



منظمة الأغذية
والزراعة
للأمم المتحدة

联合国
粮食及
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l'agriculture

Organización
de las
Naciones
Unidas
para la
Agricultura
y la
Alimentación

COMMITTEE ON CONSTITUTIONAL AND LEGAL MATTERS

Eighty-first Session

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AMENDMENT OF THE CONSTITUTION AND THE GENERAL RULES OF THE ORGANIZATION (ADOPTION OF RUSSIAN AS A LANGUAGE OF THE ORGANIZATION)

I. INTRODUCTION

1. The Russian Federation, successor State of the Union of Soviet Socialist Republics, was the only remaining State listed in Annex I to the FAO Constitution eligible for original membership. In accordance with Article II, paragraph 1 of the FAO Constitution, the Russian Federation had the right to become a Member Nation of FAO by accepting the Constitution of the Organization through the deposit of an instrument of acceptance. The instrument of acceptance was received on 11 April 2006 and, in accordance with Article XXII, paragraph 4, of the Constitution, became effective on that date.

2. In line with earlier decisions of the Conference¹, as well as established rules and practice throughout the United Nations, the Russian Federation requested that Russian should become a language of FAO. The programme, budgetary, and financial implications of this proposal are being referred to the Programme and Finance Committees in accordance with their respective mandates and past practice. In view of the desirability that the various aspects involved in the process should be duly taken into account by the concerned committees of the Council, it is being proposed that the submissions be made to the sessions of the Committees of April and May 2007, also in the light of the procedural requirements involved in the amendment of the Constitution.

3. This document examines the legal aspects of the adoption of Russian as a language of the Organization, to the exclusion of the above programme, budgetary and financial implications, which would require amendments to the Basic Texts of FAO. A distinction needs to be made between the Constitution and the General Rules of the Organization.

II. AMENDMENT OF ARTICLE XXII OF THE FAO CONSTITUTION

A. Substance of the proposed amendment

4. Article XXII of the Constitution, entitled "*Authentic texts of Constitution*" reads as follows:

"The Arabic, Chinese, English, French and Spanish texts of this Constitution shall be equally authoritative."

¹ Cf. paragraph 5 of this document.

5. It may be useful, by way of background to this provision, to recall that the Constitution of FAO – which had been drawn by the Interim Commission on Food and Agriculture in 1944-1945 – was adopted in Quebec on 16 October 1945 in English. At its first session, the Conference resolved, *inter alia*, that the “*rules of the FAO governing the use of languages in its proceedings and documentation shall be those adopted by the United Nations Organization*”². Subsequently, at its Special Session held in Washington in November 1950, the Conference expressed the view that since the Constitution had been formulated in English only, consideration should be given to a constitutional amendment to make the texts of the Constitution in other languages equally authentic. Since the adoption of such amendment would require approval of the French and Spanish texts of the Constitution, the Director-General circulated to all Member Nations draft translations in these two languages. Having considered the texts, the Conference formally adopted authentic French and Spanish versions of the Constitution and amended Article XXII to read as follows (at the time): “*The English, French and Spanish texts of this Constitution shall be equally authoritative*”.

6. At its 15th Session in November 1969, the Conference approved the Arabic text of the Constitution and amended further Article XXII to read: “*The Arabic, English, French and Spanish texts of this Constitution shall be equally authoritative*”. Subsequently, at its 19th Session in November 1977, the Conference approved the Chinese text of the Constitution and amended Article XXII to read: “*The Arabic, Chinese, English, French and Spanish texts of this Constitution shall be equally authoritative*”.

7. It is proposed that the same course of action be taken and that, at its 34th session in November 2007, the Conference should:

- (a) approve an authentic text of the Constitution of FAO in Russian;

² Report of the First Session of the Conference, Quebec, Canada, 16 October-1 November 1946, page 66.

(b) approve an amendment of Article XXII of the Constitution, which would read henceforth as follows:

“The Arabic, Chinese, English, French, Russian and Spanish texts of this Constitution shall be equally authoritative”

8. The substance of the proposed amendment is straightforward and does not seem to call for any clarifications.

B. Procedural issues

9. The legal framework governing the amendment of the FAO Constitution is set out in Article XX entitled “*Amendment of Constitution*”, the relevant provisions of which read as follows:

“1. The Conference may amend this Constitution by a two-thirds majority of the votes cast provided that such majority is more than one half of the Member Nations of the Organization³.

(...)

3. Proposals for the amendment of the Constitution may be made either by the Council or by a Member Nation in a communication addressed to the Director-General. The Director-General shall immediately inform all Member Nations and Associate Members of all proposals for amendments.

4. No proposal for the amendment of the Constitution shall be included in the agenda of any session of the Conference unless notice

³ This will imply a roll call vote (nominal vote) as per Rule XII, paragraph 3 (c) of the General Rules of the Organization.

thereof has been dispatched by the Director-General to Member Nations and Associate Members at least 120 days before the opening of the session”.

10. It is therefore proposed that the CCLM should review the above draft amendment and recommend to the Council, at its forthcoming 132nd Session in June 2007, that it should approve a proposal to the Conference to amend Article XXII of the Constitution.

11. A draft Conference resolution to that effect is set out in Appendix I hereto.

12. The CCLM is invited to note that given the requirement set forth in Article XX, paragraph 4 of the Constitution that the proposed amendment be despatched by the Director-General to Members at least 120 days before the opening of the session, and taking into account the dates for the 34th Session of the Conference (17 - 24 November 2007), notice of the proposed amendment to the Constitution would have to be given by the Director-General to the Members on 20 July 2007 at the latest. Consistent with past practice, a Russian version of the Constitution of FAO would also be circulated on that occasion.

III. AMENDMENT OF RULE XLVII OF THE GENERAL RULES OF THE ORGANIZATION

13. Rule XLVII of the General Rules of the Organization entitled “Languages” reads as follows:

“Arabic, Chinese, English, French and Spanish are the languages of the Organization”.

14. It may also be of some interest to mention that the content of this Rule was the result of a decision taken by the Conference, at its 19th Session, in November 1977.

Prior to that session of the Conference, this rule referred to the terms “*official languages*”, “*working languages*” and “*working language for limited purposes*”. The Conference considered that such distinctions were both unnecessary and potentially confusing⁴. On that occasion, the Conference amended the Rule so as to read as per above and made some consequential amendments to other provisions of the Basic Texts which reflected the above distinctions. In taking this decision, the Conference supported the view of the Council that a pragmatic approach to the use of languages should be maintained.

15. In line with the foregoing, it would be necessary to amend Rule XLVII to read as follows:

“Arabic, Chinese, English, French, Russian and Spanish are the languages of the Organization”.

16. The procedure for the amendment of the General Rules of the Organization is set out in Rule XLVIII, the relevant provisions of which read as follows:

“(…)

2. Amendments of, or additions to, these Rules may be adopted by a two-thirds majority of the votes cast at any plenary meeting of the Conference, provided that the intention to propose the amendment or addition has been communicated to the delegates not less than 24 hours before the meeting at which the proposal is to be considered, and provided further that the Conference has received and considered a report on the proposal by an appropriate committee.

⁴ C 77, paragraph 304.

3. The Council may propose amendments and additions to these Rules and any such proposals may be considered at the next session of the Conference.”

17. The Committee is consequently invited to review the proposed amendment and to recommend to the Council that it forward it to the Conference for adoption.

18. A draft Conference Resolution to that effect is attached hereto as Appendix II.

19. The CCLM is invited to note that the adoption of Russian as a language of the Organization could have an impact upon the Rules of Procedure of some bodies established under Article VI or Article XIV of the Constitution, where such special Rules of Procedure exist. This would be a matter for review by the bodies concerned.

20. The CCLM is furthermore invited to note again that the matter is to be seen in the light of the programme, budgetary and financial implications of the proposal which will be reviewed by the Programme and Finance Committees at their forthcoming sessions in May 2006.

IV. SUGGESTED ACTION BY THE COMMITTEE

21. The CCLM is invited to examine this document, including its appendixes, and make such observations thereon as appropriate, and confirm whether the proposed amendments to the Constitution and the General Rules of the Organization are in proper legal form.

22. The CCLM is invited furthermore:

(a) to recommend to the Council, at its Hundred and Thirty-second Session, to be held from 18 to 22 June 2007, that the Conference at its forthcoming Thirty-fourth

Session in November 2007 should adopt an authentic text in Russian of the FAO Constitution;

(b) to recommend to the Council that it should propose to the Conference an amendment to Article XXII of the Constitution, as per draft Conference resolution attached hereto as **Appendix I**; and

(c) to recommend to the Council that it should propose to the Conference an amendment to Rule XLVII of the General Rules of the Organization, as per draft Conference Resolution attached hereto as **Appendix II**.

APPENDIX I

Draft Conference Resolution**Amendment of Article XXII of the FAO Constitution****Authentic Russian text of the FAO Constitution****CONFERENCE RESOLUTION .../...****THE CONFERENCE,**

Recalling the decision taken by the First Session of the Conference held in Quebec, Canada, 16 October-1 November 1946, that the languages of the Organization shall be those adopted by the United Nations Organization;

Recalling further the decision taken at its Special Session held in Washington in 1950 where the Conference expressed the view that consideration should be given to constitutional amendments to make the text of the Constitution in other languages of the Organization equally authentic;

Considering that the Russian Federation became a Member Nation of the Organization on 11 April 2006;

Having considered that, at its Hundred and Thirty-second Session, held from 18 to 23 June 2007, the Council, on the recommendation of the Committee on Constitutional and Legal Matters, at its Eighty-first session, held on 4 and 5 April 2007, proposed that the Russian text of the Constitution should be equally authoritative with the texts in Arabic, Chinese, English, French and Spanish, and that the Constitution should be amended to that effect;

1. **Decides** to amend Article XXII of the Constitution to read as follows:

“The Arabic, Chinese, English, French, Russian and Spanish texts of this Constitution shall be equally authoritative”.

2. **Approves** the authentic Russian text of Constitution, which is set out in document .

APPENDIX II

Draft Conference Resolution

Amendment of Rule XLVII of the General Rules of the Organization

Adoption of Russian as a language of the Organization

CONFERENCE RESOLUTION .../...

THE CONFERENCE,

Recalling the decisions taken by the Thirty-fourth Session of the Conference to approve an authentic Russian text of the FAO Constitution and to amend Article XXII of the Constitution whereby “*the Arabic, Chinese, English, French, Russian and Spanish texts of this Constitution shall be equally authoritative*”;

Considering that the Russian Federation became a Member Nation of the Organization on 11 April 2006;

Having considered that, at its Hundred and Thirty-second Session, held from 18 to 23 June 2007, the Council, on the recommendation of the Committee on Constitutional and Legal Matters, at its Eighty-first session, held on 4 and 5 April 2007, proposed that Rule XLVII of the General Rules of the Organization be amended to the effect that Russian should be a language of the Organization;

Decides to amend Rule XLVII of the General Rules of the Organization as follows:

“Arabic, Chinese, English, French, Russian and Spanish are the languages of the Organization”.