

conference

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FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS ROME

Agenda item 26

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Twenty-sixth Session

Rome, 9 - 28 November 1991

SUPPLEMENTARY REPORT TO THE THIRD REPORT
OF THE RESOLUTIONS COMMITTEE

COMMISSION III

1. At its second meeting, held on 18 November 1991 under the chairmanship of Ambassador George Lamprey, the Resolutions Committee considered draft Conference Resolution "Revision of Conference Resolution No. 46/57 - Amendments to the Principles and Procedures which should govern Conventions and Agreements concluded under Articles XIV and XV of the Constitution and Committees established under Article VI of the Constitution". This draft Conference Resolution was submitted by the Council, at its Hundredth Session, to the Conference.
2. The Committee noted that it had already examined the operative part of this draft Conference Resolution at its first meeting but that a Preamble for this draft Resolution would have to be prepared for its second meeting.
3. A full text of the above draft Conference Resolution, appended hereto, is hereby transmitted to Commission III.

The Conference adopted the following resolution:

Resolution _____ /1991

REVISION OF CONFERENCE RESOLUTION 46/57 - AMENDMENTS TO THE 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
(SECTION R OF VOLUME II OF THE BASIC TEXTS)

THE CONFERENCE

Recalling that Part R of the Basic Texts of the Organization 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;

Recalling also that these principles and procedures were adopted by the Conference in 1957 under its Resolution 46/57;

Noting that a number of developments have taken place both in the Organization and more generally in the world scene, that call for a review of the provisions of Part R of the Basic Texts with the aim of introducing greater flexibility into those provisions;

Recalling also that, in its Hundredth Session, held in November 1991, the Council agreed that it would be opportune and legally acceptable to modify Conference Resolution 46/57, particularly with respect to agreements establishing bodies which would have autonomous budgets;

Decides to amend the principles and procedures adopted under its Resolution 46/57 as follows:

1. Paragraph 8:

Proposal 1:

8. Conventions and agreements shall contain, when appropriate, provisions reflecting the following principles:

(a) Amendments to all conventions and agreements concluded under Article XIV of the Constitution shall require ~~Council approval~~, confirmation by the Council, unless the Council considers it desirable to refer these amendments to the Conference for ~~approval~~ confirmation. In addition, such amendments shall be subject to prior approval by at least a two-thirds majority of all the parties to the convention or agreement. Amendments to conventions and agreements which do not provide for the establishment of a body shall be submitted to an advisory committee prior to consideration by the Council.

~~(b) Amendments are not to become operative before approval by the Council or the Conference. The actual date on which they come into force shall be specified in the text.~~

(b) Amendments become operative when confirmed by the Council or the Conference.

Proposal 2:

8. Conventions and agreements shall contain, when appropriate, provisions reflecting the following principles:

(a) Amendments to all conventions and agreements concluded under Article XIV of the Constitution shall ~~require Council approval, unless the Council considers it desirable to refer these amendments to the Conference for approval~~ be reported to the Council which shall have the power to disallow them if it finds that such amendments are inconsistent with the objectives and purposes of the Organization or the provisions of the Constitution. If the Council considers it desirable, it may refer these amendments to the Conference which shall have the same power. In addition, such amendments shall be subject to prior approval by at least a two-thirds majority of all the parties to the convention or agreement. Amendments to conventions and agreements which do not provide for the establishment of a body shall be submitted to an advisory committee prior to consideration by the Council.

~~(b) Amendments are not to become operative before approval by the Council or the Conference. The actual date on which they come into force shall be specified in the text.~~

(b) Amendments are operative until disallowed by the Council or the Conference.

2. Paragraph 28:

28. The relations between commissions or committees established under Article VI and other international organizations shall be governed by Article XIII of the Constitution and Rule XXIV.4(c) of the General Rules of the Organization, as well as by the rules adopted by the Conference on the matter of relationship with international organizations. These provisions shall likewise govern the relations between commissions and committees established by conventions and agreements under Article XIV of the Constitution and other international organizations, ~~and the conventions and agreements shall contain a provision to this effect. All such relations shall be dealt with by the Director-General.~~

3. Paragraph 30

30. Provision shall be made in the relevant texts to the effect that commissions, committees and other bodies established under Article VI and Article XIV of the Constitution, as well as subsidiary bodies, shall transmit their reports and recommendations to the Director-General, those of subsidiary bodies to be transmitted through the parent body. In the case of bodies referred to in paragraph 33(c), provision may also be made in the relevant texts to the effect that recommendations or decisions not having financial, policy or programme

implications for the Organization, may be transmitted directly to the Members of the body concerned for their consideration and action.

The Director-General shall:

- (a) take these reports into account when preparing the Programme of Work and Budget of the Organization;
- (b) bring to the attention of the Conference through the Council any recommendations adopted by these bodies which have policy implications or which affect the programme or finances of the Organization;
- (c) include in his annual statement to the Conference an analysis of the work done by these bodies.

4. Paragraph 32.(iii)

32.(iii) the Secretary of each body shall be appointed by the Director-General and shall be administratively responsible to him. In the case of bodies referred to in paragraph 33(c), the basic texts may specify that the Secretary shall be appointed by the Director-General after consultation with, or with the approval or concurrence of, the Members of the body concerned.

5. Paragraph 33

33. Bodies established under Article XIV of the Constitution fall into one of the three following categories:

- (a) bodies entirely financed by the Organization;
- (b) bodies that, in addition to being financed by the Organization, may undertake cooperative projects financed by members of the body;
- (c) bodies that, in addition to being financed by the Organization, have autonomous budgets.

Bearing in mind the obligations to the Organization, the following principles shall be observed and appropriate provisions shall be inserted in the text of conventions and agreements:

- ~~(i) all cooperative projects and autonomous budgets and programmes shall be submitted to the Council or the Conference of the Organization prior to implementation;~~
- (ii) contributions for cooperative projects and autonomous budgets shall be remitted to the Organization. The Organization shall establish in each case a trust or special fund into which these contributions shall be paid and these funds shall be

administered in accordance with the Financial Regulations and Rules of the Organization;

- (iii) any financial regulations adopted by such bodies shall be ~~in conformity~~ consistent with the principles embodied in the Financial Regulations of the Organization and be ~~approved by the Director-General, subject to confirmation by the Council of the Organization reported to the Finance Committee which shall have the power to disallow such financial regulations or amendment if it finds that they are inconsistent with the principles embodied in the Financial Regulations of the Organization;~~
- (iv) expenses borne by the Organization shall be determined and paid within the limits of the relevant item of the budget of the Organization as approved by the Conference.

6. Paragraph 35

35. Conventions and agreements establishing commissions and committees under Article XIV of the Constitution shall provide that the rules of procedure and amendments thereto adopted by such commissions and committees shall ~~be submitted to the Director-General for approval~~ not be inconsistent with the Convention or Agreement establishing the body or with the Constitution. For the adoption of rules of procedure or amendments thereto, the required majority within the commissions and committees shall be uniformly set at two-thirds of the membership of the body.