CFA, and I am saying this on behalf of the countries in the Near East region.

**Horacio M. CARANDANG (Philippines):** I wish first of all to voice my satisfaction at seeing you chairing this Commission. The Philippines delegation supports the amendments to the General Regulations of the World Food Programme as contained in C 91/LIM/18.

As a member of the Finance Committee I have taken part in examining the proposed amendments to the General Regulations of the World Food Programme. As you are aware, the Finance Committee endorsed the draft presented before it with the exception of the proviso of the Auditor. The Finance Committee were of the view that there were benefits in having one auditor for the two organizations for the time being because of the complementarity of the two organizations.

**Kiichi NARITA (Japan) :** My delegation is very pleased to have the Draft Resolution before us here concerning the revision of the General Regulations of the World Food Programme and the membership of CFA.

Japan had a great opportunity to participate in a series of meetings concerning the governance of the World Food Programme, as a member of CFA ad hoc working groups and FAO Council. In these series of meetings we had a very difficult but fruitful discussion, and finally in the last CFA and FAO Council we unanimously approved the revision of the General Regulations of the World Food Programme.

We are now in the final stage here under the FAO Conference. My delegation sincerely hopes that this draft Resolution will be approved unanimously here, and also hopes the World Food Programme has a new era from the beginning of the next year.

**Patrick Mutawa NZUE (Kenya):** Thank you Madame Chairperson for giving me this opportunity to comment on this agenda item. Allow me to thank Mr Moore and Mr Ahmed for their elaborate although brief introduction to these items.

The delegation of Kenya was fully involved in the negotiations that led to the production of this draft Regulations of the World Food Programme. We remember vividly those difficult times that delegations, some of whom are represented here, had to negotiate throughout the night. We were pleased to come to the end of this arduous task and my delegation wishes to express our thanks to those who supported in particular my Ambassador, under whose Chairmanship these draft Regulations were formulated. Madame Chairperson, we consider these amendments appropriate for the smooth functioning of the World Food Programme, a Programme that commands enormous resources within the entire UN system.

Now that we have been guided by other concerned UN bodies like ECOSOC and UNGA, we hope that there will be no problems in supporting this Resolution.

May I also, on behalf of the Kenya Government thank the very prominent role players in this episode, the Director-General of FAO and James Ingram, the Executive Director of the World Food Programme, and all the officers for the cooperation and the maturity they displayed which of course, enabled us to achieve consensus in the process.

**Ms Robin MEYER (United States of America):** The United States joins other Member Nations who have spoken here this afternoon in supporting the draft Resolution before us. We appreciate the support provided in this effort by the office of the UN Secretary General, the office of the Director-General of FAO, and the Executive Director of the World Food Programme.

We note that the draft Resolution received the unanimous approval of ECOSOC and the FAO Council last June. We strongly encourage the Conference to endorse and approve these recommendations. Approval of the governance changes will increase the accountability of the World Food Programme Executive Director for the resources donated to the Programme. They will also improve the oversight by all members of the CFA for the policies and programmes of food aid to recipient countries during this time of limited resources and competing food aid demands.

**Sidaty AIDARA (Sénégal):** Après avoir écouté différents orateurs, je crois que je pourrai être bref. Je voudrais cependant saisir cette occasion pour vous dire toute la joie de ma délégation de vous voir à la présidence de notre séance de cet après-midi. Je suis sûr qu'à l'issue de nos travaux nous aurons marqué de nouveaux progrès dans le travail qui nous a été confié au niveau de cette troisième Commission.

Le Sénégal, vous le savez, a toujours apporté son soutien constant au Programme alimentaire mondial. C'est dans cet esprit que la délégation sénégalaise se félicite de l'issue heureuse qui a marqué les discussions sur les nouveaux arrangements au niveau FAO-PAM, sanctionnés par les amendements aux Règles générales du Programme alimentaire mondial qui nous sont présentées cet après-midi pour examen et adoption. Nous ne doutons pas que ces nouveaux arrangements vont permettre au PAM d'être encore plus performant parce que plus efficace et plus autonome.

C'est pourquoi c'est avec beaucoup de joie que nous appuyons ce projet de résolution en espérant bien entendu que les dispositions qu'il contient permettront au PAM d'être encore plus efficace. Nous nous félicitons que la deuxième Commission à l'assemblée générale ait déjà donné son aval au projet de règles générales présentées dans ce projet de résolution. Voilà ce que je tenais à dire et je voudrais terminer en remerciant bien sûr M. Moore pour avoir présenté cette question et M. Ahmed pour avoir complété la présentation de ce point.

**Samir ABU-JAWDEH (Liban) (Langue originale arabe):** Madame le Président, je suis très heureux de vous voir présider cette séance et je suis tout à fait convaincu que votre sagesse dans la direction de cette commission nous permettra de terminer les travaux en temps voulu, avec un consensus général approuvant le projet de résolution qui nous est soumis et que nous appuyons sans réserve.

**Assefa YILALA (Ethiopia):** Madam Chairperson, the Ethiopian delegation would like to voice its satisfaction on seeing you chairing this particular meeting of the Commission, particularly when this historical and difficult item is being discussed.

The Ethiopian delegation would also like to express its due regards to the representative of the Executive Director and the Legal Counsel for the explanations they have provided on the item tabled.

At this stage of the development in the revision of the General Regulations of WFP there might be little or none to be added to the work of the CFA, the Finance Committee and the Council which handled it during the various stages of its development. Therefore we would just like to indicate our voice of endorsement for its approval by the Conference, and also thank all those who contributed toward the development and the excellent document that we have before us.

**Raphaël RABE (Madagascar):** Ma délégation est également heureuse de travailler sous votre présidence. Si je prends la parole c'est pour appuyer les déclarations des délégations de Tunisie et du Sénégal et bien entendu pour aussi donner notre appui au projet de résolution.

Tout en félicitant tous les protagonistes qui ont oeuvré pour parvenir à ce résultat satisfaisant, je voudrais, si vous le permettez, rendre un hommage tout particulier à Son Excellence M. l'Ambassadeur du Kenya qui n'a ménagé aucun effort pour parvenir à un consensus. Cela est dû, bien entendu, à sa grande connaissance des organisations FAO et PAM. Aussi nous ne pourrions que nous féliciter au vu des résultats obtenus qui sont en quelque sorte le fruit de sa compétence, de sa grande patience et de sa persévérance.

**Amor Ben ROMDHANE (Tunisie) (Langue originale arabe):** La délégation de la Tunisie est très heureuse de vous voir présider cette Commission. J'exprime l'appui de mon pays, la Tunisie, pour ce qui a été dit par les délégués du Sénégal, du Niger et de Madagascar.

La Tunisie appuie pleinement et sans aucune réserve le projet de résolution qui nous est soumis aujourd'hui en remerciant tous ceux qui ont participé à l'élaboration du projet de résolution en question.

**CHAIRMAN:** I ask the floor if there are any other delegations wishing to speak on this agenda item. This is not the case, so I will try to summarize our discussion on this item.

I recognize the full support for the Resolution and amendments to the WFP General Regulations and the consensus on this item. It is a great privilege to see the sense of satisfaction in this matter and the successful end of the long historical process we left behind.

I also took note of the agreement on rotation of seats which is referred to in the report. Many delegations mentioned the importance of the reliance on the FAO technical services skills, and appreciation was mentioned toward the Director-General of FAO, the UN Legal Counsel, and the Executive Director of WFP.

This appreciation was also extended to the Chairman of the CFA, the distinguished Ambassador of Kenya. I ask the podium whether anybody here wishes to add anything on this agenda item. As there is nothing, may I turn

to the second part of our debate which was suggested by our Legal Counsel, who will speak on this item.

**LEGAL COUNSEL:** I should now turn to the second subject under this agenda item, that is the consideration of the draft Conference Resolution on the administration of the WFP Fund. The document before you on this subject is C 91/LIM/24, Administration of the WFP Fund, draft Conference Resolution, and the third report of the Resolutions Committee contained in C 91/LIM/37.

I shall be brief. Regulation 27 of the Revised WFP General Regulations envisages that the WFP Programme Fund should continue to be established by the Director-General under Regulation 6.7 of the Financial Regulations of FAO, while the management of the Fund should be governed by separate financial regulations to be approved by the CFA. FAO Financial Regulation 6.7 provides that Trust and Special Funds and voluntary contributions shall be administered in accordance with the financial regulations of the Organization unless otherwise provided for by the Conference.

You have before you now a draft Resolution of the Conference that would authorize this exception and allow, in its operative paragraph, for the administration of the WFP Fund under separate financial regulations established by the CFA.

**CHAIRMAN:** Thank you very much for that excellent introductory statement. The floor is open for any delegate who wishes to speak. As no-one wishes to speak, we can take it as approved.

Thank you very much for your constructive cooperation.

We can now turn to Agenda Item 29.

29. Audited Accounts

29. Comptes vérifiés

29. Cuentas comprobadas

**CHAIRMAN:** Item 29 is Audited Accounts, financial reports and statements, Volume 3 WFP 1988-89. The background documentation is as follows C 91/7 and C 91/LIM/37. I would ask Mr Mehboob to introduce this agenda item for us.

**Khalid MEHBOOB (Assistant Director-General, a.i., Administration and Finance Department):**

The item under consideration is the audited accounts and the external auditors' report for the 1988-89 biennium for the World Food Programme.

You have before you a document, C 91/7, which contains these accounts. The accounts have been reviewed in depth by the Finance Committee at its Sixty-ninth Session and by the Council at its Ninety-eighth Session. Their comments are found in document CL 98/REP, para 212-214 and in the Conference document C 91/LIM/19.

Both these bodies have endorsed the external auditors' report. In accordance with the financial regulation paragraph 12.10, these accounts are to be approved by the Conference. A draft Resolution is contained in document C 91/LIM/19 which is now before you for its consideration and adoption.

**CHAIRMAN:** Before opening this to the floor I am going to ask Mr Ahmed, the Deputy Executive Director of the World Food Programme, to speak to you.

**Salahuddin AHMED (WFP) :** Thank you for calling on me to say a few words.

In view of the statement just made and the documents before you, there is hardly anything for me to add. The CFA, when it looked at the audited accounts for the period 1988-89, unanimously approved the accounts. The Finance Committee also hired the External Auditor himself. He placed on record his satisfaction with regard to the various elements essential for the governments to be satisfied with regard to the accuracy, reasonableness and accounting principles which go behind the accounts. On all these combined factors I have nothing much to add except that I would be prepared to answer questions.

**Ray ALLEN (United Kingdom) :** May I seek clarification on one point which is whether we are discussing all three audited accounts or just those of the WFP?

**Richard STEIN (Secretary, Commission III):** I apologize for not having explained that as an administrative matter before we began the item. The reply is that today for practical reasons we have taken up the two subjects involving WFP; so that the audited accounts that we are looking at today are only the financial report and statements in Volume 3 concerning WFP. It was simply a practical matter for persons from WFP to be able to be here and our own scheduling. We are only doing that; the other two volumes will be discussed tomorrow morning.

**Ray ALLEN (United Kingdom):** I have a short statement on WFP. We are particularly pleased that WFP have again obtained a clean bill of health from the auditors. We think this demonstrates their capacity to manage their own financial affairs. In this connection we also find the comments on WFP's internal audit unit encouraging.

We note with appreciation that the external audit staff were able to place reliance on its work in a number of important areas in carrying out their financial audit.

We also read with great interest the parts of the report which relate to the efficiency of various types of activity carried out by the programme. We attach considerable importance to this aspect of the activity of the External Auditor. We hope that the Executive Director will press ahead with the implementation of the recommendations.

**Ms Robin MEYER (United States of America):** As my delegation stated at the Ninety-eighth Session of the FAO Council, we greatly appreciate the competent work performed by the Internal and External Auditors in preparing the financial report for WFP for the 1988-89 biennium.

My delegation attaches great importance to this report and the comments made of a management nature by the External Auditor, in addition to the External Auditor's opinion. We are pleased that an unqualified or clean opinion was rendered in the case of WFP.

Since our comments on the Auditor's observations and recommendations were rather lengthy at the 1990 Council Session, we will not repeat them in Commission III. However, we would like to reiterate one point that we touched on in 1990.

The United States strongly supports the harmonization of financial statements among UN system organizations including FAO. Such harmonization will contribute greatly to more meaningful understanding of data in the financial statements.

We understand the Fifth Committee of the UN General Assembly shortly will be addressing this issue. We would hope that the recommendation of the Panel of External Auditors, chaired by the Controller and Auditor General of the United Kingdom, takes steps to standardize financial data unanimously. We are convinced that if the Panel's recommendations are endorsed Member States of UN system organizations will acquire greater confidence and understanding of the financial transactions that enable these agencies, including FAO, to carry out their work effectively and efficiently.

**Robert MUEGGLER (Suisse) :** La délégation de la Suisse voudrait exprimer son opinion à propos des comptes du Programme ordinaire. Etant donné qu'aujourd'hui, contrairement à l'ordre du jour, ce point ne fait pas l'objet d'un débat, nous apporterons notre contribution lorsque le point sera à nouveau à l'ordre du jour.

**Earl W. WEYBRECHT (Canada):** As we already commented on the report of the External Auditor of the WFP during the WPCA meeting last year, I will be very brief. We support the recommendations made by the Auditor and urge the WFP, obviously, to implement those recommendations. We believe that comments were made, particularly in terms of the review of ITSH rates, the preparation of a practical guide for the running of fleets, the finalization of a manual for project design, the review of the project monitoring and evaluation system would be particularly helpful

We believe that the use of such management tools will indeed increase the efficiency of WFP operations particularly in the field where we recognize the working conditions are often very difficult.

Finally, Madame Chairperson, I would like to offer my satisfaction to that expressed by others, noting that the Auditor has provided a clean account with no qualifications on the financial statements for the WFP for 1988-89.

**Salahuddin AHMED (WFP) :** Madame Chairperson, I was not intending to speak and I am not going to make a statement at all, but some points were raised and I think it will be in the fitness of things that I respond to those and I would like to do that very briefly.

First of all, we are grateful indeed for the kind words of appreciation of the work that we are doing. Second, to follow up the recommendations that were made by the External Auditor and also of the Internal Auditor, and on this I would like to inform the governments that we have a strict system of follow-up and that is the Audit Committee of the World Food Programme which is a unit system within the UN organizations that looks into very carefully even before the External Audit comes up for its biennium review for a report to the governing body. And interestingly, it will be for you to know that while in that Audit Committee we have an international auditor, a true professional, sitting there to advise and watch and to alert us if there is something more to be done or something we are ignoring. Also, we invite the External Auditor himself or his representative to sit there while we keep track of things.

So those are the mechanics that we thought we should bring to your notice and we are very careful about this and alert about and try to do our very best on this.

The second point was about the harmonization of the financial statements between the UN system. We must say that we ourselves have been looking into this for quite some time because the reports that we have been submitting to the governments at times are confusing even to ourselves because they have various sources and various objectives and to relate one to the other one needs to study them. We have already undertaken an exercise of our own with a view to rationalizing the various reports to send to the governments so they will know where they stand with regard to the resources at our disposal.

There are two other points with regard to implementation of the recommendations concerning management or otherwise. I will not go into details but I will say that as far as ITSH Review is concerned, it is very important from our point of view for the delivery of the commodities in time and helping the governments with the resources they need and with a view to be able to distribute them within the country.

We have engaged very eminent consultants and the work is about 60 percent done and I think on the basis of that we shall be able to take some action with a view to tackling that issue more appropriately, efficiently and promptly.

With regard to reporting and monitoring, while the matter is very much in hand, the governments, particularly those members of the CFA and others, are aware that we are proceeding with that case. With regard to some other recommendations on the management aspects on some of the operations, while there are some for refinements which have already been done, there are some for excellence which have been taken and there are one or two where action has been contemplated and is under way but could not be taken for reasons beyond our control.

We are very careful about that and I add at the end of my statement that follow-up is a vital thing that we consider if the audit is to have any meaning.

Our thanks for your gratitude for our work and I hope we shall continue to be worthy of that.

**CHAIRMAN:** I understood that the FAO Finance Committee and the FAO Council have received and endorsed the accounts and the report of the External Auditor. May I say that satisfaction was mentioned in connection with the final report and appreciation was extended to the staff of WFP and the External Auditor for the quality of the paper but at the same time I have to recognize also that WFP was urged to implement the recommendations under discussion.

I think we can close this item and we can turn to the next item which is Item 23, Multilateral treaties deposited with the Director-General. For your information I wish to mention the documentation under discussion, which are as follows: C 91/31 and C 91/31-Sup.1.

23. Statutory Report on Status of Conventions and Agreements. and Amendments thereto

23. Rapport statutaire sur l'état des conventions et accords et sur les amendements y relatifs

23. Informe reglamentario sobre el estado de las convenciones y acuerdos. y de las enmiendas a los mismos

**LEGAL COUNSEL:** Under Rule XXI.5 of the General Rules of the Organization, the Director-General is required to report to the Conference whenever a convention agreement or supplementary convention or agreement concluded under Article XIV of the Constitution comes into force or ceases to be in force or has been amended and the amendments have come into force.

In addition, in accordance with established practice, the Director-General informs the Conference of any developments which may occur in connection with treaties concluded between FAO and Member Nations under Article XV of the Constitution, if there are any such treaties, treaties concluded outside the framework of FAO in respect of which the Director-General acts as depository and the status of the Convention on the Privileges and Immunities of the Specialized Agencies in respect of FAO.

The two documents before us which have been mentioned, C 91/31 and C 91/31-Sup.1, contain the relevant information on the present status of the treaties to which I have just referred. It should be noted that the statutory report which is now being submitted to the Conference follows the same pattern as earlier reports.

Since the submission of the previous report and as reflected in paragraphs 88 to 90, a Conference of Plenipotentiaries which met in Madrid on 19 July 1990 adopted a Protocol of Termination of the Convention on the Conservation of the Living Resources of the Southeast Atlantic. This is an agreement for which the Director-General acts as depository. The Convention

will terminate when all contracting parties have deposited an instrument of acceptance of the Protocol. Moreover, as reflected in document C 91/31-Sup.1 a Conference of Plenipotentiaries which met in Dakar, Senegal, on 4-5 July 1991 adopted a Regional Convention on Fisheries Cooperation Among African States Bordering the Atlantic Ocean for which the Director-General has been asked to perform depository functions.

As reflected in paragraphs 40-43 of document C 91/31, I am pleased to announce that the amendment to Article 1(a) of the Plant Protection Agreement for Asia and the Pacific region relating to the definition of the region which had been approved by the Eighty-fourth Session of the FAO Council in November 1983, came into force with respect to all participating governments as of 23 May 1990. The Conference will recall that it had urged at its last session in November 1989 that the Member Nations concerned accept the amendment in order to bring it into force as soon as possible, so that is a very positive development.

With reference to paragraphs 19 to 25 of document C 91/31, I feel I ought to point out the Conference again at its last session in November 1989 launched an appeal to contracting parties that had not yet accepted the revised text of the International Plant Protection Convention to deposit instruments of acceptance as soon as possible. At that time 15 acceptances were still required in order to reach the two-thirds majority of contracting parties. In conformity with the Conference's recommendation, the Secretariat of FAO took the necessary action to remind countries of this and the number of acceptances required was reached on 5 March 1991. In accordance with Article 13.4 of the Convention, the revised text entered into force on 4 April 1991. It is being reissued and will be distributed during the Session, I understand.

After the issuance of document C 91/31-Sup.1 one more country, Bulgaria, has adhered to the International Plant Protection Convention and that was on 8 November 1991. The number of parties to the Convention is now 99. However, in view of the considerable importance of the Convention in strengthening international action against the spread of imported plant pests, especially in the context of international trade, it seems highly desirable that all countries, including non-Member Nations, adhere to the Convention. The Conference may, therefore, wish to appeal again to those states which have not yet adhered to the IPPC, the International Plant Protection Convention, to deposit an instrument of adherence with the Director-General as soon as possible.

In this respect it should be noted that in accordance with Article 8 of the Convention, the Conference at its last session in 1989 fully supported the re-establishment of a regional plant protection body for the Near East. In consultation with the states of the region, a draft agreement for the establishment of a Near East Plant Protection Organization has been drawn up. It will be discussed at the Technical Government Consultation convened by the Director-General to be held in Rome from 14-16 April 1992.

At the request of the Pacific states through the Plant Protection Programme of the South Pacific Commission, a draft agreement for the establishment of a Pacific Plant Protection Organization has also been drawn up by the FAO Secretariat.

**Jorge COIMBRA MARTINS (Portugal) :** Le document C 91/31 fait un important rapport des traités multilatéraux dont le Directeur Général est dépositaire. La Conférence peut par conséquent se faire un idée générale des liens institutionnels que la FAO entretient avec de nombreuses et importantes organisations relevant des activités de la FAO.

La délégation portugaise veut exprimer son accord à cette procédure au niveau mondial parce qu'elle représente une économie considérable d'efforts et de moyens, en rationalisant et en améliorant les actions d'une façon plus logique. On admet également qu'il y a des duplications de tâches et il devient plus facile de découvrir les zones d'ombre et par conséquent de perfectionner les systèmes, si nécessaire.

La délégation portugaise aimerait faire seulement trois observations: la première concerne l'accord portant sur la création du Conseil général des pêches pour la Méditerranée, d'après les paragraphes 14 à 18 du document en cours d'examen. Le Portugal ne fait pas encore partie de ce Conseil, comme on peut le constater au paragraphe 17, mais a le plus grand intérêt à suivre ces sujets, compte tenu du fait que ces zones sont proches de la côte portugaise et que cela peut avoir une influence surtout dans la zone atlantique, au sud du Portugal, et sur les pêches qui y sont pratiquées. La deuxième concerne la Convention internationale pour la protection des végétaux et les amendements à la Convention approuvés par la Conférence de la FAO à sa vingtième session. Sur ce sujet, on demande au Secrétariat de prendre note que le Portugal ne figure pas sur la liste du paragraphe 24 comme ayant fait le dépôt de son instrument d'acceptation, ce qui a déjà été fait. Cette décision a déjà été décrite dans le Bulletin officiel portugais et communiquée au Secrétariat de la FAO au mois de mars dernier. La troisième concerne l'Organisation européenne méditerranéenne pour la protection des plantes. Le Portugal appuie les conclusions de la troisième consultation, notamment la création d'un secrétariat de la CIPV qui considère qu'il est indispensable et convient au commerce des produits agricoles.

**CHAIRMAN:** Thank you very much, distinguished delegate of Portugal. I saw that our Legal Counsel took note of your comments. I would like to invite any other delegate who would like to comment on this item. If this is not the case, I would also repeat what has already been mentioned by our Legal Counsel, Mr Moore, that it would be highly desirable for the Member States to adhere to the International Plant Protection Convention and to ratify, if it is not the case so far. So with your permission, I will ask our Legal Counsel if there is anything to add. If not, I would like to propose going to the next agenda item of our work this afternoon. This is Agenda Item 26, the Revision of Conference Resolution 46/57 and the Appendix thereto, Section R of Volume II of the Basic Texts. The documents under discussion and consideration for this agenda item are as follows: C 91/LIM/17, C 91/LIM/37, and C 91/LIM/37-Sup.I. It is my pleasure to ask our Legal Counsel, Mr Moore, to comment and introduce again this agenda item as well.

- 26. Revision of Conference Resolution 46/57 and the Appendix thereto  
(Section R of Volume II of the Basic Texts)
- 26. Révision de la Résolution 46/57 de la Conférence et de son Annexe  
(Section R du Volume II des Textes fondamentaux)
- 26. RevisiOn de la Resolución 46/57 de la Conferencia y del Apéndice a la  
misma (Sección R del Volumen II de los Textos Fundamentales)

**LEGAL COUNSEL:** Part R of the Basic Texts, which was adopted under Conference Resolution 46/57, sets out a number of principles and procedures which should govern conventions and agreements concluded under Articles XIV and XV of the Constitution, and Commissions and Committees established under Article VI of the Constitution. These principles and procedures were adopted by the Conference in 1957. They sought to introduce a greater uniformity into the agreements being adopted within the framework of FAO, and in particular those adopted under Article XIV of the Constitution. One of the premises of these principles and procedures seems to have been that the functioning of Commissions established under Article XIV of the Constitution should be very closely tied up to the functioning of the Organization. Since 1957, a number of developments have taken place which call perhaps for a greater degree of flexibility and autonomy to be allowed to Commissions established under Article XIV of the FAO Constitution. One of these is the development of Commissions with their own independent autonomous budgets. The second has been the developments in the Law of the Sea, the extension of national jurisdiction over fisheries and the consequent need to allow more autonomy to regional fisheries bodies, a number of which are established under Article XIV of the FAO Constitution and are charged with the task of managing fisheries within their areas of competence.

It was indeed from our attempts to conclude an agreement for the establishment of a new Indian Ocean Tuna Commission that a realization of the need for more flexibility in establishing Article XIV Commissions first arose. And it was indeed one of the subsidiary bodies of FAO, the Indian Ocean Fisheries Commission's Committee for the Management of Indian Ocean Tuna, that first suggested the revision of Conference Resolution 46/57 for this purpose.

I will not dwell in detail on the contents of the draft Resolution and the amendments proposed in the Annex to that Resolution. I would merely point out that amendments would allow for more autonomy to regional commissions established under Article XIV in the area of approval of amendments to the basic conventions and agreements, the conduct of their own relations with other international organizations, the adoption of management measures not having financial policy or programme implications for FAO, the method of appointment of the Secretary and other staff of the Commissions, and the adoption of financial regulations and budgetary controls as well as rules of procedure for these bodies.

Finally, I would like to draw your attention to the fact that two alternative proposals are made with respect to the adoption of amendments to conventions and agreements, as set out in paragraph 8 of Section R of the Basic Texts in the document before you. The first proposal would make very little change in substance to the present procedure, substituting the concept of "confirmation" by the Council for the concept of "approval". The second alternative proposal, that is proposal No. 2, would allow for more

autonomy to be given to Article XIV Commissions to adopt amendments to their own constitutive agreements by allowing them to adopt such amendments. Any amendments adopted would then be reported to the FAO Council which would be given the power to disallow them if it finds that they are inconsistent with the objectives and purposes of the organization or the provisions of the Constitution. Otherwise, they would come into force automatically, and that is the difference. Under this second proposal, amendments would become operative as soon as they are adopted by the Article XIV Commission and would remain in force unless and until they are disallowed by the Council or Conference.

As I mentioned before, the second proposal would therefore allow for a greater degree of autonomy to be given to Article XIV Commissions in this respect and would indeed be more in line with the request made by the Committee for the Management of the Indian Ocean Tuna. The Conference is being asked to decide on which of these alternative proposals should be preferred.

Finally, I should like to draw your attention to the fact that this proposed Resolution and the wording of the amendments to Section R of the Basic Texts have been approved by the CCLM at its Fifty-seventh Session and by the Council itself at its Hundredth Session earlier this month.

**Raphaël RABE (Madagascar):** Je remercie le Conseiller juridique pour la présentation de ce sujet. Madagascar est dans l'océan Indien et s'occupe de pêche thonière. Donc nous sommes un peu concernés par la question. Nous apprécions que l'on essaye d'introduire une plus grande souplesse dans les textes et, par conséquent, nous appuyons les amendements.

Mais, Mme. le Président, en examinant les propositions, en ce qui concerne la proposition 2, je ne sais pas dans quelle mesure on pourrait peut-être, dans cette proposition 2, arrêter l'alinéa a) après le mot "approbation". C'est-à-dire: "Les amendements à toutes les conventions et à tous les accords établis en vertu de l'Article XIV devront être approuvés par le Conseil, à moins que celui-ci n'estime souhaitable de les renvoyer à la Conférence pour approbation". La question que je pose est la suivante : est-ce qu'on pourrait arrêter cet alinéa à "pour approbation", ou est-ce qu'on devrait continuer? C'est une question que je pose, mais je n'insiste pas outre mesure, dans la mesure où le reste de cet alinéa est encore utile.

**Mme. le Président, je voudrais poser une question concernant le petit i) du paragraphe 33:** étant donné qu'on cherche la plus grande souplesse et l'efficacité, je me demande dans quelle mesure il est opportun de faire approuver par le Conseil ou par la Conférence tous les projets coopératifs. Donc est-ce que cela répond à l'esprit de souplesse et d'efficacité que l'on recherche dans les amendements?

Je voudrais quelques explications sur ce point. Mme. le Président, je vous remercie.

**LEGAL COUNSEL:** It is perhaps easier to answer these questions directly. I think, to a certain extent, both of them refer to how this document is set

out. You should note, I think, that the words which are shaded, as you will see from the footnote, are to be deleted. That is the first point. So I think, certainly, when you deal with the adoption of financial regulations in paragraph 33 on the last page, it is intended that this paragraph 1 should be deleted. I think that has received support from the distinguished delegate of Madagascar. I should also point out that from a legal point of view it is, in our view, anyway, not legally appropriate, for the contracting parties to Article XIV agreements to be given the power to amend those agreements without any reference back to the FAO Council or Conference. I think it is necessary that the Organization retain a vestige of control over those agreements which are established within its framework. It is required, of course, that these agreements be approved by the Council or the Conference in the first place, and I do not think the Organization can abrogate all control over these bodies. It is, I think, legally required that it should retain a vestige of control. We have tried to make that vestige of control as light as possible. It is merely a power to disallow amendments, should they be inconsistent with the Constitution. That power, I think, must legally remain.

**CHAIRMAN:** I call the delegate of Madagascar. Is the reply satisfactory for you?

Raphaël RABE (Madagascar): Oui, Mme le Président, mais il y a la deuxième question, si M. Moore peut donner quelques explications sur ce point. Est-ce qu'il est vrai que tous les projets coopératifs doivent recevoir l'approbation du Conseil ou de la Conférence?

**LEGAL COUNSEL:** In fact, that paragraph is to be deleted. The words shaded are to be deleted, and I think we feel the same way as you feel.

**CHAIRMAN:** I think the question is settled in a very satisfactory way, so I call upon the delegate of Australia. You have the floor Sir.

**Peter Gary FRANKLIN (Australia):** Madame Chairman, firstly let me say what a pleasure it is to have you presiding over the deliberation and to thank Mr Moore for his characteristically lucid introduction to this item.

In the view of my delegation, the changes proposed to Article XIV arrangements are timely and well-conceived. It intended to enable the bodies concerned, such as the Indian Ocean Fisheries Commission and the Indian Ocean Tuna Commission to operate in a more autonomous, effective and efficient manner. I do however envisage the retention by the FAO Council and Finance Committee of prudent and necessary capacities of review.

In pursuit of our objectives of promoting the most effective and efficient functioning of the Article XIV Commissions, we would, like the delegation of Madagascar, wish to record our strong preference for the adoption of proposal No. 2, as set out in page 4 of document C 91/LIM/37-Sup.1.

This proposal would enable Article XIV bodies to amend conventions and agreements concluded under Article XIV of the Constitution subject to the powers of subsequent disallowance by the Council.

We feel this is an entirely appropriate and effective way of enabling the respective Commissions to carry out the mandates while retaining for the Council the appropriate powers of disallowance.

Madame Chairman, we commend the proposed modifications to this Commission and hope that they will receive the necessary support to be adopted by the Conference.

Raphaël RABE (Madagascar): Dans la version française on utilise le conditionnel "serait". Je pense qu'on le supprime, je voudrais être assuré que ces parties ombrées seront supprimées.

**LEGAL COUNSEL:** In fact, the words shaded will be deleted as long as the Conference approves this draft Resolution. And the words underlined will be added.

**Ray ALLEN (United Kingdom):** I can be extremely brief. As we see it the general effect of the amendments set out will be to diminish FAO's central control of these Commissions and their activities and empower the Commissions to act with a measure of independence. Therefore my delegation supports all the amendments proposed.

Regarding the amendment to paragraph 8, two alternative proposals are offered and my delegation would like to support the second proposal. This permits the Fisheries Commission to independently amend its Articles of Agreement by two-thirds majority voting in accordance with any changes and obligations and responsibilities subject to retrospective acceptance by the Council.

**CHAIRMAN:** Is there any other delegation that wishes to speak? Sorry, this is not the case so we can consider that the Commission approves the draft Resolution and appropriate amendments to Part A of the Basic Texts and agrees with the proposal No. 2, which provides for autonomy. So proposal No. 2 for paragraph 8 of Part A is approved.

Are there any objections? If there are no objections, no comments, discussion on this agenda item is concluded and we can enter into the next item.

28. Other Constitutional and Legal Matters

28. Autres questions constitutionnelles et juridiques

28. Otros asuntos constitucionales v jurídicos

**CHAIRMAN:** The next Agenda Item is 28 which is called Other Matters. Under this heading we have the sub-title, the observations on the terms of

reference of the CCLM. The documentation for this agenda item is C 91/LIM/2. I would invite Mr Stein to comment on this agenda item.

Richard STEIN (Secretary, Commission III): I should like to discuss this item which the delegates will find in document C 91/LIM/27. That document refers to observations which were made on the terms of reference of the CCLM. That is to say, Committee on Constitutional and Legal Matters.

The document is a short one, and it recalls that at its Hundredth Session, that is the session of the Council held earlier this month, the Council took note of the Section of the Report of the Fifty-seventh Session of the CCLM in which the CCLM had discussed previously its own terms of reference. At that session the CCLM had suggested that the terms of reference could usefully be reviewed in due course.

The Council also noted the personal remarks of the Chairman of the CCLM, Ambassador Fotis G. Poulides, who has been the Chairman for the biennium 1987-1989 and was re-elected for the biennium 1989-1991. These remarks, that is, the remarks by the Chairman, may be found in the document which I have cited, C 91/LIM/27.

The Chairman expressed the opinion that the terms of reference should be reinforced. The Council noted further that some members of the Council itself had underlined that the composition of the CCLM should take due account of regional representation. The matter before you has been referred by the Council to the Conference for consideration.

I should like to recall that the terms of reference of the CCLM are provided for in the General Rules of the Organization which you will find in this volume called the Basic Texts of the Organization, and they are in Rule XXXIV.3, and that is where the terms of reference of the CCLM are to be found.

Chairman, may I suggest that the Commission may wish to propose that the Conference decide to request the Director-General to submit this matter to the Committee on Constitutional and Legal Matters, the CCLM, for study and any recommendations which it wishes to make, and that its report on the matter, that is the report of the CCLM, be submitted in due course to the Council, and if the Council so decided, it could in turn submit proposals to the next session of the Conference in 1993. Thank you.

**CHAIRMAN:** Thank you very much Mr Stein.

So the floor is open. We have our proposal before us. The Committee has to propose what has been just said by Mr Stein. The floor is open for your remarks, your proposals.

Can we accept this proposal to request the CCLM to study this question and to prepare a report and then to re-submit it to one of the Council meetings and finally to the next Conference meeting? I am just repeating what has just been said by Mr Stein.

I recognize the United Kingdom.

**Ray ALLEN (United Kingdom):** I would just like to support the recommendation that the CCLM should take a look at this report to the Council. I think that is a very good idea.

**CHAIRMAN:** Thank you very much for your proposal. Any other delegations? If not, we can take the note as it was proposed by Mr Stein.

It was so decided.

Il en est ainsi décidé.

Asi se acuerda.

25. Confirmation of the Agreement between FAO and the African Development Bank

25. Confirmation de l'accord entre la FAO et la Banque africaine de développement

25. Confirmación del Acuerdo entre la FAO y el Banco Africano de Desarrollo

**CHAIRMAN:** We arrive at our last agenda item of this afternoon's session, Agenda Item 25, Cooperation Agreement between the African Development Bank, the African Development Fund and FAO, and the background documentation is C 91/32

I wish to invite Mr Moore again to present this agenda item before us now.

**LEGAL COUNSEL:** As you have pointed out the document before you is C 91/32, Cooperation Agreement between the African Development Bank (ADB), the African Development Fund (ADF) and the Food and Agriculture Organization of the United Nations (FAO).

Madame Chairperson, at its Fourteenth Session back in November 1967, the Conference confirmed the first Memorandum of Understanding between FAO and the African Development Bank. The Memorandum of Understanding had been approved by the Council in October 1967. This Memorandum of Understanding covered the scope, nature and financing arrangements for cooperative activities between FAO and the ADB. In November/December 1980 the Council at its Seventy-eighth Session approved a new Memorandum of Understanding in order to harmonize it with more recent arrangements and to bring it up to date.

The new Memorandum of Understanding included the African Development Fund as a party to the arrangement for the first time.

In October 1987, the Organization undertook exploratory discussions with a view to revising the existing Memorandum of Understanding. The main reason for seeking a new instrument was, on FAO's side, the wish to bring the Memorandum of Understanding in line with changes made in agreements with other financing institutions, IFAD and UNICEF, for instance, and in particular with respect to cost sharing arrangements.

The purpose of the Cooperation Agreement now submitted to the Conference under document C 91/32 is to lay down the principles of cooperation between FAO and ADB, ADF to further strengthen, foster and further consolidate the existing programme between the Bank, the Fund and FAO and to create a framework through which assistance may be channelled in an effective manner to member countries in the region.

The Director-General submitted the draft Cooperation Agreement to the Ninety-ninth Session of the Council in June 1991. The Council approved the Cooperation Agreement with a view to its signature by the Director-General, subject to confirmation by the Conference, in accordance with Rule XXIV.4(c) of the General Rules of the Organization.

The Council expressed the hope that the Agreement would be signed quickly after the Conference and that full implementation would take place as soon as possible thereafter.

Madame Chairman, in accordance with Article XIII paragraph 1 of the FAO Constitution, the Cooperation Agreement between the FAO and the ADB, ADF is now submitted to the Conference for confirmation.

I think Mr Güsten is here from the Investment Centre and should there be any questions he will be able to answer them on the technical points.

**R. GÜSTEN (Director, Investment Centre):** I believe Mr Moore has adequately introduced the subject and unless there are specific questions I do not wish to add to them.

**Raphaël RABE (Madagascar):** Je remercie M. Moore d'avoir présenté ce sujet très important. Ma délégation ne peut, bien entendu, qu'apprécier grandement la coopération entre la FAO et la Banque africaine de développement et le Fonds africain de développement qui encouragent l'intensification de cette coopération pour le bienfait de notre pays et de nos populations. Nous sommes convaincus qu'une telle coopération est garante de l'efficacité des interventions des deux institutions. Par conséquent nous appuyons cet accord sans réserve et souhaitons qu'il produise les fruits que nos pays sont en droit d'attendre.

**Bo WILEN (Sweden):** My delegation is very pleased to see the new draft Cooperation Agreement between the African Development Bank and the Fund on the one part, and the FAO on the other part. We certainly support its signing.

Taking into account the high degree of complementarity between the two - or if you prefer it three - institutions, we are convinced that the Agreement will form a good basis for further strengthening and developing the already existing cooperative programme between the Bank and the FAO for the benefit of the member countries in the region.

**José ELIAS LEAL (México):** La delegación mexicana desea expresar su conformidad con el Acuerdo entre la FAO y el Banco Africano de Desarrollo. Nos complace que este Convenio se haya firmado, ya que ello manifiesta la

cooperación plena entre la FAO e instituciones financieras regionales. Ojalá que esta Convención sirva de ejemplo para que se busquen otros, en especial para nosotros, con la región Latinoamericana y del Caribe.

**Patrick Mutava NZÜE (Kenya):** Thank you, Madame Chairperson. Let me thank Mr Moore for his clear introduction to this item.

We note with appreciation the long and historical links that have existed between the ADB and ADF and the FAO. This cooperation has been of great benefit to the poor African farmers and the rural poor, and it is our hope that this relationship will continue to be translated into many practical ways.

We are appreciative, in spite of reported diversification, of the role being played by the ADB and the ADF especially in the improvement of African agricultural infrastructure and the general development in the rural areas of Africa where the majority of our people live.

We had the opportunity to comment on this issue when discussing in Commission II the review of FAO field activities for 1990-91, and we endorsed the confirmation of this agreement. We once again do the same here. We cannot however fail to call on the international community to commit more resources to these institutions whose vital role in African development we highly appreciate.

**R. GÜSTEN (Director, Investment Centre):** First I would like to thank the various speakers for their encouraging and supportive remarks with regard to the new agreement with the African Development Bank.

I want briefly to comment specifically on what the delegate from Mexico said. He remarked that this Agreement might be a model on which cooperation with the other Banks might also be drafted, and I think he referred specifically to the Bank in his own region of interest, the Inter-American Development Bank. I think, in an earlier topic today, the subject of the IDB was briefly raised, and it was explained that there is some slight delay in the implementation of that agreement, but once we get round the small cliff that is there in putting together a complete work programme, I think the Inter-American Development Bank agreement will be very similar to that one, similar in the respect that it also covers a three-year work programme. It goes beyond the African Development Bank Agreement in one respect, in that it would specify a certain volume of work in terms of the amount of resources that the Inter-American Development Bank would be willing to put at the disposal of the cooperation between FAO and itself. So the only matter is to get the Agreement to the state of signature and implementation, and then it would be at least as good as this one.

**CHAIRMAN:** Thank you very much, Mr Güsten, for your information. So the Chair recognized the full support and endorsement for this very important agreement between the African Development Bank, the African Development Fund and the Food and Agriculture Organization of the United Nations. Upon this support the Director-General of FAO should sign the Agreement as soon as possible.

Distinguished Delegates, Ladies and Gentlemen, the Chair had a very pleasant duty this afternoon. With your patient and constructive support we came to the end of our work this afternoon discussing and covering these agenda items, but before concluding, I see the hand of our Secretary.

**CHAIRMAN:** Are there any questions from the floor? I see there are none. I would like to thank you for your cooperation this afternoon.

The meeting is closed and adjourned until tomorrow morning.

The meeting rose at 17.15 hours.

La séance est levée à 17 h 15.

Se levanta la sesión a las 17.15 horas.

# conference

FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS

# conférence

ORGANISATION DES NATIONS UNIES POUR L'ALIMENTATION ET L'AGRICULTURE

# conferencia

ORGANIZACION DE LAS NACIONES UNIDAS PARA LA AGRICULTURA Y LA ALIMENTACION

C

**C 91/III/PV/6**

Twenty-sixth Session  
COMMISSION III

Vingt-sixième session  
COMMISSION III

26° período de sesiones  
COMISION III

## SIXTH MEETING SIXIEME SEANCE SEXTA SESION

(21 November 1991)

The Sixth Meeting was opened at 10.30 hours

Mr Samuel Fernández Illanes, Chairman of Commission III, presiding

La sixième séance est ouverte à 10 h 30

sous la présidence de M. Samuel Fernández Illanes, Président de la  
Commission III

Se abre la sexta sesión a las 10.30 horas

baio la presidencia del Sr. Samuel Fernández Illanes. Presidente de la  
Comisión III

**EL PRESIDENTE:** Buenos días distinguidos delegados. Les ruego que tomen sus asientos para iniciar los trabajos de esta mañana.

Declaro abierta la sesión de nuestra Comisión de esta mañana.

III. CONSTITUTIONAL AND ADMINISTRATIVE MATTERS (continued)

III. QUESTIONS CONSTITUTIONNELLES ET ADMINISTRATIVES (suite)

III. ASUNTOS CONSTITUCIONALES Y ADMINISTRATIVOS (continuación)

29. Audited Accounts (continued)

29. Comptes vérifiés (suite)

29. Cuentas comprobadas (continuación)

**EL PRESIDENTE:** Distinguidos delegados, nos corresponde continuar con el examen del temario asignado a la Comisión, en particular con el relativo al punto 29, Cuentas comprobadas, y sus documentos C 91/5, C 91/6, C 91/LIM/19, C 91/LIM/37.

Daré el uso de la palabra al distinguido Sr. Mehboob para que nos introduzca en nuestro tema.

Khalid MEHBOOB (Assistant Director-General a.i., Administration and Finance Department): Thank you Mr Chairman. The item under consideration is the Audited Accounts and the External Auditor's report for the 1988-89 biennium relating to the Regular Programme and the UNDP.

Document C 91/5 contains the accounts for the Regular Programme, and document C 91/6 for those of the UNDP. These accounts have been reviewed in depth by the Finance Committee at its Sixty-ninth Session, and by the Council at its Ninety-eighth Session. The comments are found in document CL 98/REP paras 212-214, and in the Conference document C 91/LIM/19. Both these bodies have endorsed the External Auditor's Report for submission to the Conference.

They have also noted the Director-General's actions on the possible improvements mentioned by the External Auditor in his report.

Mr Chairman, in accordance with Financial Regulation XII, paragraph 12.10, these accounts are to be approved by the Conference. A draft resolution contained in document C 91/LIM/19, is now before the Conference for its consideration and adoption.

Mr Chairman, my colleagues and I would be pleased to answer any questions which the distinguished members may have.

**EL PRESIDENTE:** Muchas gracias Sr. Mehboob por su aclaración y su declaración que ha sido seguramente muy útil para toda nuestra Comisión.

Distinguidos delegados, ofrezco la palabra por si alguna delegación desea intervenir sobre el punto que estamos analizando.

Ms Teresa D. HOBGOOD (United States of America): At the Ninety-eighth Session of the FAO Council the United States delegation expressed appreciation to the internal and external auditors for their excellent work in preparing the financial statements. We are pleased that no significant shortcomings were reported which would have given rise to the issuance of a qualified opinion on the financial statements. At the same time, however, we regret that too little attention has been paid of the comprehensive, value-for-money reports prepared at regular intervals by the Controller and the Auditor General of the United Kingdom. To facilitate future discussions we would urge FAO to provide a written report on concrete measures taken to implement previous recommendations of the External Auditor. If necessary, this report should also contain an explanation as to the reasons a particular recommendation was not implemented. The United States has requested similar written reports from other UN agencies. We are encouraged by their efforts in complying with our request.

It is through this External Auditor process that Member States can be assured that their resources are being used in a most effective and efficient manner. We are pleased to note that the current session of the UN General Assembly is considering the important issues of establishing uniform accounting principles among UN organizations. During times when difficult choices among competing priorities for limited resources must be made, uniformity by UN agencies in presenting financial data becomes ever more important.

Turning to the audited accounts for the United Nations Development Programme, we are pleased again that an unqualified opinion has been rendered on the financial statements for 1988-89. We do have one question on the UNDP audited accounts which we believe it is appropriate to raise in this forum rather than the UN's Fifth Committee and the UNDP Governing Council.

We understand that the UN Board of Auditors recently has been critical of UNDP's inability to obtain FAO's signature on a standard basic executing agreement. This issue is an important matter to my Government since it calls into question the proper management and effective use of Member States' resources. We would appreciate the reaction of the FAO Secretariat to the Board's observation that an agreement has not been signed and negotiations brought to a standstill.

Finally, we support the adoption of the resolution on the Audited Accounts.

**EL PRESIDENTE:** Muchísimas gracias, distinguida delegada de los Estados Unidos, su declaración será tomada en cuenta y se dará atenta y debida nota a sus observaciones. Al mismo tiempo, desearía consultar a los miembros de la Mesa si se puede en este momento dar respuesta a su pregunta distinguida delegada. Estamos en consulta, un momento por favor.

El Sr. Regnier me ha pedido la palabra para dar respuesta a este interrogante. Tiene usted la palabra.

**A. REGNIER (Director, Field Programme Development Division):** I would like to reply to the question raised by the distinguished delegate of the United

States by reassuring her completely on our willingness to sign the standard, basic agreement.

We have noticed the remarks on the Board of Auditors' Report. It is a fact that the ILO and FAO have not yet signed this standard basic agreement. We were in negotiations with UNDP. To an extent we were waiting for the outcome of the successor arrangement on support cost because it may have some influence but we have communicated to the UNDP in writing our willingness to sign this agreement after the necessary discussion and negotiation. Mr Gómez, the Associated Administrator of the UNDP has conveyed this message to the Second Committee. We are in touch with Mr Evgran who is responsible for that matter in UNDP. I am sure in the end we will have a text and both the ILO - because I think they were in the same position - and the FAO have conveyed their willingness and we are negotiating to reach the final text which will be signed as soon as feasible. I hope this reassures the United States delegation.

**Ray ALLEN (United Kingdom) :** My delegation has already had the opportunity to comment on these accounts at the Council but I would like to reiterate some of the points that we made there.

We would like to commend the efforts of both the Internal and External Auditors in the preparation of the documents and accounts before us today. Accounting for such a complex set of operations can be a very difficult task.

My delegation is particularly pleased to see the unqualified opinion given by the Auditors on these reports. There are a number of observations and recommendations contained in the reports of the Auditor. We sincerely hope that the Secretariat will take due note and implement them whenever possible. Audited reports are not just a formality. They serve a useful function and can be a very valuable tool for future planning.

We welcome the initiative taken by the Secretariat in following up some of the recommendations of the external consultants relating to management, particularly the disclosure of some of the contingent liabilities relating to personnel, and support the recommendation put forward that these should be included in the financial statements.

We consider that there are a number of other recommendations made by the management consultants which could also be usefully pursued.

I would like to support the suggestion that the presentation and format of financial statements and accounting policies be standardized. I understand this is something currently being considered in New York. This was mentioned by my US colleague yesterday. Following on from this, we would also hope that in future expenditure figures be shown separately from outstanding obligations.

We are pleased to see that the detailed guidelines for equipment formulation are under preparation. On the delivery of equipment, we support the recommendation that there should be closer coordination between FAO and

UNDP representatives.

Regarding evaluation, we remain concerned, as we have already highlighted in Commission II, that there is an uneven distribution of evaluation activities between Trust Fund and other field projects and that feed-back on evaluation results should be more readily made available.

We are also concerned by the statement made in paragraph 110 of C 91/5 relating to the fact that about 86 percent of all evaluation missions in 1988-89 were carried out by non-evaluation service staff. The Organization must ensure that the lessons learned from the evaluations undertaken are not just fed back but that they are the right lessons.

Finally, I would like to support the delegation of the United States regarding the issuance of written statements. We would like to support the adoption of the audited accounts.

**EL PRESIDENTE:** Muchísimas gracias distinguido delegado del Reino Unido por su importante declaración que será tomada debidamente en cuenta.

Distinguidos delegados, ¿alguna otra delegación desea hacer uso de la palabra? No veo ninguna. La distinguida delegación de Suiza, usted tiene la palabra.

**Robert MUEGGLER (Suisse):** Permettez-moi de remercier le Commissaire aux comptes et son équipe de l'excellent rapport portant sur la période 1988-89. Ce rapport mériterait dans l'ensemble une appréciation et une discussion approfondie. Personnellement, je consacrerai mes quelques remarques au document C 91/5.

Le rapport du Commissaire aux comptes concernant l'achat du matériel fait état d'un examen approfondi portant sur des questions d'économie, d'efficience et d'efficacité.

Dans ce contexte ma délégation a noté dans le paragraphe 67 de ce rapport que le retard moyen de livraison de matériel de projets par rapport aux dates demandées dépassait neuf mois. Il est évident que cela pose des problèmes au niveau des projets et qu'il est difficile dans ces conditions d'assurer une utilisation efficace des ressources.

Une des raisons principales de ces retards est identifiée par le Commissaire dans le paragraphe 86: nous apprenons là que les projets ont souvent du mal à obtenir le dédouanement de leur matériel par les autorités douanières.

C'est un problème bien connu et très sérieux, non seulement pour les projets de la FAO mais pour le développement en général. Certaines bureaucraties douanières et autres qui ne fonctionnent pas bien sont un véritable obstacle pour le développement, pour l'aide extérieure et pour les investissements étrangers.

Il est important que le système multilatéral aide les pays concernés à trouver des formes de contrôle et de taxation qui ne découragent pas le développement. Ce n'est pas en premier lieu une tâche de la FAO mais il serait peut-être utile que la FAO fasse connaître ces problèmes dans ce

domaine. Voilà un domaine où la coordination est nécessaire dans le système multilatéral.

Un autre point concerne l'examen des opérations d'achat de matériel pour le terrain. Est-ce que la sous-division des achats qui s'occupe d'environ la moitié des achats de terrain procède à une évaluation de l'opportunité de tel ou tel matériel du point de vue des faits récurrents?

D'un côté un peu plus formel, mais à notre avis aussi important, nous suggérons au Commissaire aux comptes de faire ressortir dans *ses* rapports les points saillants, notamment ses recommandations, par exemple en les encadrant. Par cette présentation le travail des délégués sera facilité, ceci pour la période de rapport tout comme pour le contrôle du suivi qui a été donné aux recommandations du Commissaire aux comptes.

Dans ce contexte, notre délégation propose à la Conférence de prier le Directeur général de faire rapport à la prochaine Conférence sur les progrès réalisés dans l'application des recommandations du Commissaire aux comptes.

En troisième lieu, j'aimerais répéter la suggestion que notre délégation a déjà faite il y a deux ans et qu'elle juge d'un intérêt tout actuel vu l'état financier de l'Organisation et la peine de beaucoup de pays membres de trouver les moyens nécessaires pour cette Organisation: nous proposons que la Conférence demande au Commissaire aux comptes de lui présenter à sa prochaine session une comparaison de l'augmentation des coûts budgétés avec les augmentations réelles des coûts constatés dans les dépenses effectives de la période en question et de faire part de ses suggestions éventuelles.

Nous aimerions également que le Commissaire aux comptes examine comment pourrait être améliorée l'information à l'intention des pays membres sur l'évolution du coût et de l'efficacité dans les différentes activités de la FAO.

Finalement, nous serons prêts à approuver les comptes tels que présentés.

**EL PRESIDENTE:** Muchas gracias distinguido Representante de Suiza por su declaración, se ha tomado atenta y debida nota por la Secretaria de sus sugerencias que han sido sumamente constructivas.

¿Alguna otra delegación desea hacer uso de la palabra sobre el tema? No veo a ninguno. Distinguidos delegados, hemos escuchado las observaciones que han hecho cada una de las distintas delegaciones que han hecho uso de la palabra. La Secretaria las ha tomado en cuenta y entiendo que existe un consenso en la Sala para aprobar los informes que tenemos ante nuestra vista y resaltar la labor realizada.

Tenemos que tomar en cuenta si debemos aprobar el proyecto de Resolución. Me ha pedido la palabra el distinguido Sr. Mehboob.

**Khalid MEHBOOB (Assistant Director-General a.i., Administration and Finance Department):** I just would like to make a brief comment on one or two aspects which have been mentioned. One is the uniformity in presentation of financial data and the financial statements. This is a question which is

being discussed in the UN system at present. It is under review by CCAQ, which is the Consultative Committee on Administrative Questions. FAO is participating in these discussions. There is a working party formed to review this whole aspect and FAO will be participating actively in these discussions. We will have to have some other discussions with the External Auditor because it affects his programme, his terms of reference, etcetera.

**EL PRESIDENTE:** Muchísimas gracias distinguido Dr. Mehboob por su importante aclaración.

Como decía a la Sala hace un momento, y gracias a las explicaciones otorgadas, ustedes saben el Consejo subscribió la opinión del Comité de Finanzas y sus recomendaciones y acordó remitir a la Conferencia la Resolución que ustedes tienen en el documento C 91/LIM/19. De las declaraciones hechas hasta este momento, entiendo hay acuerdo para la adopción de esta Resolución.

Queda adoptada. Muchas gracias distinguidos delegados.

30. Scale of Contributions 1992-93

30. Barème des contributions 1992-93

30. Escala de cuotas para 1992-93

**EL PRESIDENTE:** Nos corresponde enseguida abordar el tema 30 de nuestro programa. Escala de cuotas para 1992-93, y los documentos C 91/LIM/4; C 91/LIM/4-Corr.1; y C 91/LIM/37.

Sobre el particular desearía solicitar al distinguido Sr. Mehboob, si nos pudiera hacer la introducción respectiva de este tema.

**Khalid MEHBOOB (Assistant Director-General a.i., Administration and Finance Department):**

In accordance with past practice document C 91/LIM/4, containing a resolution concerning the scale of contributions to be adopted for the next biennium, is presented to the Conference in compliance with the recommendations of the Council. The Council noted at its Ninety-ninth Session in June 1991 that in accordance with the decision of the Eighth Session of the Conference in 1955 the FAO scale of contributions for the years 1992-93 have been derived from the United Nations scale of assessments. In this case the one in force for the calendar year 1991 as established by General Assembly Resolution 43/233 of 21 December 1988.

The appendix to the document sets out the proposed FAO scale for 1992-93 which has been modified since the recommendation of the Council to take into account the new members, Estonia, Latvia and Lithuania, admitted at the current session of the Conference.

The revised scale of contributions is provided in document

C 91/LIM/4-Corr.1. The assessment rates for these three Member Nations have been calculated by the UN Statistical Office based on the income data provided by them for the entire statistical period using the same methodology as for other Member Nations. Assessment rates of Member Nations in the UN scale are lower than in the FAO scale since there is a difference

in membership which requires a pro rata increase in the UN assessment rates in order to arrive at an FAO scale of a full 100 percent.

For example, the rates resulting from the recommendation of the United Nations Committee on Contributions of .06 percent for Estonia, .11 percent for Latvia and .13 percent for Lithuania, become .07 percent, .13 percent and .15 percent, respectively, in the FAO scale.

The scale generally represents a decrease in the percentage assessment rates of countries other than the USA, which has a special assessment rate, and the countries with minimum assessments due to the admission of the three new Member Nations together with the inclusion of the former German Democratic Republic which was not a member of FAO in the State of Germany.

My colleagues and I would be pleased to answer any questions which may arise.

**EL PRESIDENTE;** Muchísimas gracias distinguido Dr. Mehboob por su importante declaración y sus informes a la Comisión, especialmente en lo relativo a la actualización realizada por el ingreso de estos nuevos miembros.

Distinguidos delegados, ofrezco la palabra sobre este tema si alguien desea hacer uso de ella.

La distinguida delegada de Kuwait tiene la palabra.

**Ms Fatimah H.J. HAYAT (Kuwait) (Original language Arabic):** I have a question. This concerns the accession of new Member Nations to FAO. As a result of their accession there has been a change, an amendment, to certain contributions. Kuwait's contribution has gone down by 0.01 percent. It was 0.35 percent and it is now 0.34 percent. Was this decrease due to the accession of new Member Nations or was it occasioned by new criteria adopted in the UN System by the UN Committee on Contributions.

**EL PRESIDENTE:** Muchísimas gracias distinguida delegada de Kuwait por su importante declaración. Desearía consultarle al Sr. Mehboob si acaso tiene la bondad de dar respuesta a la inquietud de la distinguida delegada.

**Khalid MEHBOOB (Assistant Director-General a.i., Administration and Finance Department):** The decrease is as a result of the admission of new Member States.

**EL PRESIDENTE:** Muchísimas gracias por su explicación, distinguida delegada queda usted satisfecha por la respuesta, me imagino.

El distinguido delegado de Zambia me ha pedido la palabra.

**Francis MBEWE (Zambia):** My question relates to the absolute figures that are going to arise as a result of this share of contributions. I looked through the documents but I do not seem to see the actual figures that

relate to the contributions for next year. Maybe as we proceed with the Conference - the budget was approved yesterday and these figures may not be out - but having the share of contributions here, I wish to request the Secretariat that in the course of the Conference we should also be provided with the absolute figures, which will be the assessments for at least next year, so that by the time we go back those of us who are supposed to be making budgets for 1991-92 contributions will know what it is that we are to contribute next year.

**Frederic A. HEIM (Director, Financial Services Division):** You are correct that yesterday the budget level and the appropriation level was established. Today we will be establishing the scale of contributions. Once these two actions are complete, the Secretariat will prepare a booklet that will be distributed to all of the Members, probably early next week, that will combine these two items and show what the actual assessed contributions will be for Member Nations for 1992. That will be distributed to all Members early next week.

**EL PRESIDENTE:** Muchísimas gracias, señor Director, por su explicación. Distinguido delegado, le satisface la explicación? Muchas gracias. Señores delegados, alguna otra intervención sobre el tema? No veo ninguna.

Tengo la impresión, entonces, que puedo asumir que la Comisión aprueba, con las observaciones hechas con oportunidad por cada una de las intervenciones que hemos escuchado, lo relativo al tema. En consecuencia, debemos decidir, distinguidos delegados, sobre el proyecto de Resolución que figura en el documento C 91/LIM/4, sobre la escala de cuotas, entendido su corrigendum 1.

El Dr. Mehboob me pide la palabra para hacer una aclaración acerca de un error que se ha deslizado.

**Khalid MEHBOOB (Assistant Director-General a.i., Administration and Finance Department):** It is on document C 91/LIM/4 in the Draft Resolution for the Conference. The last line of the Resolution, which says, "... adopts for use in 1991." That 1991 should read 1992-93, and not 1991.

**EL PRESIDENTE:** Entiendo que en el texto francés y español está correcto. Creo que esta corrección es válida exclusivamente para el texto en inglés. Me confirman que es así.

Señores delegados, en vista de lo dicho anteriormente, presumo la aprobación para este proyecto. Queda aprobado.

31. Financial Position of the Organization

31. Situation financière de l'Organisation

31. Situación financiera de la Organización

31.1. Status of Contributions

31.1. Etats des contributions

31.1. Estado de las cuotas

**EL PRESIDENTE:** Nos corresponde enseguida analizar el tema 31 de nuestra agenda: Situación financiera de la Organización; también el tema 31.1: Estado de las Cuotas (C 91/LIM/11; C 91/LIM/32; C 91/LIM/45); asimismo, el punto 31.2 relativo al estudio en profundidad sobre la cuestión de las cuotas pendientes y atrasadas (C 91/LIM/20).

**Khalid MEHBOOB (Assistant Director-General a.i., Administration and Finance Department):** Document C 91/LIM/32 has been prepared in order to provide the Conference with an update on the contribution position as of 18 November 1991 and to detail the amounts received since the last session of the Council.

Before proceeding further, I should like to highlight that the financial situation of the Organization has deteriorated. The high amount of arrears - about US\$138 million - which are outstanding has made the Organization's financial position precarious. Any late payments and arrears have a negative impact on the programme approved by the Conference, but especially so when arrears and late payments involve the major contributors, two of which, for example, account for about 38 percent of the contributions to the budget. Based on the experience of the last couple of years, there appear to be two courses of action to deal with such a situation. One is to have the Working Capital Fund and the Special Reserve Account at an adequate level to provide a safety net for the Organization. Since you will be dealing with these two accounts under a separate agenda item later on, I will not go into any details on them here.

The second course of action which the Organization has been forced to follow in the current biennium is to go in for borrowing. The Organization was compelled to resort to borrowing during the course of this year and may have to do so again. In fact, when the expected payment from the major contributor is not received in early December, then additional borrowing will become necessary.

Let me now very briefly walk you through this document. Paragraph 3 of the paper shows the amount outstanding at the beginning of the year divided into current assessments and arrears, the amounts received until 18 November 1991, and finally, the amount outstanding at this date together with comparative figures for the year 1990. Paragraph 4 of the paper enables a comparison of the rate of receipt of current contributions on a month-by-month basis during the last five years. Paragraph 5 of the paper gives you an indication of how many Member Nations have paid their current assessments in full, in part, or not at all, and of how many currently have arrears of contributions due to the Organization.

The Appendix shows you in the first column receipts credited in 1991 in respect of current contributions as well as arrears. The second column shows the current assessments outstanding. The third column shows arrears of assessed contributions outstanding. The fourth column shows total of assessed contributions outstanding. The last column shows the total amount outstanding as a percentage of the 1991 assessment.

I turn now to document C 91/LIM/45. Members will have received a corrigendum to this paper, C 91/LIM/45-Corr.1, which provides information on the financial position of the Organization as of 31 October 1991. This document also includes a summary of the cash flow to 31 October 1991 and a

forecast for the months of November and December. Paragraphs 2 to 4 summarize the situation compared to the effective working budget voted in Conference Resolution 10/89 in which it is expected that the full appropriation will be utilized. Paragraphs 5, 6 and 7 summarize the contributions received, outstanding, and in arrears on 31 October 1991. This information has been updated in C 91/LIM/32, to which I have already referred.

The situation regarding the Working Capital Fund is covered in paragraph 8. You will note that the balance of US\$18 million had to be advanced to the General Fund in June of this year to finance budgetary expenditures pending receipt of contributions.

Paragraph 9 refers to the Special Reserve Account. The average UN operational rate of exchange for the 22 months to October 1991 of Lit. 1 216 to the US dollar has been consistently below the rate of Lit. 1 335 established for the budget. As a result, additional staff costs amounting to US\$17.6 million have been charged to this account. Further net losses on exchange which have amounted to about US\$5.3 million have also been transferred to this account. The account is now in deficit. At the end of the biennium, the deficit will be transferred to the General Fund.

Paragraphs 10 through 12 summarize the cash flow situation. This is supported by the graphic presentation and details in Appendixes A and B. You will note that as a result of the late receipt of contributions from major contributors, the Organization was compelled to resort to borrowing, both internally and externally. This reached a peak of US\$85 million in October. However, following the receipt of some contributions in October 1991, the Organization was able to repay US\$45 million of external borrowing on maturity at the end of October and in early November. The extent of further borrowing required to meet the expenditures to the end of the year will depend on the timing of the receipt of contributions outstanding from the major contributor.

We would be pleased to answer any questions that may arise.

**EL PRESIDENTE:** Muchisimas gracias Dr. Mehboob por su importante introducción a este tema y por sus explicaciones sumamente esclarecedoras.

Distinguidos delegados, ofrezco la palabra para debatir el tema que estamos tratando.

**Ms Teresa D. HOBGOOD (United States of America):** As we have stated on numerous occasions, President Bush has committed to restoring financial stability to international organizations, including FAO. As evidence of his strong commitment, the United States paid FAO US\$13.7 million toward our arrears in October. We also paid over US\$34.9 million of the amount the United States Congress appropriated for our calendar year 1991 assessment to FAO. We will make every effort to pay an additional US\$34.9 million, the remaining amount of our calendar year 1991 assessment to FAO, before the end of the year. Let me reiterate what we have stated with respect of our schedule of payment of arrears. For fiscal year 1992, FAO's calendar year 1991, some US\$92.7 million was appropriated to international organizations to pay arrears. Of this, US\$92.7 million, US\$22.6 million was made

available to FAO. However, we can make no firm guarantees at this time that all of these funds - that is, the US\$22.6 million - will be provided, since our first priority will be to pay our assessed contributions to international organizations in full. Let me assure you that we will make every effort to provide FAO as close to US\$22.6 million as we can by June 1992.

Turning to documents C 91/LIM/32 and C 91/LIM/45, we note that 79.06 percent of current assessments were received as of 18 November. With a payment of US\$34.9 million by the United States in December 1991, the percentage of current assessments received will rise to over 91 percent. This is the highest percentage of current assessments received since 1987 and in our view clearly represents a positive development. We also note that as of the end of October 1991, FAO received contributions of over US\$510 million from 1 January 1990 to 31 October 1991.

This figure compares favourably with the expenditure figure of 482.9 million dollars in document C 91/LIM/45. Having said that we cannot understand why FAO would need to borrow funds externally next year, and seek the Secretariat's clarification on this point.

As my delegation stated yesterday, we are opposed to external borrowing since it undermines the budgetary discipline we have been seeking throughout the UN system over the past decade. In addition, US Law prohibits us from paying interest costs incurred through external borrowings.

Finally, we are dismayed that C 91/LIM/45-Corr.1 was issued to Member States at the same time this agenda item was discussed. This clearly does not provide my delegation with an opportunity to examine carefully and to raise very important questions with respect to the assumptions upon which information contained in this document is based.

**EL PRESIDENTE:** Distinguida delegada de los Estados Unidos de América, su declaración ha sido muy importante y ha efectuado algunas preguntas a la Secretaría.

**Frederic A. HEIM (Director, Financial Services Division):** We certainly can acknowledge and confirm the amounts the delegate from the United States has indicated have been paid to the Organization. These amounts certainly have been paid, and they are duly recorded in the information that has been furnished to you.

The reason that we indicate that additional external borrowing may be required is dependent upon the specific cash requirements at a given time. In his introduction Mr Mehboob indicated that depending upon the timing of the receipt of the money from the United States in December would have an effect on whether we have to borrow again in December.

. As you will see from the cash flow statement before you, our balance of cash at the end of November is expected to be almost nothing. That we will have a payroll about 17 December amounting to US\$15 million from the Regular Programme.

If the US payment is not received early in December we will have to borrow in order to meet these payments.

However, when that money is received the loans would be repaid to the extent it is possible to do so. If some of the arrears that the delegate has talked about could be paid in December it would avoid the need for additional external borrowing.

So the very fact that money is received in December, late December, would not necessarily avoid our having to borrow for payments to be made early in December.

As I mentioned, much of this is dependent upon when we need the money to pay ongoing bills. The same thing is true in terms of 1992. The delegate has mentioned that whereas the United States has paid very significant sums in this last year and the total expenditures as well as total income may be about the same, we again foresee problems with having cash shortages at particular times and may very well need to borrow again in order to meet these short-term requirements. The Director-General and the Organization have no desire to borrow. It is only as a last recourse that borrowing is undertaken and that the funds borrowed are intended to be repaid at the earliest opportunity upon receipt of additional funds to do so.

I hope that clarifies the question, Mr Chairman.

**Ray ALLEN (United Kingdom)** : My delegation fully recognizes the financial difficulties that the Organization has experienced in recent years. We recognize too the often painful decisions that have had to be made. Recognizing the fact, or sympathizing with the predicament does not, however, make the problem go away.

It is the view of my delegation, Mr Chairman, that recourse to external borrowing simply compounds the problem. Problems of borrowing are well known. We have long advocated the prioritization in cutting out of programmes, and projects of less priority could ease some of the burden. But, Mr Chairman, given the magnitude of the problem this alone may not be the complete answer. We note from document C 91/LIM/32 that as at 18 November of this year only 66 Member States have paid their assessed contributions in full, 26 have made only part payment and 65, I repeat 65, have made no payment at all.

Coupled with this, 66 countries are in arrears. C 91/LIM/11 shows 23 countries owe arrears in such an amount that they were, if the rules were strictly applied, in danger of losing their right to vote.

Paragraph 9 of C 91/LIM/11 states that it would be unfair to penalize those countries unable to pay for reasons beyond their control.

Mr Chairman, this Organization works on the UN scale of assessments which is designed to put an equal burden on all nations. We have just adopted that scale. I would therefore urge that all Member States make their best endeavours to pay their assessed contributions. Those members who do meet their assessed contributions should not be made to carry the whole burden. We should not have to rely on only 66 members to meet their obligations, and I repeat that the burden on most of these members is as great as that

on the others, to shoulder the weight and see an agreed Programme of Work that they have paid for in full cut back because of lack of funds.

This, Mr Chairman, does not in any way relieve the Secretariat of its responsibilities to ensure that the money it does receive is spent on areas that the membership have identified as a priority.

Finally, Mr Chairman, and with all due respect, as mentioned by the United States delegation the provision of the updated cash flow provided in C 91/LIM/45-Corr.1 at this very late stage gives us no time to fully analyze the figures for this debate.

**Ms Fatimah H.J. HAYAT (Kuwait) (Original language Arabic):** I see that today it is proper to declare the situation of my country vis-à-vis its due contributions because I have learned through a cable three days ago that Kuwait has paid all its assessed contributions and all arrears since 1990 and even before, an amount of one million seven hundred thousand US dollars.

There remains the amounts outstanding for 1991. Kuwait was not in arrears for logical reasons, I might say, but for the harsh conditions we go through now because officials are busy with priorities and we have been promised that before the end of this year Kuwait will pay all outstanding amounts regarding the contributions of 1991.

I regret that this document was issued on 18 November, the date of my receipt of the cable from Kuwait, therefore Kuwait was not put in its proper place. Therefore I do expect, Mr Chairman, that an updated document will be issued following this one which will clarify the situation of Kuwait and we can use this as a reference to convince my authorities to pay the amounts due.

**Gerhard LIEBER (Germany) (Original language German):** Having heard the various statements, particularly the statement by the United States delegation, we too now are very glad to welcome a structural improvement in the financial situation of the Organization, an Organization which was financially sick for so long. We hope that soon also the cash flow situation will be normalized in such a way that external borrowing can be precluded.

Now, Mr Chairman, when I spoke to Agenda Item 16 on the Programme of Work and Budget for 1992-93 I pointed out that whatever budget one discussed and agreed with the appropriations contained in it, it would only be meaningful if the receipts needed for its financing are actually received. In the past, alas, we have seen, and we hope that this is over and done with, that this was not always the case with FAO, and that this situation unfortunately still prevails.

The financial problems occasioned thereby for the Organization, and this is also something which we have seen in the past, these problems at the end of the day become a burden on those Member Nations who pay their assessments to the Organization in time. Internal and external borrowing forms an extra burden then on those nations. This is something we have a particular problem with. This is particularly true for the intended increase of the

Working Capital Fund, and the replenishment of the Special Reserve Account. I will be addressing our concerns with these matters when we come to Agenda Item 32.3. Thank you Mr Chairman.

**Eivind HOMME (Norway) :** My delegation would like to take the floor to support what has just been said by the delegate of the United Kingdom about external borrowing and the status of contributions. Norway has, together with other Nordic countries, repeatedly urged all Member States to fulfil their legal obligations to pay in full and on time. We truly hope that after the consensus budget that was adopted yesterday, and the positive information provided by the delegate of the United States of America today, that this situation will be considerably improved for the next biennium.

Norway appreciates the efforts of the Finance Committee and the Secretariat to seek for ways and means to encourage prompt payment of contributions. We are not sure, however, if the suggested discount scheme, which will provide a credit to Member Nations for early payment, is the right way to go. I say so, although my country is among those Member Nations which clearly would benefit from such a scheme.

My delegation will not fail to mention that a number of developing countries, despite serious financial problems at home, have paid their contributions in full. We would like to express our appreciation for their efforts to do so.

In concluding, I would appeal to all Member Nations in arrears to do their utmost to settle these during the next biennium.

**EL PRESIDENTE:** Muchisimas gracias al distinguido delegado de Noruega por su declaración, gracias por su constructivo llamamiento y sus observaciones.

**Ernst ZIMMERL (Austria) (Original language German) :** I am obliged to the Secretariat for their overview of outstanding obligations of Member Nations to the Organization, and also the Organization's obligations in terms of debts. I would like to know what the level of FAO's internal debts are and the level of the debts to banks. I would like to know what the level of FAO's obligations towards suppliers of goods and services at a given day were, say 31 October. What was the level of the unpaid bills? In that connection, what were the repercussions on prices charged by suppliers if the FAO had to lengthen its period of payment.

**Jovan TEGOVSKI (Yugoslavia) :** I would like to note that Yugoslavia fully recognizes the deteriorating financial situation of the Organization, and to express our readiness to engage ourselves in constructive cooperation concerning the FAO's financial position.

As you are aware, Yugoslavia has always been among those countries which, although with a certain delay, regularly paid their contributions. Unfortunately political and economic changes in the country have caused a significant delay with respect to Yugoslavia's payments of its contributions to the FAO budget. For quite some time now the Federal budget has had no revenues since no payments were received from the Republic and

Provinces. That is the main reason why Yugoslavia has paid only a small portion of its contribution in the course of last year, and why this year no payment has been made whatsoever.

Bearing in mind the situation, we are unable to specify when the payment will be effected, but we would like to assure you that a number of measures have been taken so as to meet at least last year's obligation. Thank you Mr Chairman.

**EL PRESIDENTE:** Muchísimas gracias distinguido delegado de Yugoslavia por su importante declaración, y hacemos voto porque la solución sea la mejor para el distinguido pueblo de Yugoslavia.

**Maria De Lourdes DUARTE (Cap-Vert):** A l'instar des déclarations précédentes ma délégation aimerait vous faire savoir que le Cap-Vert a pu s'acquitter du montant de sa contribution pour 1991. En effet, hier la FAO a reçu le montant dû dont le transfert a été fait au début du mois de novembre.

**Jean-Pierre POLY (France):** En fait ma délégation a déjà fait savoir, lors de la dernière session du Conseil, ses vives préoccupations sur la situation financière précaire de notre Organisation qui, nous le savons tous, a dû recourir aux emprunts pour éviter de trop sévères coupures, parfois non sans arbitraire, dans nos programmes.

Nous voulons voir toutefois dans les signes enregistrés ces dernières semaines et dont vient de faire état le Secrétariat quelques raisons d'espérer puisque nous avons constaté le versement de certaines contributions et arriérés de contributions. Peut-être faut-il voir là les prémises d'une discipline budgétaire restaurée.

Nous voulons croire également que le programme et budget adopté hier par notre Conférence, par consensus, bénéficiera enfin, conformément aux déclarations enregistrées, des moyens nécessaires à son exécution.

**Björn WULF (Sweden):** The availability of relevant resources is one prerequisite for a sound financial management of FAO in carrying out the responsibilities entrusted to it. We cannot allow the Organization to constantly operate under financial uncertainties and, at the same time, expect that all activities are carried out to complete satisfaction.

The programme planning and other activities must trust that means are available for the authorized expenditures. My delegation notes once again with regret that this has not been the case. The magnitude of arrears and delays in payment of the current assessments continues to be a reality.

We therefore urge all Member States that have not yet done so to fulfil their legal duty to pay their contributions on time and in full, so that FAO can retain the capability to respond to the tasks required of it.

Mr Chairman, it is deplorable to see from document C 91/LIM/32 that the figure of payment in full and the figure of no payment are almost equal.

**Christian BONAPARTE (Haïti):** Je souhaitais apporter deux points à ce débat: tout d'abord, le Gouvernement que je représente, Haïti, fait partie des PMA, parmi le groupe des pays moins avancés le seul, comme je l'ai déjà souligné, de l'hémisphère nord. Cependant nous essayons malgré nos difficultés, de nous acquitter de nos contributions et les états financiers montrent que, comparativement à d'autres pays qui ont des moyens beaucoup plus larges que les nôtres, nous ne sommes pas aussi en retard, nous faisons des versements tant bien que mal.

Ceci me permet de m'étonner, à la lecture du rapport C 91/LIM/11, notamment aux paragraphes 6, 7 et 8, du nombre très important de membres, qui ne font pas partie des PMA ou des pays qui n'ont pas vraiment de ressources comme nous, qui n'ont rien versé. Soixante-quatorze Etats Membres n'ont rien versé en 1991.

Deuxième point: nous remarquons aussi que seulement sept Etats Membres représentent une contribution à verser de 130 millions de dollars, ce qui est énorme.

C'est ainsi que je me demande dans quelle mesure nous pourrions voir le Secrétariat ou l'Organisation établir ou demander certains types de garanties pour pouvoir obtenir le versement des arriérés à l'Organisation, tel qu'il se doit.

Les paroles et les promesses ne sont pas mises en doute, mais pour assurer la fiabilité de l'Organisation et pour arriver à finaliser le Programme tel qu'il a été proposé il nous faut des garanties.

J'aurais souhaité avoir des réponses sur ces questions.

**EL PRESIDENTE:** Muchísimas gracias distinguido Embajador de Haiti por su declaración, se ha tomado nota de ella.

No veo otras delegaciones que deseen hacer uso de la palabra.

Le rogaria al distinguido Dr. Mehboob si tuviera a bien responder a algunas inquietudes que han sido planteadas durante el análisis del tema.

**Khalid MEHBOOB (Assistant Director-General a.i., Administration and Finance Department) :**

One of the concerns was from the distinguished representative of Kuwait about the payment from her country. We have received today a payment which is about 1.7 million dollars but it does not say who it is from, and we are trying to identify the country from which it is coming because other countries have about the same payments. We will obviously issue an update as soon as the bank gets back to us as to who is the sender of this money. Mr Chairman, it was an unidentified payment.

There was another question from the distinguished representative of Austria about the FAO's indebtedness to external banks and internal funds. We owe at the moment US\$10 million to an external bank. As I pointed out in the paper, at one point we had substantially more external borrowings which we paid back in October; US\$10 million is outstanding of the external borrowing, and US\$30 million from internal borrowing.

Those are the only borrowing figures outstanding.

As for the question about the unpaid bills, this is not an easy figure to produce since all our procurement cuts across the various programmes, Regular Programmes, Trust Funds and UNDP. It would not be possible to produce a figure without going into considerable research but if the distinguished representative of Austria wishes some detail on this aspect we would be happy to meet with him and see if we can satisfy his desire for this information.

I do not think there were any other questions. May I make a brief comment on borrowing?

The Organization, as I pointed out in my introduction, was compelled to borrow because of the extremely high figure of arrears - in fact, the highest the Organization has ever had - as well as late payments regarding the current assessments.

The borrowing was done in accordance with the authority given by the Conference to the Director-General. It was done to implement a Programme of Work and Budget which has been approved by the Conference. For the Organization that is the mandate given by Conference to implement the Programme. That is what the Organization has attempted to do.

**Ernst ZIMMERL (Austria) (Original language German) :** From what has been said by the Secretariat concerning unpaid bills, I can well imagine that it is very difficult to list these but could this perhaps be provided in the future? Before Conference you produced a conspectus of unpaid bills as of 31 October.

Also, you did not field the point about the periods for payment. Did we, as a result of the financial crisis, have to extend periods for payment?

**Khalid MEHBOOB (Assistant Director-General, a.i., Administration and Finance Department):**

If I have understood the question correctly, it is referring to the borrowing which we have of US\$30 million internal borrowing and US\$10 million external borrowing. Yes, the US\$30 million was borrowed in June and we have not been able to pay it back. So that is the internal funds. The US\$10 million external we have been expecting from month to month and recently from week to week because the contributions have not come in. We have been extending these borrowings pending receipt of funds.

**Ray ALLEN (United Kingdom) :** I would like to support what has been said by the delegation of Austria. I think the whole Conference would be interested in having the detail of the figures for unpaid bills. My delegation certainly would be interested. If the information could be provided to the Conference I would be grateful.

**Frederic A. HEIM (Director, Financial Services Division):** With advance knowledge that the information is desired, it most certainly can be prepared as to the amount of outstanding bills that do exist.

You will understand, I am sure, that will be prepared on the various funds we have, the Regular Programme which we are talking about here today, but it also impacts upon the United Nations Development Programme as well as the Trust Fund Programmes. Those figures are significant in themselves for their individual programmes.

**EL PRESIDENTE:** Muchas gracias distinguido Director por su respuesta.

Señores delegados, no hay más delegaciones que deseen hacer uso de la palabra. En vista de ello, entiendo que la Comisión desearía dar por aprobado y superado este ítem de nuestra agenda para, con las observaciones y declaraciones que se han formulado y de lo cual la Secretaría ha tomado atenta y debida nota, pasar a la consideración de nuestro siguiente punto del orden del día. Señores delegados, es el tema 31.2.

Dr. Mehboob, por favor, para la introducción de este tema tiene la palabra.

31.2. In-depth Study on Question of Contributions Outstanding and in Arrears

31.2. Etude approfondie de la question des contributions restant dues et des arriérés de contributions

31.2. Estudio en profundidad sobre la cuestión de las cuotas pendientes y atrasadas

**Khalid MEHBOOB (Assistant Director-General, a.i., Administration and Finance Department):**

Document 91/LIM/20 addresses the measures proposed to encourage Member Nations to make prompt payment of their contributions. In this paper the Director-General proposes a discount scheme which would provide a credit to the Member Nations for early payment of their assessed contributions.

The subject was discussed at the Hundredth Session of the Council, following the recommendations of the Seventy-second Session of the Finance Committee in September this year. Paragraph 3.76 (a) (b) (c) and (d) of Appendix A, which is an extract from the report of the Finance Committee, explains the proposed rules to be applied in operating the scheme.

As stated in (a), a Member Nation could earn a discount if the full amount of its assessments were paid prior to 31 March of the year of assessment. Paragraph (b) provides that the discount earned would be credited to the Member Nation in the year after payment and would be used to reduce the payment required for that year. Paragraph (c) provides that the discount credited to Member Nations would not exceed the interest earned on Regular Programme funds during that year. Because of this provision, the scheme would not create a deficit in earnings from investments.

As pointed out in paragraph (d), Member Nations who have arrears outstanding would not qualify for the discount treatment on their remittance until the arrears were settled in full.

We would be pleased to supply any details on the Scheme should the Members so desire.

**EL PRESIDENTE:** Gracias Sr. Mehboob por su intervención. En realidad, ha estado relacionada con el tema 31.2: Estudio en profundidad sobre la cuestión de las cuotas pendientes y atrasadas, documento C 91/LIM/20.

Es éste el punto en realidad que estamos en discusión, y la introducción del Dr. Mehboob ha sido para este punto en específico antes de pasar al que habla mencionado hace unos momentos.

Sobre este punto 31.2 de nuestra Agenda me ha pedido la palabra la delegación de Australia.

**John Bruce SHARPE (Australia):** My delegation considers that all - and I repeat "all" - Members should endeavour to meet their financial obligation to the Organization. Without a cash flow, many of the positive developments of FAO's programme of work cannot be achieved. An alternative is to borrow, something Australia strongly opposes. With borrowing there is a cost involved in the form of interest which reduces the funds available to the programme of work. There is also the principle involved that, while the problem has its origins in non-payment of contributions and arrears by some countries, the cost of borrowing is met by those funds provided by countries such as Australia who have regularly met their contribution obligations.

As a member of the Finance Committee, Australia has been a party to the careful consideration which has been given by that Committee to means for encouraging Members to pay their contributions. That Committee looked at a number of alternatives. Those that involve penalty elements were rejected because they were inequitable. Firstly, they disadvantaged those developing countries who, because of economic circumstances, were having difficulty in meeting their payments. Secondly, it disadvantaged those countries who, because of their domestic budgetary arrangements and timing, were required to make their payments later or in the second half of the year.

Australia, who always makes its annual contribution and who is never in arrears, falls within that category.

The Finance Committee is putting forward its proposals based on incentives. In doing so, it complies with Council's directives that penalty schemes not be included in measures proposed.

Australia is the country mentioned in the Council report in C 91/LIM/20 as recommending that, in determining the application of the rate of discount, the Director-General should consult with the Finance Committee. Unfortunately, we have some reservations about whether the proposed discount scheme will accomplish the desired objective of encouraging Members to pay their assessed contributions promptly. There are too many other factors involved. We hope that it will. As a country which wishes to see Members fully meet their financial obligations, we support FAO in trying the discount scheme proposed.

**XU NAN-SHAN (China) (Original language Chinese):** First of all, I would like to express my appreciation of the Secretariat for the document it has prepared on the financial position of this Organization. I also thank you for your introduction.

We all know that the successful implementation of FAO's programme of work is entirely dependent upon the timely payment from its Member States. Now, due to arrears arising from the late payment of some country assessments, this Organization has encountered serious problems in programme implementation. As a result, the Director-General has to resort to borrowing in order to keep the Organization running. Therefore, we would like to make an appeal to all Member States to honour their financial obligations towards FAO and pay their contributions on time, so that FAO can function properly.

We have also taken note of the measures put forward by the Director-General to encourage timely payment of contributions. These measures may not solve all the problems but we believe they will facilitate the payment of contributions. Therefore, before more effective measures are found, we would like to give our support to the measures already proposed.

**Nedilson Ricardo JORGE (Brazil):** I would just like to know what item are we discussing? I had the impression we had moved to Item 32, but listening to the interventions I would like to clarify if we are still discussing Item 31, 31.2 or 32?

**EL PRESIDENTE:** Lo aclaré hace unos instantes atrás. El Dr. Mehboob hizo la presentación del tema 31.2: Estudio en profundidad sobre la cuestión de las cuotas pendientes y atrasadas, C 91/LIM/20, que es al que nos estamos refiriendo. Luego pasaremos al otro tema que habíamos mencionado. Faltaba esa introducción y los señores delegados han intervenido sobre este punto en particular. ¿Le queda perfectamente claro? Muchas gracias.

**Vanrob ISARANKURA (Thailand):** On this sub-item 31.2, my delegation would like to offer two comments as follows: First, we agree with the majority of the Finance Committee views as mentioned in paragraph 3.73 of Appendix A of document C 91/LIM/20. In order to prevent the difficult cash flow situation for our Organization, the Director-General had to exercise his authority to borrow given by the Council and the Conference and to make a provision for this situation through inspection and the Working Capital Fund.

Secondly, we fully support the scheme to provide a credit to the Member Nations for early payment of their assessment as contained in paragraph 3.76 of the same Appendix of the document.

We strongly believe that this scheme would accomplish the desired objective of encouraging at least some Member Nations to pay their assessment promptly. Therefore, we would like to suggest that we should launch this scheme as soon as possible.

**Takayoshi ISHIDERA (Japan):** On behalf of my delegation, I would like to explain our point on the contribution for this year. Japan has never been in arrears with its contribution as the second largest contributor to FAO. We paid our contribution for this year on 29 October in order to relieve the financial difficulty of the Organization, while the exchange rate at the time was higher than that set in the budget and the deficit caused by

the difference of exchange rate must be offset by other items in the budget.

In this way, Japan has made every effort to pay the contribution as early as possible. As we are fully aware that each country has respective budgetary systems. Japan has its own fiscal year which is from April to March. Before this period we cannot carry out any disbursement of the contribution to the major international organizations until the budget is approved by the National Diet and the exchange rate meets one which is set by the authorities when the budget was drawn up. Therefore, we sincerely and wholeheartedly request FAO to draw up adequate cash flow plans which will meet the time when the contribution of the member countries will be assumed to be paid so as to respond to the cash imbalance caused by the different budgetary systems of each member country. We believe that the adequate cash flow is essential before we consider the encouraged prompt payment of contributions and the introduction of any incentive system is not a realistic way, without taking into account the budgetary systems and financial difficulties of member countries.

In case penalty schemes to the delay are considered, Japan would like to stress that the measures should be stipulated in the Constitution.

In any case, we believe that it will be unfair and an unjustified action to apply the measures to the delay which will be caused by the domestic system in each member country.

**Christian BONAPARTE (Haiti):** J'ai écouté les délégations qui se sont exprimées ici et qui ont donné des avis différents quant aux mesures à adopter. J'appuie la proposition du Directeur général qui nous est faite car je pense que l'Organisation ne dispose pas d'autres moyens pour pouvoir parer à cette situation. Je crois que les recommandations du Comité financier sont valables et font avancer un peu les choses. Toutefois, certaines délégations ont mis en doute la capacité de ce système à accorder des crédits. Je pense que cela pourrait être opérant car nous n'avons pas encore les garanties que notre délégation souhaiterait avoir, à propos des pays membres les plus récalcitrants en matière de montants ou d'arriérés. Je pense cependant que ce système, basé sur la différence entre les intérêts perçus et sur laquelle une remise pourrait être envisagée, comporte une faiblesse qui est la suivante. Les taux d'intérêts sont différents dans chacun des pays membres et je pense que pour certains, il n'est probablement pas intéressant de payer plus tôt même s'il y a une remise, compte tenu de la différence entre les taux d'intérêts. Je crois que c'est une proposition qui pourrait être retenue par le Secrétariat. L'Organisation pourrait établir un relevé des taux d'intérêt pratiqués dans la plupart des pays des Etats Membres et les comparer avec les arriérés. Cela pourrait nous fournir des indications positives. Il s'agirait peut-être simplement d'un document d'information mais qui pourrait donner des éléments très pragmatiques sur la capacité de ce système et sur la bonne volonté de certains pays membres nonobstant les indications qui nous sont fournies au paragraphe 3.79 du document C 91/LIM/20. Les problèmes relatifs à l'approbation du budget sont fréquents et les considérations d'ordre politique interviennent toujours.

**Patrick Mutava NZUE (Kenya):** We have looked at document C 91/LIM/20 and we have taken into account the recommendations of the Finance Committee. I have one question to ask the FAO Secretariat. This has been a rather longstanding problem where the Organization has been facing this problem because we know some countries have been going through a dire economic situation causing many aspects.

The eighties have been described as a lost decade particularly in the African context. Could there be a clarification on the real problems because I am sure the Secretariat has been in communication with these countries that have high outstanding arrears? We have no problem in using the proposed incentives but we need to take into account the financial problems being faced by some of these poorer member countries that may not be able to pay even with incentives.

**Peter Rieuwer JANUS (Netherlands):** Mr Chairman, although my delegation has in principle no difficulty with the proposal submitted by the Director-General and the comments of the Finance Committee concerning the discount scheme, as with some other delegations, we are not entirely convinced that this method will be sufficient. We would therefore like to encourage the Director-General as well as the Finance Committee to continue its search for effective methods to encourage prompt payment of contributions.

**Mrs Birgitta STENIUS-MLADENOV (Finland):** My delegation, referring also to what was said by my Norwegian colleague on the previous agenda item, do not find the idea of giving a discount to those who pay on time as a professionally very stable ground to build an economy upon. Even if we were to be the ones to benefit from this system, we do have some reservations, but as so many delegations have expressed their views that it might encourage early payment, we think we could go on and give it a try on a sort of provisional basis.

**Francis MBEWE (Zambia):** My delegation has examined the document C 91/LIM/20. There are several questions really. The proposal assumes that people do not pay because they deliberately do not want to pay and, therefore, creating an incentive to pay may entice them to pay. I think maybe that analysis is correct for those that are able to pay and are agreeable to arm twisting by the Organization to advance their cause, but there are countries that just do not have the foreign exchange. Even if you apply the incentive, they may have the local currency in their budget, but to get it through the central banking system and get it over to FAO takes months. So, as other colleagues have said, we really do not know if the incentive that is being put before us will encourage payment. Maybe those that have the means to pay but deliberately do not want to pay may therefore take advantage of that incentive.

They have the local currency in the budget, and they are willing to release it to the central bank. At that point, it is beyond their control. As much as you would wish to have the money sent to Rome in time, it just does not get sent. It is in the queue. You put your money in in January, it is in the queue, and it gets released in May. It just did not get sent. So I think we need to look' at this problem in that context. Are people not paying because they just do not want to pay and twist the arm of FAO, or

are they not paying because they just do not have the currency that is required by FAO? I think those are the questions that need to be answered by this body. I think before we agree, we must understand the things that have caused people not to pay.

**Ray ALLEN (United Kingdom) :** The Secretariat will be well aware of the United Kingdom policy. We have always and will always comply in full with our obligation toward the Organization and will not fall into arrears in our assessed contributions to the budget. We are fully aware of the difficulties that arrears of assessment create for the financial management of the FAO. The United Kingdom assessed contribution for the current year has been paid in full. We have repeatedly expressed our opposition to external borrowing by the Organization. We believe that notwithstanding the difficulties created by late payments and arrears, borrowing undermines the financial discipline which has governed the affairs of the Organization. Resolution 18/87 embodies the principle that good payers should have priority in benefiting from the interest income element of any cash surplus. By the same logic, bad payers should shoulder the burden of interest payments due on loans contracted by the Organization. We would prefer to see a system adopted whereby the cost of borrowing - if that is finally embarked on - and I repeat, this is not favoured by my delegation - that the cost is borne by Member States in direct proportion to their outstanding contributions owing to FAO at the time any external loan was drawn. Thus, those Members up-to-date in their payments when a loan was drawn would make no contribution to the interest payment. This would be divided among those Members with assessments outstanding at the time of any external loan and calculated on a daily basis according to the timing of their payment.

We consider that the discount proposals could well lead to a level of assessments higher than is actually required. We would expect the Secretariat to provide an accurate assessment and not an overly inflated one. For this reason, we do not favour a discount scheme.

I would like to stress that we are in no way condoning external borrowing. This has been the course of action that the Secretariat has chosen in the past, despite our opposition. If those Member States who have precipitated the problem have to pay for the consequences, this may prove an incentive in itself.

**Björn WULF (Sweden):** Let me just make a short general comment on the notion of considering a discount scheme. My delegation is not at all convinced that this is an efficient way to encourage prompt payment. Maybe other ways should be looked into. I have no special proposal at this stage, but I think that we know that other organizations have this kind of incentive scheme, so maybe it could be worthwhile that the Secretariat look at how that scheme functions in other organizations and report to us later so that we can see if it is a good or a bad idea, as we have no experience ourselves in this Organization. Perhaps after that, we could take a more firm position on this in either direction.

As a final remark, let me just mention that, at least in my country, you do not get any discount if you pay what you are supposed to pay on time.

**Ms Teresa D. HOBGOOD (United States of America):** As a member of the Finance Committee, my delegation participated in the discussions on the discount scheme and did not oppose it for two reasons. First, the scheme would serve as an incentive scheme rather than a disincentive scheme. Second, it would be limited to interest earned on contributions received toward the Regular Programme. We agree with Australia that the Finance Committee should have an opportunity to engage in consultations with the Director-General on the amount of any discount to be offered to the eligible Member nations. In our view, this step is clearly consistent with the important mandate that the Finance Committee has been charged to be carried out.

**Ernest ZIMMERL (Austria)** (Original language German) : I can approach this proposal from a commercial angle as well, working out how much interest you would get by paying on time, say on 31 March, and working out how much interest I would save by paying at the end of the year. I could always say that I will always earn more if I keep my money and fork it out at the end of the year.

**Nedilson Ricardo JORGE (Brazil):** The Brazilian delegation thinks that the reasons for late payment are mostly because of financial and economic difficulties or, as some delegates have mentioned, administrative internal procedures. While bearing in mind these reasons, my delegation has doubts whether the incentives scheme is appropriate.

I would also like to repeat the views of my delegation on the question of external borrowing and the payment of interest, as some delegates have mentioned. The Brazilian delegation accepts external borrowing as a last resort and a temporary solution to the serious financial situation faced because we acknowledge the need of the Secretariat to manage the affairs of the Organization and to pay bills. We are confident that the Director-General will use this authority to borrow only in case of real need, to the extent necessary, and keeping interest costs to a minimum.

My Government is also confident that Member countries will not be required to make additional payments to cover the costs of these borrowings and their interest charges. We think that borrowing should have no future impact on the contributions of any Member country, particularly developing countries, bearing in mind the economic and financial difficulties these countries face, which are mostly due to the burden of their external debt. The Brazilian delegation, therefore, favours a reallocation of resources in order to repay loans as well as interest charges deriving from them and opposes raising the contributions of Member Nations. The payment of loans and interest rates should come from the total amount of received contributions without distinction. Indeed, we think they should come from the General Fund, as any interest payable on loans should be charged to miscellaneous income. The Brazilian delegation firmly opposes the idea that some Member countries could dissociate themselves from the payment of loans and interest charges, refusing to pay these costs. This cannot be accepted, not only because the authority of the Director-General to borrow has come from a Council Resolution endorsed by a Conference Resolution, but also because this would be unfair since it would then overburden specific countries. Such a situation would be particularly detrimental to developing countries with contributions in arrears due to economic and financial reasons, and not to political reasons or any lack of support for FAO. The

penalties for being in arrears have already been established, and they were accepted by every country. They cannot be altered now after the consequently authorized borrowings were made. Transferring the burden of these payments to specific countries constitutes, in practical terms, an additional penalty to countries with contributions in arrears. We also think that at this stage all Member countries must be in solidarity in this critical financial situation. My delegation deems it impossible to accept the introduction of the practice of formulating restrictions on the use of contributions, such as the payment of interest, for this practice could lead to serious distortions in the near future. It is also clear to us that there is no provision that allows countries to dissociate their contributions from the payment of interest charges. Anyway, any change in financial rules cannot be retroactive, and if proposed, we will be opposed to any changes in this sense because it would perpetuate what is going to be an unequal and unfair situation.

**Thomas YANGA (Cameroun):** Mon pays étant membre du Conseil financier a déjà eu à se prononcer sur les propositions qui nous sont faites par le Secrétariat concernant les mesures qui visent à accorder un crédit aux pays qui paieraient leur contribution courante dans un certain délai. Ma délégation reconnaît l'importance que revêtent les détails de paiement des contributions dans une situation financière difficile telle que celle que traverse la FAO depuis un certain temps. Le Comité financier avait, lors de sa Session de mai rejeté presque à l'unanimité des propositions du Secrétariat qui visaient à pénaliser les pays qui paieraient leur contribution en retard. Les nouvelles propositions faites par le Secrétariat l'ont été à la suite du rejet de celles qui visaient à pénaliser les pays qui paieraient en retard.

Ma délégation n'éprouve pas de difficultés à appuyer ces propositions. Toutefois nous tenons à faire remarquer que des pays comme le nôtre, ont un exercice budgétaire qui ne correspond pas à l'année calendaire. En effet, au Cameroun l'année calendaire va du mois de juillet à juin. Ces pays ne pourront pas profiter de ces mesures qui nous sont proposées parce que les dispositions réglementaires et parlementaires ne permettront pas de payer dans les délais prescrits par ces mesures.

Toutefois, reconnaissant l'importance, comme je l'ai dit au départ, du paiement rapide des contributions pour l'Organisation, nous n'avons aucune difficulté à appuyer ces mesures mais nous tenons à faire remarquer que certains pays ne pourront pas en bénéficier, non pas par manque de bonne volonté mais en raison des contraintes réglementaires intérieures.

**Vanrob ISARANKURA (Thailand):** I am sorry I have to take the floor again, since I think I am the first delegate to support this, that is to say that we support this scheme, but after some delegations spoke, I think I have to say something at least, when I heard the delegate from Brazil. He said that every country has some problem in paying the contribution, he mentioned about administrative procedure problems. That is why I think if we have this scheme we can solve this problem. I will tell you what happened in our case. In Thailand, the Ministry of Agriculture and Cooperatives take the responsibility to submit the Budget Bureau. Our budget year starts in October and ends at September of the following year. What happens when after we know how much this year we have to pay a contribution to the FAO

we have to ask the Budget Bureau to get the money to make the contribution to FAO. In practice, we cannot draw the money in October because we have to wait for the verbal note from this Organization to inform us how much is our contribution, usually we receive that note in January every year.

Therefore, in January, we can contact the Budget Bureau to draw the money to make a contribution to the FAO. But based on our administrative procedure it takes a lot of time to draw the money from the Budget Bureau. We could pay our contribution in April although we want to pay earlier than this. I would like to inform you that the discount benefit means nothing for us, but it should be considered that this scheme may urge the member countries to try to solve the administrative procedure problem in their country in order to help them to pay the Organization as quickly as possible.

Therefore I think this scheme should start as soon as possible since some country will have this kind of problem and it may not be good for all countries but it should be good at least for some countries and it can help the Organization.

**EL PRESIDENTE:** Muchas gracias distinguido delegado de Thailandia por su importante declaración. No tengo más oradores en mi lista en este momento, por lo tanto rogaría al distinguido Dr. Mehboob, si tuviera la amabilidad de esclarecernos algunos puntos que algunas delegaciones han presentado.

**Khalid MEHBOOB (Assistant Director-General a.i., Administration and Finance Department):** Just a few points of clarification. There were no particular questions.

The distinguished delegate from Japan talked about the importance of cash flow statements. We agree with the importance of cash flow statements and their usefulness. Our problem, Mr Chairman, is that since we don't have reliable information from Member Nations as to the timing of their payments, it is extremely difficult to prepare cash flow statements which would have reliable figures. So that is the main problem with our cash flow statement, that most of the Member Nations who are in arrears cannot for various reasons, administrative, or otherwise, give FAO the approximate timing of their payments. And FAO has followed up on many occasions with all the Member Nations in writing, verbally, in writing. But the information on the timing is never forthcoming, because countries find it difficult to give us this information.

Mr Chairman, the distinguished representative from Kenya referred to the various reasons which can contribute to a Member Nation being in arrears or late in its payment. These reasons were discussed at the Finance Committee. The Finance Committee agreed to endorse this request because it was on a trial basis. It is to give it a try, it is to see whether this system would work. The Organization did some time back put forward, as the distinguished delegate from Cameroon pointed out, a scheme whereby there would be penalties for those countries who pay their contributions late, but that scheme was rejected by the Finance Committee and I believe by the Council as well.

That left us with trying out a discount scheme. So it is a scheme which is being tried out and it is hoped it will work.

The distinguished delegate from Sweden referred to other organizations having some incentive schemes or other schemes which may be helping them in collecting their contributions on time, and wondered whether FAO could follow suit.

Our information is that there is no incentive scheme in other organizations. Two organizations have a penalty scheme, but since our Finance Committee and the Council have rejected the penalty schemes we did not put them forward again. Mr Chairman, I would just like to clarify the Organization's position again. I have commented on it just a while ago on borrowing. The Director-General does not like borrowing. He has made that clear on several occasions when addressing the meetings of our governing bodies. But when arrears and late payments reach a magnitude of the ones they have during the course of this biennium and the Director-General is compelled to borrow, if he has to deliver a Programme of Work and Budget approved by the Conference in exercising his authority to borrow he obviously complies with the resolution of the Conference. When it comes to the payment of interest, both these aspects are clearly spelled out in the resolutions approved by the Council and the Conference.

**EL PRESIDENTE:** Muchísimas gracias Dr. Mehboob por su importante aclaración.

Distinguidos delegados, hemos tenido un análisis profundizado del tema, efectivamente, tal como su título lo señala se ha estudiado en profundidad esta cuestión. Hemos escuchado 16 oradores al respecto, se han formulado importantísimas observaciones, sugerencias y posiciones aun sobre las cuales hay puntos de mayor o menor coincidencia, sin embargo, creo que ha sido un debate extremadamente útil, no obstante, las dificultades que todos conocemos respecto de este punto y del plan en particular.

Respecto a este punto, con las observaciones que cada delegación ha expresado, con las aclaraciones que la Secretaría ha formulado, sugiero a la Comisión para continuar, este estudio profundizado, que tomemos nota atentamente de todo lo que aquí se ha expresado y podamos, en consecuencia, dar por terminado el análisis de este tema y pasar al último tema que tenemos asignado para esta mañana.

**Won Hua PARK (Korea, Republic of):** Thank you, Mr Chairman. Simply I would like to ask clarification on the statement made by Mr Mehboob. Did I understand right, correctly, that he said there is no international organization that introduced an incentive scheme?

**Khalid MEHBOOB (Assistant Director-General, a.i., Administration and Finance Department):** I mentioned that there were two organizations which had a penalty scheme. Our understanding is there are organizations which have tried various types of incentive schemes and none have proved effective, and they are still studying them. This is one of them, the one we are proposing on the discounts. But the only two which have got a penalty scheme are two organizations, smaller ones in Geneva.

**Won HWA PARK (Korea, Republic of):** To my knowledge there are already one or two international organizations that have introduced these incentive schemes. The first one of which I am sure is Unesco, the second one I think, but I am not sure is WHO. So your trial if it is introduced will be the third one. Thank you, Sir.

**Khalid MEHBOOB (Assistant Director-General, a.i., Administration and Finance Department):** Thank you Mr Chairman. We take note of this information which has been provided to us. We will see what Unesco and WHO are doing. If they have got a similar discount scheme we can even ask them what their experience is, and develop our proposals further in the future in that context.

32. Other Administrative and Financial Matters

32. Autres questions administratives et financières

32. Otros asuntos administrativos y financieros

32.1. Headquarters Accommodation

32.1. Locaux du Siège

32.1. Locales de oficina en la Sede

**EL PRESIDENTE:** Señores delegados, entonces podemos pasar al último tema que nos queda en nuestra agenda de la mañana. Ahora si, pasamos efectivamente al tema 32. Otros asuntos administrativos y financieros; 32.1. Locales de oficina en la Sede, documento C 91/LIM/14.

**Khalid MEHBOOB (Assistant Director-General, a.i., Administration and Finance Department):** Thank you Mr Chairman. Mr Chairman, this item concerns the status of reconstruction of the headquarters accommodation and is covered by document C 91/LIM/14.

The project was planned for execution in three separate phases. The first phase for the construction of additional parking spaces was partially completed by the end of 1990. The last part of this phase for the construction of a second level parking lot is pending the allocation of additional funds by the Italian Government.

The second phase for the construction of a new building linking Buildings C and D is progressing well, and the steel structure of the building has now reached the eighth floor. The third phase for the additional floor on top of building A - that is this building - and the bridge to Building B was initially delayed, Mr Chairman, but it can start now as the Italian authorities have finally given approval to the executive drawing submitted by the Ministry of Public Works for the repositioning of the supporting foundation pillars.

Mr Chairman, I would like to express the Organization's appreciation for the generous efforts of the Host Government and in particular for the personal intervention of the Permanent Representative of Italy to FAO,

His Excellency Ambassador Valenza, and his colleagues for their assistance. Thank you Mr Chairman.

**EL PRESIDENTE:** Muchísimas gracias, distinguido Dr. Mehboob, por su importante introducción y clarificación sobre este punto.

Distinguidos delegados, no veo oradores. Creo interpretar el sentir de la Sala si hacemos un específico y especial reconocimiento a quienes han contribuido a que estas importantes construcciones de nuestra Sede puedan verse materializadas, y muy en particular, a la distinguida delegación de Italia, y a quienes son sus colaboradores, y al Gobierno de Italia naturalmente.

ADOPTION OF REPORT

ADOPTION DU RAPPORT

APROBACION DEL INFORME

DRAFT REPORT OF COMMISSION III - PART 2

PROJET DE RAPPORT DE LA COMMISSION III - DEUXIEME PARTIE

PROYECTO DE INFORME DE LA COMISION III - PARTE 2

**EL PRESIDENTE:** Distinguidos delegados, voy a hacer una consulta a la Secretaria si disponemos de algún instante, simplemente, para la posibilidad de poner a consideración de ustedes el Informe relativo al punto 27 por parte de nuestro Relator.

No veo inconvenientes para adelantar nuestros trabajos.

Doy la palabra al Relator para el punto 27.

PARAGRAPHS 1 TO 8

PARAGRAPHERS 1 A 8

PARRAFOS 1 A 8

Mustapha-Menouar SINACEUR (Rapporteur de la Commission III) : Cette partie du rapport est relative au point 27, document C 91/III/REP/2, Amendements aux Règles générales du PAM. Le document est entre les mains de Monsieur le délégué. Nous avons essayé de refléter exactement ce qui a été dit pendant les débats et je ne pense pas avoir quelque chose à ajouter.

Aussi je sou mets à l'adoption par la Commission cette partie du rapport sur le point 27.

**EL PRESIDENTE:** Muchas gracias distinguido Relator. Estamos absolutamente seguros de que ha sido un gran trabajo de la relatoria.

Distinguidos delegados ¿alguna observación sobre el Informe presentado a consideración de ustedes en el punto 27 y documentos ya indicados? Ninguna observación.

Muchísimas gracias señores delegados, se da por aprobado y se levanta la sesión.

Paragraphs 1 to 8 approved

Les paragraphes 1 à 8 sont approuvés

Los párrafos 1 a 8 son aprobados

Draft Report of Commission III. Part 2. was adopted

Le Projet de Rapport de la Commission III. deuxième partie, est adopté

El Proyecto de Informe de la Comisión III. Parte 2. es aprobado

The meeting rose at 13.00 hours.

La séance est levée à 13 heures.

Se levanta la sesión a las 13 horas.

## **conference**

FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS

## **conférence**

ORGANISATION DES NATIONS UNIES POUR L'ALIMENTATION ET L'AGRICULTURE

## **conferencia**

ORGANIZACION DE LAS NACIONES UNIDAS PARA LA AGRICULTURA Y LA ALIMENTACION

C

**C 91/III/PV/7**

Twenty-sixth Session  
COMMISSION III

Vingt-sixième session  
COMMISSION III

26° período de sesiones  
COMISION III

### SEVENTH MEETING SEPTIEME SEANCE SEPTIMA SESION

(21 November 1991)

The Seventh Meeting was opened at 15.15 hours

Mr Samuel Fernández Illanes, Chairman of Commission III, presiding

La septième séance est ouverte à 15 h 15

sous la présidence de M. Samuel Fernández Illanes, Président de la Commission III

Se abre la séptima sesión a las 15.15 horas

bajo la presidencia del Sr. Samuel Fernández Illanes, Presidente de la Comisión III

**EL PRESIDENTE:** Muy buenas tardes señores delegados. Les ruego tomar sus asientos a objeto de comenzar nuestra reunión de esta tarde.

Distinguidos delegados, desearía con gran placer y gran satisfacción solicitar a mi distinguido amigo, el Embajador Aidara de Senegal, Vicepresidente de nuestra Comisión, que tenga la bondad de asumir la Presidencia de ella. Embajador Aidara, por favor asuma usted la Presidencia.

S. Aidara Vice-Chairman of Commission III took the chair

S. Aidara. Vice-Président de la Commission III assume la présidence

Ocupa la presidencia S. Aidara. Vicepresidente de la Comisión III

**LE PRESIDENT:** Je voudrais avant tout et très sincèrement remercier mon collègue et ami, Samuel Fernández Illanes, d'avoir bien voulu me passer le maillet cet après-midi pour continuer les travaux de notre Commission.

Mais auparavant je voudrais, avec votre permission, vous dire que le Directeur général de la FAO m'a prié de permettre qu'une déclaration soit prononcée devant la Commission par un représentant des associations du personnel, à l'occasion de nos délibérations sur le point 32 de l'ordre du jour intitulé: "Questions de personnel".

Vous le savez certainement, il est exceptionnel qu'une telle déclaration soit admise. Toutefois, étant donné que le Directeur général me le demande et vu l'importance du sujet, je vous propose d'écouter une déclaration qui sera présentée par Mme. Vallin au nom des trois associations du personnel reconnues par l'Organisation des Nations Unies pour l'alimentation et l'agriculture.

Je prie donc, avec votre permission, Mme. Vallin de faire sa déclaration.

SPECIAL INTERVENTION BY FAO PERSONNEL REPRESENTATIVE. Ms D. VALLIN  
INTERVENTION EXTRAORDINAIRE DU REPRESENTANT DU PERSONNEL DE LA FAO.  
Mme. D. VALLIN

INTERVENCION ESPECIAL POR UN REPRESENTANTE DEL PERSONAL DE LA FAO, Sra. D. VALLIN

**Mme. D. VALLIN (Associations du personnel de la FAO):** M. le Président, Mesdames et Messieurs les délégués, je tiens à remercier le Directeur général qui nous a permis, vu la gravité de la situation à laquelle est confronté le personnel, de m'adresser à vous aujourd'hui.

C'est un honneur pour moi de faire cette déclaration au nom des trois organisations du personnel de la FAO et du PAM - l'Association du personnel de terrain, l'Association des cadres et l'Union du personnel des services généraux - qui sont toutes les trois membres de la FICSA (Fédération des associations de fonctionnaires internationaux). En leur nom, je vous remercie, M. le Président, d'avoir bien voulu accepter cette intervention.

Si nous sommes ici avec l'accord du Directeur général, c'est que celui-ci partage notre inquiétude concernant les traitements et pensions du ~

personnel. En fait, il a déjà, à plusieurs reprises, soulevé les questions qui nous préoccupent devant les instances du système des Nations Unies. Nous espérons donc que vous voudrez bien nous accorder votre attention et votre intérêt. Si vous êtes d'accord, nous vous demandons de bien vouloir appeler l'attention de l'Assemblée générale des Nations Unies sur la situation qui nous préoccupe.

Toutes les associations du personnel, regroupées sous la bannière de la FICSA et du CCISUA, ont lancé cette année une campagne énergique pour que le système commun des Nations Unies fonctionne dans le respect des critères établis. Au total, ce sont 55 000 fonctionnaires qui se mobilisent pour inverser la baisse continue des traitements et des pensions des cadres et pour empêcher toute réduction des acquis des services généraux. Depuis le début de l'année, le Président et le Secrétaire général de la FICSA ont rencontré les chefs de secrétariat de la plupart des institutions spécialisées et ont reçu de nombreux témoignages de soutien. La raison en est simple: ils ne sont plus en mesure de recruter et de garder à leur service le personnel qualifié dont ils ont besoin pour s'acquitter de leur mandat. C'est particulièrement vrai à la FAO. Pour une analyse claire des problèmes auxquels votre Organisation doit faire face, je vous renvoie aux paragraphes 154 à 163 de la première partie du Plan à moyen terme, document C 91/23. Mais permettez-moi d'en citer le passage suivant: "Il serait certainement utile que les organes directeurs de la FAO soulignent avec fermeté la nature et les exigences particulières de l'Organisation, ainsi que des autres institutions spécialisées, afin de sensibiliser les organes centraux chargés des questions de personnel. Face à un appel concerté, ces derniers prendraient sans doute conscience qu'il est urgent de résoudre ce problème, sinon la base même du concept de la fonction publique internationale disparaîtra complètement".

La FICSA travaille donc au niveau international, mobilisant les associations et unions qu'elle représente dans tous les organes des Nations Unies; elle oriente sa campagne contre le système commun et non contre les institutions spécialisées car, il faut bien le reconnaître, les employeurs dans les institutions spécialisées ne déterminent pas les traitements et les pensions de leur personnel. C'est l'Assemblée générale des Nations Unies qui, sans aucune forme de négociations avec le personnel, prend toutes les décisions. Les priorités de l'Assemblée générale ne sont pas toujours celles des institutions spécialisées. Les cadres ont gravement souffert - disons le clairement - de manipulations de la méthodologie appliquée pour le calcul des traitements et pensions. Des menaces similaires pèsent maintenant sur le personnel des services généraux. Les institutions spécialisées souffrent de cette situation, leur personnel encore plus.

Pendant la plus grande partie des années 80, il y a eu un certain désenchantement vis-à-vis du système des Nations Unies de la part de certains grands pays développés. Cette période est maintenant passée mais, à la cinquième Commission de l'Assemblée générale des Nations Unies, qui détermine les conditions d'emploi du personnel, une attitude négative règne encore qui sape les capacités du Secrétariat en rendant le travail aux Nations Unies peu attirant du point de vue économique. Cela se ressent dans les institutions spécialisées: permettez-moi de souligner que de nombreux membres de la cinquième Commission savent bien peu de choses des travaux et besoins techniques des institutions spécialisées, et qu'ils ne semblent guère s'y intéresser.

Les associations du personnel de la FAO sont extrêmement préoccupées par la santé de l'Organisation pour laquelle leurs membres sont fiers de travailler. Si la FAO ne peut recruter et garder à son service un personnel de qualité, les programmes en souffriront. Il en va de même de la satisfaction professionnelle, tant au Siège que sur le terrain, lorsqu'il devient impossible de faire le travail. Cela se traduit par une aggravation du désenchantement, par l'exode des plus aptes et par le départ à la retraite anticipée du personnel chevronné qui quittera l'Organisation avant mars 1992 pour éviter de toucher une pension réduite.

Certaines délégations ont mis l'accent sur l'avantage comparatif de la FAO dans des domaines prioritaires comme le développement durable de l'agriculture et des ressources naturelles, la fourniture d'avis en matière de politiques, et son rôle clef en tant que centre mondial d'information. Mais l'avantage comparatif de l'Organisation est très largement fonction des compétences de son personnel. Pour les délégations qui ont encore des doutes quant à la compétitivité des salaires et pensions des cadres des Nations Unies, je voudrais reprendre quelques-unes des statistiques que nous vous avons communiquées. Le pouvoir d'achat des salaires des cadres moyens à la FAO est de 30 pour cent inférieur à celui des cadres expatriés ayant des fonctions similaires dans le secteur privé; il est inférieur de 15 pour cent à celui de la Banque mondiale et d'au moins 30 pour cent à celui de la Commission des Communautés européennes. Quant aux emplois sur le terrain, la situation est plus grave car les employés de la FAO gagnent, toutes primes confondues, au moins un tiers de moins que leurs compatriotes travaillant pour de nombreuses institutions bilatérales.

Au Siège, à Rome, le pouvoir d'achat des traitements des cadres de la FAO a chuté de quelque 20 pour cent depuis 1985 et les pensions ont baissé de 40 pour cent en chiffres réels. Un cadre du niveau P-4 dépense en moyenne trois mois de son salaire par an pour la location d'un modeste appartement de trois pièces. Le même fonctionnaire devra payer, en plus de l'allocation d'études, presque un mois de salaire par enfant inscrit dans un lycée international à Rome. Que lui reste-t-il pour couvrir ses dépenses quotidiennes? Après vingt ans de service, sa pension représentera un peu plus d'un tiers de son salaire - déjà insuffisant - de fin de carrière et, avec cette pension, il lui sera quasiment impossible de vivre de manière décente dans de nombreux pays. Un salaire ne suffit plus à couvrir les dépenses d'une famille, et cela est vrai pour les cadres comme pour les services généraux.

La méthodologie utilisée pour fixer les traitements du personnel des services généraux suit fidèlement l'évolution des coûts du travail sur le marché local, en se basant sur les salaires de la fonction publique et sur ceux du secteur privé. Par contre, les traitements des cadres sont fixés par référence aux salaires de la fonction publique des Etats-Unis, sans qu'il soit tenu compte du secteur privé. Or, les salaires de la fonction publique américaine sont, d'après les enquêtes officielles, inférieurs de 30 pour cent à ceux du secteur privé. Afin d'attirer du personnel qualifié, le Gouvernement des Etats-Unis a été obligé de créer un grand nombre de barèmes spéciaux pour des cadres techniques qui ont des emplois similaires à ceux de la FAO. On sait que le Gouvernement américain, ainsi que plusieurs autres, verse des indemnités supplémentaires à ses fonctionnaires détachés dans les institutions spécialisées des Nations Unies telles que la FAO ce qui, Mesdames et Messieurs les délégués, est une reconnaissance

explicite de l'insuffisance des salaires actuels, mais cela est contraire aux règles du système commun des Nations Unies.

Mesdames et Messieurs les délégués, un millier d'employés au Siège ont signé une pétition qui a été présentée au Président du Conseil le 8 novembre. Dans cette pétition, nous demandions votre soutien pour revaloriser les traitements et pensions des cadres à des niveaux comparables à ceux d'autres employeurs nationaux et internationaux et pour mettre un terme aux manoeuvres visant à revenir sur les conditions d'emploi du personnel des services généraux.

Nos inquiétudes sont telles que, sous l'égide de la FICSA, quelque 800 collègues en poste dans les institutions spécialisées des Nations Unies partiront, à leurs propres frais, pour New York le 6 décembre. Ils y rejoindront leur collègues basés en Amérique du Nord pour manifester leur insatisfaction profonde face à l'Assemblée générale. Car c'est à New York que sont prises les décisions concernant les traitements et pensions de tout le système des Nations Unies.

Mesdames et Messieurs les délégués, la situation est grave. Nous sommes sûrs que vous avez à coeur l'intérêt du personnel qui représente le vrai capital de cette Organisation. Nous comptons sur l'intérêt que vous portez à la FAO et à son personnel. Nous souhaitons que vous attiriez l'attention de l'Assemblée générale des Nations Unies sur la gravité de la situation actuelle pour qu'elle prenne des mesures qui redonneront leur compétitivité aux traitements et pensions des cadres et qui garantiront ceux des services généraux. Donnez au personnel de la FAO, Mesdames et Messieurs les délégués, les moyens d'accomplir la tâche qui lui est confiée.

M. le Président, Mesdames et Messieurs les délégués, je vous remercie de votre attention.

**LE PRESIDENT:** C'est moi qui vous remercie très sincèrement pour votre importante déclaration. Je crois pouvoir dire que le recueillement dans lequel la Commission III a écouté votre déclaration atteste de l'intérêt tout particulier que cette Commission porte aux problèmes que vous avez soulevés.

Je suis persuadé que la Conférence générale qui est l'instance suprême de notre Organisation ne restera pas sourde à vos appels. Je vous remercie d'avoir bien voulu venir cet après-midi pour faire votre déclaration. Je demanderai aux représentants et associations au nom desquels Mme. Vallin a pris la parole de nous permettre de continuer nos délibérations et je les invite instamment à se retirer.

**John GLISTRUP (Denmark):** Thank you very much Mr Chairman. I just wanted to say a few words because it is the first time for many Conferences that we have had a chance to listen to a representative from the Staff Association of this Organization, the FICSA, and this event is one which we very much welcome. The backbone of any organization is its staff, and therefore we welcome that representatives of these associations are being given the opportunity to address the Member Governments at the Conference. We hope that this occasion will continue also for future Conferences.

In our part of the world, in the Nordic countries, adequate salaries and pensions is an important issue. We have in the United Nations a common system for these issues which is deteriorating. We would wish to put a strong voice in for having this system strengthened. Within the UN Common System of Salaries and Pensions there are appropriate fora where these matters can be discussed, and we would like to propose to the FAO Conference that we strongly support that the matters raised by the FICSA here in front of us, be brought to the attention of these appropriate fora. Thank you Sir.

**Jacques WARIN (France):** A mon tour je voudrais dire que je considère comme très importante la déclaration que vient de faire Mme. Vallin au nom des trois associations de fonctionnaires de la FAO. Les chiffres qu'elle nous a donnés sont particulièrement alarmants et nul ne contestera, s'il a peu ou prou l'expérience des grandes organisations internationales, que la situation des fonctionnaires internationaux s'est considérablement dégradée depuis 10 ans. C'est d'ailleurs la raison pour laquelle, nous, la France, nous nous sommes toujours dissociés de ce fameux principe dont on a entendu chanter les vertus dans cette enceinte dit de la croissance zéro. On voit aujourd'hui à quoi nous a conduit le principe de la croissance zéro qui s'est d'ailleurs mué en un nouveau principe, celui de la croissance négative à moins 4,6 pour cent. La conséquence c'est que les cadres comme le personnel d'exécution de toutes les institutions spécialisées en ont gravement souffert. Les conséquences portent d'une part sur le sort particulier et sur la carrière de tous les fonctionnaires internationaux mais elles sont aussi, et cela nous concerne, les Etats Membres, des conséquences très graves sur la qualité du recrutement des fonctionnaires.

Pour reprendre une loi qui est bien connue de certains économistes, la loi de GREISHAN, la mauvaise monnaie chasse la bonne. Et si nous ne mettons pas un terme à ce mouvement, nous n'aurons bientôt plus au sein des institutions internationales que des fonctionnaires de qualité médiocre. Je me hâte de dire que ce n'est pas encore le cas mais, comme l'a dit Mme. Vallin, il faut maintenant inverser cette tendance. Je m'engage, pour ma part, à alerter l'Assemblée générale des Nations Unies par l'intermédiaire de mon Gouvernement et de notre représentant à la cinquième commission sur cette question qui doit être débattue prochainement en décembre. En tant que gros contributeur puisque la contribution de la France est tout de même la 4ème à la FAO, je pense que mon intervention prend un poids plus particulier.

Je suis particulièrement préoccupé et j'exprime la position de mon Gouvernement sur le fait que la force vive de notre Organisation est maintenant en cause et qu'il y a un décrochement de plus en plus net entre la fonction publique, qu'elle soit nationale et internationale, et le secteur privé. Dans le contexte de la fin du 20ème siècle nous voyons fleurir les thèses d'un nouveau néolibéralisme assez agressif, je crois qu'il y a là une réelle menace; c'est une menace pour la cohésion des agences spécialisées et pour la crédibilité du service public international. Aussi je voudrais m'associer à ce que vient de dire mon collègue danois, membre comme moi de la CEE; il faut que nous trouvions un moyen quelconque, une résolution, un appel pour nous manifester jusqu'à l'Assemblée générale des Nations Unies afin d'exprimer la préoccupation des Etats Membres de la FAO devant cette situation de fait.

**LE PRESIDENT:** Je crois que votre déclaration a été prise en compte.

**Jürgen OESTREICH (Germany) (Original language German):** Thank you very much, Mr Chairman. You have asked us to give our approval to the decision taken by the Director-General so that the staff of the Secretariat of the Organization should be given an opportunity to speak here. Now I think, on behalf of my delegation, that I would like to say that this was an extraordinarily good idea, and I do hope that we will be able to see such fortunate events repeated in the future. The cooperation of international organizations, their preparedness to work, their expertise which cannot be bought at zero growth level, are the most important capital of any organization, and we think it is only normal and necessary that as well as the bilateral contacts with the staff of the Secretariat, which we have anyway as representatives of the government, these staff should also be given the opportunity to speak in our bodies here, and we can then hear from them where the shoe pinches as far as salaries, pensions and the last drop of purchasing power.

Now I am new in this Organization and perhaps about to make rather unconventional proposals, but nevertheless I would like to raise the question here as to whether it would not be a good idea if, given the reaction of Member States to the statement that we have heard, the staff could be present during our debate here.

**LE PRESIDENT:** Comme vous le savez c'est à titre tout à fait exceptionnel et sur la base de la demande expresse du Directeur général que la Commission a permis à la représentante des associations reconnues de l'Organisation, de faire une telle déclaration. Nous avons demandé à ces représentants de se retirer pour nous permettre de délibérer. Il appartiendra bien entendu à la Commission de voir les voies et moyens, non seulement de lancer l'appel qu'ils nous ont fait mais également de coordonner notre action au niveau de l'Assemblée générale afin que par le biais des bénéfices et des retombées de notre action sur leur association, l'Organisation elle-même puisse bénéficier de ces retombées car il va de soi, et l'Ambassadeur de France l'a dit tout à l'heure, que ce qui fait la force d'une institution, ce sont certes les moyens financiers dont dispose cette institution mais également et surtout des moyens en ressources humaines.

**Vanrob ISARANKURA (Thailand):** Thank you Mr Chairman. On behalf of the Thai delegation, first I would like to thank Mme. Vallin, on behalf of the Staff Association for her information on the crisis in the remuneration of the UN system staff.

The fact that the purchasing power of salaries for a typical professional job in the FAO has been declining, means that the FAO will be increasingly less competent in attracting suitable professionals compared to private organizations or other international organizations outside the UN system.

Thailand as a member of this Organization and the host country for the Asia and Pacific Region has always been interested in this problem and has closely followed its development.

We agree that one way to attract professional recruits with the necessary seniority and educational background and development experience is to adjust the salary scale and other benefits, including pensions. However, we are of the opinion that another means of getting suitably qualified personnel is to improve the staff recruiting process. As we see it, there are a number of FAO professionals who were recruited because of their proximity and friendship with the recruiter and not because they were professionally qualified. This favouritism prevents qualified persons joining the Organization.

In short, we would like to suggest that the recruitment process be reexamined.

One important point is that, though we agree there is a need to adjust the remuneration for professional staff, the adjustment should not put more of a financial burden on the Member Nations, especially the developing countries. We would, therefore, like to see a smaller but more efficient Organization.

Finally, in recognizing the importance of maintaining the high quality of work of the FAO under these conditions, my delegation wishes to support the proposal made by the distinguished delegate from Denmark.

**Angel BARBERO MARTIN (España):** Nosotros queremos también intervenir con los demás países que nos han precedido en el uso de la palabra para manifestar la preocupación que nos ha causado escuchar este informe.

Desde hace ya unas cuantas conferencias venimos asistiendo muy preocupados a este proceso restrictivo que está sufriendo el presupuesto de la FAO y siempre hemos manifestado que temíamos que estas restricciones afectaran a algo que significa, como ya han dicho otros antes que yo, la espina dorsal de esta Organización.

Nosotros dijimos al principio de esta Conferencia la razón de ser de la FAO. Uno de los pilares que sostiene a esta Organización es la credibilidad y calidad de sus trabajos, el impacto que tienen los mismos allá donde se ejecutan, en el Tercer Mundo.

No solamente para el Tercer Mundo sino para todos los países que somos miembros de la FAO ha sido siempre una garantía de seguridad estudiar y aplicar los estudios técnicos que aquí se realizan.

Ha ocurrido lo que estábamos temiendo, y respecto a esto repetimos las palabras que ha dicho nuestro colega el Embajador francés: estas restricciones están afectando a las retribuciones del personal de la FAO. Tarde o temprano el buen hacer, el celo que estos expertos y estos trabajadores de la FAO están empleando se verá resentido por la falta de unas retribuciones dignas.

Hoy en día las opciones y los puestos de trabajo que presenta la FAO a concurso empiezan a ser poco apetecibles para el mundo de los técnicos, para la élite de los técnicos. Las condiciones de vida han ido subiendo, en todas las partes del mundo, no sólo aquí en Roma sino en todos los demás sitios donde existen técnicos trabajando para la FAO, los beneficios económicos que se ofrecen en estas propuestas de trabajo empiezan a no ser

apetecibles no sólo para los técnicos de calidad sino para cualquier experto técnico. Esto nos preocupa mucho. Creo que en esta Conferencia debe surgir una llamada firme y apremiante para encontrar una solución. Entendemos que hay que someterse a una disciplina presupuestaria pero nunca ésta debe de afectar a la calidad del trabajo que está haciendo la FAO.

**LE PRESIDENT:** La Commission est consciente des difficultés que rencontre le personnel et qui se reflète dans le travail même de notre Organisation. Je demanderai donc aux délégations qui se sont inscrites d'intervenir très brièvement.

**Horacio M. CARANDANG (Philippines):** In compliance with your requests for brevity, I will say only a few words.

I wish to support the view expressed by the delegation of Denmark that the matters presented by the Staff Associations be forwarded to the appropriate bodies for consideration.

Basic management principles require that to attract and maintain competent professionals, salary levels should be competitive. There seems to be evidence that this is no longer so. Therefore, this matter merits due consideration.

**Eivind HOMME (Norway):** I will also be brief. I would like to support the comments and proposals made by the delegation of Denmark. I would also like to support the proposal that was made by Germany to let representatives of the three staff organizations be present when we discuss personnel matters. The Conference is, after all, the highest governing body of FAO. It should be up to its members to decide who can address it and be present during its proceedings.

**Rudolph DE POURTALES (Suisse):** Tout a été dit je crois sur cette question. J'aimerais néanmoins soutenir très fermement la proposition faite par le Danemark et aussi les commentaires faits par la Norvège tout à l'heure. Ma délégation est très sensible à ces problèmes de personnel et nous savons que la vie à Rome est très chère. Depuis trois ans et demi que je vis ici, je connais les augmentations de coûts et je crois que le problème est très sérieux.

**Joseph TCHICAYA (Congo) :** Comme vous venez de nous le demander nous serons bref pour manifester tout d'abord notre contentement de voir la représentante des associations du personnel venir s'exprimer ici au cours de cette Session. Je crois effectivement que c'est la première fois, tout au moins depuis que j'assiste aux Conférences de la FAO, c'est une grande première que nous saluons tous. Nous aussi nous sommes à Rome depuis déjà quelque temps et nous pensons que la vie à Rome se détériore comme certainement dans d'autres capitales. C'est pourquoi nous pouvons apprécier la teneur des déclarations faites par la représentante. Mais nous pensons aussi que ceci s'inscrit dans le droit fil du travail que nous faisons depuis le début et il est dommage que cette intervention de la représentante des associations du personnel intervienne après l'adoption du

budget. Nous aurions souhaité que cela se fasse avant afin que nous soyons davantage sensibilisés à l'importance que revêt le fait de voter un budget qui ne soit pas de croissance zéro ni de croissance négative parce que nous savons qu'effectivement, tous ces aspects influent négativement sur le recrutement et le maintien du personnel au niveau de l'Organisation. Et comme nous tenons tous à ce que les prestations de service de notre Organisation continuent à demeurer les meilleures possibles, nous pensons qu'il faut également faire en sorte que ce principe de croissance négative et même de croissance zéro soit à jamais banni au sein de cette Organisation.

**Thomas YANGA (Cameroun):** Ma délégation salue l'initiative que notre Commission a prise d'écouter un représentant du personnel de la FAO. Elle émet le vœu que celle-ci puisse se renouveler en d'autres occasions. Mon pays estime avec le Directeur général de la FAO que le nouvel ordre mondial se réalisera par l'intermédiaire des Nations Unies. Après avoir écouté avec attention et recueillement Mme. Vallin nous craignons que ce nouvel ordre mondial tant attendu par nos pays ne soit jamais réalisé. C'est pourquoi nous appuyons la proposition faite par notre collègue du Danemark à cet effet.

**LE PRESIDENT:** Je crois que la cause est entendue. La proposition qui a été faite a été appuyée à plusieurs reprises. Si des délégations souhaitent continuer à appuyer cette proposition, je pense qu'il suffirait pour nous d'enregistrer le nom de ces délégations, ce qui nous permettrait d'avancer nos travaux. Si vous n'y voyez pas d'inconvénient, je considère que la proposition que je vous fais vous agréée.

It was so decided

Il en est ainsi décidé

Así se acuerda

III. CONSTITUTIONAL AND ADMINISTRATIVE MATTERS (continued)

III. QUESTIONS CONSTITUTIONNELLES ET ADMINISTRATIVES (suite)

III. ASUNTOS CONSTITUCIONALES Y ADMINISTRATIVOS (continuación)

32. Other Administrative and Financial Matters (continued)

32. Autres questions administratives et financières (suite)

32. Otros asuntos administrativos y financieros (continuación)

32.2. Personnel Matters

32.2. Questions de personnel

32.2. Asuntos de personal

**Khalid MEHBOOB (Assistant Director-General a.i., Administration and Finance Department):**

I wish on behalf of the Director-General to stress the importance of the issue raised by the staff representatives on the very important questions concerning remunerations and pensions. For several years the Director-General has followed these questions both personally at the Administrative Committee on Coordination (ACC) and also through his representatives at the CCAQ, which is the Consultative Committee on

Administrative Questions and the ICSC, the International Civil Service Commission.

We are very much concerned with the gradual deterioration of the conditions of service related to professional salaries and the pension benefits. And we can confirm the negative impact it has on our ability to attract and retain fully qualified staff. These questions have been discussed during the two sessions of CCAQ and the ICSC during 1991 and we have reported the outcome of the discussions and the recommendations presented by ICSC to the General Assembly, on the occasion of the Finance Committee and the Council sessions as is reflected in document CL 100/4, paragraphs 3.120 to 3.137 and also in Conference document C 91/LIM/15 which is before you now.

With your permission I shall briefly address the main issues currently presented to the General Assembly concerning the questions of salaries of staff in the professional and higher categories and Pension Fund matters.

On salaries, as is reflected in the report of the Finance Committee of its Seventy-second Session which addresses these matters on salaries and conditions of employment, ICSC has recommended that effective 1 March 1992 the net base salary of staff in the professional and higher categories be increased by 8.6 percent through consolidation of post adjustment classes. This is on a no-gain no-loss basis and has no financial implications.

In addition, the ICSC has addressed the threat of a freeze in the UN remuneration and has recognized the impossibility of imposing such a freeze one year after granting a 5 percent increase in salary, particularly in view of the fact that the Civil Service of the comparator country, the United States, which serves as a base for the UN remuneration of the professional category, is according to the United States Congress 30 percent below the level it should be in comparison with the US private sector.

In fact, the Commission has therefore considered that the freeze should be avoided and has recommended to the General Assembly that the present calculation of the margin within the UN remuneration level and those of the comparator be abandoned and allowed to fluctuate freely within the range 110 to 120.

At the recently-held meeting of the Advisory Committee on Coordination, a committee composed of executive heads of all the UN organizations and chaired by the Secretary-General, the executive heads while supporting such a measure, at the same time urged the General Assembly to suspend the operation of the margin methodology until such time as the impact of the United States Federal Employers Pay Comparability Act is reflected in the margin itself or for at least two years. The United States Federal Employers Comparability Act foresees a gradual increase of US Federal employees' salaries as from 1994 to catch up with the 30 percent difference which should bring these salaries to a comparable level with the US private sector.

The ICSC is also recommending an increase in net remuneration levels in favour of ASGs and USGs, the equivalent of ADG's and the Deputy Director-General in the FAO and in connection with other related conditions of service for these grades. For example, the amount of the representation allowance, the recommendation is that these not fall under the common

system but be handled by executive heads under the guidance from the governing bodies of the respective organizations.

This recommendation has received unanimous support from the ACC with the added emphasis that not only remuneration for ASGs and USGs but also for the levels at D1 and the D2 should receive closer attention, as well as periodic review by the Commission.

Turning to pension matters, you will note the recommendation by the Pension Board to the General Assembly with regard to the pensionable remuneration of staff in the General Service category. In addition, as the current transitional measures for professional staff come to an end on 31 March 1992, the Board is proposing to the General Assembly a modification in the pension adjustment scheme. In this respect, the FAO delegation has expressed some reservations as the modification will not bring about a major improvement in the current conditions.

In closing, I will confirm the importance the Director-General attaches to all personnel matters and to the questions of remunerations and pensions and will seek your support for all the actions undertaken to improve these conditions in order to place the Organization in a position to attract and retain qualified and dedicated personnel to continue enhancing its operations.

We will be pleased to provide any clarifications which the distinguished members may require.

**LE PRESIDENT:** En mon nom propre comme au nom de la Commission je crois que vous nous avez apporté un lot important d'informations concernant les questions de personnel à la FAO. Comme chacun le sait ici ce n'est pas la Conférence générale qui doit prendre une décision pour apporter un mieux-être au personnel, c'est le rôle de l'Assemblée générale des Nations Unies.

Je suis heureux, comme vous certainement, de savoir que le Directeur général de la FAO, suit personnellement cette question à travers le CAC, à travers la Commission de la fonction publique internationale et évidemment le Comité des pensions de notre Organisation.

Il s'agit là comme vous le notez vous-même de documents principalement d'information qui ne nécessitent pas forcément une décision de la part de la Commission. Mais si toutefois certaines délégations souhaitaient prendre la parole je suis prêt à leur donner la possibilité de s'exprimer mais encore une fois je voudrais rappeler qu'il s'agit là d'un document d'information sur lequel, certainement, la Commission ne souhaiterait pas s'attarder.

Si vous n'y voyez pas d'inconvénient je voudrais remercier en votre nom M. Mehboob et nous passons au deuxième point inscrit à l'ordre du jour le point 32.3, un point important sur les questions financières. Nous avons le Fonds de roulement, la reconstitution du Compte de réserve spécial et le compte du groupement d'achats du personnel.

Je vois que le représentant du Pakistan souhaiterait prendre la parole avant M. Shah.

**Mohammad Saleem KHAN (Pakistan):** My apologies if I have disturbed you. I have the Journal of the Conference for the day before me and the afternoon session starts with Adoption of Report on Item 27. I understand it was adopted in the morning. Nowhere do the General Rules say that items can be shifted from one session to another session. We have had some comments to make under that item. It was a very minor comment but I just found out that the report has already been passed on to the Plenary.

I have a small addition to propose. It is very material. You may recall the statement which I myself and the distinguished delegate of the Kingdom of Saudi Arabia made yesterday under the WFP Item on the rotation of one seat between Asia and the Middle Eastern region. The report before us records that, "the Conference only took note of the agreement reached among states on the assignment of the seat by rotation".

I thought that either we would have the whole text of the operative part here, or annexed. Neither of those have been done. So, at minimum, what I request is that before sending the report to the Plenary, and if other members do not have difficulty, to add the words "as reflected in the verbatim record" so it stays as a record of this meeting.

I would request that in the future if we are shifting items around, it should be noted in the Journal because we have small delegations. If we are in one Commission, we do not know what further developments are taking place in the other Commission, or if we are in the Plenary. I was in another Commission and now I find out that the Commission III report has been adopted. So I hope we will adhere to the timetable as it is laid out, or say in the Journal that there is possibility of shifting items around.

I apologize again for hindering your proceedings.

**LE PRESIDENT:** Je vous remercie. Vous êtes ici un représentant permanent donc vous connaissez très bien les procédures de la maison et ce n'est pas moi qui vais vous les apprendre.

Effectivement, en fin de matinée aujourd'hui, nous avons, au niveau de la Commission III, approuvé le rapport sur le point 27. Toutefois, je note que l'amendement que vous proposez n'est pas un amendement de fond. Il suffit tout simplement d'ajouter, pour respecter la forme, l'amendement que vous avez proposé. Mais vous avez la possibilité, bien entendu, de présenter directement cela en Plénière, ce qui vous permettrait d'inclure cet amendement dans le texte.

C'est pour le principe que la Commission a adopté ce rapport. Je ne voudrais pas ouvrir à nouveau le débat, même s'il ne s'agit que d'une question de forme, pour éviter qu'il y ait des problèmes particuliers.

Le Pakistan a évidemment la possibilité de présenter ce léger amendement au niveau de la Plénière, au moment de l'adoption de ce rapport.

**Mohammad Saleem KHAN (Pakistan):** Thank you, Mr Chairman. When I was studying in England I was told that there are a number of directional signs displayed by the British starting from the airport which show the direction to take which sometimes common sense does not believe but in fact do get

you to the correct destination. That is what I did. I followed this paper here. I am a permanent representative here, and know FAO, and the paper says this item will be discussed in the afternoon which is what I presumed would happen. I was attending another Commission in the morning and could therefore not attend the morning meeting. However, it is not my intention to open up a report which has been closed. I will abide by your suggestion. Thank you Mr Chairman.

**Sra. Mònica DEREGBUS (Argentina):** Gracias, señor Presidente. La delegación Argentina está realmente sorprendida, pues se enteró en este momento que se ha aprobado la parte del Informe correspondiente a las Normas Generales del PMA en el curso de la mañana.

Nosotros, como la delegación de Pakistán, habíamos supuesto que éste era el primer tema que se iba a tomar hoy a la tarde. Usted acaba de decir, señor Presidente, que los representantes permanentes ante esta Organización conocen las normas de funcionamiento de esta Organización, pues, esta norma de poder cambiar los temas de una sesión posterior a una sesión anterior, yo no la conocía, y le pido a usted por favor que me diga a qué normas se refiere, porque yo puedo entender que se haga al revés, que se pase un tema de una sesión previa a una sesión posterior, pero no lo que se ha hecho con relación a este tema.

Nosotros no tenemos ningún problema particular con el tema del cual se ha aprobado el Informe, pero si lo hubiéramos tenido, señor Presidente, comprendemos claramente la inquietud de Pakistán, y esto puede suceder al menos que nosotros establezcamos normas claras para nuestro desempeño con relación a cualquier tema del programa, y yo no creo que sea justo, señor Presidente, sobre todo para las delegaciones que, como la suya propia, tienen muy poca gente en esta Conferencia. Usted sabe que hemos tenido que dejar de trabajar en algunas Comisiones para hacer quòrum en otras, de manera que yo creo que sería útil conocer a qué norma se refería usted, porque yo no las conozco, señor Presidente.

**LE PRESIDENT:** Je remercie Madame la représentante de l'Argentine. En fin de matinée aujourd'hui, le temps l'a permis, avec l'assentiment de la Commission nous avons décidé d'examiner et d'approuver le rapport. C'est la Commission souverainement qui en a décidé. C'est une précision que je tenais à apporter sans vouloir allonger les débats.

Je voudrais donner maintenant la parole à M. Shah pour introduire la première question du point 32.2 sur le Fonds de roulement.

32.3. Other matters

32.3. Autres questions

32.3. Otros asuntos

- Working Capital Fund
- Fonds de roulement
- Fondo de Operaciones

**V.J. SHAH (Assistant Director-General, Office of Programme, Budget and Evaluation):** It is a privilege to join my other colleagues, particularly Mr Mehboob, in serving in this Commission on the important matters before you. While the Item on the Working Capital Fund and the Item on the Replenishment of the Special Reserve Account are two distinct items, each one calling for a decision from the Conference, it may help the Commission, and with your permission, if I were, first of all, to offer some remarks which are common to the two items. This would only be in order to save your time. I would then proceed to present each item and draw attention to the factors which the Commission may wish to address.

First of all, the points which are common to the two items. The first point I would recall is that both these subjects were referred to by the Director-General in his intervention at the Ninety-ninth Session of the Council in June. When the Council discussed the financial situation of the Organization at that time and the status of the cash flow, the Director-General shared with you his deep concern, his worries on that matter, and the prospects that he saw at the time. The Report of the Ninety-ninth Session of the Council, in paragraph 243, says, "The Director-General also informed the Council that as the Working Capital Fund and Special Reserve Account were not adequate, he would also consider submitting proposals to the Finance Committee to increase the Working Capital Fund and Special Reserve Account to minimize the need for future external borrowing." That was a quotation from paragraph 243. I say this at the outset because some delegations have mentioned to the Secretariat that on this matter they were somewhat taken aback by the speed with which the proposals had been submitted. I would only emphasize that the possibility of the Director-General's submitting this was mentioned as early as June, and he followed exactly the course that he had then envisaged, which was to submit his proposals to the Finance Committee at its September session and to have the views of the Finance Committee come to the Council at its Hundredth Session and then, together with the Council's views, to the Conference.

The second aspect which is common to both items is a new factor which the Director-General finds of great encouragement, which all his colleagues find of great inspiration, and that is the tone that this Conference has taken. We rejoice, with Member Nations, that the work of this Conference is proceeding so well, so smoothly, with a very widespread desire for mutual understanding and for the reaching of consensus, not only on the Programme of Work and Budget that we saw yesterday, but on all issues that are before you. I mention this because in my presentation of each of these items and in the replies that I may be called upon to give and the clarifications that I may be called upon to provide, you may rest assured that the Director-General has specifically instructed me to be helpful to the Commission and the Conference and always to see and present the matters from the points of view of the common interest of Member Nations.

Having said that, now let me proceed to the specific remarks I would like to offer on the Working Capital Fund. The document before you is C 91/LIM/13, and this includes the extract of the Report of the last Council together with the draft Resolution before the Conference. It also includes the extract from the Report of the September session of the Finance Committee and the extract of the Report of CCLM from its October session when it examined the proposed draft Resolution. My presentation on this subject is facilitated by the fact that this morning you considered the status of contributions and the financial situation of the

Organization. What I have to add I hope will help but does not involve long explanations. The Working Capital Fund is there in order primarily to come to the rescue of the General Fund. According to Financial Regulation 6.2, it is firstly to advance monies to the General Fund, to finance budgetary expenditures pending receipt of contributions. Now we all know that the receipt of assessed contributions each year, has a certain "échéance". Very few Member countries pay their contributions according to the requirements of the Basic Texts, within 30 days of the receipt of the call letter. The contributions come in month-by-month. I am not pointing a finger at any one Member Nation when I say that we all know that there are some Member Nations who have difficulty in making their payments promptly or early in the year. We all know that there are Member Nations who have, aside from economic difficulties, legislative factors within their governments which do not permit them or do not facilitate their payment of the contribution promptly or on time. It is a fact that with the two largest contributors making their contributions in the last quarter of the year, at least 38 percent - I say at least 38 percent because then there are other countries - at least 38 percent of the current assessments are not received until the last quarter of the year. We cannot manage in the preceding months with the contributions as received, and this is the clear, the open, the logical explanation for the call on the Working Capital Fund.

The level of the Working Capital Fund is very modest. It is very modest, if you compare it to the other comparable organizations: the United Nations and the other major specialized agencies. All this was covered in a report of the Joint Inspection Unit in 1989 which was submitted to the FAO governing bodies about Budgeting in Organizations of the United Nations system. In the debate in the Finance Committee, as the Report shows, it was recognized that the proposal of the Director-General to increase the level of the Working Capital Fund from US\$20 million to US\$25 million is well in line with the findings of this Joint Inspection Unit report. With the budget that you have approved, if the Working Capital Fund were to be increased to US\$25 million as proposed, it would represent only 3.87 percent of the base appropriation level.

Now these arguments have been presented. I think on the whole they have been accepted or understood. But then a question has been raised: "Why an assessment?" I would point out two things. Firstly, the Financial Regulations make it clear - and this is in paragraph 6.26(b)(iv); it appears on page 98 of the English version of the Basic Texts - and I quote: "If the Conference decides to change the level of the Working Capital Fund, there shall be a reassessment." It is clear. It is not that there may be or there could be or there might be. There shall be a reassessment. And the second factor I would point out is that when the level of the Working Capital Fund was increased in past years - I have not gone back to the origins of FAO, but I have gone back for my time in FAO - it was increased in 1981 to the level of US\$13.25 million. Then it was increased in 1987 to US\$17 million and then US\$20 million. It was done in two tranches for that biennium. On both occasions, according to the Financial Regulations, there was an assessment. I point out that the draft Resolution before you in the paragraph (b) after the operative decision, does point out the fact that the portion of each Member Nation's share in any 1990-91 cash surplus as may be needed to bring up its advance to the Working Capital Fund, after reassessment to the required level, shall be withheld and applied toward such advance as of 1 January 1992. This aspect of the draft Resolution and the reference to the Financial Regulations is for the reason that if we

were in a situation where there were to be a cash surplus at the end of the biennium, then each Member Nation's share of that assessment could be funded from that Member Nation's share of the cash surplus. Of course, that could make life much easier for everyone.

But it is a fact that we do not face any prospect, at least that I can see, of a cash surplus at the end of this biennium. Therefore, Mr Chairman, we come to the fact of the proposal to increase the amount from US\$20 to US\$25 million is an extremely modest one, is a very restrained one, and, secondly, that the assessment, which Member Nations would be called upon to face, would only be for US\$5 million.

What does this mean, Mr Chairman, in terms of the burden on Member countries? I am not going to try and score points. Let's be absolutely factual. For the largest contributor this would mean that it would have to pay an amount of US\$1 250 000. For Member Nations whose assessment on the scale of contributions is at the rate of 0.01 percent, the amount involved is US\$500. Five hundred dollars. It is once only. It is not for each year of the biennium, it is once only.

Finally, Mr Chairman, let us remember that the Working Capital Fund is not money that is thrown away. The Working Capital Fund is part of the assets that you Member Nations have in this Organization. If we were talking in terms of the private sector this would be the paid-up share capital of the shareholder. So, Mr Chairman, I have tried in this introduction not only to explain the proposal before you, but in the light of the debates that have already taken place in the Finance Committee and in the Council, to respond to some of the questions which were raised there and to anticipate them if they were going to be raised now.

Mr Chairman, the Resolution is before you. It has been reviewed by CCLM from the legal point of view. The matter is now in your good hands, Sir, and my colleagues and I are at your disposal if we need to provide any further clarification.

Thank you, Sir.

**LE PRESIDENT:** Je vous remercie, M. Shah, pour cette brillante introduction qui a certainement permis à la Commission de fixer ses idées sur cette importante question. Vous avez dit que cette question est entre nos mains, elle est entre les mains de la Commission.

Je voudrais tout simplement rappeler l'importance du débat auquel nous allons procéder tout à l'heure car je crois qu'il s'inscrit dans la foulée du débat fort intéressant que nous avons eu à l'occasion de l'adoption du programme de travail et budget hier en Plénière, du débat que nous avons eu ici même au sein de cette 3ème Commission sur la situation financière de l'Organisation et de l'état des contributions et dans l'esprit qui a caractérisé les négociations qui ont permis l'adoption par consensus, en tout cas à une large unanimité, du niveau du budget qui a été proposé par le Directeur général pour le prochain biennium.

Je voudrais simplement rappeler trois points qui me semblent essentiels. Le premier c'est que le Fonds de roulement est en conformité avec une décision du corps commun d'inspection, donc ce n'est pas quelque chose

d'extraordinaire; deuxièmement, cette augmentation dans le passé et M. Shah nous l'a rappelé tout à l'heure en 1981 et 1987. Le troisième point que je souhaiterais souligner c'est que cette augmentation, qui fait passer le Fonds de roulement de notre Organisation de 20 à 25 millions, ne représente que 3,52 pour cent du budget, ce qui est largement en deçà des taux de fonds de roulement dans les budgets des autres organisations du système des Nations Unies. Je sais que la Commission va aborder ces questions et j'espère qu'elle le fera dans un esprit d'ouverture qui s'inscrit dans l'atmosphère de consensus qui a prévalu jusqu'à présent au niveau de nos travaux.

J'ouvre le débat sur cette importante question.

La France demande la parole sur un point d'ordre.

POINT OF ORDER

POINT D'ORDRE

PUNTO DE ORDEN

**Jacques WARIN (France) :** Je voudrais me permettre de vous faire une suggestion compte tenu du fait que la question de l'augmentation du Fonds de roulement et de la reconstitution du Compte de réserve spécial sont deux problèmes étroitement liés car ils sont l'un et l'autre dûs aux difficultés de trésorerie que connaît notre Organisation. J'aurais aimé pouvoir en débattre sous un seul et même point et donc demander à M. Shah de continuer immédiatement la présentation de l'autre problème qui est celui de la reconstitution du Compte de réserve spécial. Cela nous permettrait peut-être également de concentrer nos débats et d'avoir une séance plus courte quoique forcément nourrie au cours de cet après-midi.

**LE PRESIDENT:** Vous avez fait une proposition qui me semble constructive et si la Commission n'y voit pas d'inconvénient, je donnerai la parole à M. Shah en lui demandant de continuer sur sa lancée en nous présentant le deuxième point, c'est-à-dire le Compte de réserve spécial.

- Replenishment of Special Reserve Account
- Reconstitution du Compte de réserve spécial
- Reposición de la Cuenta Especial de Reserva

**V.J. SHAH (Assistant Director-General, Office of Programme, Budget and Evaluation):** Thank you, Mr Chairman, I am delighted to do so and will do my best. Sir, the second proposal which is before this Commission for the replenishment of the Special Reserve Account is in document C 91/LIM/26. Now, here again the document contains the extract of the Council's report from its Hundredth Session, as well as the extract of the report of the Finance Committee from its September session and of the CCLM from its October session.

As the distinguished Ambassador of France emphasized, the two matters are indeed linked. They are linked, why? Firstly, Mr Chairman, because one of

the first functions of the Special Reserve Account is to come to the rescue of the Working Capital Fund.

According to the Conference Resolution which established and which governs the Special Reserve Account, and I refer to Resolution 13/81 adopted in November 1981, this resolution authorizes the Director-General to use the funds in the Special Reserve Account, and I quote: "a. whenever the Working Capital Fund is insufficient to finance budgetary expenditures pending receipt of contributions from Member Nations to the budget."

The second purpose is to finance unbudgeted costs due to movements of currency exchange rates. The third purpose, subject to prior review and approval by the Programme and Finance Committees, is to finance unbudgeted costs of approved programmes due to unforeseen inflationary trends.

Let me dwell, for a moment, on each one of these potential uses. The first justification which is to complement the resources of the Working Capital Fund is extremely important when you bear in mind the extent of the contributions in arrears and the contributions outstanding in current assessments.

But I emphasize it is important to bear in mind that not all these uses of the Special Reserve Account are available within any one biennium, because the demands from one factor may override the demands of others. To give you a precise example, we could have said, when the Working Capital Fund was exhausted during this biennium, that we could draw funds from the Special Reserve Account to complement the Working Capital Fund. But, simultaneously in this biennium the Special Reserve Account was utilized to finance unbudgeted extra costs due to the adverse movements of currency rates. So, as the Special Reserve Account was used to cover these costs due to the adverse movements of currency exchange rates, the resources of the Special Reserve Account were not available to supplement the Working Capital Fund. That is the first point.

The second point, Sir, is that with regard to the effects of currency exchange rates, it has been argued by some that the Organization should see its way to taking protective measures so that there would be no need for a Special Reserve Account for this purpose.

There are several replies I would like to give to that point. Firstly, if we could all deal with currency exchange rates to our advantage, whether as individuals or as organizations, perhaps most of us would not be sitting here. Secondly, that protective measures against exchange rate movements can indeed be considered, can indeed be examined as was done by the Finance Committee and the Council at the behest of the Conference four years ago. At that time no solutions were found which have been approved by the Conference. This is not to say that the matter cannot be further studied. It has been suggested that it be further studied, and this could certainly be done by the Finance Committee even next year. But the fact remains that today, at the time this Conference meets, there are no other protective measures in force and, with no resources in the Special Reserve Account at the end of this biennium, the prospect of starting another biennium with an empty Special Reserve Account is one which cannot be seriously considered, not only by the Director-General, but I would say by you as Member Nations.

The third aspect to bear in mind is that the Special Reserve Account when it comes to exchange rate effects, is not all on the negative side because the Conference Resolution provides that when there are positive effects of fluctuations in exchange rates, the gains of the Organization be credited to the Special Reserve Account, and if we look, Mr Chairman, at the last decade, Member Nations have benefited quite significantly from these gains. In 1980-81 the Special Reserve Account was credited with US\$18 million; in 1982-83 it was credited with US\$16.4 million; in 1984-85 it was credited with US\$10.6 million; in 1986-87 unfortunately the effects were negative amounting to US\$31 million; but again in 1988-89 there was a gain resulting in a credit of US\$10.9 million to the Special Reserve Account. So Mr Chairman, I would submit that this matter has to be seen in perspective. In four biennia out of five, Member Nations have received currency gains and they have been credited to the Special Reserve Account, and when there has been a cash surplus these have contributed to the cash surplus. So in years when there are losses because of currency exchange rates, this is a part of the responsibility which we all share, which you as Member Nations share.

The fourth aspect I would respond to, Mr Chairman, is that the Working Capital Fund and the Special Reserve Account should be looked at, as they have quite rightly been referred to by my colleagues this morning, as your safety nets. They are the safety nets of the Organization against the haphazard receipt of contributions. They are the safety nets which help the Director-General and his colleague, Mr Mehboob, to only have recourse to borrowing as a last resort. There are many Member Nations who have said and continue to say that they prefer the Organization not to resort to borrowing, and in fact the authority to borrow, which has been given by the Conference to the Director-General, specifies that it should be used as an instrument of last resort. The Director-General himself does not like it at all; he has said so to you. But if you do not see to the provisions of safety nets with the necessary resources, how is he to avoid borrowing in these situations of last resort.

Mr Chairman, the fifth point I would offer is that the Director-General is extremely aware that this is a matter among Member Nations as we have heard. We have heard some Member Nations saying that, if they are good payers, they do not see why they should share in solutions which are required by the performance of not-so-good payers. The Director-General and the Secretariat are not expressing any view or any criticism of any Member Nation. The delay in payments are for reasons of the Member Nation concerned and it is not for me to express an opinion about that, but if there are these delays - and they are a fact - then it is your common responsibility, I submit, to recognize this fact and the ensuing responsibility.

The sixth comment, Mr Chairman, that I would offer is that the Director-General is extremely aware and is very sensitive to the burdens on Member Nations, and for that reason he has asked me to formally amend the proposal before you. The proposal before you in document C 91/LIM/26 - and I refer to the draft resolution - requested a replenishment of the Special Reserve Account in the amount of US\$32 585 400. Mr Chairman, in view of the consensus which everyone desires, and once again the Director-General wishes to help bring this about, he has asked me to announce to you that his request for replenishment of the Special Reserve Account for the next biennium is now limited to US\$28 million; US\$28 million, with the further change in the proposal that this be spread over the two years of the

biennium. That is to say an initial replenishment of US\$14 million with effect from 1 January 1992.

Mr Chairman, these proposals of the Director-General would result in the amendment of operative paragraph 1 of the draft resolution as follows, and I will read the full paragraph slowly. Operative paragraph 1: "Decides to make a special assessment on Member Nations to provide for the replenishment of the Special Reserve Account in the amount of US\$28 million payable in two equal instalments of US\$14 million each due on 1 January 1992 and 1 January 1993 respectively;" end of amendment and the rest of the resolution is unchanged.

Mr Chairman, the seventh point I would offer is that you will recall that, when the General Committee submitted for the consideration of this Conference its suggestions regarding the Programme of Work and Budget 1992-93, and I refer to document C 91/LIM/39, you will recall that in that report - and I refer to paragraph 11 of C 91/LIM/39 - "The General Committee also expressed the hope that, taking into account the consensus decision eventually reached on the Programme of Work and Budget 1992-93, the Conference would reach positive solutions on the Director-General's proposals for increasing the level of the Working Capital Fund and replenishing the Special Reserve Account for 1992-93."

This brings me to my eighth point, Mr Chairman, stemming directly from this hope expressed by the General Committee, yesterday you, the Conference, adopted a Programme of Work and Budget where many of you commented on the difference between the Programme of Work and the Net Base Budgetary Appropriation, and where many of you commented on the decline this represents in real terms, a decline of US\$31.3 million. Mr Chairman, I would submit on behalf of the Director-General that you respectfully consider his proposal for the replenishment of the Special Reserve Account by US\$28 million very much in relation to the decline in the Budget which many of you have noted.

This leads me, Mr Chairman, to suggest also that the Director-General realizes very well that for those of you who come with set positions and firm instructions to oppose a proposal such as this, perhaps nothing I can say on his behalf may make you change your position. But I trust, and the Director-General is confident, that you will bear the interests of the Organization at heart, your common interest, and the fact that what is being asked for in this proposal is for the financial viability of the Organization and for the conditions necessary to implement the next Programme of Work and Budget in the manner that you expect. For those Member Nations who are represented here and who can agree to consider this proposal in this context, may I also point out, Sir, that the amended proposal for the replenishment of US\$28 million spread over two years is specifically geared to assist the bearing of this burden. For Member Nations whose scale of contributions is 0.01 percent, an assessment of US\$14 million each year would amount to US\$1 400, and this amount is for each year of the next biennium.

I am grateful to you for having given me the time to expand on the proposal. No doubt there are aspects that I have not covered. If these aspects are raised I will be glad to reply but I hope that I have given this Commission the elements to arrive at a consensus decision. I sincerely hope so.

**LE PRESIDENT:** Il faut éviter de procéder à des emprunts même si notre Conférence nous a donné cette possibilité. Les deux mécanismes permettent de faire face aux fluctuations négatives du taux de change lire/dollar. Je n'ai pas besoin de vous rappeler que pour 1990-91 il a été enregistré une fluctuation négative de 26 millions de dollars. C'est une somme considérable et ces deux mécanismes constituent des digues importantes qui peuvent permettre à l'Organisation de fonctionner comme il faut.

Vous avez entendu la proposition qui a été faite par le Directeur général et que vient de nous livrer M. Shah, une proposition constructive qui, je l'espère, permettra de réaliser le consensus aussi bien sur le fonds de roulement que sur le Compte de réserve spécial.

Les débats sont ouverts. Etant donné que nous avons lié les deux questions les délégations qui le souhaitent voudront bien s'exprimer sur les deux questions.

**Amin ABDEL-MALEK (Liban):** Je remercie M. Shah pour son excellente présentation en ce qui concerne le fonds de roulement et également la reconstitution du Compte de réserve spécial.

Je voudrais également remercier mon ami, Son Excellence M. l'Ambassadeur de France, pour sa proposition constructive de discuter des deux questions en même temps afin de gagner du temps.

La délégation du Liban appuie les deux propositions du Directeur général relatives à l'augmentation du fonds de roulement de 20 à 25 millions de dollars ainsi que pour la reconstitution du Compte de réserve spécial pour 28 millions de dollars comme cela vient de nous être proposé.

Ces augmentations qui nous sont soumises pour approbation ne sont pas vraiment significatives pour les Etats Membres surtout pour les Etats qui ne paient que 0,01 pour cent du budget; comme l'a dit M. Shah la première augmentation n'a qu'une conséquence de 500 dollars alors que la deuxième proposition n'a comme conséquence qu'une augmentation de 1 400 dollars par an pour ces mêmes Etats Membres ne payant que 0,01 pour cent du budget.

Notre attitude est dictée par notre aspiration à faciliter le travail de cette Organisation pour qu'elle survive, qu'elle continue ses programmes et qu'elle n'ait pas à devoir recourir à l'emprunt extérieur sauf en cas d'extrême nécessité. Nous avons d'ailleurs présenté ces points de vue devant le Comité financier dont je suis membre, ainsi que lors des travaux du Conseil et je n'ai pas à réitérer ce que j'ai dit pour gagner du temps.

**Thomas YANGA (Cameroon):** I am taking the floor on behalf of the African Group. First of all, I would like to thank Mr Shah for his presentation on the two issues.

My task is quite easy because yesterday in explaining the vote that was passed by the members of my Group, I have already given the position of the African countries on these two important issues; mainly the increase in the Working Capital Fund and the replenishment of the Special Reserve Account.

The African Group takes note of the fact that the cash balance on the Working Capital Fund at 31 October 1991 was US\$0.2 million, as a result of the contribution received from Member countries for this purpose and after this fund has advanced US\$18 million to the General Fund.

Considering that a significant number of countries, including two major contributors, cannot pay their outstanding contribution early in the year, having in mind also the financial situation of the Organization that our Commission has reviewed this morning and in view of having the Working Capital Fund which effectively plays the roles assigned to it by the Conference, the African Group endorses the Director-General's proposal for an increase in the level of the Working Capital Fund from US\$20 to US\$25 million.

Regarding the replenishment of the Special Reserve Account, the African Group welcomes the efforts made by the Director-General of FAO to reduce the level of the replenishment in order to reach a consensus on this issue and in consideration of the impact of this replenishment on the assessed contribution of member countries for the next biennium. However, we note with great concern that the deficit balance on the Special Reserve Account at 31 October 1991 was US\$3.1 million. The figures might be higher at the end.

We recall that the Special Reserve Account was established by the Conference in order to supplement the Working Capital Fund for financing budgetary expenditure, receipts of contributions from Member Nations, the finance and budgeted extra cost due to movement of currency exchange rates and losses on exchange and to finance budgetary extra costs of approved programmes due to inflationary trends.

Nobody knows at this stage what will be the evolution of the exchange rates in the next month. Also, our Commission some minutes ago adopted a recommendation to the General Assembly in favour of FAO personnel. Can we determine at this stage all the financial implications of the possible UN General Assembly decision on this matter? Where will the Organization find the resources to finance any extra costs related to this personnel issue?

Yesterday morning we ourselves joined, for the sake of harmony and compromise, the consensus on the Programme of Work and Budget which was reduced by an unjustified amount of US\$27 million. After that sacrifice, we are very concerned about the effective implementation of the approved programme of work; hence we appeal to all the other Member countries to join us in providing the Organization with the necessary mechanism to ensure the execution of the Programme of Work and Budget by protecting it from the fluctuations of the exchange rates and the budgetary costs.

We believe that the facts speak for themselves on the replenishment of the Special Reserve Account. The question is: how?

From what we have heard here, the payment of arrears cannot be taken for granted. We think that a special assessment from Member countries may be unavoidable.

In conclusion, recognizing the necessity to protect the execution of the programme of work and the unpredictable currency fluctuations, the African

Group endorses the principle of the replenishment of the Special Reserve Account.

**LE PRESIDENT:** Je remercie Monsieur le délégué du Cameroun qui vient de parler au nom du Groupe africain et je donne la parole au représentant des Pays-Bas.

**F.C. PRILLEVITZ (Netherlands):** I will be brief because I was informed that my presence is needed in Commission II.

The summary of my statement is: yes, no, yes.

My statement will be almost as brief. Yes, we can go along with the increase in the level of the Working Capital Fund but no special assessment. For us it is not the amount of money - two percent of the contribution will be around US\$100 000 - but we are not responsible for, as Mr Shah said, the haphazard receipt of contributions. It is a matter of principle.

Mr Shah has tried to convince us and he was almost successful; so I will wait a little bit. In the first instance it is: no. Perhaps it will be an abstention later on.

On Special Reserve Accounts, we can accept the proposal of the Director-General. We welcome, of course, the decrease to US\$28 million payable in two instalments but I would like to remind the Secretariat that we have already said at the Council meeting in June that we would like to see proposals from the Director-General to solve the problem. We would like to see that at the next Conference. How can we say there are no losses any more? There are several methods. We would like to see a very clever proposal from the Director-General.

In conclusion, we can accept the replenishment of the Special Reserve Account under that debt condition.

**Eivind HOMME (Norway):** Allow me first to thank Mr Shah for his brilliant introduction and for the brand new information which we have just received. It was good news.

The Commission is asked today to give its support to two resolutions on financial matters. The first proposal is to increase the Working Capital Fund from a level of US\$20 million to US\$25 million. The second is to replenish the Special Reserve Account with US\$28 million as we have just heard.

The proposal will have to be funded through an additional assessment on Member States.

Allow me to draw the Commission's attention to the fact that such proposals were also discussed by the Conference in 1987, only four years ago.

In our statement on the Programme of Work and Budget at that FAO Conference, the Norwegian delegation strongly warned against the use of

external borrowing as the resort for covering short-falls in payment of assessed contributions. We pointed out that the Working Capital Fund was only meant to be a buffer for very short term financial problems, normally cash-flow problems. It was thus with great hesitation at that time we voted for the resolution increasing the level of the Working Capital Fund from US\$13.2 million to US\$20 million, with the substantial implications this had for the Member States' assessed contributions.

The Norwegian delegation abstained and the same Conference voted on the proposed replenishment of US\$12.3 million of the Special Reserve Account for 1988-89 again through a special assessment on Member States. We expressed at that time, and our position remains the same, that FAO should study how to better deal with the problem stemming from the fluctuations of currency rates.

My delegation regrets that the financial situation of FAO still is characterized by serious short-falls and cash-flow problems. We have, together with other Nordic countries, repeatedly urged all Member States to fulfil their legal obligations to pay in full and on time as stipulated in the financial rules and regulations of FAO. The present proposal for replenishment of the Working Capital Fund and the Special Reserve Account must be seen as a result of non-payment from Member States. We have in Commission II and in the Plenary adopted a Programme of Work and Budget for the next biennium by consensus. This concerns that contributions to the Organization will be paid on a regular basis and that all Member States are committed to do their utmost to cover their arrears to FAO.

One major contributor has clearly indicated its intentions to start paying arrears in the next biennium. This means in our view that extra funding for the proposed replenishment no longer is needed. Furthermore, it is now crucial to call again on all Member countries to pay their full contributions and on time. All countries in arrears should do their utmost to settle this during the next biennium.

With this background the Norwegian delegation cannot support the proposed resolution. While understanding the Organization's need to take protective measures against currency fluctuations, we are not in a position to support the proposal to finance such increase and replenishment through assessed contributions by Member Nations.

**Rudolph DE POURTALES (Suisse):** Au sujet de ces deux projets de résolution le Gouvernement suisse prend une position relativement négative.

Ma délégation tout d'abord est de l'avis, concernant le Fonds de roulement, que les perspectives de la situation financière de la FAO se sont nettement améliorées avec le consensus qui a pu être trouvé sur le budget pour le biennium 1992-93 et les promesses faites dans ce contexte par le plus important contributeur notamment, également pour payer les arriérés. La situation budgétaire est difficile dans la plupart des pays membres de notre Organisation. La conjoncture économique mondiale n'est pas très favorable comme nous le savons tous. Dans mon pays par exemple les comptes de l'année 1991 accuseront un déficit au niveau fédéral d'environ 2 milliards de francs suisses, donc plus d'un milliard de dollars.

Pour l'année prochaine d'importantes coupures budgétaires sont imposées. Dans cette situation nous ne pouvons pas approuver une augmentation du Fonds de roulement par des contributions spéciales qui seraient à financer par de nouvelles contributions obligatoires. Nous sommes cependant favorables à une augmentation du Fonds de roulement au niveau proposé de 25 millions de dollars à condition que cette augmentation soit financée exclusivement en retenant un éventuel excédent de trésorerie provenant notamment de paiements d'arriérés subséquents. C'est donc au rythme des arrivées de paiements d'arriérés que ce Fonds de roulement pourra être augmenté et reconstitué.

Il conviendrait donc, pour la délégation suisse, de modifier la résolution concernant le Fonds de roulement.

En ce qui concerne le fonds de réserve spécial ma délégation ne peut pas approuver non plus la reconstitution proposée de ce fonds. A notre avis, le problème posé à l'Organisation par les variations importantes du taux de change entre le dollar et la lire peuvent se résoudre d'une façon différente. Nous ne pensons pas que l'instrument du Compte de réserve spécial soit la réponse adéquate à ce problème, nous en avons eu la preuve dans les années passées. C'est pourquoi ma délégation aimerait proposer que notre Conférence décide que les contributions obligatoires pour le financement du budget régulier 1992-93 se fasse en deux monnaies, c'est-à-dire que la part des dépenses que le Secrétariat connaît très bien, qui sont faites en liras, serait obligatoirement versée par les pays membres en liras et le reste de la contribution serait payé en dollars.

Cette possibilité est offerte à l'Article V-5.6 du Règlement financier.

C'est ainsi qu'il conviendrait de remplacer peut-être la résolution sur le Compte de réserve spécial par une résolution instituant ce split contribution.

**LE PRESIDENT:** Je vous remercie.

Avant de donner la parole à l'Ambassadeur de France pour s'exprimer sur cette question, je voudrais seulement préciser que la proposition qui vient de nous être faite par le Directeur général ne représente qu'environ 4,3 pour cent du budget effectif, ce qui est en deçà du taux de 5 pour cent préconisé par la Résolution 13/81 que la Conférence générale a adopté sur le Compte de réserve spécial.

**Jacques WARIN (France):** La situation financière de l'Organisation, sur laquelle nous nous sommes étendus ce matin et sur laquelle le Directeur-général nous a alertés à maintes reprises, est suffisamment grave pour que le Secrétariat ait été amené à présenter les deux propositions nouvelles dont M. Shah vient de nous faire l'exposé et dont je comprends qu'elles sont de nature à prévenir pour l'année prochaine un recours plus massif encore que celui que nous avons connu à l'emprunt, car personne d'entre nous n'est évidemment favorable à un recours continu à l'emprunt externe.

Ces deux propositions, on l'a rappelé, consistent à porter le Fonds de roulement de 20 à 25 millions de dollars et à reconstituer le Compte de réserve spécial à hauteur de 28 millions de dollars pour l'exercice

1992-93, puisque c'est le chiffre nouveau dont M. Shah vient de nous faire part.

Je rappelle qu'il s'agit d'alimenter par deux contributions spéciales, qui frapperaient les Etats Membres en sus de la contribution obligatoire qu'ils acceptent en votant le budget, à la fois ce Fonds de roulement et ce fonds de réserve spécial.

Certes le délégué du Liban en ouvrant nos débats a dit que pour bon nombre d'entre nous cela ne représentait que 500 dollars plus 1 400 dollars, et qui n'aurait pas 2 000 dollars dans sa poche surtout lorsqu'il s'agit d'un gouvernement ?

Malheureusement, pour un pays comme la France dont la quote-part est de 6,3 pour cent, le fait d'avoir voté un budget de 645 millions de dollars au cours de la session plénière d'hier nous impose un versement annuel de 24 millions de dollars à quoi il faudrait ajouter, si nous acceptons ces deux contributions spéciales, une somme de 1,5 millions de dollars. Cela mérite quand même qu'on s'y arrête.

Sur les deux propositions ma délégation a une position différente et je vais vous expliquer pourquoi; du point de vue juridique comme du point de vue financier, les deux situations ne sont pas identiques. Elles ont été amalgamées, et je remercie M. Shah de l'avoir fait dans son exposé, par les difficultés actuelles de trésorerie mais elles ne se présentent pas de la même manière ni du point de vue juridique, ni du point de vue financier.

En effet, l'augmentation du fonds de roulement est prévue par les textes et elle se justifie, nous semble-t-il, par le contexte budgétaire actuel. L'Article 6.2(a) et (b) du Règlement financier prévoit en effet que la Conférence fixe le montant du fonds de roulement de temps à autre, que ce fonds est alimenté par des avances des Etats Membres fixées sur la base du barème des contributions existant et que, si la Conférence décide de modifier le montant du Fonds de roulement, les avances des Etats Membres sont fixées à nouveau. Tout cela est donc parfaitement légal.

D'autre part, et M. Shah l'a rappelé, l'augmentation du Fonds de roulement dont le pourcentage reste modeste par rapport au budget annuel de l'Organisation est conforme à une recommandation prise en son temps par les inspecteurs du Corps commun de l'inspection du système des Nations Unies. C'est pourquoi, ayant fait l'analyse de cette situation, ma délégation votera en faveur de cette mesure: oui à l'augmentation du Fonds de roulement justifiée sur le plan financier, oui à la contribution spéciale à cet effet puisqu'elle est prévue par les textes, Article 6.2(b).

Il en va tout différemment pour le Compte de réserve spécial. L'Article 6.8 du Règlement financier est d'ailleurs à cet égard beaucoup plus laconique. Il dispose en effet que "la Conférence peut constituer des fonds de réserve". Mais rien de précis n'est dit sur le Compte de réserve spécial qui est régi par les Résolutions 13/18 et 17/89 de la Conférence.

Si la Conférence est donc bien compétente pour créer des fonds de réserve, et notamment ce fonds de réserve spécial, le problème se pose maintenant du mode d'alimentation de ces fonds.

Je dois dire que je n'avais pas encore la solution au stade du Comité des questions constitutionnelles et juridiques où je siège en qualité d'expert - même si je n'en ai pas toutes les qualités - au moment où est passée la résolution pour approbation.

Au cours de la centième session du Conseil, j'ai posé la question à M. Shah qui, lui, est un véritable expert pour tout ce qui concerne les questions financières de la FAO et qui vient d'en faire la brillante démonstration une nouvelle fois, il y a quelques minutes. Je lui ai demandé quels étaient les moyens d'alimenter le Compte de réserve spécial, il m'a cité trois voies: les surplus éventuels de trésorerie, les sommes reçues en paiement des arriérés, enfin les contributions spéciales.

Il en ressort que l'imposition d'une contribution spéciale ne vient qu'en dernier recours et qu'elle ne devrait pas se substituer au paiement des arriérés. A cet égard nous avons entendu à notre grande satisfaction la délégation américaine annoncer hier en séance plénière que le Gouvernement des Etats-Unis va reprendre le versement de ses arriérés à compter du premier semestre de l'année prochaine. Je demande donc au Secrétariat de faire en sorte que le paiement des arriérés soit affecté à la reconstitution du Compte de réserve spécial et que les Etats Membres ne soient pas taxés d'une contribution spéciale à cet effet.

Pour être plus direct, je vous dirai que les bons payeurs, ceux qui paient leurs contributions rubis sur l'ongle, dans les premiers mois de l'année, et qui n'ont pas d'arriéré, n'ont pas l'intention de payer pour les autres. Pour prendre une comparaison agricole, puisque nous sommes dans une enceinte de cette nature, nous n'avons pas envie - nous, les bons payeurs - d'être les vaches à lait de l'Organisation, ou encore d'être les dindons de la farce, ou plutôt de la ferme.

C'est pourquoi et tout en ayant bien considéré les difficultés de trésorerie de notre Organisation, j'adopte une attitude réservée à l'égard de cette proposition.

Le Secrétariat me répondra peut-être que les arriérés américains

n'arriveront que dans le cours du premier semestre 1992 et qu'il faut tout de suite reconstituer le Compte de réserve spécial. Le Directeur général amène brandi, au cours de la séance d'hier, la menace d'un nouvel emprunt externe si la trésorerie de la FAO n'est pas rapidement remise à flot.

La délégation française est bien consciente de cette situation. L'attitude qu'elle adoptera à l'égard du projet de réserve spécial sera donc une attitude d'abstention ce qui ne préjuge pas de la position finale que prendra mon gouvernement au moment du versement de la contribution. Mais en adoptant cette attitude, nous voulons lancer un avertissement à la fois au Secrétariat et au plus gros contributeur: oui, à un compte de réserve spécial pour prévenir les fluctuations de change, mais à cet effet utilisez les sommes reçues au titre des arriérés qui sont dues à l'Organisation et qui ne sont pas négociables et qui par conséquent ne doivent pas être utilisés pour financer des programmes à la demande de tel ou tel contributeur. Ils doivent précisément servir à combler les déficits de trésorerie et permettre à l'Organisation qui subit depuis plusieurs années une cure d'amaigrissement très préoccupante de reprendre la place qui doit être la sienne dans le domaine de la coopération économique internationale et de l'aide au développement.

**El Hanafi AHMED (Moroc):** Je voudrais tout simplement vous signaler que la délégation marocaine a bien pris note des éléments d'appréciation qui nous ont été exposés par M. Shah et partant de ces éléments la délégation marocaine estime que pour permettre à notre institution d'avoir des comptes équilibrés, il est tout à fait opportun et tout à fait indispensable de porter le niveau du Fonds de roulement de 20 à 25 millions de dollars E.-U. et qu'une contribution extraordinaire de 28 millions de dollars soit versée par les Etats Membres pour la reconstitution du Compte de réserve spécial. Par conséquent, ma délégation se joint à celles du Liban et du Cameroun pour appuyer les deux résolutions qui nous sont soumises à ce sujet.

**Jürgen OESTREICH (Germany) (Original language German):** First of all, I would like to thank Mr Shah for his very brilliant introduction which he gave with his own true clarity and powers of conviction and commitment to this Organization. I would also like to thank him for the information about the amendments to the Resolution in document C 91/26, and I shall of course inform my Government of that.

However, I do fear that the critical position of my own Government toward these two funds which we are to deal with under this point on the agenda is less concerned with the level of contributions and more a matter of principle. We believe that the reasons for the intended increase or replenishment of these funds are first of all a result of the financial crisis of the FAO and above all are the result of the manner of payment of contributions by certain Member States. Therefore, it is only obvious, and you yourself pointed this out, Mr Shah, that a Member State who does pay its contribution completely and fully at the beginning of the year has some considerable difficulty in approving these two proposals, most particularly their financing through a special assessment. The proposals do mean that prompt payers are penalized, and that certainly cannot be in the interest of the Organization. We should motivate people to pay on time and to remain prompt payers and not penalize them for acting on and following the Constitution. In our opinion, a Working Capital Fund should only be used to bridge short-term cash flow problems. The Joint Inspection Unit of the United Nations, which you mentioned, also was of that opinion. The pressure to increase the Working Capital Fund is obviously a result of efforts to try to compensate for long-term shortfalls. Therefore, we believe that this is contrary to the intended use of the Working Capital Fund. The Special Reserve Account is a similar case because it is in practice a substitute for the Working Capital Fund apart from being a security device against dollar-lire exchange rate fluctuations.

Since I have the floor and we speak here about financing instruments, perhaps for the reasons I mentioned initially, I could also point out that my Government is against the internal and external borrowing and the resultant payment of interests and costs. On that point we have often asked for information on these interest losses. I would be very interested if we could get this information for the past period. Furthermore, we would also like to see proposals which have already been discussed here in the FAO to encourage prompt payment.

Certainly, it is not sufficient simply to talk about interest rates and say that they exist. What we need are measures and proposals whereby prompt payers do not have to suffer the burden of such costs, and we would be in

favour of measures whereby we can keep prompt payers and win more prompt payers.

Allow me to conclude by once again expressing our hopes that the financial crisis of the FAO can soon be brought to an end. Recognizing joint responsibility for the important work of this Organization, we hope that all Member States who can, in fact, do so will fulfill their constitutional duties.

**LE PRESIDENT:** Je voudrais dire que, certes, ce sont les problèmes financiers et la crise financière qui sont à l'origine de cette augmentation tant du niveau du Fonds de roulement que du niveau de reconstitution du Compte de réserve spécial, mais n'oublions pas que ce sont des mécanismes qui sont légaux, qui existent. Je crois que l'Ambassadeur de France a bien spécifié cela, pour le Fonds de roulement il s'agit d'une disposition conditionnelle des textes de base, et pour le Compte de réserve spécial il s'agit d'une disposition qui a été prise par la Conférence générale. Donc ces mécanismes n'existent pas seulement à cause de la crise financière du fait des problèmes financiers, mais ce sont des mécanismes qui existent légalement et qui sont constitutionnellement acceptés par notre Organisation.

**Raphaël RABE (Madagascar):** Ma délégation voudrait également remercier M. Shah pour la présentation très claire de ce point de l'ordre du jour. Ma délégation appuie la déclaration faite par l'honorable délégué du Cameroun au nom du Groupe africain.

En créant les deux mécanismes : Fonds de roulement et Compte de réserve spécial, la Conférence a voulu protéger l'Organisation des incertitudes inhérentes notamment au retard de paiement des contributions et aux fluctuations des taux de change, phénomène auquel malheureusement la FAO ne peut échapper. Ces motifs demeurent plus que jamais valables. Aussi nous semble-t-il pour le moins logique que la majorité des membres du Conseil à sa centième Session ait souscrit au principe de la nécessité d'une part, de reconstituer le compte spécial, d'autre part de pouvoir disposer d'un Fonds de roulement plus approprié. Bien entendu, la meilleure solution aurait été de voir tous les arriérés de contribution payés et de détailler de ce fait des excédents de trésorerie qui auraient alors servi à financer l'augmentation du Fonds de roulement et à reconstituer le Compte de réserve spécial. C'était le cas avant 1986, mais malheureusement, depuis cette date, on parle plutôt de déficit de trésorerie et de dettes, de factures impayées. En attendant de voir des jours meilleurs, les Etats Membres seront peut-être malheureusement obligés de faire encore des sacrifices car aucune délégation n'est favorable au recours à de nouveaux emprunts, en tout cas à l'instar de la délégation du Cameroun.

Ma délégation est favorable au principe de l'augmentation du Fonds de roulement et de la reconstitution du Fonds de réserve spécial. Nous voudrions apprécier la proposition du Directeur général de ramener le montant à reconstituer à 28 millions de dollars pour favoriser le consensus.

**Josias P. LUNGU (Zambia):** Thank you, Mr Chairman. In view of the statement made on behalf of the African Group I will try to be very brief.

I will start by thanking Mr Shah for his introduction of the Agenda Items 32.2 and 32.3.

I also congratulate you, Mr Chairman, most sincerely for taking your time to chair the work of this Commission.

We thank you for giving us the opportunity to contribute to the debate on these items.

Zambia, Mr Chairman, is among many nations that have shown great concern for the serious cash flow problem of the FAO by paying off its outstanding arrears and assessed contribution for the current period. We believe that this is the best way to resolve the Organization's financial problems without resorting to the proposed increase in the level of Working Capital Fund and Special Reserve Account.

We therefore urge other Member Nations, especially those who have the capacity to pay arrears and assessed contribution, to do so promptly.

Mr Chairman, the debate in this Commission must not lose sight of the serious economic problems which make it difficult for the poor nations to meet their financial obligations to the FAO, the proposals we now have for these poor nations to contribute.

However, in view of the desperate financial situation facing our Organization my delegation is willing to support the two draft resolutions on the level of the Working Capital Fund and the Special Reserve Account.

**Ms Melinda KIMBLE (United States of America):** Thank you very much, Mr Chairman.

As the United States stated at the recently concluded Council session and the meeting of the Finance Committee in September, we support the US\$5 million increase in the level of the Working Capital Fund since it is in line with an earlier recommendation of the UN Joint Inspection Unit on acceptable levels for working capital funds.

We also support the use of the Working Capital Fund to bridge the time gap between the receipt of assessed contributions and the payment of budgetary expenditures. Having said that we cannot support any increase that calls on Member States to be assessed an additional US\$5 million, particularly at this same time we are being called upon to provide substantially increased contributions to FAO's regular budget.

The United States is of the view that the increase should be funded from available surplus funds and that the financial regulations of the Organization should be amended to allow for such an increase through this method.

We also note that a portion of United States arrears might be used for this purpose. Since FAO's income exceeded expenditures by US\$40.4 million at the end of 1990, it is not unreal to expect a similar improvement in the

outlook for calendar year 1991 as increasing payments are being made to the Organization. Turning to the Special Reserve Account, Mr Chairman, the position of the United States on this Agenda Item, is a restatement of what we have already covered at the recently concluded Council session and the September session of the Finance Committee.

Although we strongly support the recent unanimous adoption of the 1992-93 budget and the constructive and effective spirit of consensus that has speeded the work of this Conference, we must reiterate that our views on the Special Reserve Account have not changed.

Moreover, given the reservations of the United States concerning the appropriateness of the Special Reserve Account, we could not agree to any suggestion that this account would be funded by United States arrears payments, particularly due to the inherently unprogrammed and duplicative nature of this account.

While we welcome the Director-General's decision to reduce the Special Reserve Account assessment from US\$32.6 million to US\$28 million, we regrettably must oppose the increase in assessments on Member States for the Special Reserve Account.

Although the United States generally supports the international organizations, including FAO, taking reasonable measures to minimize the adverse effects of currency fluctuations, including such measures as converting budgets to local currency if expenditures exceed 80 percent in that currency, using a split assessment scheme and forward purchasing of currencies, we cannot support this increase by an additional assessment.

It has also been our view that the Special Reserve Account serves other purposes. In particular we are aware that it is also used to finance budgetary expenditures pending receipt of contributions. Since FAO's working capital fund exists for this purpose the use of this Special Reserve Account for similar reasons is clearly redundant and actively discourages efficiency and economies.

As an alternative approach to the management of exchange rate fluctuations my delegation urges FAO to examine the suggestions outlined by various delegations in this regard, and to put forth concrete proposals for dealing with these fluctuations to the members of the Finance Committee at their spring meeting in 1992. It would be helpful if FAO provided illustrative data at this meeting on the split assessment scheme based on contributions payable to the Organization for 1992.

In addition, we would strongly favour a study of the use of UN operational rate of exchange in effect for November rather than the market rate, since this practice of determining the budget rate is more common among UN organizations, and appears to work well.

**Ray ALLEN (United Kingdom):** Thank you, Mr Chairman. My delegation has already had the opportunity to comment on the proposals for the increase in the Working Capital Fund, and the replenishment of the Special Reserve Account at the Council session.

Although these are clearly recorded in paragraph 5 of document C 91/LIM/13, my delegation opposes any increase or replenishment of these funds which would entail additional assessments on Member Nations.

Mr Chairman, it is simply not realistic to assume that further special assessments will be paid. In considering document C 91/LIM/32 earlier today it was pointed out that 65 Member Nations had not even paid their assessed contributions to the budget; 66 countries are in arrears.

We have to be more realistic and pragmatic. Members who pay their contributions in full should not be penalized by the imposition of additional assessments, particularly to cover for those Members who have not paid.

As the German delegation has already said, this could be a disincentive to the good payers.

Now, Mr Chairman, there are several countries who still have not paid towards the last assessment for these funds. We are not opposed per se to an increase in the Working Capital Fund. As C 91/LIM/13 tells us, as Mr Shah said in his introduction, this would be in line with the Joint Inspection Unit recommendations. We do not, however, agree that this should be done from special assessments, but instead from surplus funds as and when they arise.

We had some encouraging news yesterday from the largest contributor. We have also adopted a budget rate of 1 210 lire to the dollar. The projections for the lire/dollar exchange rate for the coming biennium indicate that the dollar is expected to strengthen against the lire during that biennium.

Mr Chairman, at a time when contributions to the Organization already represent a significant burden for many we should not be adding to that burden with special assessments. Instead we should be looking for alternative ways of ensuring that the programme of work is protected, particularly from movements in the exchange rate.

Additional special assessments to the Special Reserve Account are equally as unrealistic as those for the Working Capital Fund. We consider that alternative ways should be found to minimize the adverse effects of exchange rate fluctuations such as those mentioned by the Swiss delegation, that is, a split currency budget.

**Winston R. RUDDER (Trinidad and Tobago):** Thank you very much, Mr Chairman.

Mr Chairman, the matters before us for consideration and approval cannot be deleted from the deliberations and decisions relating to the 1992-93 Programme of Work and Budget which we attended earlier.

In this regard, may I on behalf of the 15 Member States of the CARICOM Sub-Region of Latin America and Caribbean express our gratitude to the indications of commitment made by the countries concerned to reconcile the obligations with the Organization. Indeed, it is this positive response which has led the Director-General to modify his proposals for the replenishment of the Special Reserve Account. Chairman, as we understand

it, there are circumstances attending the financial difficulties of the Organization. Over the past biennium are those which have led us to consider the issues currently before this Commission.

Chairman, we have examined the documents C 91/LIM/13 and C 91/LIM/26, the proposed increase of US\$5 million of the Working Capital Fund and the replenishment in the Special Reserve Account.

The current financial situation facing the Organization derives directly from the action of lack of timeliness and irregularity of payment, and the current level of arrears.

It is absolutely critical for the financial integrity and stability of the Organization that we make adequate provision in both the Working Capital Fund and Special Reserve Account.

In light of the foregoing, Mr Chairman, we support the proposals increasing the level of the Working Capital Fund and for the replenishment of the Special Reserve Account for the 1992-93 biennium.

These measures are reasonable and must be seen as part of the package of proposals relating to the financial arrangements for the coming biennium which in the entirety will allow the Organization to gradually emerge to a level of operational normalcy.

In the absence of these measures, the Organization will merely limp along. Mr Chairman, in conclusion may I just indicate that it is our sincere hope that the circumstances which influenced the adoption of the Budget 1992-93 will cast no longer ominous shadows over what might be taking place in the several other organizations within the UN system and in consequence cast shadows over global development.

**Horacio M. CARANDANG (Philippines):** Thank you very much, Mr Chairman. The Philippine delegation supports the resolutions and the Working Capital Fund and the Special Reserve Account as amended.

Like the majority of the Council members we consider it essential to provide a more adequate Working Capital Fund which can be resorted to when there are delays in the receipt of contributions as provided for in the financial rules and in line with the recommendations of JIU.

We are aware, Mr Chairman, that in the present context delays in contributions can occur in spite of the good will of all concerned.

In connection with the Special Reserve Account, Mr Chairman, the Philippine delegation is of the view that a study has to be made to better address the problem of currency fluctuation and exchange rates, as suggested by other delegations.

Various ideas have been floated around like forward buying and split currency contributions. Split currency contributions, for example, would shift the instability of currency exchange rates to Member countries. Forward buying is, of course, not without costs, and perhaps expert advice would be required to obtain optimum results, but we realize that it is unfair and not possible to request the Conference right now to give its

views on such ideas for which no adequate study or documentation has been prepared. For the present, therefore, the Philippine delegation believes that we have to keep the present device of the Special Reserve Account to ensure delivery of approved programmes. In the past Member Governments have received their share of surplus as a result of favourable exchange rates. Now that we have unfavourable exchange rates we hear complaints about the Special Reserve Account, but this is probably not entirely logical since we were aware of the arbitrary nature of the Special Reserve Account when we approved it.

**Joseph TCHICAYA (Congo):** Je voudrais avant tout remercier M. Shah pour son brillant et convaincant plaidoyer en faveur des résolutions qui nous sont soumises.

Ma délégation fait sienne la teneur de la déclaration du Cameroun au nom du Groupe africain. Voilà deux résolutions qui, à notre avis, faciliteront la mise en oeuvre du Programme de travail et réduiront au minimum le recours de l'Organisation à l'emprunt. Ceci est d'autant plus réaliste que beaucoup d'incertitudes pèsent encore sur notre Organisation quant au versement des arriérés y compris par le puissant bailleur de fonds. Voilà pourquoi ma délégation appuie l'augmentation du Fonds de roulement et soutient la résolution y afférente.

Pour ce qui concerne le Compte de réserve spécial, ma délégation félicite les derniers efforts du Directeur général pour réduire autant que possible le poids financier les Etats Membres, tout en garantissant à ces mêmes Etats une meilleure mise en oeuvre du Programme de travail que nous avons approuvé. Ceci m'amène à appuyer la résolution visant la reconstitution du Compte de réserve spécial. Pour tout dire, M. le Président, les difficultés de trésorerie de l'Organisation imposent à notre délégation une attitude réaliste quant à la rentrée des arriérés. Il est clair que l'augmentation du Fonds de roulement et la reconstitution du Compte de réserve spécial constituent deux mécanismes qui faciliteront le travail de notre Organisation en la préservant de nombreuses incertitudes qui pèsent encore sur sa trésorerie.

Après l'approbation du Programme du travail et budget par consensus, je voudrais en appeler à tous au consensus qui a caractérisé les travaux de cette Vingt-sixième session de la Conférence. Les efforts du Directeur général en vue d'atteindre cet objectif sont appréciés par notre délégation, et je suppose par l'ensemble de la Conférence, et pour cela ils méritent d'être soutenus par tous comme un ensemble de mesures visant à viabiliser l'action de notre Organisation.

**Mohammad Saleem KHAN (Pakistan):** Before I speak on behalf of my delegation, on a personal note I would like to express my great pleasure in working here again with you, having already worked with you closely during the CCLM and during other meetings of bodies of the Organization over two years on several important matters, including the two we are currently discussing. I would also like to thank Mr Shah for his presentation.

The delegation of Pakistan came to this session with two separate statements on the two items of the Working Capital Fund and the Special Reserve Account. After the decision of the house on the proposal of our

distinguished colleague, the Ambassador of France, to jointly address the two, we have made our best efforts in merging the two statements. However, English which is only a working language for us, and not having the editorial or drafting capabilities of other distinguished colleagues, you will excuse any mess we have made in the process or for being repetitive on some occasions.

Mr Chairman, at the onset we wish to note the full support of the delegation of Pakistan for the increase proposed in the level of the Working Capital Fund. The difficulties faced by FAO during the current biennium in managing its finances alone provide an extremely good basis for why we should increase the level of the Working Capital Fund. It was on these realistic grounds that a large number of delegates during the Council in Commission II and yesterday in the Plenary session during the adoption of the proposals for the Programme of Work and Budget for 1992-93, supported the proposed increase for the Working Capital Fund. As a developing country, Pakistan, with considerable financial difficulties of its own, is fully conscious of the additional financial burden of special assessments on account of this increase which developing countries would have to face. Nonetheless we feel it is important that the FAO and its Director-General have all possible means available to them to carry out the mandate assigned to the Organization by the Member Nations without the need to resort to heavy external borrowing as became necessary during the current biennium.

We therefore fully support the proposal that after adjustment for cash surpluses, as laid out in subparagraph (b) of the operative part of the draft resolution, the balance be raised through additional assessments. My delegation also fully supports the linked draft resolution and stresses on other Member States to do likewise.

Mr Chairman, moving to the Special Reserve Account, as a member of the Council, Pakistan's views on the Special Reserve Account's replenishment lie in the majority view contained in paragraph 6 of the Council report as depicted in document C 91/LIM/26, and the endorsement of this view by the Council given at paragraph 7 of the same document. The Special Reserve Account, as explained by Mr Shah and also noted by several other distinguished delegates, represents an emergency buffer available to the Director-General in tackling the adverse effects of currency exchange rate fluctuations such as those that took place in the biennium 1990-91, and enable him to avoid the external borrowing to which we referred under the item of the Working Capital Fund. We agree that should all Member Nations meet their financial commitments, recourse to supplementary measures such as the Special Reserve Account would not be necessary.

We also agree that other means may be available to overcome such a gross impact, but note that it would involve a detailed examination in the appropriate fora which could only be possible after the Conference session. We therefore feel that it would be realistic that such an exercise be carried out during the preparations for the 1993-94 Programme of Work and Budget. However, for the forthcoming biennium the house may unanimously approve the replenishment of the Special Reserve Account with the reduction as proposed by Mr Shah in his presentation.

We welcome the announcement in fact made by Mr Shah on behalf of the Director-General to further lower the level of the Special Reserve Account

to US\$28 million, and once again, despite our own financial difficulties, in the interests of the sound operations of the Organization we would be fully willing to undertake the additional assessment that would work out as our due share. We would strongly urge other members to do likewise.

Mr Chairman, we would like to endorse the draft resolution for adoption with the amendments which were read out by Mr Shah.

**LE PRESIDENT:** La déclaration bien structurée que vous venez de présenter à la Commission prouve bien que vous maîtrisez votre langue de travail. Je vous remercie pour votre intention et pour les paroles aimables que vous avez eues à mon endroit.

**John Bruce SHARPE (Australia):** The Australian delegation's position is the same for both the Working Capital Fund and the Special Reserve Account as both proposals require additional contributions by Member countries. Australia opposed the increase in the Working Capital Fund and the replenishment of the Special Reserve Account in Council and continues to do so.

We note that the budget decrease agreed was US\$27 million but the replenishment of the Special Reserve Account would require an increase in member contributions to US\$28 million plus US\$5 million for the Working Capital Fund. In view of the recent large payments of contributions and arrears, and further large payments to be made in the near future as a result of the budget arrangements agreed for 1992-93, there is even less need now to call for additional assessments on Member countries. Many of those Member countries are already facing difficulties in meeting their contributions and this would place an additional burden on them. Others who admit their financial obligations should not be expected to pay yet again.

**Ms Birgitta STENIUS-MLADENOV (Finland):** I will be brief, and just express our support for what was earlier said by the Norwegian delegation in its statement on increasing the level of the Working Capital Fund and on replenishing the Special Reserve Account. We share their doubt on both proposals on the Table.

**S. RAJASEKAR (New Zealand):** I just wanted to say I will be very brief with my comments. As my Dutch colleague remarked, you were quite persuasive in your arguments, but I have to say not quite. What I would like to say is that so far as the Working Capital Fund is concerned we understand the logic of your comments, but we believe again the issue here is not so much the dollar amount but the question of special assessment and the principle of it. I note that the Basic Texts do in fact provide for that, but our clear preference is in fact for the Organization to look at the underlying reasons for the current problems, and in that context I think we, like all the other members of the Conference, are pleased to be able to join the consensus and work towards a consensus budget for this year, and we believe that that has paved the way for a greatly improved cash flow situation of the Organization. In the light of that we feel that the Organization clearly ought to look at the whole financial situation and possible ways by which it can in fact overcome the current problems. As a number of other

delegates have indicated, we would like to see the Organization present or examine possible ways by which the replenishment of the Working Capital Fund and the Special Reserve Account can be accomplished, and would like to see that being taken up the appropriate time in the governing bodies. Our clear position at this stage is not to support special assessments for both accounts.

**Angel BARBERO MARTIN (España)** : Nosotros escuchamos también con mucha atención las explicaciones proporcionadas por el Sr. Shah y las entendemos perfectamente, sin embargo, es también una razón de peso la que entiende mi país al contemplar con cierta preocupación el tener que afrontar cantidades extras originadas por las deudas o la falta de pago puntual de otros países. Pero entendemos que la elevación del fondo de operaciones en cinco millones de dólares - de 20 a 25 - que es la contribución extra que nos supone, está dentro de las normas más estrictas legales, y es una recomendación también de la Dependencia Común de Inspección. En ese caso, y dentro del principio de solidaridad, que también entendemos, con las declaraciones de muchos países en vías de desarrollo, ante unos hechos consumados y que están aquí, podríamos entonces aceptar este fondo tal como se nos presenta.

Respecto a la Cuenta especial de reserva, nos tememos que vamos a tener muchísimas dificultades por parte de nuestro país para justificar nuestra contribución al volver a reconstruir esta cuenta.

Como tampoco queremos votar en contra, teniendo en cuenta todo lo que se ha dicho en cuanto a los problemas que de momento puede atravesar la Organización, nosotros seguramente nos vamos a abstener. Sin embargo, reiteramos la disposición de nuestro país, que ha sido repetida en diferentes ocasiones, de hacer nuestras contribuciones obligatorias en dólares, en liras o en las divisas que haga falta. Si la Organización puede hacer un cálculo de los porcentajes que supondría por ejemplo cubrir los pagos obligatorios en liras, nos serviría de colchón para las fluctuaciones de la otra parte de los pagos que habría que realizar en dólares o en otras divisas.

**LE PRESIDENT:** Je remercie le distingué représentant de l'Espagne. Je voudrais dire à l'adresse de M. Shah, dont tout le monde reconnaît ici la compétence, qu'il faudrait qu'il s'arme de beaucoup de courage tout à l'heure et qu'il soit beaucoup plus convaincant quand il lui appartiendra d'apporter un certain nombre de réponses aux interrogations qui lui ont été posées.

**Björn WULF (Sweden):** I am going to be brief as several speakers have already expressed views which are similar to ours. I limit myself to supporting the statement made by Norway.

**Earl W. WEYBRECHT (Canada):** At this stage in our discussion I will put forward our position on these two resolutions as briefly and as clearly as possible.

Canada has no objection to the increase in the level of the Working Capital Fund. Like several other delegations, however, we are opposed to any special assessment to fund this increase. We consider that the increase in the level of the Working Capital Fund should be funded from the payment of arrears and surpluses and that the financial regulations of the FAO should be amended to allow for such funding.

On the Special Reserve Account, we recognize that the nature of the UN system organizations involving expenditure in many countries and many currencies justifies protection against currency fluctuations. However, again we are opposed to a special assessment on Member States for the Special Reserve Account as in our view there are better mechanisms for protecting an organization against currency fluctuations.

We would recommend that FAO carefully consider adopting a split assessment scheme to address the problem of currency fluctuations. Our position would be very similar to that put forward by the distinguished delegate of Switzerland and referred to as well by the United Kingdom. We note in this regard that the experience of some of the UN agencies with this procedure, for example Unesco, IAEA and UNITA has been generally positive.

**Mme Josefa COELHO DA CRUZ (Angola):** La délégation angolaise voudrait ajouter sa voix à d'autres qui l'ont précédée pour appuyer les interventions faites par les délégations du Cameroun, du Maroc, de Madagascar. Tous les représentants reconnaissent qu'il s'agit d'une situation transitoire et que lorsque tous les arriérés seront régularisés, ces mécanismes n'auront plus de raison d'exister ici. Nous prions tous les délégués de faciliter le consensus.

**Takayoshi ISHIDERA (Japan):** We appreciate that the Working Capital Fund plays an important role in bridging the timing gap between payment of budget expenditures and receipt of contributions. Principally we can support the view that the Organization should continue to implement its Programme of Work and Budget without recourse to external borrowing, utilizing the Working Capital Fund effectively. However, as to the additional resources of the Working Capital Fund, FAO should look for the cause and the solution to the financial difficulties with which it is faced. We expect that FAO will not increase our burden when all Member Nations see that the financial situation of FAO is improved.

Secondly, concerning the Special Reserve Account, we believe that the Special Reserve Account should maintain its primary objective which is to mitigate the adverse effects of currency fluctuations. From the point of view of efficiency, the Special Reserve Account should avoid the duplication of the function of the Working Capital Fund which exists for the purpose of financing budgetary expenditure pending receipt of contributions.

In conclusions, we cannot support both Working Capital Fund and Special Reserve Account.

**Ricardo VELAZQUEZ HUERTA (México):** Sobre estos importantes temas los juicios emitidos por los Países Bajos y Francia nos parecen muy

satisfactorios, jurídicamente válidos y viables, ya que han descrito con claridad la problemática financiera de la institución y han hecho propuestas para su solución.

A ellos nos gustaría agregar otro elemento, difícil encrucijada en la que nos encontramos quienes cumplimos con nuestras obligaciones con la Organización.

Si nos oponemos a las propuestas, se nos señalará como destructores del consenso; si aceptamos la propuesta en aras del consenso, aumentaremos nuestras contribuciones y a ello no estamos autorizados ni dispuestos. Nos queda poco espacio, pocas cosas que hacer: uno, apelar a los países en mora para que hagan lo imposible, no sólo lo posible por cumplir sus adeudos; segundo, pedirle a la Administración que, además de los esfuerzos que ya hace de apretarse el cinturón, encuentre otros caminos, incluida la posibilidad de que los países en mora cubran lo extraordinario; tercero, expresar una vez más nuestra reserva sobre cualquier aumento en nuestras contribuciones.

**Christian BONAPARTE (Haïti):** Je tâcherai de ne pas être trop long. Cependant nous pensons que le point discuté ici est capital pour l'Organisation et pour les Etats Membres, comme l'a dit M. Shah dans son introduction.

Nous nous félicitons également de l'esprit qui règne jusqu'à présent au cours de cette conférence, et qui consiste à trouver l'intérêt commun des pays membres. Il convient de faire en sorte de le préserver et j'essaierai donc de développer ici deux ou trois points sans revenir sur ce qui a été dit.

Nous appuyons les deux propositions de résolutions qui ont été soumises tout comme nous partageons la position présentée par le délégué des 15 pays du CARICOM. Pour ce qui est de la demande concernant le Fonds de roulement, compte tenu de l'accroissement de 5 millions de dollars, le Fonds de roulement ne représentera que 3,87 pour cent comme il a été précisé dans l'introduction, ce qui nous paraît, à la vue des principes de gestion financière, tout à fait acceptable. Ensuite, nous devons considérer cette proposition à la lumière de certains faits. Tout d'abord, étant donné les principales contributions, et notamment celles des Etats-Unis et du Japon qui ne sont payées que durant le quatrième trimestre de l'année, cela entraîne un déficit, comme je l'ai déjà mentionné, et c'est là un fait important bien qu'il y ait déjà eu un engagement de paiement rapide de la part de certains Etats Membres. Mais cela ne constitue pas jusqu'à présent une garantie, un point essentiel.

Ensuite le niveau actuel des arriérés est très élevé. Plus de 138 millions, tel est le montant des arriérés qui représentent 50 pour cent des contributions annuelles, ce qui est à mon avis assez lourd à supporter. Le Fonds de roulement est là pour aider le fonds général comme prévu. Nous sommes en faveur du changement du niveau du Fonds de roulement non seulement parce qu'il est indispensable mais parce que les arguments présentés sont tout à fait logiques. Le délégué de la France a mentionné tout à l'heure dans sa déclaration l'Article 6 du Règlement financier. C'est une position claire et bâtie à la lumière de tous les paramètres de la situation financière et conjoncturelle, c'est une position parfaitement

viaable et valable comme l'a précisé le délégué du Mexique. Pour en revenir au Fonds de roulement, certains ont suggéré que le paiement des arriérés soit utilisé pour reconstituer les ressources du Fonds de roulement. Cela est contraire aux Textes fondamentaux comme l'avait bien précisé le délégué de la France. De plus, au niveau pratique, il est nécessaire de souligner que les paiements des arriérés devront servir à couvrir les déficits budgétaires accumulés jusqu'à présent.

Quant au Compte de réserve spécial, la proposition du Directeur général de reconstituer ce fonds de réserve pour 1992-93 est accompagnée d'explications et de justifications complètes qui nous paraissent claires. Mais avant d'y parvenir j'aurais souhaité revenir à une citation de M. Shah dans son introduction selon laquelle cette augmentation du Fonds de réserve spécial n'équivalait qu'à 1 400 dollars par an et par Etat Membre.

Je suis en mesure de me poser deux ou trois questions. La première serait celle-ci: quel est le pays membre qui peut lutter contre des problèmes financiers tels que ceux auxquels est confrontée la FAO avec aussi peu d'argent que 1 400 dollars par Etat? Que sont 1 400 dollars par an et par pays membre en comparaison d'emprunts lourds et la charge du paiement des intérêts? Troisième question: quels seraient les bons payeurs, pour reprendre l'expression utilisée par le délégué de l'Allemagne et celui du Royaume-Uni? Les bons payeurs qui se décourageraient et perdraient tout l'honneur louable et reconnu de payer à terme prévu pour seulement 1 400 dollars? Restons logiques. Nous avons également retenu la suggestion positive de l'Espagne. Cependant, sur le plan financier nous reconnaissons que l'achat à terme de devises a déjà été utilisé à la FAO et qu'il dépend des tendances du marché pour le taux de change et des relations avec les autres taux d'intérêts. Quant à l'achat à terme de la lire comme il l'a mentionné également, celui-ci n'est possible que pour de courtes périodes, jusqu'à seulement une année au grand maximum. Donc, une autre explication apportée par le document soumis par le Secrétariat pour ce qui est du Compte de réserve spécial que nous adoptons, est celle-ci, à savoir qu'il doit être un supplément pour le Fonds de roulement. Il a été suggéré que l'usage du Compte de réserve spécial comme supplément au Fonds de roulement est redondant puisque le Fonds de roulement existe déjà. Cette thèse est invalidée parce qu'il y a un niveau modeste, et on peut insister sur le mot modeste, du Fonds de roulement et sa totale incapacité à faire face au montant actuel des contributions.

Ma délégation apprécie tout le travail déployé par la Direction générale mais quant au miracle que certains voudraient voir survenir pour surmonter les problèmes actuels, il faudrait mieux s'adresser à quelqu'un d'autre. Il y a un dernier point qui me paraît très important à propos du Compte de réserve spécial, c'est celui qui a trait aux coûts non inscrits au budget. Cet autre usage du Compte de réserve spécial pour le financement des coûts au titre de l'inflation, non inscrits au budget-programme approuvé, est aussi une des raisons importantes pour reconstituer ces ressources. Pour le biennium en cours, des coûts de personnel non inscrits au budget et qui sont de 20 millions de dollars ont dû être couverts par des coupures de programme, ce qu'aucune délégation ne souhaitait voir, et plusieurs positions ont été prises dans ce sens surtout en Commission II. Je disais qu'il y a eu des coupures dans le programme parce que les ressources du Compte de réserve spécial avaient été complètement épuisées pour couvrir les pertes du taux de change et je pense que c'est une situation qu'il faut absolument éviter dans le futur. Ces pertes ont été également estimées à

environ 26 millions de dollars pour le biennium. Ce sont autant de raisons qui me paraissent vitales pour l'Organisation et pour l'avenir et surtout pour repartir sur un meilleur pied lors du prochain biennium, et c'est pourquoi nous appuyons l'actuel projet de résolution.

**Aguinaldo LISBOA RAMOS ( Cap-Vert ) :** Je voudrais avant tout remercier M. Shah de son éloquent exposé et de la clarté de ses renseignements. La situation financière de l'Organisation est critique. Les difficultés de trésorerie risquent de mettre en danger le fonctionnement normal et l'aboutissement de ses objectifs et programmes. On comprend bien les objections de quelques délégations qui ont leur contribution à jour mais il faut que l'Organisation soit en mesure de mettre en oeuvre dès le premier janvier le programme que nous venons d'approuver. Ce qui nous est proposé va dans ce sens. Personne n'est sûr qu'à cette date l'Organisation disposera des fonds nécessaires pour le démarrage des activités si elle n'a pas recours au Fonds de roulement et éventuellement au Compte de réserve spécial ou même aux emprunts extérieurs. Etant d'accord sur la proposition et la présentation à la prochaine conférence d'un appel sur les mécanismes permettant la résolution définitive du problème des fluctuations des taux de change, ma délégation appuie les deux propositions de résolution de Monsieur le Directeur général qui a réussi d'ailleurs à réduire de 4 450 millions de dollars le montant proposé pour le Compte de réserve spécial. Je rejoins ainsi la position de la délégation du Cameroun et d'autres qui sont intervenus dans le même sens.

**Alsharef G. AL-KILBASH (Libya) (Original language Arabic):** It is with pleasure that I wish to pay tribute to Mr Shah on the excellent presentation of the item under discussion, Item 32.3. My delegation would like to join the representative of Cameroon in his capacity as the Chairman of the African Group to support the proposal of the Director-General concerning an increase in the level of the Working Capital Fund since this increase would bolster the possibilities of executing the Programme of the Organization. We also wish to support the special proposal concerning drawdowns from the Special Reserve Account. We hope that this account will serve to attain the desired ends and, therefore, our delegation wishes to support the two draft resolutions before us concerning this Agenda Item.

**Assefa YILALA (Ethiopia):** The Ethiopian delegation would like to thank Mr Shah for the clear and lucid explanation on this item. We have listened to the explanation of replenishment of the Special Reserve Account and the Operational Capital Fund. We have also expressed our position in that connection both in the Conference and the Council before it. We confirm again and agree with the statement of the representative of Cameroon in his capacity as the Chairman of the African Group.

We would, however, like to make some points which are of concern to the Ethiopian delegation. We are aware of past decisions of the Conference on establishing the special reserve account and the Operational Capital Fund. Negative currency fluctuations and delayed payments for which these two funds were established have prevailed in the current biennium and the one before it. Both of these funds are depleted because of the prevalence of problems for which these funds were established.

I can see no other way of replenishing these two funds if they are not raised through contributions. As a member of this Organization, payment of any additional contribution could become more difficult to our country in particular in a difficult economic situation like this. We would like to do without it. However, in the absence of any other alternative to replenish these two funds, it might be difficult to implement the programmes we have just approved. Even if other alternatives of replenishing these two funds could be suggested during this session, it will have to go through the legal and subsidiary bodies of the Conference which will take time. In the absence of any other alternative for replenishing these funds, it might be difficult to smoothly implement the programmes that we have approved. In the view of our delegation, objection to this request of replenishment of these two funds will encourage a recourse to borrowing. Short of other alternatives, we favour and support the endorsement of the request of replenishing both the Special Reserve Account and the Operational Capital Fund and would like to agree with the views of finding long-term measures for replenishing them as a long-term measure. We hope that the long-term measure and solution will be one that will strengthen the consensus that we have experienced in the past two weeks.

**Mrs Hannelore BENJAMIN (Dominica):** I shall be very brief. I would like to thank Mr Shah for his clearly outlined introduction. Referring to the financial situation in FAO, my delegation opposes the idea of the Director-General to borrow for the Organization funds from outside. The best solution, of course, would be to have all the arrears paid that now stand over US\$130 million and with that we may be able to replenish the Special Reserve Fund.

However, my delegation supports the excellent and well thought out statement made by Trinidad and Tobago and what has been said on behalf of the fifteen CARICOM countries. Further, my delegation wishes also to support the statement made by Pakistan.

**XU NAN-SHAN (China) (Original language Chinese):** First of all, I would like to thank the Secretariat for preparing the documents concerning the Working Capital Fund and the replenishment of the Special Reserve Account. I would also like to thank Mr Shah for his introduction.

The Director-General has proposed raising the amount of the Working Capital Fund from US\$20 million to US\$25 million so as to ensure that the FAO has sufficient resources to meet its cash flow needs. We have noted that the percentage of this amount in the budget is basically in line with that of other agencies for which we would like to express our support.

However, the increase in the Working Capital Fund has also meant an additional assessment for Member States. This increase is also in the main due to the continual deterioration in the Organization's financial situation. In a certain sense this is an abnormal phenomenon. Therefore, we hope that in future work the FAO will pay greater attention to the formulation of the budget and adopt effective measures to encourage the timely payment of contributions by Member States and minimize this type of additional assessment.

As concerns the Special Reserve Account, with the present budget based on the US dollar, the establishment of a Special Reserve Account and ensuring that it has sufficient resources to deal with additional costs due to currency fluctuations, etc., is necessary. Therefore, the proposal of the Director-General for the replenishment of the Special Reserve Account for 1992-93 is one with which we can agree in principle. However, in conclusion we would like to emphasize that the Working Capital Fund and the Special Reserve Account both represent, in a sense, an unfair burden on those Member States which pay their contributions on time. I hope that with the possible improvement in the Organization's financial situation, we will see the disappearance of this type of additional burden.

**Gamal Mohd. AHMED (Sudan) (Original language Arabic) :** I would like to congratulate you on your election to the Chair of this Commission. My country would like to thank you and Mr Shah for this very clear presentation. My country supports the statement made by the Cameroon as a representative of African countries, and therefore I shall be very brief. My country supports the increase in the Working Capital Fund. Considering the difficult cash flow situation and the arrears problem of the Organization, it becomes necessary to resort to external borrowing. This prevents the Organization from carrying out its activities in the field, activities that we all agreed by consensus to carry out. So we also support the proposal for the establishment of a Special Reserve Account. This will improve the financial situation of the Organization and the difficulties arising from exchange rate fluctuations. We support the proposal of the Director-General for the replenishment of this Special Reserve Account. We support these two draft resolutions, and we hope that the Organization will see an improvement in its financial situation in the future.

**François ROUX (Belgique):** La délégation belge est bien consciente des difficultés de trésorerie sans précédent auxquelles cette Organisation doit faire face. D'autres orateurs avant nous ont souligné les différentes caractéristiques de chacun de ces fonds, différences imperceptibles en cette période d'impasse financière où la FAO doit faire flèche de tout bois.

La Belgique comme beaucoup d'autres pays refuse le principe de pénaliser les bons payeurs par rapport aux autres. Mais nous refusons aussi de nous abriter confortablement derrière l'attitude de ces autres contributeurs. A cet égard, l'arrangement conclu au nom du consensus par le Secrétariat et les plus gros contributeurs, arrangement qui a abouti à la réduction du budget pour la période 1992-93 par rapport à ce qui était prévu initialement, nous procure une certaine marge de manoeuvre. Cette petite marge de manoeuvre, nous entendons l'utiliser en partie pour approuver l'augmentation du niveau du Fonds de roulement dont le montant reste modeste et dont la possibilité d'accroissement est prévue par les textes constitutifs comme l'a rappelé l'Ambassadeur de France. La résolution concernant le Fonds de réserve spécial nous pose quant à elle peu de problèmes de principe. Le premier, je l'ai déjà évoqué, c'est de nouveau celui de la pénalisation des contributeurs qui respectent leurs engagements. Le deuxième, c'est l'incertitude sur le versement effectif du titre d'un engagement spécial pour la reconstitution de ce fonds dont la nécessité ne fait pourtant pas de doute. Pour ces deux raisons, mon gouvernement s'abstiendra lors du vote sur la reconstitution du Fonds de

réserve spécial en insistant encore une fois pour que le paiement des arriérés ait lieu suffisamment tôt pour éviter à l'Organisation de recourir une fois encore à l'emprunt.

**Soumaila ISSAKA (Niger):** Je voudrais rapidement vous féliciter pour la présidence de notre Commission et également M. Shah pour sa présentation du document.

Je serai bref pour deux raisons: d'abord parce que le Cameroun est intervenu sur cette question au nom du Groupe africain et que nous nous rallions entièrement aux déclarations de la délégation du Cameroun et ensuite pour répondre à votre appel quant à voir clôturer les travaux de notre Commission dans les délais impartis.

Je me contenterai donc de reprendre certaines idées simples qui ont été évoquées par l'ensemble des délégués, idées simples qui ont le mérite pourtant de présenter les deux questions de façon incontournable si nous souhaitons voir notre Organisation exécuter le programme que nous avons adopté dans les meilleures conditions.

Bien sûr, d'autres arguments assez sophistiqués ont été apportés par plusieurs délégations mais encore une fois nous souhaitons que ces mêmes délégations puissent accorder un certain intérêt à ces idées toutes simples.

De quoi s'agit-il? D'abord, pour le Fonds de roulement, les objectifs et le rôle de ce Fonds de roulement ne sont contestés par personne. Disons que les pères fondateurs qui l'ont institué savent qu'une bonne méthode de gestion financière, en tout cas d'une organisation telle que la FAO, devrait nécessairement avoir un tel mécanisme. Donc, sur ce point, il me semble que l'unanimité est tout à fait acquise.

Il s'agit donc simplement de pouvoir accroître le niveau de ce Fonds de roulement, qui était jusque-là de 5 millions de dollars. Nous considérons que l'accroissement n'est pas excessif d'une part, d'autre part qu'il s'agit simplement d'aligner la FAO sur la pratique des autres organisations de façon à ce que cette pratique, qui a été certainement imposée par les réalités au niveau *des* autres organisations, puisse permettre à la FAO de disposer, au même titre, des mécanismes la mettant à l'abri de certains aléas en ce qui concerne ses ressources.

Nous appuyons donc ce projet de résolution concernant l'augmentation du fonds de roulement.

En ce qui concerne le Compte de réserve spécial, là également son rôle n'est mis en cause par aucune délégation et nous avons vu que sans l'intervention et du Fonds de roulement et du Fonds de réserve spécial, la situation financière de l'Organisation aurait été, au cours du biennium qui s'achève, encore davantage préoccupante, et surtout le recours à l'emprunt aurait encore été plus important et plus pressant. Donc il nous paraît tout à fait souhaitable que le Compte de réserve spécial puisse être reconstitué de façon à répondre aux objectifs qui étaient les siens au moment de sa création, qui sont toujours valables et encore plus aigus, il me semble, dans cette situation de difficultés financières qui ont été soulignées et que connaissent beaucoup de pays actuellement.

Encore une fois, au nom de ces idées simples, ma délégation appuie le projet de résolution visant la reconstitution du Compte de réserve spécial. Voilà ce que nous souhaitons ajouter à la déclaration du Cameroun à ce sujet.

**Ibrahima KABA (Guinée):** Tout d'abord nous nous félicitons de vous voir diriger ces débats importants et nous remercions M. Shah pour son exposé éclairant. La délégation guinéenne, reconnaissant les difficultés financières dans lesquelles l'Organisation se débat depuis de longues années et en respect du règlement financier en vigueur au sein de notre Organisation, se joint non seulement à la déclaration du Groupe africain mais aussi à celle de nombreuses délégations qui approuvent ces deux résolutions soumises à notre examen.

En effet, nous sommes conscients du fait qu'avec un faible Fonds de roulement et sans Compte de réserve spécial la FAO, en cas de difficulté, est contrainte de recourir aux emprunts pour faire face aux besoins des pays membres, opération repoussée par certains Etats.

En considération de ces raisons objectives et de la nécessité de rester dans le cadre du consensus atteint lors de l'adoption du PTB, il serait souhaitable que nous adoptions ces deux résolutions.

**LE PRESIDENT:** C'est également le voeu que nous émettons de voir les deux résolutions adoptées ce soir ou demain.

Je vous remercie de cette déclaration et pour sa brièveté.

**Sra. María Eulalia JIMENEZ (El Salvador):** Seré muy breve, primero, para acatar su solicitud y, segundo, porque ya muchos otros delegados se han expresado ampliamente sobre este asunto haciendo hincapié en su situación de transición que creemos podrá superarse cuando se paguen las cuotas atrasadas que, por unas u otras razones, no han llegado a la Organización.

Compartimos la declaración de Marruecos y Cabo Verde, entre otras, y, por tanto, apoyamos tanto el proyecto de resolución sobre la reposición de la Cuenta Especial de Reserva como el de la cuantía del Fondo de Operaciones.

**Mrs Daw Marlar SEIN MAUNG (Myanmar):** The delegation of Myanmar thanks Mr Shah for his presentation. At this late stage, it is not our intention to enter into a detailed statement. We merely wish to associate ourselves with statements made by various developing countries, including the Philippines and Pakistan.

**Mohd. Zaki GHAZALLI (Malaysia):** Thank you, Mr Chairman for giving me the floor. At this late stage I would like to make a very brief statement. The delegation of Malaysia would like to join other speakers in calling for consensus on the draft resolutions for the Special Reserve Account and the proposed increase of the Working Capital Fund, as we like to see FAO function smoothly in order to fulfil its mandate to Member countries, particularly the developing countries.

**Neil C. MAGEDARAGAMAGE (Sri Lanka):** Thank you very much, Mr Chairman, for giving me the floor. I do not have a prepared speech, but certainly the purpose of both resolutions before us has been very well explained by Mr Shah and after that a number of delegates including Pakistan and the Philippines and so many countries spoke in favour of the Resolutions, and we know the difficulties the FAO is undergoing, and also many countries when they were attending various Commissions pointed out the budget levels, no increase, zero growth and so many things like that.

So I think it is very wise at this stage to support both resolutions, and we are always in favour of these resolutions and we are going along with the delegates of Pakistan, the Philippines, Malaysia and so on.

So that is all I have to say here.

**Sra. Mery HURTADO SALAMANCA (Colombia):** Mi delegación, en primer lugar, quiere felicitarle a usted y al Sr. Shah por su brillante exposición.

Todos conocemos la crisis por la cual atraviesa nuestra Organización. Reconocemos también los esfuerzos hechos por el Director General.

Mi delegación apoya las declaraciones de las otras delegaciones en el sentido de que se adopten las dos resoluciones. Apoyamos entonces el aumento del Fondo de Operaciones y de la Cuenta Especial de Reserva.

Consideramos como usted dijo, señor Presidente, son medidas, son mecanismos para garantizar la vida de la Organización.

**Nedilson Ricardo JORGE (Brazil):** First of all, I would like to say that the Brazilian delegation understands the needs of the Secretariat and the reasons that led the Director-General to propose these two Resolutions concerning the Special Reserve Account and the Working Capital Fund.

I regret nevertheless that my Government is not in a position to support them for reasons of principle, because they will represent additional assessments to Member countries, including developing countries that are facing economic and financial difficulties due, amongst other reasons, to the burden of the external debt. When this Commission examined the financial situation of the Organization I had already expressed the views of my delegation concerning external borrowings and the payment of interest charges deriving from it. The same reasoning applies to these resolutions if they are approved by the Conference. Therefore, we firmly oppose the idea that these two resolutions shall be paid by countries in arrears, for this would represent an additional penalty to these countries. Such a situation will be particularly detrimental to developing countries with contributions in arrears exclusively due to economic and financial reasons, reasons that our Governments cannot control.

We also firmly oppose the idea that some Member countries could disassociate themselves from the payment of these special assessments, if approved of course, or the replenishment of the Special Reserve Account, since this could overburden specific countries, which is obviously not fair.

We think it is impossible to accept the introduction of the practice of formulating restrictions on the use of contributions, for this practice could lead to serious distortions in the near future.

**René BOUGOUSARE (Burkina Faso):** Je voudrais tout d'abord vous féliciter de votre élection à la présidence de notre Commission, en vous réitérant notre conviction que, sous votre présidence, nous allons aboutir à des conclusions importantes.

En ce qui concerne les deux questions qui sont posées, je voudrais joindre ma voix à celles du Cameroun et des autres délégations qui se sont déjà prononcées, pour dire que le Burkina Faso est favorable aux deux résolutions concernant l'importance et le rôle du Fonds de roulement et du Compte de réserve spécial.

Nous sommes conscients que la situation de notre Organisation est difficile, mais nous pensons que ces deux propositions faites par le Directeur général de la FAO concernant le Fonds de roulement et la reconstitution du Compte de réserve spécial sont, à notre avis, des mesures favorables au redressement de la situation de notre Organisation. De ce fait, nous sommes une fois encore favorables à l'appui de décisions en faveur du Fonds de roulement et de la reconstitution du Compte de réserve spécial.

**Patrick Mutava NZUE (Kenya):** Thank you, Mr Chairman. Allow me first of all to thank Mr Shah for his kind introduction to the item before us. As a member of the African Group we support the views of the delegate of Cameroon who currently holds the Chairmanship of our Group. We can only add a few comments on this matter.

We certainly support not only the existence of these two accounts and feel that FAO should be facilitated to fulfil its mandate.

For some time now this Organization has been going through unfortunate cash-flow problems. As I have just said, external borrowing for an organization like the FAO is a serious matter, particularly when such loan interests are to be born by already overburdened Member Nations. It can only create financial problems for some countries to lag behind in their payments.

We trust that the Capital Working Fund would assist an organization like the FAO. Likewise, the Special Reserve Account, Mr Chairman, we feel that increased assessments- would be a burden to us all, and we support the view that when arrears are paid, this burden could be reduced gradually.

Lastly, I appeal for consensus on this issue.

**Sra. Mayra IVANKOVICH ANZOLA (Panamá):** Deseo agradecer al Sr. Shah por la explicación que nos proporcionó sobre el tema, y a usted al verlo presidir esta reunión tan importante.

Mi delegación desea ser breve, pues creo que ya casi está todo dicho. Señor Presidente, ante la gravedad de la situación financiera por la que pasa

nuestra Organización y considerando que vemos en las dos Resoluciones una salida viable a la misma, aunque no satisfactoria, apoyamos a las delegaciones que se han expresado a favor de las dos Resoluciones sobre el aumento en la Cuenta Especial y el Fondo de Operaciones.

**LE PRESIDENT:** Je vous remercie, Madame. Vous clôturez ainsi la discussion sur ces deux questions.

Je voudrais informer la Commission, avant de lever la séance, que n'ayant pas pu lire en salle le texte de sa déclaration, la délégation de Tunisie m'a chargé de le faire figurer au procès-verbal de notre Commission. Si cela rencontre l'assentiment de la Commission, il en sera ainsi décidé.

**Amor Ben ROMODHANE (Tunisie):** Monsieur le Président, les points évoqués à notre ordre du jour présentent un intérêt particulier à bon nombre de délégations. Certes, mon Gouvernement estime que la bonne marche de la FAO pour l'exercice 1990-91 n'a pu relativement se maintenir en grande partie que grâce à son Fonds de roulement et à son Compte de réserve spécial.

L'épuisement de ces fonds a été la conséquence directe des arriérés de contributions.

En effet, le Fonds de roulement a été totalement épuisé, ses ressources ayant été virées au Fonds général, en attendant le recouvrement des contributions.

Le Compte de réserve spécial a été absorbé par des opérations de perte de change. Toute cette érosion financière a été provoquée par les grands retards de paiement des contributions de certains Etats Membres.

Vous me direz, M. le Président, le Fonds de roulement et le Compte de réserve spécial sont faits pour jouer ce rôle.

Oui, ces réserves budgétaires sont effectivement constituées pour répondre à des situations spéciales ou critiques. En effet, toute institution internationale qui se respecte est dotée d'un Fonds de roulement et d'un Compte de réserve spécial susceptibles de se mettre en oeuvre en cas de besoin. Etant donné les retards constants dans le règlement des contributions de certains Etats Membres la proposition du Secrétariat en vue de reconstituer ces deux comptes est totalement acceptable.

Toutefois, M. le Président, les Etats Membres s'étant acquittés de leurs obligations financières, ne devraient en aucune manière être pénalisés lors de la reconstitution de ces fonds.

La logique des choses serait de voir les pays donateurs fournir un effort de solidarité et prendre en charge une grande proportion de ces reconstitutions.

Il est également important de signaler que la reconstitution des ressources du Fonds de roulement doit être conforme aux Règlements en vigueur et que le règlement des arriérés devra servir à couvrir les déficits budgétaires accumulés jusqu'à présent.

Monsieur le Président, la situation financière et les moyens de faire face aux difficultés qui découlent des retards de paiement des contributions doivent être replacés dans leur contexte général.

C'est pourquoi nous estimons que les propositions du Directeur général forment un tout et doivent être prises dans leur ensemble.

Pour disposer d'une Organisation forte et capable de répondre efficacement aux besoins de nos pays en développement, trois points essentiels devraient être respectés:

1. Les contributions doivent être payées intégralement et ponctuellement.
2. Le Fonds de roulement doit être porté à 3,5 pour cent du Budget.
3. Le Compte de réserve spécial doit être reconstitué à son niveau statutaire de cinq pour cent du Budget opérationnel effectif.

**LE PRESIDENT:** Avec votre permission, Mesdames, Messieurs les Membres de la Commission, je voudrais donner la parole à M. Shah qui va répondre à un certain nombre de questions qui ont été soulevées par diverses délégations, et faire certainement quelques commentaires.

**V.J. SHAH (Assistant Director-General, Office of Programme, Budget and Evaluation):** Mr Chairman, firstly through you I would like to express very sincere thanks to this Commission for the very thoughtful debate that you have had. It is a thoughtful debate among Member Nations, a thoughtful debate all the more, because it concerns the future of this Organization, our Organization. Mr Chairman, I also appreciate your kindness in giving me the opportunity to reply and I would like to respond fairly thoroughly, Sir, for at least three reasons. Firstly, out of respect for every Member Nation here whose representatives have expressed their views.

Secondly, out of respect for the proposals which the Director-General has submitted and which he has asked me to present and defend and, thirdly, because I still hold the hope, Mr Chairman, that in your wisdom the distinguished representatives will reflect further on the matter before a decision needs to be taken in the Conference Plenary at which time the search for consensus may still be fulfilled.

Now, let me start with the factual questions and clarifications which were requested.

Mr Chairman, a number of speakers look forward to the next biennium with considerable optimism and certainly the prospect before us is more optimistic than has been in recent years. The Programme of Work and Budget was approved by a consensus. There were many, many strong statements of support for this Organization and for your Director-General. There was a very, very important statement by the representatives of the largest contributor indicating their commitment and their intentions. But does this lead us, can this lead us to conclude that we have no problems? That our problems have disappeared? Let me put it to you, if we take the approved

1 Texte reçu avec demande d'insertion au procès-verbal.

Programme of Work and Budget and the resolution which you adopted providing for amounts payable of US\$634 660 000, that means an annual assessed contribution of some US\$317 000 000 per year.

If we go by past trends and not just over the last year, by the end of September we would be expected to expend about 75 percent of this amount which is US\$237-238 million. This would be the normal implementation of the Programme of Work and Budget. If we take the receipt of contributions, and again I take the recent trends, by the end of September we would have received only 52 to 53 percent. And let us remember that despite all the promising news that has been announced to us, there has been no indication that the largest contributors intend or can undertake to make their payment before the last quarter of the year. So the pattern of receipt would be, let us say around 53 percent, US\$167 million, which leaves us with some US\$70 million of cash shortfall; a gap. Seventy million dollars. The Working Capital Fund, even if the Conference should agree to increase its level, will stand at US\$25 million; the Special Reserve Account, even if the Conference should agree to replenish it, at US\$28 million. We are not out of the woods yet, Mr Chairman. I wish we were. It would make the Director-General's life and our own life in the Secretariat much easier. But we are not.

My next point - arrears. Several distinguished representatives have said our problems have almost disappeared as the largest contributor is going to settle its arrears. But, Mr Chairman, let us listen attentively to what the representatives of the largest contributor have said. What is the amount of payment that we can expect in each of their fiscal years, or in each of our calendar years with regard to these arrears. The figure of US\$22.6 million has been mentioned if I am not mistaken; no higher but it could be less. And the payment, when? If I understand all the interventions correctly, we cannot very well expect another payment of arrears of US\$22.6 million before the end of the year. More likely it will be within the first six months of next year. And then, is there going to be a torrent of these payments? No, it will be spread out year by year. I do not need to emphasize further the facts that you yourselves in many interventions have recognized about the payment of these arrears being conditional, or being linked in whatever way the distinguished Member Nation may wish to indicate its wishes and desires.

This leads me then to the proposal of the Director-General regarding the Working Capital Fund. Mr Chairman, if I try to move forward as positively as I can in response to your debate, it seems to me that most Member Nations do accept the validity, the legal validity, the financial validity, the logical validity of increasing the level of the Working Capital Fund. I think that is pretty well undisputed. There is some hesitation, some opposition, some disagreement from those, I would say some Member Nations or a few Member Nations, who dislike an assessment, but Mr Chairman this is life. In human life none of us likes to pay. We would all like to get something for nothing, but we all know there is nothing for nothing. This is your Organization and it is a common responsibility that you have. It is not a proposal involving the Secretariat for its own benefit. It is to address a problem which is caused by Member Nations and the consequences of which, with all respect, must be accepted by the Member Nations. It is true, that if there were a cash surplus, your Treasuries or your Ministries of Finance, would not have to pay an additional assessment. They could agree to take it out of the cash surplus. But, whose fault is it that there

is no cash surplus. Mr Chairman, the Director-General would love nothing more than for the whole of the US\$138 million to be paid immediately, and then we would have a very healthy cash surplus and we could discuss very rationally and very constructively how it could be utilized for the good of your Organization and for its strength and for its continued financial viability.

So much, Mr Chairman, I think for the Working Capital Fund. Now the Special Reserve Account. There were more questions. First of all, there was some inference, if I recall correctly, from the distinguished Ambassador of France, that the Special Reserve Account is not in the same category as the Working Capital Fund and, as the Working Capital Fund is mentioned in the Financial Regulations, it may be considered to enjoy a superior legal status to the Special Reserve Account. Mr Chairman, the Working Capital Fund, as a part of the Financial Regulations is, of course, a decision of the FAO Conference, but the Special Reserve Account is equally a decision of the FAO Conference, a decision taken in 1977, when the Account was established. In 1981, by Resolution 13/81, as the distinguished Ambassador knows as well as I do, the Special Reserve Account was reconfirmed and its level increased from 2.5 percent to 5 percent of the budget level. So, as far as the status is concerned - and I repeat I am no lawyer - since it was a Conference decision with no time limit or no conditionality, it was a decision for an Account which is as valid as the Working Capital Fund.

The special point, Mr Chairman, about the Special Reserve Account concerns the positions of Member Nations, and I think this is a matter certainly worth a great deal of thought for the Secretariat, but also, if I may respectfully suggest, for the Member Nations themselves. Today we have heard some Member Nations expressing their reservations or doubts about the very existence of the Special Reserve Account and its continuing validity. Mr Chairman, in 1977 when the Special Reserve Account was created it was done so through negotiations, through consultations, at a time when there was a cash surplus. The proceedings of our Governing Bodies only indicate that the Member Nations decided to unite in a decision for its establishment. But in 1981, when the level of the Special Reserve Account was increased, the positions had to be clarified again, and it may be worth recalling very briefly - I will not go through all the hundreds of interventions that occurred - some of the proceedings of this very commission, Commission III of the Conference in 1981, and specifically the position of the United States. It is in the Verbatim Record C 81/III/PV/3. The representative of the United States of America says, and this is in reference to the increase in the level of the Special Reserve Account: "My delegation has three main objections to the proposed changes in the Special Reserve Account" and he then gives the reasons for them. He goes on to say, "Our view is that the Special Reserve Account is to protect the Organization against exchange rate fluctuations, and it has been proven adequate for this and these other purposes in the past." So, it was not a questioning of the very existence of the Special Reserve Account. The Nordic countries, if I did not misunderstand their views, today were very negative about the Special Reserve Account, but in 1981 the representative of Sweden, from the same verbatim, speaking on behalf of the Nordic countries - Denmark, Finland, Norway and Sweden - said: "The Nordic delegations would thus agree to an increase in the Special Reserve Account as proposed." Australia, in the same verbatim said: "We find ourselves in agreement with the Director-General that the current arrangements applying to the operation of the Special Reserve Account have proved inadequate in

dealing with unbudgeted costs. We recognize that unbudgeted costs, particularly inflation costs, can have a damaging effect on the implementation and effectiveness of work programmes of the United Nations agencies, particularly as there are limitations on the extent to which such increases can be absorbed through economies in the Regular Programmes of those organizations", and it goes on: "Against this background we have no objection to the proposal."

So Mr Chairman, I indicate this to recall that it may be in the interest of Member Nations themselves where they have been fairly negative this afternoon, to reflect on the decisions that their own Governments have made not so long ago.

This leads me to the third point about the Special Reserve Account, and that is to clarify and emphasize its three distinct uses, its three distinct purposes. The first one is to complement the resources of the Working Capital Fund. Mr Chairman, why did we need to borrow this year. Because the Working Capital Fund was depleted, because the Special Reserve Account was used to cover the currency losses. Had it not been used to cover the currency losses, it might not have avoided the borrowing but it could have delayed it - it could have reduced the amount to be borrowed. It would have reduced the interest expenditure on the borrowing. Now, is this not in your interest? It is not for the personal satisfaction of the Director-General that he makes this proposal; it is for the common good of your Organization.

The second point regards the purpose of the Special Reserve Account: to finance unbudgeted extra costs due to movements of currency exchange rates. There are several aspects here, Mr Chairman, and I want to be very very careful about this. Nobody likes to create losses but in matters such as exchange losses one does, individually as well as organizationally.

During this biennium, the US\$19.7 million in the Special Reserve Account was not enough to cover the losses due to exchange fluctuations. We therefore had to cut into the budget. I estimate - and I said this the other day - US\$6-7 million, perhaps even US\$8 million. This means programme cuts. Let us accept them. For the next budget you have decided - and you have, of course, recalled today - the fact that the base budgetary appropriation is below the level of the approved Programme of Work. Various figures were referred to -US\$27 million and US\$28 million.

May I recall that, at the budget rate you decided yesterday of Lire 1 210, the gap is US\$31 million - US\$31 323 000 to be exact. You expect us, according to this theory, to bear the exchange losses without a Special Reserve Account and to cut programmes further. That is what I understand some of you wish.

The third purpose is subject to prior review and approval by the Programme and Finance Committees to finance unbudgeted extra costs of the approved programme due to unforeseen inflationary trends. This is your safeguard, it is not petty cash for the Director-General to use as he *sees* fit. It is subject to the prior review and approval of the Programme and Finance Committees.

Again, in this biennium, we have had unbudgeted staff costs - and I am not talking about the unbudgeted non-staff costs - of US\$20 million. Again, these have to be covered through programme cuts.

This is the quandary in which the Director-General and we who are his collaborators find ourselves, that you have approved a Programme of Work; you have approved a budget and the appropriation level; you will shortly approve the Scale of Contributions. You expect us to implement it effectively and then you sweep the floor from under us by saying, or at least some of you, "No, you do not need a Special Reserve Account. Now you are in the period of plenty, you do not need to worry". This leads me to my fourth point about the Special Reserve Account, that is, the means of replenishment.

The distinguished Ambassador of France was again correct in recalling that there are various ways in which the Special Reserve Account has provisions for replenishment. I am reading from Resolution 13/81 and the operative paragraph is paragraph 3: "Decides that any balance of funds remaining in the Special Reserve Account at the end of the biennium" - and it referred to the 1980-81 biennium - "and of each biennium thereafter shall be carried forward into the Special Reserve Account for respective subsequent biennia up to an amount equivalent of 5 percent." But we do not have anything. We have nothing to carry forward.

Operative paragraph 4 further decides that "notwithstanding the provisions of Financial Regulation 6.1(b), such portion of the Cash Surplus in the General Fund at the end of 1980-81 and of any subsequent biennium as is required to bring the level of the Special Reserve Account to 5 percent of the effective working budget, shall be withheld and credited to the Special Reserve Account."

I wish there were a cash surplus, but my wishful thinking will not bring it about.

Operative paragraph 5 "authorizes the Director-General, in the event that a cash surplus should not arise at the end of any biennium adequate to bring the Special Reserve Account to the level specified in paragraph 4, to apply to the Special Reserve Account, notwithstanding Financial Regulation 6.1(a), any sums received in the subsequent biennia".

"Ah", say some of us, "No problem! Arrears are going to be paid. You can use them".

I have referred already to the problem of the timing of the payment of these arrears and the problem of the amount of the payment of these arrears year by year, but there is another aspect. Our financial and budgetary difficulties started in the 1986-87 biennium. We have survived. We have survived thanks to you all and thanks to the Director-General. We have survived, but we started this biennium with a deficit of US\$52 million carried over as a deficit, not as a cash surplus. That has to be funded; that has to be covered.

There are also outstanding obligations of this biennium which will be carried forward beyond December and into January 1992, and they will have to be funded.

So where is this situation of plenty in which we suddenly find ourselves? At least, I do not think my colleague, Mr Mehboob, sees it. I certainly do not see it. I do not know if the Director-General sees it.

May I now turn to the question from the representative of the United Kingdom who, of course, drew attention to the fact that any assessment involves a burden on Member Nations. There are two aspects on which I would like to respond. Firstly, he indicated that an assessment would not be paid or very likely not be paid. So what is the point of having it?

Again, the Director-General has faith in the Member Nations of this Organization and, on a human level, let me say that all of us must have faith in each other.

The assessment for the Special Reserve Account in 1987 was at that time only US\$12 million - US\$12 309 000. How many Member Nations were you at that time? 158.

I am happy to report, sir, that all of you paid this assessment, except 24 of you who have so far not been able to do so, but you have not abdicated from your recognition of this obligation. The total amount still outstanding is US\$3 275 026. If it is so large, it is because one contributor owes US\$3 077 250. So the record is not bad.

If you adopt a decision for an assessment we, who serve you, have every faith that you are all honourable Member Nations.

The second aspect of the burden was through a point raised by the distinguished Ambassador of France, that when his Ministry of Finance finds that the annual assessment on France through the budget resolution would be some US\$24 million and then, when you add another US\$1.5 million for the Working Capital Fund and the Special Reserve Account, certainly it is not very acceptable. But, perhaps this is a matter on which clarification may help all Member Nations.

I have not had the benefit of any consultation with the distinguished Ambassador to know by which means he arrived at the figure of US\$24 million as an assessment for France for next year. The figure that I have computed for France - and I will explain very clearly how this figure has been computed - and the assessment credited to France for the regular budget for next year will be US\$23 061 584. The share for France in the Working Capital Fund increase, if it is approved by you, would be US\$364 000 and the share for France in the replenishment of the Special Reserve Account, if approved by you, for next year would be US\$1 019 200. The total of all three would be US\$24 444 784, which at once gives me hope that the French Ministry of Finance may not be that jolted by the effects of adopting all three decisions.

A penultimate point on losses, exchange losses and protection: a number of you have suggested that other means of protection be studied. Certainly. Four years ago, in 1987 the Conference asked that the Finance Committee do so. The Finance Committee did so at that time and, through the Council, reported to the Conference, which again considered the matter in 1989. There were no measures which you then decided upon, yet your interest is there.

The Director-General would have no problem with this request. By all means, you and the Council ask the Finance Committee to study the matter, and we will participate and support the discussions to the best of our ability. We will look at the possible solutions. But these are matters, as I said at the beginning, which need to be studied.

I do not see on what basis the Director-General could be advised to suggest to you that you select today a system of split currency assessment; I frankly do not. We know that this system is being applied in a limited number of sister organizations. We are in touch with them. The matter has been discussed as recently as the last meeting of the Consultative Committee on Administrative and Financial Questions, of which my colleague, Mr Heim, was the Chairman for this year. But this experience has not yet been recorded in terms of proven benefits. So by all means, if you wish the Finance Committee to study this and other matters, it can be done, but I repeat what I said at the beginning: we do not have solutions today to protect your Programme of Work for the next biennium. That is why the Director-General has been led to submit these proposals to you.

On the subject of exchange losses, I really feel, at least as far as the Secretariat is concerned, that we have to be very careful regarding false hopes and false promises. If I understood something that the distinguished representative of the United Kingdom said at one point in his intervention, it was that with the exchange rate for the budget rate being set at 1 210 lire to the dollar, which you have approved, there should be gains during 1992-93. I hope he is right, but in his own statement he then closed by saying that he wanted a sound method of protection. So I think he also recognizes that there might not be gains.

We cannot have it all ways, Mr Chairman. Let us face up to the possibilities, but let us also keep our eyes open to the risks.

I hope I have covered the factual points that needed a response, a response which I hope will satisfy you.

I would like to make one last point. If I may start with a thought I expressed at the beginning, you want this Conference to be positive, to be successful in terms of greater mutual understanding, in terms of consensus decisions. The Director-General cannot share this hope enough. He has really worked - I think you have every evidence that he has worked -towards permitting you to achieve these successes and that is why at the outset of this debate, he instructed me to announce his decision to amend his request for the Replenishment of the Special Reserve Account to the figure of US\$28 million spread over two years.

We realize very well - and the Director-General told me to be realistic about it when at times I get depressed - that there are some very distinguished representatives who will come with their instructions, and nothing you will say will make them change their position. We have to face that. We have to accept it. We have to respect their positions but, if I may venture to express a hope, a hope which I think he shares and a hope that he holds, is that we are also in a situation where distinguished representatives may have some margin for flexibility to express a greater understanding of the common problem for the sake of your common good. On the part of the Director-General and on the part of my colleagues and myself, we hope that, when you take a decision regarding this in Plenary,

at least some of you who have not seen your way to support these two proposals may be able to abstain, if you cannot support them in their entirety.

I thank you for all the time and patience you have shown towards me.

**LE PRESIDENT:** Je vous remercie des explications très détaillées que vous avez bien voulu fournir à la Commission et pour les commentaires que vous avez faits.

**Ms Teresa D. HOBGOOD (United States of America):** Since the hour is late and I do not wish to take up a lot of time of this Commission. My comment will be very brief. I would like to clarify just one point that was made by Mr Shah when he read from a verbatim of almost ten years ago and stated the position of the United States on the Special Reserve Account.

If I am not mistaken, the United States did not support the increase of the Special Reserve Account to 5 percent at that time. While we may not have opposed the use of the Special Reserve Account to manage exchange rate fluctuations in 1981, since that time FAO has entered into the forward purchase of lire. Since this practice has met with favourable results, we see no reason why it could not be continued. Thus, we would see little need for the Special Reserve Account along with the other reasons we stated previously.

I think my delegation made this point at the November Council session although I do not have the verbatim in front of me.

**V.J. SHAH (Assistant Director-General, Office of Programme, Budget and Evaluation):** I would point out, however, with regard to the last comment, that while the forward purchase of lire has been pursued by the Organization in recent years and we will continue to explore every way of protecting the Organization's funds from exchange losses, this is not a measure which can be automatically assumed to work in every situation. I am sure the distinguished representatives not only from the United States but from other Member Nations will be well aware that the terms of forward purchase depend very much on exchange rate trends and on relative interest rates. So there are situations in which the Organization can avail itself of such banking facilities and there are other situations in which it cannot. But, of course, we will look into those measures and continue to look into them. This does not obviate, in our view, the need for the protection which the Special Reserve Account is designed to provide.

**LE PRESIDENT:** Je remercie M. Shah. Y a-t-il d'autres commentaires que les délégations souhaiteraient faire?

Je n'ai pas l'intention de faire un résumé de nos débats, résumé dans lequel certaines délégations pourraient dire: notre position n'a pas été reflétée, vous avez omis de parler de notre position, etc. Ce que je voudrais faire ici très brièvement c'est tout simplement dégager les grandes lignes de notre débat.

Quarante-cinq orateurs se sont exprimés et deux d'entre eux se sont exprimés au nom de plusieurs pays, notamment le Cameroun au nom du Groupe africain et Trinidad-et-Tobago au nom des 15 pays du CARICOM.

Je crois qu'une ligne importante a été dégagée au cours de ce débat: c'est à mon avis le bien-fondé et la validité tant juridique que financière et économique de ces deux mécanismes, à savoir le Fonds de roulement d'une part et d'autre part le Compte de réserve spécial.

Plusieurs propositions ont été faites: appel aux pays pour le paiement des arriérés, mode d'alimentation et de reconstitution du Compte de réserve spécial, corbeille de monnaie pour les contributions, achat à terme de devises.

Le Secrétariat a enregistré toutes ces propositions, M. Shah nous a dit tout à l'heure que le Secrétariat étudiera toutes ces propositions concrètes qui ont été présentées au cours de notre débat.

Mais une chose est certaine: c'est qu'à l'étape actuelle, en ce moment précis, pour ce biennium, nous n'avons pas de solution sinon le relèvement du niveau du Fonds de roulement et la reconstitution du Compte de réserve spécial.

La commission doit prendre une décision sur ces deux importantes questions. Nous avons écouté l'ensemble des délégations et une forte majorité apparaît, même si certaines délégations ont émis des réserves.

Puis-je interpréter le débat comme étant un aval de la Commission pour accepter les deux résolutions et les transmettre à la Plénière pour adoption ou est-ce que les délégations souhaiteraient avoir un débat approfondi sur cette question?

Je vois que le délégué du Cameroun veut intervenir. Je lui donne la parole en espérant que de sa déclaration et des précisions qui ont été apportées par M. Shah sortira une solution de compromis, un consensus qui nous permette d'adopter ces deux résolutions, fondamentales pour notre Organisation, à l'étape actuelle comme dans le futur.

**Thomas YANGA (Cameroun):** Je m'excuse d'avance de reprendre la parole à cette heure tardive de nos débats. Après avoir écouté M. Shah qui nous a donné des explications détaillées, fouillées et convaincantes à certains égards et après je ne dirai pas la conclusion que vous avez tirée mais ce que vous avez retenu des débats, je me suis senti encouragé de prendre la parole à ce stade pour faire une proposition sous forme d'un appel.

Nous avons suivi toutes les déclarations qui ont été faites sur ces deux questions extrêmement importantes à la fois pour l'Organisation et pour les Etats Membres. La preuve en est le nombre édifiant de 45 délégations qui ont pris la parole sur ce sujet. Nous pensons que l'atmosphère de confiance et d'optimisme qui règne dans cette salle depuis le début des travaux de cette Conférence, qui a été renforcée hier matin par l'adoption par consensus du Programme de travail et budget, devrait pouvoir, dans toute la mesure du possible, être préservée. Aussi souhaiterions-nous que toutes les voies et moyens soient explorés pour maintenir cet esprit de consensus et de compromis parmi les Etats Membres.

A cet égard, dans les délégations que nous avons entendues, nous avons retenu un grand nombre de propositions constructives qui constituent à notre humble avis un signe d'espoir et aussi de bonne volonté de certaines délégations afin de trouver une issue à cette importante question qui touche deux sujets importants. Nous avons aussi enregistré que le Directeur général nous a agréablement surpris au début de cette séance par l'annonce qui a été faite par M. Shah, et je crois que c'est un bon signe vers le consensus et le compromis recherchés par tout le monde.

Nous, en Afrique, nous croyons dur comme fer aux vertus des activités de la nuit. C'est pourquoi nous nous permettons de lancer un appel et de proposer que nous suspendions nos débats à ce stade et que nous laissions la nuit et la demi-journée de demain aux différentes délégations pour poursuivre leurs efforts afin de trouver une issue commune et satisfaisante sur ces questions importantes à notre avis. Nous estimons que des solutions peuvent leur être trouvées, et nous souhaitons que le temps soit laissé au temps jusqu'à demain après-midi et que nous tous conjuguions nos efforts en commençant par le rassemblement auquel nous a conviés la délégation de Thaïlande tout à l'heure, dans un cadre informel, pour pouvoir dégager une solution de compromis sur ces questions. Voilà la proposition formelle que je voulais faire.

**LE PRESIDENT:** Je vous remercie distingué représentant du Cameroun.

La délégation des Etats-Unis souhaite prendre la parole tout de suite?

**Ms Teresa D. HOBGOOD (United States of America):** I just have one point of clarification. Since there was a divergence of views on this issue at this Commission III, will there be a vote taken in Plenary on these two Resolutions? That is my only question.

**LE PRESIDENT:** Oui Madame la déléguée des Etats-Unis, il y aura en Plénière le vote qui va sanctionner ces deux résolutions. C'est la raison pour laquelle d'ailleurs je saisis la balle au bond pour vous demander et demander à la Commission si nous pouvons transmettre à la Plénière, précisément dans le rapport que nous allons présenter, ces deux résolutions sur lesquelles elle sera appelée à se prononcer.

Y a-t-il une objection à cela? Il n'y a pas d'objection.

Il en est ainsi décidé.

La séance n'est pas encore levée. Il nous reste une petite question concernant le compte du commissariat de la FAO et je vais demander très rapidement à M. Mehboob d'en faire l'introduction, ce qui ne nous demandera certainement pas beaucoup de temps.

Commissary Account 1988-89

Compte du groupement d'achats du personnel 1988-89

Cuenta del Economato. 1988-89

**Khalid MEHBOOB (Assistant Director-General a.i., Administration and Finance Department):**

This is a very small item. It concerns the endorsement by the Finance Committee and the Council on forwarding a Resolution to the Conference for adoption regarding the Commissary. It is proposing a minor amendment to a previous Conference Resolution to give recognition to the practice which already exists of distributing Commissary net profits to the Staff Welfare Fund after setting aside amounts for reserves. The procedure which is being proposed in the amendment would facilitate the work of the Finance Committee in that they would have the comments of the External Auditor on any such reserves when they consider the Commissary accounts. The External Auditor is also in agreement with such an amendment.

**LE PRESIDENT:** Je vous remercie M. Mehboob.

Vous avez écouté l'introduction à cette question. Y a-t-il des délégations qui souhaiteraient prendre la parole sur ce point?

Il n'y en a pas. Puis-je considérer que la Commission adopte cet amendement? Je ne vois pas d'objection.

Il en est ainsi décidé. La Commission adopte cet amendement.

Voilà qui nous amène à la fin de nos travaux de cet après-midi. Vous me donnez cinq minutes pour me consulter avec le Secrétariat, pour voir comment vont se dérouler les travaux au niveau de la Plénière en ce qui concerne notre Commission.

Le Secrétaire me fait comprendre que la Commission III pourrait se retrouver, probablement dans cette même salle, demain à 16 heures, pour l'adoption du rapport de notre Commission sur les points que nous avons examinés ce matin et cet après-midi. Donc rendez-vous demain après-midi à 16 heures pour l'adoption de la partie du rapport concernant les différentes questions que nous avons examinées aujourd'hui.

Je vois la délégation de la Guinée équatoriale qui souhaiterait prendre la parole. Je la lui donne.

**Alejandro NDJOLI MEDIKO (Guinea Ecuatorial):** Queremos en primer lugar felicitarle por su elección, así como la habilidad e inteligencia con que está dirigiendo los debates de nuestra Comisión.

Se dice por otra parte, que lo último es más jugoso y sabroso, y esperamos no defraudarles a los concurrentes con nuestra intervención y que aunque no la encuentren sabrosa, al menos esperamos que un jugo pueda extraerse de la misma.

La República de Guinea Ecuatorial es un país situado en la costa occidental ecuatorial del continente africano de vocación eminentemente agrícola, pesquera forestal y de cultura africana bantú e hispánica, de la que nos sentimos muy orgullosos. Por ello, la lengua oficial es el español y así consta en nuestra Ley Fundamental.

Señor Presidente, mi país, la República de Guinea Ecuatorial, entró a ser miembro de la Organización de las Naciones Unidas para la Agricultura y la Alimentación en noviembre de 1981.

Es cierto que para entonces no teníamos inconveniente alguno en que no era necesario prever documentos y servicios de información e interpretación en español para reuniones y actividades de capacitación que se celebren en África cuando Guinea Ecuatorial sea el único país de habla español invitado. Permítanos repetir, señor Presidente, para reuniones y actividades de capacitación, reconociéndole en todos los foros internacionales del sistema de Naciones Unidas, a Guinea Ecuatorial, como país de habla hispana. También en las organizaciones de integración subregionales de África, como es la Comunidad Económica de los Estados del África Central (CEAC), en donde el único país de lengua española es Guinea Ecuatorial, se reconoce y se usa dicha lengua como idioma de trabajo.

No es nuestra intención el recargar aún más la pesada carga presupuestaria de la FAO, pues hemos estudiado aquí juntos durante el transcurso de estas semanas, y hoy con amplia profundidad, varios aspectos de nuestra Organización. Conocemos la situación que atraviesa y somos conscientes de ella.

Ya tuvimos ocasión de escuchar también al mismo Director General, Sr. Saouma, en su intervención del otro día al presentarnos la situación financiera de la Organización, presentando para el próximo bienio un presupuesto de crecimiento cero con varios recortes en algunas actividades.

Sin embargo, permítanos insistir y recalcar el hecho de que al considerar y tener el idioma español como lengua oficial de trabajo en la FAO, debería ser aplicado este mismo criterio en todas las conferencias en el seno de dicha Organización, incluidas las regionales allá donde exista país de habla española.

Para finalizar, señor Presidente, permítame insistir que cuando una delegación se expresa en su mismo idioma, decide mucho mejor los conceptos y mensajes que quiere transmitir, deja menos posibilidades de dudas sobre sus intervenciones y participa más activamente en los debates, contribuyendo y enriqueciendo los mismos con las ideas que aporta, y es en ese sentido que proponemos aquí, señor Presidente, que en las reuniones regionales de la FAO para África, como la que hay prevista para el próximo año 1992, se haga un esfuerzo para incluir el español como lengua oficial de trabajo que es.

Supongo, señor Presidente, que no existe ningún texto legal jurídico de la Organización que diga lo contrario y agradecemos ese esfuerzo para la región.

**Jacques WARIN (France):** Merci Monsieur le Président. Rassurez-vous, je ne parlerai pas longtemps. Je n'avais pas du tout l'intention d'intervenir à ce stade du débat. Cela dit, j'ai entendu avec intérêt l'appel lancé par mon collègue, le Représentant de la Guinée équatoriale. Je lui dirai que je m'y associe pleinement, à savoir que dans une autre région, l'Amérique latine et les Caraïbes, il se trouve que depuis un certain nombre d'années la langue française n'est pas utilisée pour les conférences régionales de la FAO. Je trouve moi aussi, comme le Représentant de la Guinée équatoriale

l'a fait remarquer pour l'Afrique, que c'est là une anomalie. Je ferai remarquer que la France a des possessions en Amérique latine et dans les Caraïbes et qu'il existe au moins un Etat souverain et indépendant qui, lui, est de langue française. Je souhaite donc qu'à l'avenir, pour les conférences régionales en Amérique latine et aux Caraïbes, la langue française soit utilisée pleinement à l'égal de l'espagnol et de l'anglais.

**LE PRESIDENT:** Je vous remercie Monsieur l'Ambassadeur de France. Le Secrétariat a pris bonne note de votre déclaration. Si cela rencontre l'assentiment de la Commission, il en sera ainsi décidé. Le Rapporteur souhaite-t-il prendre la parole? Vous avez la parole, Monsieur le Rapporteur.

**Mustapha-Menouar SINACEUR (Rapporteur de la Commission III):** M. le

Président, je vous ai entendu parler tout à l'heure de réunir la Commission demain à 16 heures pour l'adoption du rapport. Pour ma part, j'aimerais être aussi optimiste que vous mais il est déjà 20 heures et nous avons encore toute une partie du rapport à préparer pour demain. Je pense que 16 heures est peut-être une heure un peu trop avancée. Je proposerais la possibilité de reconsidérer un peu cela et de nous réunir un peu plus tard dans l'après-midi pour être sûr que le rapport puisse être effectivement prêt. Je peux proposer 17 h 30 ou 18 heures.

**LE PRESIDENT:** Je vous remercie M. le Rapporteur de la Commission. Vous êtes bien placé pour savoir si à 16 heures le rapport sera prêt ou non. Mais il me semble que 18 heures ou 18 h 30 est une échéance assez lointaine. Je proposerais peut-être 17 heures avec l'assentiment de la Commission bien sûr. Il n'y a pas d'objection? Donc, demain 17 heures, nouvelle séance de la Commission II. La séance est levée, je vous remercie.

The meeting rose at 20.15 hours.

La séance est levée à 20 h 15.

Se levanta la sesión a las 20.15 horas.

## **conference**

FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS

## **conférence**

ORGANISATION DES NATIONS UNIES POUR L'ALIMENTATION ET L'AGRICULTURE

## **conferencia**

ORGANIZACION DE LAS NACIONES UNIDAS PARA LA AGRICULTURA Y LA ALIMENTACION

C

**C 91/III/PV/8**

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Twenty-sixth Session  
COMMISSION III

Vingt-sixième session  
COMMISSION III

26° período de sesiones  
COMISION III

### **EIGHTH MEETING HUITIEME SEANCE OCTAVA SESION**

(22 November 1991)

The Eighth Meeting was opened at 17.45 hours

Mr Samuel Fernández Illanes, Chairman of Commission III, presiding

La huitième séance est ouverte à 17 h 45

sous la présidence de M. Samuel Fernández Illanes, Président de la  
Commission III

Se abre la octava sesión a las 17.45 horas

bajo la presidencia del Sr. Samuel Fernández Illanes, Presidente de la  
Comisión III

PART III CONSTITUTIONAL AND ADMINISTRATIVE MATTERS (continued)

TROISIEME PARTIE - QUESTIONS CONSTITUTIONNELLES ET ADMINISTRATIVES (suite)

PART III - ASUNTOS CONSTITUCIONALES Y ADMINISTRATIVOS (continuación)

A. Constitutional and Legal Matters (continued)

A. Questions constitutionnelles et juridiques (suite)

A. Asuntos constitucionales y jurídicos (continuación)

28. Other Constitutional and Legal Matters (continued)

28. Autres questions constitutionnelles et juridiques (suite)

28. Otros asuntos constitucionales y jurídicos (continuación)

**LEGAL COUNSEL:** Thank you Mr Chairman. I have some welcome news that the Director-General has asked me to bring to the attention of the Conference. You may remember that the question of FAO's immunity from legal process in Italy is an important matter that has been under discussion by the Conference and the Council since 1982. In that year the Supreme Court of Italy, the Corte di Cassazione, passed down a judgement that gave a very restrictive interpretation of Section 16 of the Headquarters Agreement, which provides that the Organization enjoys immunity from every form of legal process unless it waives such immunity. Since then, in August 1985 to be exact, Italy became a party to the Convention of the Privileges and Immunities of the Specialized Agencies. Soon after that, in 1986 in fact, and as a consequence of Italy's accession to the Convention on Privileges and Immunities of the Specialized Agencies, the Host Government and the Director-General concluded an exchange of letters setting out in some detail methods for the settlement of disputes arising out of contracts, including disputes arising out of staff employment contracts.

These methods for the settlement of disputes are indeed essential to ensure that the immunity of the Organization does not cause injustice.

In fact, FAO, like other agencies of the UN system, has accepted the jurisdiction of the Administrative Tribunal of the International Labour Organization in order to provide a means of recourse for staff members who believe that their rights have been infringed by the Organization.

You may also recall that the host government generously offered the services of the Avvocatura Generale dello Stato for the Organization to plead its immunity in future in Italian courts. Subsequently in 1989 an action was brought in the Italian courts against the Organization contesting the Organization's immunity from national jurisdiction and arguing that the Italian courts had jurisdiction over the employment relationship between FAO and its staff and that Italian Labour Laws were applicable to the relationship.

This was a very important case, a very dangerous case, and we brought it to the attention of the governing bodies of this Organization. On the advice of Avvocatura Generale dello Stato and with his valuable assistance, the Organization lodged a direct appeal to the Supreme Court of Italy on the issue of immunity. The Supreme Court heard the case yesterday.

The Director-General has asked me to inform the Conference of the outcome of the case. I am pleased to inform you that I have been notified verbally by the Avvocatura Generale dello Stato this morning that the Supreme Court has upheld the immunity of the Organization. We have also been informed verbally that the grounds given for the judgement are that states and international organizations should be treated differently in law. It also cites the exchange of notes in 1986 regarding alternative modes of settlement of disputes.

At this moment we only know the ruling of the Court and not the full official reasoning which led the Court to this conclusion. The judgement will be published officially within the next few months.

However, in view of the importance of this case, and I think it is a landmark case, the Director-General has asked me to communicate this welcome news to the Conference and to express, in the name of the Director-General, the Organization's gratitude to the host country for its generosity in having made available to FAO the valuable services of the Avvocatura Generale dello Stato in this matter and to express his sincere appreciation for the services rendered by the Avvocatura Generale dello Stato.

**EL PRESIDENTE:** Muchísimas gracias distinguido Consejero Legal por su muy importante declaración. Estoy consciente que interpreto el sentir de esta Comisión y de la Conferencia por esta importante noticia y nos congratulamos por ello. Nuestros agradecimientos a quienes han participado en este importante proceso y además, nuestras felicitaciones al Director General y a nosotros mismos.

**John Bruce SHARPE (Australia) :** Australia would like to say how welcome this news from Mr Moore is and indicate our appreciation of the efforts of the FAO Legal Office and on our own behalf and that of the official of the Italian Government concerned and the Italian Avvocatura Generale dello Stato.

This matter, which has major implications for the operation of the Organization in Rome, appears to have been resolved satisfactorily. This is good news and the Australian delegation thank all of those involved.

**Gian Luigi VALENZA (Italie):** Je voulais moi aussi dire que nous sommes très heureux d'avoir appris aujourd'hui cette nouvelle. Je me rappelle encore le jour pas très éloigné où j'ai accompagné le Conseiller légal M. Moore à l'Avvocatura Generale dello Stato pour la première fois et je crois que cette coopération entre l'Avvocatura Generale et la FAO, que j'avais souhaitée du reste très longtemps, a été tout à fait fructueuse comme je l'avais prévu. Nous sommes très contents de voir que les résultats sont là et je dois donc remercier le délégué de l'Australie qui a bien voulu nous remercier et vous dire encore l'entière satisfaction du Gouvernement italien face à un tel succès.

**EL PRESIDENTE:** Muchas gracias distinguido Embajador de Italia por su importante declaración y los agradecimientos una vez más por los esfuerzos de su distinguido Gobierno sobre este punto tan importante.

**ADOPTION OF REPORT (continued)**

**ADOPTION DU RAPPORT (suite)**

**APROBACION DEL INFORME (continuación)**

**DRAFT REPORT OF COMMISSION III - PART 4**

**PROJET DE RAPPORT DE LA COMMISSION III - QUATRIEME PARTIE**

**PROYECTO DE INFORME DE LA COMISION III - PARTE 4**

**A. Constitutional and Legal Matters**

**A. Questions constitutionnelles et juridiques**

**A. Asuntos constitucionales y jurídicos**

**Mustapha-Menouar SINACEUR (Rapporteur de la Commission III):** Pour ma part, j'aurais vivement souhaité présenter l'intégralité du rapport à la Commission et non pas seulement le C 91/III/REP/4, mais vous avez fort bien expliqué les raisons de notre retard que nous pouvons comprendre puisqu'aujourd'hui les deux autres Commissions ont eu également à adopter leur rapport, ce qui crée sûrement une certaine congestion au niveau du Secrétariat, de la traduction, de la publication et peut-être que tout rentrera dans l'ordre lundi. Nous avons sous les yeux le document qui a été mis à la disposition des délégués au cours de l'après-midi, le C 91/III/REP/4, auquel vous avez fait allusion concernant le point 23: traités multilatéraux dont le Directeur général est dépositaire; le point 25 relatif à la coopération entre la Banque africaine de développement, le Fonds africain de développement et la FAO; le point 26 relatif à la révision de la Résolution 46/57 de la Conférence et de son annexe, et enfin le point 28, autres questions constitutionnelles et juridiques relatives aux observations concernant le mandat du Comité des questions constitutionnelles et juridiques, les paragraphes 1 à 17. Ces quatre points que je viens de citer n'ont pas fait l'objet d'un grand débat au cours de la Commission et je sou mets à l'approbation de la Commission le projet de rapport portant sur les 4 points 23, 25, 26 et 28.

**PARAGRAPHS 1 TO 13**

**PARAGRAPHERS 1 A 13**

**PARRAFOS 1 A 13**

**Paragraphs 1 to 4 approved**

**Les paragraphes 1 à 4 sont approuvés**

**Los párrafos 1 a 4 son aprobados**

**Paragraphs 5 to 9 approved**

**Les paragraphes 5 à 9 sont approuvés**

**Los párrafos 5 a 9 son aprobados**

Paragraphs 10 to 13. including Draft Resolution, approved  
Les paragraphes 10 à 13. y compris le Projet de Résolution, sont approuvés  
Los párrafos 10 a 13. incluido el Proyecto de Resolución, son aprobados

PARAGRAPHS 14 TO 17  
PARAGRAPHERS 14 A 17  
PARRAFOS 14 A 17

**Sra. Mónica DEREGIBUS (Argentina):** Señor Presidente, la observación de mi delegación se refiere al párrafo 16 del Informe que estamos considerando. Yo no tengo a la vista el texto inglés, pero en el texto español dice: "debería asegurarse una representación conveniente de las diversas regiones".

Señor Presidente, la palabra conveniente en español no es nunca utilizada para significar lo que este párrafo quiere significar, nosotros creemos que lo que se quiere decir aquí, es que debe de haber una representación de todas las regiones, que en el CACJ deben estar representadas todas las regiones. Esto es, creo, lo que se quiso decir aquí, y en este sentido, yo sugeriría la enmienda del párrafo.

Debería asegurarse que estuvieran representadas todas las regiones.

**Jacques WARIN (France) :** Je comprends très bien le souci de la déléguée de l'Argentine de vouloir une représentation de toutes les régions. Mais je lui ferai observer que c'est peut-être demander un peu trop à ce Comité qui ne comprend en tout et pour tout que sept membres. Je reconnais qu'il y a sept régions dans notre Organisation, certaines comptent deux pays, d'autres en possèdent une cinquantaine.

Je me demande si nous ne devrions pas, dans ces conditions, adopter une formulation qui serait plus équitable en utilisant précisément le terme "équitable" à la place de "convenable". "Une représentation équitable des diverses régions" aurait l'avantage de ne pas nous forcer à avoir une représentation de toutes les régions, une pour l'Amérique du Nord, une pour le Pacifique Sud-Ouest, etc., ce qui me paraît peut-être un peu trop rigoureux.

Est-ce que vous accepteriez - je le demande par votre intermédiaire à la collègue de l'Argentine - "une représentation équitable des diverses régions"?

**Julio César LUPINACCI (Uruguay) :** Creo que la propuesta que acaba de hacer el distinguido representante de Francia, es adecuada, es conveniente, diría yo, ya que es el lenguaje que más se usa en Naciones Unidas para integración de muchos otros órganos, de manera que mi delegación, si no tiene inconveniente la representante de Argentina, apoyaría esa solución que da el representante de Francia.

**Mustapha-Menouar SINACEUR (Rapporteur de la Commission III):** En fait, cette question n'a pas fait l'objet de débats dans cette Commission, nous n'avons fait que refléter la partie du rapport du Conseil relative à cette question, et qui reprenait le rapport du Comité des questions constitutionnelles et juridiques. Je pense qu'il appartient seulement à la Commission de trancher sur le choix du mot "convenable" ou "équitable". Pour ma part je n'ai pas de remarques particulières.

**John Bruce SHARPE (Australia) :** We do not want necessarily to open up the debate on this issue and I must say we do not at this stage have strong views, but I would like to draw the Commission's attention to Resolution 11/87 which may have a form of words that may be useful on this occasion. Resolution 11/87 relates to procedure for the election of the Chairman and members of the Programme and Finance Committee and it says at paragraph 2 that "such representation is that all regions that so wish are in fact represented on the committees."

It may be that a compromise and a solution in this situation is to suggest that the representation on the CCLM should be in such a fashion, that is, that all regions that so wish are represented on that commission. I make that suggestion in the form of a solution to the problem.

**Peter Rieuwer JANUS (Netherlands):** I would just like to express my support for the proposal made by the French delegation for the reasons he gave. I think he is quite right. The Committee is quite small, has a very limited number of members, so I think the wording he proposed reflects the actual situation very well. I would like to support that proposal, Mr Chairman.

**Sra. Mónica DEREGBUS (Argentina):** Señor Presidente, mi delegación preferiría que adoptáramos la formulación que está proponiendo mi colega de Australia, puesto que si bien el Comité es pequeño, su propia composición de siete miembros y el hecho de que haya siete regiones en la FAO, demuestran claramente que la intención de los creadores del Comité, fue que hubiera un espacio, un sitio un cargo para cada región, cosa que no se está cumpliendo.

Yo creo, señor Presidente, que aquí se debe reconocer que si una región tiene interés en tener un miembro en ese Comité, tiene derecho a tenerlo. Por ello creo, señor Presidente, que la enmienda que nos está proponiendo mi colega de Australia, es la más adecuada.

**Mrs Maria GALVOLGYI (Hungary):** This item was under discussion in Commission III. I had the honour to chair the meeting and I would like to remind you that this question was not raised during the debate so if you are insisting on having this sentence in the report, I would recommend you accept it as it is, because it was taken from the previous meeting of our Council.

**(Sidaty AIDARA Sénégal):** J'ai écouté avec beaucoup d'intérêt ces débats, que je ne souhaiterais pas prolonger par une longue déclaration.

Je voudrais me rallier à ce que vient de dire ma collègue de la Hongrie qui a présidé effectivement les travaux de la Commission quand il s'est agi de se pencher sur cette question. Je suis d'autant plus favorable à sa proposition que, selon la décision qui est reflétée ici, ce n'est pas la Conférence qui a à statuer sur le CQCJ. La décision que la Conférence prend actuellement est contenue dans le paragraphe suivant, le paragraphe 17, où il est dit: "La Conférence a décidé de demander au Directeur général de soumettre cette question au CQCJ pour étude et pour formuler d'éventuelles recommandations à cet égard, et d'en faire rapport en temps opportun au Conseil." Il appartiendra à ce Conseil de faire des propositions concrètes à la Conférence à sa prochaine session.

Notre Conférence ne prend pas de décision, nous n'avons pas besoin de savoir s'il s'agit d'indiquer que la représentation devrait être convenable ou équitable. La délégation de la Hongrie nous a fait comprendre, le rapporteur également nous l'a rappelé, qu'il s'agit d'un mot, d'un adjectif contenu dans le rapport du Conseil. Je pense que notre Commission peut accepter l'adjectif "convenable" pour nous permettre d'adopter définitivement le rapport de cette Commission.

**Vanrob ISARANKURA (Thailand):** I would like to support what has been said by my colleague. We never debated this. I think, in fact, we should delete paragraph 16. If you want to keep it, you have to mention it to some member in the Council. Otherwise, it is not correct because now we have adopted the report. This happened yesterday.

**Mustapha-Menouar SINACEUR (Rapporteur de la Commission III) :** Je ne

reviendrai pas sur ce que j'ai dit auparavant. Je considère que c'est du seul ressort de la Commission mais j'aimerais présenter une remarque sur le paragraphe 17; lorsque l'on dit: "la Conférence a décidé de demander au Directeur général de soumettre cette question...", il ne s'agit pas uniquement du contenu du paragraphe 16 relatif à la représentation convenable ou équitable de diverses régions mais également des réflexions personnelles du Président et des membres du Comité qui ont remarqué que le mandat du CQCJ devait être révisé. On prend un ensemble de points, c'est le point 28 en lui-même.

**Ibrahim KABA (Guinée):** A la suite de tout ce que nous venons d'entendre, nous pensons qu'il serait inutile de s'attarder sur ce paragraphe 16, surtout après la mise au point de la déléguée de la Hongrie, dont nous appuyons la déclaration.

**Angel BARBERO MARTIN (España):** Después de las intervenciones que hemos oído queda poco que añadir. Lo único quizá, mantener la reserva que había hecho la distinguida delegada de Argentina sobre la traducción que se ha hecho de la versión inglesa. Habría que mantener la voluntad que se desprende de

este párrafo y en ese caso quizá la traducción española debería atenerse más a esa versión inglesa. Por tanto, nosotros añadiríamos en el párrafo 16: "debería tener en cuenta en debida forma la representación regional". Quizás se adapta mejor a la versión inglesa.

**EL PRESIDENTE:** Entiendo que la Secretaría ha tomado nota de su declaración y su propuesta. No veo más oradores que deseen hacer uso de la palabra al respecto. Entendiendo que ha sido la delegación de España quien propone ajustarse a la homologación más correcta de los textos y teniendo en cuenta las discusiones que se han producido en las declaraciones que hemos escuchado, ¿desearía la Sala dejarlo como lo ha propuesto el distinguido delegado de España, de quien espero hayan tomado nota? No veo inconvenientes. Gracias señores delegados, así sea.

Paragraphs 14 to 17. as amended, approved

Les paragraphes 14 à 17, ainsi amendés, sont approuvés

Los párrafos 14 a 17. así enmendados, son aprobados

**EL PRESIDENTE:** Una pequeña corrección en el texto español. En la página 4 en lo atinente al tema 25, en el párrafo 7 se ha deslizado un error. Al decir "instituciones similares de mi región y la FAO" hay sin duda un pequeño error en la traducción. En la versión inglesa dice "their".

La Secretaría ha tomado nota. Se va a proceder a la traducción correcta de ese pequeño desliz de traducción.

Distinguidos delegados, concluiríamos así lo relativo al informe.

Draft Report of Commission III. Part 4. including Resolution, was adopted

Projet de rapport de la Commission III. 4ème partie, y compris la

Résolution, est adopté

El proyecto de informe de la Comisión III. Parte 4. incluida la Resolución, es aprobado

The meeting rose at 18.30 hours.

La séance est levée à 18 h 30.

Se levanta la sesión a las 18.30 horas.

## **conference**

FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS

## **conférence**

ORGANISATION DES NATIONS UNIES POUR L'ALIMENTATION ET L'AGRICULTURE

## **conferencia**

ORGANIZACION DE LAS NACIONES UNIDAS PARA LA AGRICULTURA Y LA ALIMENTACION

C

**C 91/III/PV/9**

Twenty-sixth Session  
COMMISSION III

Vingt-sixième session  
COMMISSION III

26° período de sesiones  
COMISION III

### **NINTH MEETING NEUVIEME SEANCE NOVENA SESION**

(25 November 1991)

The Ninth Meeting was opened at 11.15 hours

Mr Samuel Fernández Illanes. Chairman of Commission III, presiding

La neuvième séance est ouverte à 11 h 15

sous la présidence de M. Samuel Fernández Illanes. Président de la  
Commission III

Se abre la novena sesión a las 11.15 horas

bajo la presidencia del Sr. Samuel Fernández Illanes. Presidente de la  
Comisión III

ADOPTION OF REPORT (continued)

ADOPTION DU RAPPORT (suite)

APROBACION DEL INFORME (continuación)

**EL PRESIDENTE:** Declaro abierta la sesión de nuestra Comisión con el objeto de considerar los informes relativos a los documentos C 91/III/REP/3, C 91/III/REP/5, C 91/III/REP/6 y C 91/III/REP/7. Con el objeto de introducir estos informes, tengo el agrado de dar la palabra al distinguido Relator de nuestra Comisión.

**Mustapha-Menouar SINACEUR (Rapporteur de la Commission III) :** Comme vous venez de le dire, M. le Président, nous avons devant nous les autres parties du rapport de la Commission III, les REP/3, REP/5, REP/6, REP/7 sur les autres points de l'Ordre du jour de la Commission III, qui sont soumis à l'approbation de la Plénière de la Commission.

J'aimerais juste dire quelques mots pour remercier d'abord le groupe d'appui rédactionnel - c'est un terme à la mode actuellement - c'est-à-dire un certain nombre d'Etats Membres qui m'ont soutenu dans ma tâche, et également j'aimerais remercier le Secrétariat et plus particulièrement M. Stein et M. Mehboob. Si vous me le permettez, j'aimerais remercier et faire sortir de l'ombre quelques autres personnes du Secrétariat qui m'ont aidé, en particulier Mme. Annie Le Clainche, Responsable du Rapport de la Conférence et Mme. Monica Munico, Responsable de la distribution des documents, toujours agréables et à la disposition des délégués.

Après ces quelques mots, j'aimerais proposer à l'approbation de la Commission les parties du rapport qui sont entre les mains des délégués.

DRAFT REPORT OF COMMISSION III - PART 3

PROJET DE RAPPORT DE LA COMMISSION III - TROISIEME PARTIE

PROYECTO DE INFORME DE LA COMISION III - PARTE 3

PARAGRAPHS 1 TO 10

PARAGRAPHERS 1 A 10

PARRAFOS 1 A 10

Paragraphs 1 to 4, approved

Les paragraphes 1 à 4 sont approuvés

Los párrafos 1 a 4 son aprobados

Paragraphs 5 to 9, approved

Les paragraphes 5 à 9 sont approuvés

Los párrafos 5 a 9 son aprobados

Paragraph 10, including Draft Resolution, approved

Le paragraphe 10, y compris le Projet de Résolution, est approuvé

El párrafo 10, incluido el Proyecto de Resolución, es aprobado

**Alejandro NDJOLI MEDIKO (Guinea Ecuatorial):** Gracias señor Presidente. Aunque ya hacía rato que tenía el cartel elevado pidiendo la palabra, como el señor Presidente va tan rápido no nos da tiempo para coger el tren.

Conscientes de que el programa que nos han propuesto para esta mañana viene explícito que está reservado para la aprobación del informe de la Comisión, nos vemos no obstante moralmente obligados a tomar la palabra, y lo hacemos muy a gusto en reconocimiento de esta importante decisión tomada hoy con respecto al punto 10 del programa.

Como todos ustedes saben, Guinea Ecuatorial está realizando inusitados esfuerzos por normalizar su economía, una economía que fue fuertemente devastada durante los largos once años del régimen anterior. Unido a ello, el programa de ajuste estructural, la situación de los precios cada vez más bajos de nuestros productos agrícolas en los mercados internacionales, así como la elevación de los costos de los insumos, sitúa a Guinea Ecuatorial en especial en situaciones a veces muy difíciles para cumplir con sus obligaciones, pero no por ello dejamos de buscar soluciones a esta difícil situación, siendo una de ellas la propuesta formulada por mi país sobre el pago escalonado de sus contribuciones, y agradecemos por ello la comprensión de la Organización.

PARAGRAPHS 11 TO 13

PARAGRAPHES 11 A 13

PARRAFOS 11 A 13

Paragraphs 11 to 13. approved

Les paragraphes 11 à 13 sont approuvés

Los párrafos 11 a 13 son aprobados

**Khalid MEHBOOB (Assistant Director-General, a.i. Administration and Finance Department):**

I wish to point out a printing error in the English version of the Report. In paragraph 14 after the words "US\$30 million" it should read "comprising US\$18 million from the Working Capital Fund and US\$12 million from the Trust Funds...". You have to add the words "the Working Capital Fund and US\$12 million from". Then it carries on as printed.

PARAGRAPHS 14 AND 15

PARAGRAPHES 14 ET 15

PARRAFOS 14 Y 15

Paragraphs 14 and 15, as amended, approved

Les paragraphes 14 et 15, ainsi amendés, sont approuvés

Los párrafos 14 y 15, así enmendados, son aprobados

Draft Report of Commission III, Part 3, including Draft Resolution,  
as amended, approved

Le projet de rapport de la Commission III, troisième partie, y compris le  
Projet de Résolution, ainsi amendé est approuvé

El proyecto de informe de la Comisión III, Parte 3, incluido el Proyecto  
de Resolución, así enmendado, es aprobado

DRAFT REPORT OF COMMISSION III - PART 5

PROJET DE RAPPORT DE LA COMMISSION III - CINQUIEME PARTIE

PROYECTO DE INFORME DE LA COMISION III PARTE 5

PARAGRAPHS 1 TO 15

PARAGRAPHERS 1 A 15

PARRAFOS 1 A 15

Paragraphs 1 to 7 including Draft Resolution, approved

Les paragraphes 1 à 7, y compris le Projet de Résolution, sont approuvés

Los párrafos 1 a 7, incluido el Proyecto de Resolución, son aprobados

Paragraphs 8 to 14 including Draft Resolution, approved

Les paragraphes 8 à 14, y compris le Projet de Résolution, sont approuvés

Los párrafos 8 a 14, incluido el Proyecto de Resolución, son aprobados

Paragraph 15, including Draft Resolution, approved

Le paragraphe 15, y compris le Projet de Résolution, est approuvé

El párrafo 15, incluido el Proyecto de Resolución, es aprobado

Draft Report of Commission III. Part 5, including Draft Resolution, as amended, approved

Le projet de rapport de la Commission III, cinquième partie, y compris le Projet de Résolution, ainsi amendé est approuvé

El proyecto de informe de la Comisión III. Parte 5, incluido el Proyecto de Resolución, así enmendado, es aprobado

DRAFT REPORT OF COMMISSION III - PART 6

PROJET DE RAPPORT DE LA COMMISSION III - SIXIEME PARTIE

PROYECTO DE INFORME DE LA COMISION III - PARTE 6

PARAGRAPHS 1 TO 3

PARAGRAPHERS 1 A 3

PARRAFOS 1 A 3

Paragraph 1, including Draft Resolution, approved

Le paragraphe 1, y compris le Projet de Résolution, est approuvé

El párrafo 1, incluido el Proyecto de Resolución, es aprobado

Paragraphs 2 and 3, approved

Les paragraphes 2 et 3 sont approuvés

Los párrafos 2 y 3 son aprobados

Draft Report of Commission III. Part 6, including Draft Resolution, approved

Le projet de rapport de la Commission III, sixième partie, y compris le Projet de Résolution, ainsi amendé, est approuvé

El proyecto de informe de la Comisión III. Parte 6, incluido el Proyecto de Resolución, así enmendado, es aprobado

DRAFT REPORT OF COMMISSION III - PART 7

PROJET DE RAPPORT DE LA COMMISSION III - SEPTIEME PARTIE

PROYECTO DE INFORME DE LA COMISION III - PARTE 7

PARAGRAPHS 1 TO 5

PARAGRAPHERS 1 A 5

PARRAFOS 1 A 5

Paragraphs 1 to 3, approved

Les paragraphes 1 à 3 sont approuvés

Los párrafos 1 a 3 son aprobados

Paragraph 4 approved

Le paragraphe 4 est approuvé

El párrafo 4 es aprobado

Paragraph 5 approved

Le paragraphe 5 est approuvé

El párrafo 5 es aprobado

PARAGRAPHS 6 TO 12

PARAGRAPHES 6 A 12

PARRAFOS 6 A 12

**Gregory FLOOD (Assistant Secretary, Commission III):** I have a slight correction in paragraph 12 of REP/7. The first sentence should read: "The Conference was informed that the Pension Board had concluded that", rather than "calculated".

Draft Report of Commission III. Part 7. as amended, was adopted

Projet de rapport de la Commission III, septième partie, ainsi amendé, est adopté

El proyecto de informe de la Comisión III, parte 7, así enmendado, es aprobado

OTHER MATTERS (continued)

QUESTIONS DIVERSES (suite)

OTROS ASUNTOS (continuación)

**Alejandro NDJOLI MEDIKO (Guinea Ecuatorial):** Es, señor Presidente, una simple cuestión de procedimiento. Durante los debates efectuados el último día nuestra delegación sometió a la Presidencia una propuesta, cuya respuesta o solución esperábamos nos la diera el mismo día. El silencio de la Presidencia fue interpretado como por necesidad de consulta. Esta propuesta era en el sentido de que siendo el español uno de los idiomas oficiales de trabajo de la FAO legalmente reconocido, nos sorprendía que en los trabajos, en las reuniones de la Conferencia regional, por ejemplo, la que hay proyectada en Accra en 1992, no se reconociese el español como uno de los idiomas de trabajo y se empleasen otros diferentes, teniendo en cuenta que Guinea Ecuatorial es uno de los países miembros de la región de África y es de habla hispana.

En ese sentido, señor Presidente, y en "Asunto varios" presentamos esta propuesta y sorprende a nuestra delegación que hasta la fecha no tengamos respuesta alguna.

**Mustapha-Menouar SINACEUR (Rapporteur de la Commission III):** Effectivement ce point a été soulevé par la délégation de la Guinée équatoriale et appuyé par l'Ambassadeur de France, lors de la discussion sur le point 32 de

l'ordre du jour, partie 32.3, relative à l'augmentation du Fonds de roulement, lors de la dernière séance de vendredi. Effectivement il n'y a pas eu de réaction de la part des autres membres de la Commission; donc nous pensons que si vous-mêmes et la Commission êtes d'accord nous pouvons insérer la remarque faite par le délégué de la Guinée équatoriale appuyée par l'Ambassadeur de France. A ce moment-là on dit, au niveau du C 91/III/REP/5, en dernière partie sous un chapitre "Autres questions" pour bien le distinguer de la discussion qui a eu lieu sur le Fonds de roulement et sur le Compte de réserve spécial et si vous-mêmes et la Commission êtes d'accord cela pouvait devenir pour le C 91/III/REP/5, à la fin du document, sous un chapitre "Autres questions". Merci.

**EL PRESIDENTE:** Entiendo que esto puede satisfacer, en el entendido de que sin los nombres específicos de las delegaciones pueda quedar así consignado.

**Jean-Pierre POLY (France):** En fait, mon intervention va dans le sens et en appui de notre collègue de la Guinée équatoriale qui s'est exprimé sur ce point et a rappelé que deux délégations au moins lors de nos débats ont émis quelques considérations d'ordre linguistique sur les conditions d'organisation et les importantes conférences régionales de l'Organisation; aussi à cet effet la délégation française a-t-elle préparé et remis à notre présidence un projet d'amendement qui pourrait rappeler que la Commission a été amenée, dans le courant de ses travaux, à examiner ce point et à tenir compte des pratiques linguistiques des régions concernées et du bon usage des langues officielles des pays membres de la région pour l'organisation des travaux des conférences régionales de notre Organisation. Je me tiens à votre disposition pour lire le projet d'additif que je vous ai fait parvenir avant l'ouverture de cette séance.

**EL PRESIDENTE:** El distinguido Relator me informa que tiene en su poder un texto ¿Podría usted, señor Relator, referirse a él?

**Mustapha-Menouar SINACEUR (Rapporteur de la Commission III):** Je vais lire la proposition de la délégation de la France: "L'attention de la Commission a été appelée sur une tendance fâcheuse existant depuis une dizaine d'années dans certaines conférences régionales de l'Organisation à ne pas faire bénéficier des services de traduction et d'interprétation dans les langues officielles de tous les pays membres de la région et sur la nécessité de mieux respecter à l'avenir la parité qui doit régner entre les langues de travail de l'Organisation."

**Mme Amina BOUDJELTI (Algérie):** Je serai d'autant plus brève que ce qui vient d'être lu par le Rapporteur de la Commission m'agrée tout à fait. En fait, je voulais faire part à la Commission du souci de certains pays arabophones de voir l'arabe également utilisé comme langue de travail dans les conférences régionales.

**Jean-Pierre POLY (France):** Juste une petite précision, M. le Président. Dois-je comprendre que la proposition qui vient d'être lue par notre Rapporteur est agréée au rapport?

**EL PRESIDENTE:** Muchas gracias a usted. Es exactamente así, distinguido delegado.

Distinguidos delegados, deseo expresar el agradecimiento de la Presidencia a todos ustedes por el trabajo efectuado, muy particularmente a los distinguidos Vicepresidentes, que tuvieron la bondad de dirigir partes de este importante debate. Los personales agradecimientos de la Mesa por el gran trabajo efectuado por el distinguido Relator y quienes han colaborado directamente, a la Secretaria, intérpretes y oficiales de Sala. Les doy las gracias a todos ustedes por la gran tarea realizada y por el trabajo que se ha efectuado.

**Ms Teresa D. HOBGOOD (United States of America):** On behalf of the North American region we would like to express our warm appreciation to the Rapporteur, Mr Mustapha Sinaceur, for his tireless efforts in facilitating the work of Commission III. The task before him was a major challenge. Not only did he meet this challenge but he exceeded all expectations. The Reports of this Commission are well balanced and represent clearly the views expressed by members of FAO on key financial and administrative matters. For this achievement we are grateful.

We would also like to extend our thanks and deep appreciation to the competent and dedicated staff of FAO for making the necessary changes resulting from the appointment of a Rapporteur and an Assistant Rapporteur to prepare the Report of this Commission. We recognize that this new procedure in the method of work of the Conference did not make their job easier. In our view, the preparation of Reports by the Rapporteur in this Commission has achieved positive results and may well have resulted in cost savings. It has also enhanced the spirit of cooperation and consensus building prevailing throughout the proceedings of this Conference. Having said that, we hope that at the Twenty-seventh Session of the FAO Conference this procedure will continue.

**EL PRESIDENTE:** Muchísimas gracias, distinguida delegada de los Estados Unidos, por su muy importante declaración.

Distinguidos delegados, y así concluimos los trabajos de nuestra Comisión. Una vez más, los agradecimientos de la Mesa y los agradecimientos de la Presidencia a cada uno de ustedes y a todos aquellos que han colaborado en esta importante tarea y, por cierto, a los intérpretes y oficiales de Sala, cuya ayuda y colaboración ha sido invaluable. Señores delegados, muchas gracias.

The meeting rose at 11.45 hours.

La séance est levée à 11 h 45.

Se levanta la sesión a las 11.45 horas.