



منظمة الأغذية  
والزراعة  
للأمم المتحدة

联合国  
粮食及  
农业组织

Food  
and  
Agriculture  
Organization  
of  
the  
United  
Nations

Organisation  
des  
Nations  
Unies  
pour  
l'alimentation  
et  
l'agriculture

Продовольственная и  
сельскохозяйственная  
организация  
Объединенных  
Наций

Organización  
de las  
Naciones  
Unidas  
para la  
Agricultura  
y la  
Alimentación

## COMMITTEE ON CONSTITUTIONAL AND LEGAL MATTERS

Ninetieth Session

Rome, 28 – 29 April 2010

### CHANGES IN THE TERMS OF REFERENCE OF THE COMMISSION FOR INLAND FISHERIES OF LATIN AMERICA

#### I. BACKGROUND

1. In accordance with Article VI of the FAO Constitution, the Conference and the Council may establish commissions, regional commissions, committees and working parties and may convene general, regional, technical or other conferences.
2. Article VI.3 of the Constitution, as amended in 1955, stipulates that, when establishing commissions, committees and working parties, the Conference or the Council shall determine their terms of reference.
3. This document presents the requested changes in the statutes and name of the Commission for Inland Fisheries of Latin America (COPESCAL).

#### II. CHANGES IN THE STATUTES AND NAME OF THE COMMISSION FOR INLAND FISHERIES OF LATIN AMERICA (COPESCAL)

4. The Commission for Inland Fisheries of Latin America (COPESCAL) was established by the Council at its 70<sup>th</sup> Session (Resolution 4/70) held in Rome from 29 November to 9 December 1976. COPESCAL was established under Article VI.1 of the FAO Constitution.

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5. COPESCAL's original mandate was to help national and regional efforts targeting the development and rational use of inland fishery resources in Latin America. At its 11<sup>th</sup> Session, held in Manaus, Brazil, from 1 to 4 September 2009, COPESCAL considered that a series of changes were needed in its terms of reference to better reflect the current situation and new challenges. The Commission also recognized the importance of aquaculture to the countries of Latin America and the need for it to be fully involved in this thematic area.

6. COPESCAL also recognized the need to include "Caribbean" in its title so that it embraced the whole region. It therefore unanimously recommended that its title be changed to "Commission for Inland Fisheries and Aquaculture of Latin America and the Caribbean" (COPESCALC). COPESCAL views this name as a more accurate reflection of its sphere of work and activities.

7. COPESCAL also agreed to introduce a number of changes to its statutes. The new statutes are provided in Annex I of this document.

### **III. SUGGESTED ACTION BY THE COMMITTEE**

8. The CCLM is invited to examine and comment upon this document, as appropriate.

9. More specifically, the CCLM is invited to endorse:

- (a) the proposed change in name of the Commission for Inland Fisheries of Latin America (COPESCAL) and to recommend its approval by the Council at its next session, and
- (b) the new statutes of the Commission for Inland Fisheries of Latin America (COPESCAL) and to recommend their endorsement by the Council in its next session.

**RESOLUTION .../..****COMMISSION FOR INLAND FISHERIES AND AQUACULTURE OF  
LATIN AMERICA AND THE CARIBBEAN (COPESCALC)**

The Council,

Recognizing that the Council at its Seventieth Session, which took place in Rome from 29 November to 9 December 1976, established the Commission for Inland Fisheries of Latin America (COPESCAL), through Resolution 4/70;

Bearing in mind that COPESCAL has operated in an effective manner since its creation in 1976 and that, as a result of the experience it has gained over the years, the need has arisen to introduce a series of changes to its statutes;

Recognizing the proven importance not only of inland fisheries but also of aquaculture for Latin America, and the need to continue activities for the further development of these sectors;

Taking note that the Eleventh Session of COPESCAL, held in Manaus, Brazil, from 1 to 4 September 2009, had agreed to change the name and statutes of COPESCAL to better reflect reality;

“Does hereby, under Article VI.1 of the Constitution, change the name of COPESCAL to “Commission for Inland Fisheries and Aquaculture of Latin America and the Caribbean – COPESCALC”, hereinafter “the Commission” whose new statutes are provided in Annex to this resolution.”

**ANNEX TO RESOLUTION ..../..**

1. Purpose

The purpose of the Commission is to promote the management and sustainable development of inland fisheries and aquaculture in accordance with the principles and rules of the Code of Conduct for Responsible Fisheries.

In addition, the Commission shall:

- a) foster the development of inland fisheries and aquaculture as an instrument of support to food security;
- b) pay special attention to subsistence inland fisheries and small-scale aquaculture;
- c) be able to establish coordination and cooperation relations with other international organizations in thematic areas of mutual interest.

Interpretation and application of these statutory provisions shall take place in accordance with the principles and rules of the Code of Conduct for Responsible Fisheries and its related instruments.

## 2. Membership

The Commission shall be open to all Member Nations and Associate Members of the Organization which are serviced by the Regional Office for Latin America and the Caribbean. It shall be composed of those eligible Member Nations and Associate Members which notify the Director-General of their desire to be considered as Members.

## 3. Functions

The functions of the Commission are:

- a) to support the formulation of national and regional policies and plans for the management and development of inland fisheries and aquaculture, with due consideration of the social, economic, cultural and environmental aspects of the Member Nations;
- b) to promote and coordinate studies for the management and sustainable development of inland fisheries and aquaculture, as well as national and regional programmes of research and development related to such activities;
- c) to foster the sustainable development of subsistence inland fisheries and small-scale aquaculture;
- d) to promote, at regional level, activities aimed at protecting ecosystems related to aquaculture and inland fisheries, including, as the case may be, appropriate restocking actions;
- e) to promote application of the ecosystems approach and implementation of adequate certification and biosafety measures in inland fisheries and aquaculture;
- f) to identify the social, institutional and economic factors that hold back the development of inland fisheries and aquaculture, and recommend measures that will contribute to improving the quality of life of stakeholders;
- g) to collaborate in the management and the economic and social assessment of recreational inland fishing and its development;
- h) to promote the implementation of good management practices and sustainable technologies in inland fisheries and aquaculture, in accordance with the FAO Code of Conduct for Responsible Fisheries;
- i) to promote good post-catch and post-harvest practices, and good marketing practices for products of inland fisheries and aquaculture, in accordance with internationally accepted sanitary and food safety standards;
- j) to contribute to the building of institutional capacity and to the development of human resources through training, extension and technology transfer in areas of competence of the Commission, in collaboration with national and regional institutions;

- k) to assist in the generation, dissemination and exchange of data, information and statistics on inland fisheries and aquaculture;
- l) to help Member Nations, upon their request, with the management and sustainable use of transboundary stocks under their respective national jurisdictions;
- m) to collaborate with Member Nations in the formulation of national and regional plans and projects to be executed in cooperation with those Member Nations, and with other sources of international cooperation, in order to attain the objectives set out in the previous paragraphs;
- n) to promote the updating and harmonization of national legislations on inland fisheries and aquaculture;
- o) to mobilize monetary and non-monetary resources to facilitate the activities of the Commission and to create, if necessary, one or more trust funds to receive voluntary contributions for that purpose;
- p) to foster collaboration among Member Nations of the Commission, and between the latter and international bodies;
- q) to draw up the Commission's plan of work; and
- r) to perform any other functions related to the management and sustainable development of inland fisheries and aquaculture in the region.

#### 4. Subsidiary bodies

- a) The Commission may establish an Executive 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 Commission must have before it a report from the Director-General on the administrative and financial implications thereof.

#### 5. Reports

The Commission shall submit to the Director-General reports on its activities and recommendations at appropriate intervals so as to enable the Director-General to take them into consideration when preparing the draft Programme of Work and Budget of the Organization or other submissions to the Organization's Governing Bodies. The Director-General shall bring to the attention of the Conference through the Council any recommendations adopted by the Commission which have policy implications or which affect the programme or finances of the Organization. Copies of each report of the

Commission will be circulated to Member Nations and Associate Members of the Organization and international organizations for their information as soon as they become available.

6. Secretariat and expenses

- a) The Secretary of the Commission shall be appointed by the Director-General and shall be administratively responsible to him. The expenses of the Secretariat of the Commission 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 Commission or from private or public sources, and the Commission 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.
- c) Expenses incurred by representatives of Members of the Commission, their alternates or advisers, when attending sessions of the Commission or its subsidiary bodies, as well as the expenses of observers at sessions, shall be borne by the respective governments or organizations.

7. Observers

- a) Any Member Nation or Associate Member of the Organization that is not a Member of the Commission but has an interest in the development of inland fishery or aquaculture in the region of Latin America and the Caribbean may, upon prior request, be invited by the Director-General to attend meetings of the Commission or its subsidiary bodies in an observer capacity.
- b) States which, while not Member Nations 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 their request, and with the approval of the Council of the Organization, be invited to attend meetings of the Commission or its subsidiary bodies in an observer capacity in accordance with the provisions relating to the granting of observer status to nations adopted by the Conference of the Organization.

8. Participation of international organizations

Participation of international organizations in the work of the Commission and 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 the rules on relations with international organizations adopted by the Conference or Council of the Organization.

9. Rules of Procedure

The Commission 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.