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Продовольственная и
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Organización de las
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COUNCIL

Hundred and Fifty-third Session

Rome, 30 November - 4 December 2015

Report of the 101st Session of the Committee on Constitutional and Legal Matters (21-22 October 2015)

Executive Summary

The 101st Session of the Committee on Constitutional and Legal Matters (CCLM):

- a) **Noted** the Annual Report 2015 of the Ethics Committee and acknowledged the resumption of the Financial Disclosure Programme. The CCLM also noted that the Ethics Committee had been established on a trial basis for four years in 2011, that a determination regarding its future would need to be made by the relevant Governing Bodies and that a submission on the matter would be made to the CCLM and the Finance Committee in the Spring of 2016.
- b) **Endorsed** a draft Council Resolution entitled “*Abolition of the FAO/ECE/CES Study Group on Food and Agriculture Statistics in Europe*”, set out in Appendix I to the Report, for adoption by the Council.
- c) **Examined** the proposal to amend the Constitution of the European Commission for the Control of Foot-and-Mouth Disease (EuFMD), **confirmed** that the proposed amendments did not involve new obligations for EuFMD Members, and **agreed to forward** the amended Constitution, set out in Appendix II to the Report, to the Council for approval. The amended Constitution would take effect on the date of the Council’s decision.
- d) **Examined** the amended Statutes of the Committee for Inland Fisheries and Aquaculture of Africa (CIFAA), set out in Appendix III to the Report, and **agreed** to transmit them to the Council for approval.
- e) **Endorsed** the draft Conference Resolution set out in Appendix IV amending paragraph 2 of Resolution 9/2009 on the Independent Chairperson of the Council and **agreed to forward** it to the Council for transmission to the Conference for approval;
- f) **Examined** document CCLM 101/6(b) “*Independent Review of FAO Governance Reforms – Implementation of Recommendation 10 on the mandate of Technical Committees during the inter-sessional period*”. Noting that the matter was complex and involved features specific to FAO, where bureaux had been called upon to play an enhanced role as a result of the FAO governance reform, the CCLM **recommended** that, having due regard to the prevailing position throughout the United Nations System on the matter, the issue be referred to the Technical Committees for advice. The CCLM could re-examine the matter in light of the outcome of the review of the Technical Committees.

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- g) **Endorsed** the Progress Report on the Multi-year Programme of Work for the CCLM and, in this connection, **reiterated** the distinctive features of its *modus operandi* in light of its nature and institutional mandate.

The Council is invited to:

- a) **Adopt** the draft Council Resolution entitled “*Abolition of the FAO/ECE/CES Study Group on Food and Agriculture Statistics in Europe*”, set forth in Appendix I to the Report;
- b) **Approve** the amended Constitution of the European Commission for the Control of Foot-and-Mouth Disease (EuFMD), set forth in the draft Council Resolution in Appendix II to the Report, which will take effect on the date of the decision of the Council;
- c) **Approve** the amended Statutes of the Committee for Inland Fisheries and Aquaculture of Africa (CIFAA), set forth in Appendix III to the Report;
- d) **Endorse** the draft Conference Resolution, set out in Appendix IV to the Report, amending paragraph 2 of Conference Resolution 9/2009 on the Independent Chairperson of the Council, and **forward** it to the Conference for approval;
- e) **Concur with** the CCLM recommendation that the issue of the mandate of Technical Committees during the inter-sessional period, and in particular the role of their bureaux, be referred to the Technical Committees for advice, taking into account the prevailing position throughout the United Nations System, as described in the Report. The CCLM could re-examine the matter in light of the outcome of the review of the Technical Committees;
- f) **Note** the Progress Report on the Multi-year Programme of Work for the CCLM and, in this connection, **acknowledge** the distinctive features of its *modus operandi*.

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

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I. Introduction

1. The 101st Session of the Committee on Constitutional and Legal Matters (CCLM) was held from 21 to 22 October 2015.

2. The Session, open to silent observers, was chaired by H.E. (Mr) Lubomir Ivanov, who welcomed all the members. The following members were present:

Mr Rawell Salomón Taveras Arbaje (Dominican Republic)

Mr Royhan Nevy Wahab (Indonesia)

H.E. (Mr) Mohammed S. Sheriff (Liberia)

Ms Marina Emiliani (San Marino)

Mr Osama Mahmoud Humeida (Sudan)

Ms April Cohen (United States of America)

3. The CCLM approved its Provisional Agenda.

4. The CCLM was informed that H.E. (Ms) Daniela Rotondaro (San Marino) was replaced by Ms Marina Emiliani and that Mr Lawrence Kuna Kalinoe (Papua New Guinea) was unable to attend this Session.

5. The Committee elected H.E. (Mr) Mohammed S. Sheriff (Liberia) as Vice-Chairperson.

II. Ethics Committee – Annual Report 2015

6. The CCLM took note of document CCLM 101/2 “*Ethics Committee – Annual Report 2015*” on the basis of a presentation made by the Ombudsman and Ethics Officer.

7. The CCLM expressed satisfaction at the resumption of the Financial Disclosure Programme which was now a fully operational Programme after an interruption due to the vacancy of the Ethics position.

8. In the course of a discussion, Members sought clarifications on Human Resource management issues referred to the office of the Ombudsman and the Ethics Officer, on the implementation of human resources policies and on the respective functions of Ombudsman and Ethics Officer.

9. The CCLM recommended that the Ombudsman function should be reinforced in order to address more efficiently both ethics and workplace conflicts related issues and avoid recourse to formal dispute settlement procedures.

10. The CCLM noted that the Ethics Committee had been established for a trial period of four years beginning in January 2012 and that a determination regarding its future would need to be made by the relevant Governing Bodies of FAO. While noting that the Ethics Committee had a discussion on the matter, the CCLM was informed that the Secretariat would prepare a specific submission on this topic for consideration by the CCLM and the Finance Committee at their sessions in the Spring of 2016.

III. FAO/ECE/CES Study Group on Food and Agricultural Statistics in Europe

11. The CCLM considered document CCLM 101/3 entitled “*FAO/ECE/CES Study Group on Food and Agricultural Statistics in Europe*” (hereinafter “the FAO/ECE/CES Study Group”).

12. The CCLM noted that the proposed abolition of the FAO/ECE/CES Study Group, a statutory body established under Article VI of the FAO Constitution, had already been approved by the Bureau of the CES (Conference of European Statisticians) and noted by its Conference and was in line with Conference Resolutions 13/97 and 11/2015 which called for enhanced efficiency of statutory bodies, as well as for the elimination of obsolete or inactive statutory bodies. In this context, the CCLM also observed that the FAO/ECE/CES Study Group had been inactive since 2005.

13. The CCLM agreed to forward the draft Council Resolution “*Abolition of the FAO/ECE/CES Study Group on Food and Agricultural Statistics in Europe*”, as set out in **Appendix I** to this Report to the Council for adoption.

IV. European Commission for the Control of Foot-and-Mouth Disease (EuFMD) - Proposal to amend the Constitution

14. The CCLM examined document CCLM 101/4 “*European Commission for the Control of Foot-and-Mouth Disease (EuFMD) – Proposal to amend the Constitution*” on the basis of presentations made by the Legal Counsel and the Executive Secretary of the Commission.

15. The CCLM noted that the amendments had been reviewed by the Executive Committee of the EuFMD and approved by the Commission, at its 41st Session, held in April 2015, following a detailed discussion thereon. The purpose of the amendments was, *inter alia*, to clarify obligations of the Members not recognized by the Office of International Epizootics (OIE) as being free from foot-and-mouth disease, the need for good emergency management planning, as well as some special functions of the Commission under Article V of the Constitution. The CCLM noted that, in general, the amendments reflected existing practices in EuFMD Members.

16. The amendments also provided for an increase in the membership of the Executive Committee and clarified the requirement of equitable geographic distribution in the election of the Members of the Executive Committee.

17. The CCLM considered, on the basis of the criteria applied over the years on the matter, that the proposed amendments did not involve new obligations for EuFMD Members.

18. The CCLM recommended that the Council, acting under Article XIV, paragraph 4 of the Constitution of the EuFMD, should concur to the proposed amendments, as set out in **Appendix II** to this Report, and that the amended Constitution would take effect on the date of the Council’s decision.

19. The CCLM recommended that the Commission, at a future session, should consider the issue of participation of observers in meetings of the Executive Committee.

V. Committee for Inland Fisheries and Aquaculture of Africa (CIFAA) - Proposal to amend the Statutes

20. The CCLM considered document CCLM 101/5 “*Committee on Inland Fisheries and Aquaculture for Africa (CIFAA) – Proposal to amend the Statutes.*”

21. The CCLM noted that a process of review of the Statutes by CIFAA Members had taken place and that the proposed amendments were the result of intense deliberations during two extraordinary CIFAA sessions held in 2014 and 2015. Taking into account the achievements of CIFAA, the CCLM supported the decision of CIFAA Members to maintain the current institutional structure of CIFAA, as a statutory body under Article VI of the FAO Constitution, and to carry out a comprehensive review of its terms of reference to allow the Committee to better address specific technical and scientific matters. The CCLM welcomed the extension of the scope of CIFAA to include aquaculture, as well as the proposal to set up a trust fund for voluntary contributions to finance CIFAA activities.

22. The CCLM endorsed the proposed amendments to the Statutes of CIFAA as set out in **Appendix III** to this Report and agreed to forward them to the Council for approval.

VI. 6.1 - Independent Review of FAO Governance Reforms - Implementation of Recommendation 6 on the qualifications for the Independent Chairperson of the Council

23. The CCLM considered document CCLM 101/6(a) entitled "*Independent Review of FAO Governance Reforms - Implementation of Recommendation 6 on the Qualifications for the Independent Chairperson of the Council*" and reviewed the amendment proposed to paragraph 2 of Resolution 9/2009 on the Implementation of the Immediate Plan of Action on the Independent Chairperson of the Council.

24. The CCLM endorsed the draft Conference Resolution, set out in the **Appendix IV** to this Report, and decided to forward it to the Council for subsequent transmission to the Conference.

VI. 6.2 - Independent Review of FAO Governance Reforms - Implementation of Recommendation 10 on the mandate of Technical Committees during the inter-sessional period

25. The CCLM examined document CCLM 101/6(b) "*Independent Review of FAO Governance Reforms – Implementation of Recommendation 10 on the mandate of Technical Committees during the inter-sessional period.*" The CCLM noted that the Conference had decided that bureaux of Technical Committees should assume a better-defined and more pro-active role within the mandate of each Committee during the inter-sessional period. The CCLM noted that the task of formulating proposals on the matter had been entrusted to the CCLM, the Joint Meeting of the Programme and Finance Committees, the Technical Committees and the Council.

26. The CCLM acknowledged that the matter was complex and involved features specific to FAO, where bureaux had been called upon to play an enhanced role as a result of the FAO governance reform. The CCLM further observed that it had already reviewed the matter in the past.

27. The CCLM recommended that, consistent with the guidance of the Conference, the matter be referred to the Technical Committees for advice. In reviewing the matter, the Committees should take into due account the prevailing position throughout the United Nations System where bureaux are entrusted with the preparation and organization of sessions of the main bodies but, in general, do not exercise decision-making authority which is a matter for the main body. There should be, as far as possible, a harmonized approach to the functions of the bureaux of Technical Committees.

28. The CCLM expressed its readiness to re-examine the matter in light of the outcome of the review of the Technical Committees.

VII. Multi-year Programme of Work for the Committee on Constitutional and Legal Matters (Progress Report)

29. The CCLM considered document CCLM 101/7 "*Multi-year Programme of Work for the Committee on Constitutional and Legal Matters – (Progress Report).*"

30. The CCLM endorsed the Progress Report and, in this connection, reiterated the distinctive features of the Committee's work, in consideration of its nature and institutional mandate. Unlike other FAO Governing Bodies, the CCLM holds sessions to consider items that are not foreseeable or recurrent but which are referred to it as they arise by the Council or by the Director-General, in accordance with Rule XXXIV, paragraphs 7 and 8 of the General Rules of the Organization.

VIII. Any Other Matters

31. There were no other matters.

Appendix I

Draft Resolution

Abolition of the FAO/ECE/CES Study Group on Food and Agricultural Statistics in Europe

THE COUNCIL

Recalling that the FAO/ECE/CES Study Group on Food and Agricultural Statistics in Europe was established under Article VI, paragraph 1, of the FAO Constitution following the recommendations of the ECE Committee on Agricultural Problems at its Eleventh Session (1959) and the suggestion of the Conference of European Statisticians (CES) at its Seventh Session, to review the state of food and agriculture statistics in Europe, to advise Member Nations on the development and standardization of agricultural statistical services, and to convene expert groups or other Subsidiary Bodies of national experts required for this purpose;

Further recalling Resolution 13/97 in which the Conference, *inter alia*, proposed abolition of the Study Group subject to consultations with the relevant sponsoring organizations, and the subsequent decision of the Council at its 116th Session in 1999 to maintain the Study Group following such consultations with the Conference of European Statisticians of the United Nations Economic Commission for Europe, due to its role in the development of food and agricultural statistics in Europe;

Bearing in mind Resolution 11/2015 adopted by the FAO Conference at its 39th Session reaffirming the validity of Resolution 13/97 and requesting “*the Secretariat to take an active role in identifying statutory bodies that the Council or Conference may wish to abolish because they are inactive or are mandated to discharge functions that could be undertaken through more flexible task-oriented and time-bound working arrangements*”;

Observing that the Study Group held its last meeting in 2005, and that the Conference of European Statisticians and the Organization concur that the Study Group is inactive and that, while the original goals of the Study Group remain relevant, the gap created by abolishing the body can be addressed through alternative mechanisms;

Hereby abolishes the FAO/ECE/CES Study Group on Food and Agricultural Statistics in Europe.

Appendix II

Draft Resolution

Amendments to the Constitution of the European Commission for the Control of Foot-And-Mouth Disease

THE COUNCIL

Recalling the Conference's approval of the Constitution of the Commission for the Control of Foot-and-Mouth Disease under Article XIV of the FAO Constitution at its Seventh Session in 1953, which Constitution came into force on 12 June 1954;

Further recalling amendments to the Constitution agreed at the 9th, 20th, 22nd, 28th and 32nd Sessions of the Commission, and subsequently approved by the 39th, 72nd, 96th and 113th Sessions of the Council, respectively;

Recalling also that the Commission, at its 41st Session held in Rome, Italy, from 23 to 24 April 2015, approved further amendments to the Constitution;

Having considered the report of the 101st Session of the Committee on Constitutional and Legal Matters, and **noting** that the Committee found that amendments would not involve new obligations for Members of the Commission and would, accordingly, come into force upon receiving the concurrence of the Council;

Approves the amendments to the Constitution of the European Commission for the Control of Foot and Mouth Disease, in accordance with Article XIV(5), as follows:

PREAMBLE [¹]

The contracting Governments, having regard to the urgent necessity of preventing the recurrence of the heavy losses to European agriculture caused by the repeated outbreaks of foot-and-mouth disease, hereby establish, within the framework of the Food and Agriculture Organization of the United Nations, a Commission to be known as the European Commission for the Control of Foot-and-Mouth Disease, whose object shall be to promote national and international action with respect to preventive and control measures against foot-and-mouth disease in Europe.

ARTICLE I

Membership

1. Membership in the European Commission for the Control of Foot-and-Mouth Disease (hereinafter referred to as "the Commission") shall be open to such European Member Nations of the Food and Agriculture Organization of the United Nations, to such States participating as members in the Regional Conference for Europe and Central Asia of the Food and Agriculture Organization of the United Nations and serviced by the Regional Office for Europe of the Food and Agriculture Organization of the United Nations and to such European Member Nations of the International OIE of Epizootics that are Members of the United Nations, as accept this Constitution in accordance with the provisions of Article XV. The Commission may, by a two-thirds majority of the membership of the Commission, admit to membership ~~such~~ other European States that are Members of the United Nations, any of its Specialized Agencies or the International Atomic Energy Agency as have

[¹ Proposed deletions are indicated in ~~strike through~~, new text is in *italics and underlined*.]

submitted an application for membership and a declaration made in a formal instrument that they accept the obligations of this Constitution as in force at the time of admission.

2. The Food and Agriculture Organization of the United Nations (hereinafter referred to as “the Organization”), the World Organisation for Animal Health (hereinafter referred to as “the OIE”), the European Union, and the Organization for Economic Cooperation and Development shall have the right to be represented at all sessions of the Commission and its Committees, but their representatives shall not have the right to vote.

ARTICLE II

Obligations of Members regarding National Policies and International Cooperation for the Control of Foot-and-Mouth Disease

1. Members undertake to control foot-and-mouth disease with a view to its ultimate eradication by the institution of suitable quarantine and sanitary measures and by one or more of the following methods:

- 1) a slaughter policy;
- 2) slaughter together with vaccination;
- 3) maintenance of totally immune cattle population by vaccination; other susceptible livestock may be vaccinated;
- 4) vaccination in zones surrounding outbreaks.

Methods adopted shall be rigorously carried out. For Members not recognised by the OIE as having the status of freedom from foot-and-mouth disease, except where the status has been temporarily suspended, there should be in place a national plan for the progressive control of the disease.

2. Members should have available contingency plans for the immediate management of incursions of foot-and-mouth disease and ensure that sufficient financial, human and technical resources are available for the immediate application of the control methods indicated in Article II (1).

23. Members adopting policy 2 or 4 undertake to have available a supply of vaccine or antigen for vaccine production sufficient to ensure adequate protection against the disease in case the spread of the disease can not be controlled exclusively by sanitary measures. Each Member shall collaborate with and assist other Members in all concerted measures for the control of foot-and-mouth disease and in particular in the supply of vaccine or antigen for vaccine production where necessary. The quantities of antigen and vaccine to be stored for national and international use shall be determined by Members in the light of the findings of the Commission and the advice of the OIE.

34. Members shall make such arrangements for the typing of virus from outbreaks of foot-and-mouth disease as may be required by the Commission and shall immediately notify the Commission and the OIE of the results of such typing.

45. Members shall make arrangements for the rapid dispatch of new isolates to the FAO designated World Reference Laboratory for further characterization.

56. Members undertake to provide the Commission with any information which it may need to carry out its functions. In particular, Members shall immediately report to the Commission and to the OIE any outbreak of foot-and-mouth disease and its extent and shall make such further detailed reports as the Commission may require.

ARTICLE III

Seat

1. The seat of the Commission and its Secretariat shall be in Rome at the Headquarters of the Organization.
2. Sessions of the Commission shall be held at its seat, unless they are convened elsewhere in pursuance of a decision of the Commission at a previous session, or, in exceptional circumstances, of a decision of the Executive Committee.

ARTICLE IV

General Functions

1. To enter into arrangements, through the Director-General of the Organization, with the OIE within the framework of any agreements between the Organization and the OIE to ensure that:
 - 1.1 all Members are provided with technical advice on any problem relating to the control of foot-and-mouth disease;
 - 1.2 comprehensive information on outbreaks of the disease and identification of virus is collected and disseminated as quickly as possible;
 - 1.3 special research work required on foot-and-mouth disease is carried out.
2. To collect information on national programmes for control of and research on, foot-and-mouth disease.
3. To determine, in consultation with the Members concerned, the nature and extent of assistance needed by such Members for implementing their national programmes.
4. To stimulate and plan joint action wherever required in the implementation of prevention and control programmes and to this effect arrange means whereby adequate resources can be made available, for example, for the production and storage of vaccine, through agreements between Members., and to promote the global control of foot-and-mouth disease.
5. To arrange for suitable facilities for the typing and characterization of virus.
6. To ensure the availability of an international laboratory (World Reference Laboratory) with facilities for rapid characterization of virus by appropriate methods.
7. To maintain information on the stocks of antigen and vaccine available in member countries and other countries and to keep the position continuously under review.
8. To offer advice to other organizations on the allocation of any available funds for assisting in prevention and control of foot-and-mouth disease in Europe.
9. To enter into arrangements, through the Director-General of the Organization, with other organizations, regional groups or with Nations not Members of the Commission, for participation in the work of the Commission or its committees, or for mutual assistance on problems of controlling foot-and-mouth disease. These arrangements may include the establishment of, or participation in, joint committees.
10. To consider and approve the report of the Executive Committee on the activities of the Commission, the accounts for the past financial period and the budget and programme for the ensuing biennium, for submission to the Finance Committee of the Organization.

ARTICLE V

Special Functions

The following shall be the special functions of the Commission:

1. To assist in the prevention and control of outbreaks in emergency situations in any manner considered appropriate by the Commission and the Member or Members concerned. For this purpose the Commission or its Executive Committee, in conformity with the provisions of Article XI (5), may use any uncommitted balances of the Administrative Budget referred to in Article XIII (7) as well as any supplementary contributions which may be provided for emergency action under Article XIII (4).

2. To take suitable action in the following fields:

2.1 Storage of antigen and/or vaccines by or on behalf of the Commission for distribution to any Member in case of need.

2.2 Promotion when necessary of the establishment by a Member or Members of “cordons sanitaires” to prevent the spread of disease, following the recommendations of the OIE and, as applicable, the European Union.

2.3 The training of personnel of Members as required for management of an emergency response and the establishment of a cadre of trained personnel who can assist other Members in case of need.

2.4 The maintenance and promotion of appropriate biocontainment standards, and training in these, for handling of materials containing foot-and-mouth disease virus by Members.

3. To carry out such further special projects as may be suggested by Members or by the Executive Committee and approved by the Commission for achieving the purposes of the Commission as set forth in this Constitution.

4. Funds from the surplus of the Administrative Budget may be used for the purposes stated in paragraphs 2 and 3 of this Article when such action is approved by the Commission by a two-thirds majority of the votes cast, providing such majority is more than one half of the membership of the Commission.

ARTICLE VI

Sessions

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

2. Each Member shall have one vote. Decisions of the Commission shall be taken by a majority of the votes cast except as otherwise provided in this Constitution. A majority of the Members of the Commission shall constitute a quorum.

3. The Commission shall elect, at the end of each regular session, a Chairperson and two Vice-Chairpersons and the members of the Executive Committee from amongst the delegates. The Commission shall also appoint the members of special or standing Committees.

4. The Director-General of the Organization in consultation with the Chairperson of the Commission shall convene a regular session of the Commission at least every two years. Special sessions may be convened by the Director-General in consultation with the Chairperson of the

Commission or, if so requested, by the Commission in regular sessions or by at least one third of the Members during intervals between regular sessions.

ARTICLE VII

Committees

1. The Commission may establish temporary, special or standing committees to study and report on matters pertaining to the purpose of the Commission, subject to the availability of the necessary funds in the approved budget of the Commission.
2. These committees shall be convened by the Director-General of the Organization in consultation with the Chairperson of the Commission and with the Chairperson of the special or standing committee concerned, at such times and places as are in accordance with the objectives for which they were established.
3. Membership in such committees may be open to all Members of the Commission or consist of selected Members of the Commission or of individuals appointed in their personal capacity because of their competence in technical matters, as determined by the Commission. On proposal of the Chairperson, observers may be invited to participate in the meetings of the special and standing committees.
4. Members of the committees shall be appointed at the regular session of the Commission and each committee shall elect its own Chairperson.

ARTICLE VIII

Rules and Regulations

Subject to the provisions of this Constitution, the Commission may, by a majority of two-thirds of its membership, adopt and amend its own Rules of Procedure and Financial Regulations, which shall be in conformity with the General Rules and Financial Regulations of the Organization. The Rules of the Commission and any amendments thereto shall come into force upon approval by the Director-General of the Organization, the Financial Regulations and amendments thereto being subject to confirmation by the Council of the Organization.

ARTICLE IX

Observers

1. Any Member Nation of the Organization that is not a Member of the Commission and any Associate Member may be invited to, or, upon its request, be represented by an observer at sessions of the Commission. It may submit memoranda and participate without vote in the discussions.
2. States which, while not Members of the Commission nor Members or Associate Members of the Organization, are Members of the United Nations, any of its Specialized Agencies or the International Atomic Energy Agency may, upon request and subject to the concurrence of the Commission through its Chairperson and to the provisions relating to the granting of observer status to nations adopted by the Conference of the Organization, be invited to attend in an observer capacity sessions of the Commission.
3. Participation of international organizations in the work of the Commission and the relations between the Commission and such organizations shall be governed by the relevant provisions of the Constitution and the General Rules of the Organization as well as by the rules on relations with international organizations adopted by the Conference or Council of the Organization. All such relations shall be dealt with by the Director-General of the Organization. The relations between the

Organization and the OIE are governed by such agreement between the Organization and the OIE as may be in force.

ARTICLE X

Executive Committee

1. An Executive Committee shall be established and shall be composed of the ~~Chairman~~person, two Vice-Chair~~men~~persons of the Commission and ~~six~~ five delegates of Members selected by the Commission at the end of its regular session. Due regard should be taken to ensure that the membership of the Executive Committee is equitably geographically representative. The ~~Chairman~~person and the Vice-Chair~~men~~persons of the Commission shall be the Chairman~~person~~ and Vice-Chair~~persons~~ of the Executive Committee.
2. Members of the Executive Committee shall hold office until the end of the next regular session without prejudice to the right of re-election.
3. ~~If a vacancy occurs in the Executive Committee before the expiration of the term of appointment, the Committee may proceed to fill the vacancy request a Member of the Commission to appoint a representative to fill the vacancy for the remainder of the term.~~ If a delegate in the Executive Committee becomes permanently unavailable for unavoidable reasons, the Member represented by that delegate shall be requested to nominate a new delegate for the remainder of the term.
4. The Executive Committee shall meet at least twice at reasonable intervals between any two successive regular sessions of the Commission.
5. The Secretary of the Commission shall act as Secretary to the Executive Committee.

ARTICLE XI

Functions of the Executive Committee

The Executive Committee shall:

1. Make proposals to the Commission concerning policy matters and the programme of activities;
2. Implement the policies and programmes approved by the Commission;
3. Submit to the Commission the draft programme and Administrative Budget, and the accounts for the past biennium;
4. Prepare the report on the activities of the Commission during the past biennium for approval by the Commission and transmission to the Director-General of the Organization;
5. Undertake such other duties as the Commission may delegate to it, in particular with reference to emergency action under Article V (1).

ARTICLE XII

Administration

1. The staff of the Secretariat of the Commission shall be appointed by the Director-General with the approval of the Executive Committee, and for administrative purposes shall be responsible to the Director-General. They shall be appointed under the same terms and conditions as the staff of the Organization.

2. The expenses of the Commission shall be paid out of its Administrative Budget except those relating to such staff and facilities which can be made available by the Organization. The expenses to be borne by the Organization shall be determined and paid within the limits of the biennial budget prepared by the Director-General and approved by the Conference of the Organization in accordance with the General Rules and the Financial Regulations of the Organization.

3. Expenses incurred by delegates, their alternates, experts and advisers when attending sessions of the Commission and its committees as government representatives, as well as the expenses incurred by observers at sessions, shall be borne by the respective governments or organizations. The expenses of experts invited by the Commission to attend meetings of the Commission or its committees in their individual capacity shall be borne by the budget of the Commission.

ARTICLE XIII

Finance

1. Each Member of the Commission undertakes to contribute annually its share of the administrative budget in accordance with a scale of contribution. This scale of contribution shall be adopted by the Commission with a two-thirds majority of its Members in accordance with the Financial Regulations of the Commission.

2. Contributions of States which acquire membership between two regular sessions of the Commission shall be determined by the Executive Committee in accordance with the Financial Regulations of the Commission; for this purpose such criteria as may be specified in the Financial Regulation shall apply. The determination made by the Executive Committee shall be subject to confirmation by the Commission at its next regular session.

3. Annual contributions provided for under paragraphs 1 and 2 above shall be payable before the end of the first month of the year to which they apply.

4. Supplementary contributions may be accepted from a Member or Members or from organizations or individuals for emergency action or for the purpose of implementing special schemes or campaigns of control which under Article V the Commission or Executive Committee may adopt or recommend.

5. All contributions from Members shall be payable in currencies to be determined by the Commission in agreement with each contributing Member.

6. All contributions received shall be placed in a Trust Fund administered by the Director-General of the Organization in conformity with the Financial Regulations of the Organization.

7. At the end of each financial period, any uncommitted balance of the Administrative Budget shall be retained in the Trust Fund and made available for the following years' budget.

ARTICLE XIV

Amendments

1. This Constitution may be amended by the Commission by a two-thirds majority of the membership of the Commission.

2. Proposals for the amendment of the Constitution may be made by any Member of the Commission in a communication addressed to both the Chairperson of the Commission and the Director-General of the Organization. The Director-General shall immediately inform all Members of the Commission of all proposals for amendments.

3. No proposal for the amendment of the Constitution shall be included in the agenda of any session unless notice thereof has been received by the Director-General of the Organization at least 120 days before the opening of the session.
4. Amendments shall become effective only with the concurrence of the Council of the Organization.
5. An amendment not involving additional obligations for Members of the Commission shall take effect from the date of the decision of the Council.
6. An amendment which, in the view of the Commission, involves additional obligations, for Members of the Commission shall, after approval by the Council, bind the Members of the Commission who have accepted the amendment, as from the date on which it has been accepted by two-thirds of the membership of the Commission, and thereafter for each remaining Member of the Commission upon the date of receipt by the Director-General of the instrument of acceptance of the amendment by that Member.
7. The instruments of acceptance of amendments involving additional obligations shall be deposited with the Director-General who shall inform all Members of the Commission of the receipt of such instruments.
8. The rights and obligations of any Member of the Commission that has not accepted an amendment involving additional obligations shall for a period not exceeding two years as from the date of entry into force of the amendment, continue to be governed by the provisions of the Constitution as they stood prior to the amendment. Upon expiry of the afore-mentioned period, any Member of the Commission that has not accepted such amendment shall be bound by the Constitution as so amended.
9. The Director-General shall inform all Members of the Commission of the entry into force of any amendment.

ARTICLE XV

Acceptance

1. Acceptance of this Constitution shall be effected by the deposit of an instrument of acceptance with the Director-General of the Organization and shall take effect, as regards Members of the Organization or the OIE, on receipt of such instrument by the Director-General who shall forthwith inform each of the Members of the Commission.
2. Membership of States that are eligible for membership under Article I, but are neither Members of the Organization nor of the OIE, shall become effective on the date on which the Commission approves the application for membership in conformity with the provisions of Article I. The Director-General shall inform each of the Members of the Commission of the approval of any application for membership.
3. Acceptance of the Constitution may be made subject to reservations. The Director-General of the Organization shall notify forthwith all Members of the Commission of the receipt of any application for membership or any instrument of acceptance of the Constitution either of which contains a reservation. A reservation shall become effective only upon unanimous approval by the Members of the Commission. The Members of the Commission not having replied within three months from the date of the notification by the Director-General of the reservation shall be deemed to have accepted the reservation. Failing unanimous approval by the Members of the Commission of a reservation, the nation making the reservation shall not become a party to this Constitution.

ARTICLE XVI

Withdrawal

1. Any Member may withdraw from the Commission at any time after the expiration of one year from the date on which its acceptance took effect or from the date on which the Constitution entered into force, whichever is the later, by giving written notice of withdrawal to the Director-General of the Organization who shall forthwith inform all Members of the Commission. The withdrawal shall become effective one year from the date of receipt of the notification of withdrawal.
2. Non-payment of two consecutive annual contributions shall be regarded as implying withdrawal of the defaulting Member from the Commission.
3. Any Member of the Commission withdrawing from the Organization of the OIE, when such withdrawal results in this Nation no longer being a Member of either of these two Agencies, shall be deemed to have withdrawn simultaneously from the Commission.

ARTICLE XVII

Settlement of Disputes

1. If there is any dispute regarding the interpretation or application of this Constitution, the Member or Members concerned may request the Director-General of the Organization to appoint a committee to consider the question in dispute.
2. The Director-General shall there-upon, after consultation with the Members concerned, appoint a committee of experts which shall include representatives of those Members. This committee shall consider the question in dispute, taking into account all documents and other forms of evidence submitted by the Members concerned. This committee shall submit a report to the Director-General of the Organization who shall transmit it to the Members concerned and to the other Members of the Commission.
3. The Members of the Commission agree that the recommendations of such a committee, while not binding in character, will become the basis for renewed consideration by the Members concerned of the matter out of which the disagreement arose.
4. The Members concerned shall share equally the expenses of the experts.

ARTICLE XVIII

Termination

1. This Constitution shall be terminated by a decision of the Commission taken by a three-fourths majority of the membership of the Commission. It shall automatically be terminated should membership, as a result of withdrawals, comprise fewer than six Nations.
2. On termination of the Constitution all assets of the Commission shall be liquidated by the Director-General of the Organization and after settlement of all liabilities the balance shall be distributed proportionally amongst Members on the basis of the scale of contributions in force at the time. Nations whose contributions are in arrears for two consecutive years and hence deemed to have withdrawn in conformity with Article XVI (2) shall not be entitled to a share of the assets.

ARTICLE XIX

Entry into Force

1. This Constitution shall enter into force upon receipt by the Director-General of the Organization of notifications of acceptance from six Member Nations of the Organization or of the

OIE, providing that their contributions represent in the aggregate not less than 30 percent of the Administrative Budget provided for in Article XIII (1).

2. The Director-General shall notify all Nations having deposited notifications of acceptance of the date on which this Constitution comes into force.

3. The text of this Constitution drawn up in the English, French and Spanish languages, which languages shall be equally authoritative, was approved by the Conference of the Organization on the Eleventh day of December 1953.

4. Two copies of the text of this Constitution shall be authenticated by the Chairperson of the Conference and the Director-General of the Organization, one copy of which shall be deposited with the Secretary-General of the United Nations and the other in the archives of the Organization. Additional copies of this text shall be certified by the Director-General and furnished to all Members of the Commission with the indication of the date on which Constitution has come into force.

Appendix III

Statutes of the Committee for Inland Fisheries and Aquaculture of Africa (CIFA)²1. Membership

The Committee shall be composed of African Member Nations and Associate Members of the Organization selected by the Director-General of the Organization on the basis of their active interest in inland fisheryies and aquaculture development in Africa and of their potential contribution to the effective discharge of the functions of the Committee.

2. Terms of reference

The terms of reference of the Committee shall be to:

- ~~a) to promote, coordinate and assist national and regional fishery and limnological surveys and programmes of research and development leading to the rational utilization of inland fishery resources~~
- ~~b) to assist Member Governments in establishing the scientific basis for regulatory and other measures for the conservation and improvement of inland fishery resources, to formulate such measures through subsidiary bodies as required, and to make appropriate recommendations for the adoption and implementation of these measures~~
- ~~c) to promote and coordinate efforts on a national and regional basis to prevent damage to the aquatic environment, including the prevention and control of water pollution~~
- ~~d) to assist in the development of fish culture and stock improvement, including the control of fish diseases and the importation of exotic species~~
- ~~e) to promote and assist in the utilization of the most effective fishing craft, gear and techniques~~
- ~~f) to promote and assist activities concerned with the processing, preservation and marketing of fish and fish products~~
- ~~g) to encourage education and training through the establishment or improvement of national and regional institutions and by the promotion and the organization of symposia, seminars, study tours and training centres~~
- ~~h) to assist in the collection, interchange, dissemination and analysis of statistical, biological and environmental data and other inland fishery information~~
- ~~i) to assist Member Governments in formulating national and regional programmes to be implemented through sources of international aid to help achieve the objectives referred to in the preceding paragraphs.~~
- a) co-ordinate and serve as a platform for intra-regional discussion, planning and exchange of experiences to promote wide application of best practices leading to sustainable development of aquaculture and sustainable management of fisheries;
- b) promote collaboration amongst all stakeholders with special attention given to regional and sub-regional structures;
- c) promote and support enhanced communication and information exchange among Members and their stakeholders, including to actively collaborate with specific regional networks;
- d) promote sustainable management and the application of the Code of Conduct for Responsible Fisheries (CCRF) as well as relevant best practices;
- e) promote equitable access to the land and water resources whilst supporting responsible and sustainable use;

² In the text of the draft amendments reproduced in this document, the proposals regarding deletions are indicated using ~~struck out text~~ and the proposals for insertions are indicated using underlined italics.

- f) assist Members to develop and implement aquaculture programs that are consistent with national food security strategies and poverty reduction, to support Members to adopt an ecosystem approach to aquaculture development and to support the increased role of private sector and other non-state institutions in national and regional aquaculture development initiatives;
- g) assist Members to develop and implement inland fisheries programs that are consistent with national food security strategies and poverty reduction as well as support Members to adopt an ecosystem approach to inland fisheries development;
- h) promote the collection, management, analysis and use of credible statistics in the management of the region's resources;
- i) promote the adoption of appropriate policies, strategies and plans for the management of fisheries and aquaculture at national, sub-regional and regional levels;
- j) serve as a focal point for coordination, harmonization and facilitation of education and research on inland fisheries and aquaculture undertaken in the region;
- k) endorse proactive monitoring and evaluation programmes, and provide guidance for the implementation of those programmes at national, sub-regional and regional levels;
- l) promote effective representation and participation of fishing communities and other stakeholders in fisheries management;
- m) assist Members in formulating regional and national programmes in aquaculture and fisheries and assist in the mobilization of resources as well as encourage Members to mobilize and utilise their own national resources so as to increase the sense of ownership of CIFA;
- n) promote and sponsor environmental and biodiversity conservation including the adoption of appropriate technologies, advise on trans-boundary movement of aquatic organisms including the use of improved species, the establishment of conservation areas as appropriate, accurate and timely monitoring as well as proactive engagement to protect endangered resources;
- o) promote strategies and actions to mitigate the impact of climate change on aquatic resources; and
- p) advance quality control and consumer protection by supporting Members and formulate and implement quality standards.

3. Subsidiary bodies

- a) The Committee may establish ~~an Executive Committee~~ Steering Committee and such other subsidiary bodies as may be required for the effective discharge of its functions.
- b) The establishment of any subsidiary body shall be subject to the determination by the Director-General that the necessary funds are available in the relevant chapter of the budget of the Organization. Before taking any decision involving expenditure in connection with the establishment of subsidiary bodies, the Committee must have before it a report from the Director-General on the administrative and financial implications thereof.

4. Reporting

Copies of reports of the Committee shall be circulated to Members of the Committee and to other Member Nations and Associate Members of the Organization and international organizations for their information as soon as they become available. The activities of the Committee shall be reported to the Committee on Fisheries as appropriate. The Committee shall submit to the Director-General reports on its activities and recommendations at such appropriate intervals as to enable the Director-General to take them into consideration when preparing the Programme of Work and Budget and other submissions to ~~the Conference, Council or the Standing Committees of the Council.~~ the Governing Bodies. ~~The Director-General shall bring to the attention of the Conference through the Council any recommendations adopted by the Committee which have policy implications or which affect the programme or finances of the Organization. Copies of each report of the Committee will be~~

~~circulated to Member Nations and Associate Members of the Organization and international organizations for their information as soon as they become available.~~ Recommendations of the Committee having policy and regulatory or programme and budgetary implications shall be reported to the Conference or Council, as the case may be, through the Committee on Fisheries.

5. Expenses

- a) The expenses of the Secretariat of the Committee shall be determined and paid by the Organization within the limits of the relevant appropriations in the approved budget of the Organization.
- b) With a view to promoting the development of inland fisheries *and aquaculture*, the Organization may also establish trust funds comprising voluntary contributions from the Members of the Committee or from private or public sources, and the Committee may advise on the use of such funds which shall be administered by the Director-General in accordance with the financial regulations of the Organization.

6. Observers

- a) Any Member Nation or Associate Member of the Organization that is not a Member of the Committee but has an interest in the development of the inland fisheries *and aquaculture* resources of Africa, may upon its request, be invited by the Director-General to attend meetings of the Committee or its subsidiary bodies in an observer capacity if the Director-General deems such attendance to be in the interests of the effective discharge of the functions of the Committee.
- b) States which, while not Member Nations of the Organization, are members of the United Nations, any of its Specialized Agencies or the International Atomic Energy Agency, may, upon their request and subject to the provisions adopted by the Conference of the Organization relating to the granting of observer status to nations, be invited to attend sessions of the Committee, its subsidiary bodies, and *ad hoc* meetings in an observer capacity. The status of the States invited to such sessions or meetings shall be governed by the relevant provisions adopted by the Conference of the Organization.

7. Participation of international organizations

Participation of international organizations in the work of the Committee and relations between the Committee and such organizations shall be governed by the relevant provisions of the Constitution and the General Rules of the Organization, as well as the rules on relations with international organizations adopted by the Conference and Council of the Organization.

8. Rules of Procedure

The Committee may adopt and amend its own rules of procedure which shall be in conformity with the Constitution and the General Rules of the Organization and with the Statement of Principles Governing Commissions and Committees adopted by the Conference. The rules of procedure and amendments thereto shall come into force upon approval by the Director-General.

Appendix IV

Resolution .../2017

Implementation of Recommendation 6 of the Final Report of the Independent Review of FAO Governance reforms concerning the qualifications for the Independent Chairperson of the Council**(IPA Action 2.74)****THE CONFERENCE**

Having noted that according to Article V, paragraph 2, of the Constitution, the Independent Chairperson of the Council is appointed by the Conference and exercises such functions as are inherent in that office, or are otherwise defined in the Basic Texts of the Organization,

Having regard to Rule XXIII of the General Rules of the Organization;

Recalling Resolution 9/2009 on Implementation of the Immediate Plan of Action regarding the Independent Chairperson of the Council, set out in Volume II of the Basic Texts which, inter alia, establishes the qualities that the Member Nations should have regard to in nominating candidates for the office of Independent Chairperson of the Council;

Further recalling that the Immediate Plan of Action for FAO Renewal ("the IPA"), adopted by the Conference in its Resolution 1/2008 at its Thirty-Fifth Session, provided that the Conference would assess progress in implementation of the IPA in 2015 with an Independent Review and that, at its One Hundred and Forty-Eighth Session (Rome, 2-6 December 2013), the Council approved the arrangements for an Independent Review of Governance Reform to assess the status of implementation of the IPA;

Considering that the Council, at its Hundred and Fifty-First Session (Rome, 23-27 March 2015), and the Conference at its Thirty-Ninth Session (Rome, 6-13 June 2015), endorsed the Final Report of the Independent Review of FAO Governance Reforms and proposed actions in response to the recommendations contained therein, including Recommendation 6 on the qualifications for the Independent Chairperson of the Council;

1. **Amends** paragraph two of Resolution 9/2009 as follows³:
 - "2. In nominating candidates for the office of Independent Chairperson of the Council, Member Nations should have regard to the qualities that the Chairperson should possess, including among others ability to be objective, sensitivity to political, social and cultural differences, and appropriate experience in areas relevant to the Organization's work and knowledge of the functioning of FAO governing bodies";
2. **Affirms** that, subject to the foregoing, Resolution 9/2009 continues to apply in its entirety.

(Adopted [X] on 2017)

³ Insertions are indicated using underlined italics.