

**AGREEMENT FOR THE ESTABLISHMENT OF A COMMISSION FOR CONTROLLING THE DESERT
LOCUST**

IN NORTH-WEST AFRICA

**As amended by the Commission at its Sixth Session (4-6 April 1977) and approved by the FAO Council at its
Seventy-second Session**

(8-10 November 1977)

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PREAMBLE

The Contracting Governments, having regard to the urgent necessity of preventing losses to agriculture in certain countries in North-West Africa caused by the Desert Locust, hereby establish within the framework of the Food and Agriculture Organization of the United Nations (hereinafter referred to as "the Organization") a Commission to be known as the "Commission for Controlling the Desert Locust in North-West Africa", whose object shall be to promote national and international research and action with respect to the control of the Desert Locust in North-West Africa (hereinafter referred to as "the Region") is defined, for the purpose of this Agreement, as consisting of the territories of Algeria, Libya, Morocco and Tunisia, and the countries adjacent hereto.

ARTICLE I

Membership

1. The Members of the Commission for Controlling the Desert Locust in North-West Africa, (hereinafter referred to as "the Commission"), shall be such Member Nations and Associate Members of the Organization situated in the Region defined in the Preamble as accept this Agreement in accordance with the provisions of Article XIV of this Agreement.
2. The Commission may, by a two-thirds majority of its membership, admit to membership any other Nations situated in the Region that are part of the United Nations, of any of the specialized agencies, or of the International Atomic Energy Agency and that have submitted an application to this effect together with a declaration made in a formal instrument that they accept this Agreement as in force at the time of admission.

ARTICLE II

**Obligations of Members regarding National Policies and International Cooperation for the Control of the
Desert Locust**

1. Members undertake to maintain directly and through the Secretary of the Commission a regular exchange of information on the current locust situation and the progress of control campaigns within their countries, and also to transmit such information regularly to the Organization and to the Desert Locust Information Service in London.
2. Members undertake to carry out all possible measures to control plagues of the Desert Locust within their countries and to reduce crop damage by adopting the following procedures:
 - a) maintaining a permanent locust reporting and control service;
 - b) holding reserves of insecticides and application equipment;
 - c) encouraging and supporting such training, survey and research work, including where appropriate

the maintenance of national research stations for the study of the Desert Locust, as may be considered desirable by the Commission and as are compatible with the resources of the country;

d) participating in the implementation of any common policy of locust control or prevention which may be approved by the Commission;

e) facilitating the storage of any items of anti-locust equipment and insecticides that might be held by the Commission and permitting the duty-free import or export without hindrance of such goods and equipment as well as the free movement within the country of such goods and equipments;

f) providing the Commission with any information it may request to carry out its functions effectively.

3. Members undertake to submit to the Commission periodic reports on the action taken to fulfil the obligations specified in paragraphs 1 and 2 above.

ARTICLE III

Seat of the Commission

1. The seat of the Commission shall be determined by the Commission.

2. Sessions of the Commission shall normally be held at its seat. Sessions may, however, be convened elsewhere in consultation with the Director-General of the Organization, in pursuance of a decision of the Commission at a previous session, or in exceptional circumstances, of a decision by the Executive Committee.

ARTICLE IV

Functions of the Commission

The following shall be the functions of the Commission:

1. Joint action and assistance

The Commission shall:

a) plan and promote joint action for the survey and control of the Desert Locust in the Region wherever required and, to this effect, arrange means whereby adequate resources can be made available;

b) assist and promote, in any manner which it considers appropriate, any national, regional or international action relating to the control or survey of the Desert Locust;

c) determine, in consultation with the Members concerned, the nature and extent of assistance needed by such Members for implementing their national programmes and for supporting regional programmes;

d) assist, at the request of any Member whose territory is faced with Desert Locust situations beyond the capacity of its national services to control and survey, in any measures jointly agreed to that may become necessary;

e) maintain at strategic localities determined by the Commission, in consultation with the Members concerned, reserves of anti-locust equipment, insecticides and other supplies, to be used in cases of emergency in accordance with decisions of the Executive Committee including supplementing of the national resources of any Member.

2. Information and coordination

The Commission shall:

- a) ensure that all Members are provided with current information in regard to Desert Locust infestations, and collect and disseminate information on experience gained, research conducted and programmes adopted on the national, regional and international levels in connection with the control of the Desert Locust;
- b) assist the national research organizations of Members and coordinate research in the Region by arranging visits of research and survey units from Members and by other appropriate means.

3. Cooperation

The Commission may:

- a) enter into arrangements or agreements, through the Director-General of the Organization, with nations in the Region that are not Members of the Commission, for common action in connection with the survey and control of locusts in the Region;
- b) enter into or encourage arrangements, through the Director-General of the Organization, with other United Nations Specialized Agencies or other international organizations concerned, for common action on the study and control of locusts and for the mutual exchange of information on problems concerning locusts.

4. Administrative matters

The Commission shall:

- a) consider and approve the report of the Executive Committee on the activities of the Commission, the Programme and Budget of the Commission for the ensuing financial period, and the annual accounts;
- b) keep the Director-General of the Organization fully informed of its activities and transmit to him the accounts, the Programme and the Budget of the Commission, the latter for submission to the Council of the Organization prior to implementation;
- c) transmit to the Director-General of the Organization the reports and recommendations of the Commission, for such action by the Council or Conference of the Organization as may be appropriate.

ARTICLE V

Sessions of the Commission

1. Each Member of the Commission shall be represented at sessions of the Commission by a delegate who may be accompanied by alternates and by experts and advisers. Alternates, experts and advisers may take part in the proceedings of the Commission but may not vote unless authorized by the delegate to substitute for him.
2. A majority of the Members of the Commission shall constitute a quorum. Each Member shall have one vote. Decisions of the Commission shall be taken by a majority of the votes cast except as otherwise provided for in this Agreement.
3. A Member which is in arrears in the payment of its financial contributions to the Commission shall have no vote if the amount of its arrears equals or exceeds the amount of the contributions due from it for the two preceding financial years.
4. The Commission shall elect, at the beginning of each regular session, a Chairman and a Vice-Chairman from amongst the delegates. These officers shall hold office until the beginning of the next regular session and shall be

eligible for re-election.

5. The Director-General of the Organization, in consultation with the Chairman of the Commission, shall convene a regular session of the Commission at least once a year. Special sessions may be convened by the Director-General of the Organization in consultation with the Chairman of the Commission, if so requested by the Commission in regular session or by at least one third of the Members during intervals between regular sessions.

6. The Director-General of the Organization or a representative designated by him shall have the right to participate without vote in all meetings of the Commission and of the Executive Committee.

ARTICLE VI

Observers and Consultants

1. 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.

2. Member Nations and Associate Members of the Organization that are not Members of the Commission may, upon their request, be represented by an observer at sessions of the Commission.

3. Nations which, while not Members of the Commission, nor Members or Associate Members of the Organization but which are part of the United Nations any of the specialized agencies, or the International Atomic Energy Agency may, upon request and subject to the concurrence of the Executive Committee and to the provisions relating to the granting of observer status to nations adopted by the Conference of FAO, be invited to attend sessions of the Commission in an observer capacity.

4. The Commission may invite consultants or experts to attend its sessions. The Executive Committee may also invite consultants or experts to attend its sessions or those of the Commission.

ARTICLE VII

Secretariat

The Director-General of the Organization shall provide the Secretary and staff of the Commission, who, for administrative purposes shall be responsible to him. They shall be appointed under the same terms and conditions as the staff of the Organization.

ARTICLE VIII

The Executive Committee

1. There shall be an Executive Committee composed of one representative (preferably a locust specialist) of each of the Members of the Commission. The Executive Committee shall elect its Chairman and Vice-Chairman from amongst the representatives of Members of the Committee. The Chairman and Vice-Chairman of the Executive Committee shall hold office for one year and shall be eligible for re-election.

2. The Executive Committee shall meet at least once between any two successive regular sessions of the Commission. The Chairman of the Executive Committee shall, in consultation with the Chairman of the Commission and the Director-General of the Organization, convene sessions of the Committee.

3. The Secretary of the Commission shall act as Secretary of the Executive Committee.

ARTICLE IX

Functions of the Executive Committee

The Executive Committee shall:

- a) make proposals to the Commission with respect to the general policy of the Commission;
- b) submit draft programmes of work and budget and annual accounts to the Commission;
- c) ensure the implementation of the policies and programmes approved by the Commission;
- d) prepare the draft annual report on the activities of the Commission for the approval of the Commission and for transmission to the Director-General of the Organization;
- e) carry out such other functions as the Commission may delegate to it.

ARTICLE X

Rules of Procedure

The Commission may, by a two-thirds majority of its membership, adopt and amend its own Rules of Procedure which shall be consistent with the General Rules of the Organization. The Rules of Procedure of the Commission and any amendments that may be made thereto shall come into force upon approval by the Director-General of the Organization, and as from the date of such approval.

ARTICLE XI

Finance

1. Each Member of the Commission undertakes to contribute annually its share of the budget in accordance with a scale of contributions to be adopted by a two-thirds majority of the membership of the Commission. Contributions by Members shall be made in cash.
2. The Commission may also accept contributions and donations from other sources.
3. Contributions shall be payable in currencies to be determined by the Commission after consultation with each Member and with the concurrence of the Director-General of the Organization.
4. All contributions and donations received shall be placed in a Trust Fund administrated by the Director-General of the Organization in conformity with the Financial Regulations of the Organization.

ARTICLE XII

Expenses

1. The expenses of the Commission shall be paid out of its Budget except those relating to such staff and facilities as may be made available by the Organization. The expenses to be borne by the Organization shall be determined and

paid within the limits of annual budget prepared by the Director-General of the Organization and approved by the Conference of the Organization in accordance with the Constitution, General Rules and the Financial Regulations of the Organization.

2. Expenses incurred by delegates of Members of the Commission and by their alternate, experts and advisers, when attending sessions of the Commission, as well as the expenses incurred by observers, shall be borne by the respective governments or organizations. Expenses incurred by the representative of each Member of the Commission when attending sessions of the Executive Committee shall be borne by the Commission.

3. Expenses of consultants or experts invited to attend sessions or participate in the work of the Commission or the Executive Committee shall be borne by the Commission.

4. The expenses of the Secretariat shall be borne by the Organization.

ARTICLE XIII

Amendments

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

2. Proposals for amendments may be made by any Member of the Commission or by the Director-General of the Organization. Proposals made by a Member of the Commission shall be addressed to both the Chairman of the Commission and the Director-General of the Organization and those made by the Director-General of the Organization shall be addressed to the Chairman of the Commission, not later than 120 days before the Session of the Commission at which the proposal is to be considered. The Director-General of the Organization shall immediately inform all Members of the Commission of all proposals for amendments.

3. Any amendment to this Agreement shall require the approval of the Council of the Organization unless the Council considers it desirable to refer the amendment to the Conference of the Organization for approval.

4. Amendments not involving new obligations for Members of the Commission shall take effect from the date of the approval by the Council or Conference of the Organization, as appropriate.

5. Amendments involving new obligations for Members of the Commission shall, after approval by the Conference or Council of the Organization, come into force in respect of each Member only upon acceptance by it. The instruments of acceptance of amendments involving new obligations shall be deposited with the Director-General of the Organization. The Director-General of the Organization shall inform all Members of the Commission and the Secretary-General of the United Nations of such acceptance. The rights and obligations of any Member of the Commission that has not accepted an amendment involving new obligations shall continue to be governed by the provisions of the Agreement in force prior to the amendment.

6. The Director-General of the Organization shall inform all Members of the Commission, all Members and Associate Members of the Organization and the Secretary-General of the United Nations of the entry into force of any amendment.

ARTICLE XIV

Acceptance

1. Acceptance of this Agreement by any Member or Associate Member of the Organization shall be effected by the deposit of an instrument of acceptance with the Director-General of the Organization and shall take effect on receipt of such instrument by the Director-General of the Organization.

2. Acceptance of this Agreement by non-Member Nations of the Organization shall become effective on the date on which the Commission approves the application for membership in conformity with the provisions of Article I of this Agreement.

3. The Director-General of the Organization shall inform all Members of the Commission, all Members and Associate Members of the Organization and the Secretary-General of the United Nations of all acceptances that have become effective.

4. Acceptance of this Agreement may be made subject to reservations which shall become effective only upon unanimous approval by the Members of the Commission. The Director-General of the Organization shall notify forthwith all Members of the Commission of any reservations. Members of the Commission not having replied within three months from the date of the notification shall be deemed to have accepted the reservation. Failing such approval, the Nation making the reservation shall not become a party to this Agreement.

ARTICLE XV

Territorial Application

The Members of the Commission shall, when accepting this Agreement, state explicitly to which territories their participation shall extend. In the absence of such a declaration, participation shall be deemed to apply to all the territories for the international relations of which the Member is responsible. Subject to the provisions of Article XVII-2, the scope of the territorial application may be modified by a subsequent declaration.

ARTICLE XVI

Interpretation and Settlement of Disputes

Any dispute regarding the interpretation or application of this Agreement, if not settled by the Commission, shall be referred to a Committee composed of one member appointed by each of the parties to the dispute, and in addition an independent chairman chosen by the members of the Committee. The recommendations of such a Committee, while not binding in character, shall become the basis for renewed consideration by the parties concerned of the matter out of which the disagreement arose. If as the result of this procedure the dispute is not settled, it shall be referred to the International Court of Justice in accordance with the Statute of the Court, unless the parties to the dispute agree to another method of settlement.

ARTICLE XVII

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 Agreement entered into force, whichever is the later, by giving written notice of withdrawal to both the Chairman of the Commission and the Director-General of the Organization. The Director-General of the Organization shall forthwith inform all Members of the Commission, all Member Nations of the receipt of any notice of withdrawal. The withdrawal shall become effective one year from the date of receipt by the Director-General of the Organization of the notification of withdrawal.

2. A Member of the Commission may give notice of withdrawal with respect to one or more of the territories for the international relations of which it is responsible. When a Member gives notice of its own withdrawal from the Commission, it shall state to which territory or territories the withdrawal is to apply. In the absence of such a declaration, the withdrawal shall be deemed to apply to all the territories for the international relations of which the Member of the commission is responsible, except that such withdrawal shall not be deemed to apply to an Associate Member of the Organization.

3. Any Member of the Commission that gives notice of withdrawal from the Organization shall be deemed to have simultaneously withdrawn from the Commission, and this withdrawal shall be deemed to apply to all the territories for the international relations of which the Member concerned is responsible, except that such withdrawal shall not be deemed to apply to an Associate Member of the Organization.

ARTICLE XVIII

Termination

1. This Agreement shall be considered terminated if and when the number of Members of the Commission falls below three, unless the two remaining Members of the Commission decide, with the approval of the Conference of the Organization, to maintain the Agreement in force. The Director-General of the Organization shall inform all Members of the Commission, all Members and Associate Members of the Organization and the Secretary-General of the United Nations of such termination.

2. On termination of the Agreement all assets of the Commission shall be liquidated by the Director-General of the Organization and after settlement of the liabilities the balance shall be distributed proportionately 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 shall not be entitled to a share of the assets.

ARTICLE XIX

Entry into force

1. This Agreement shall enter into force as soon as three eligible Members or Associate Members of the Organization have become parties to it by the deposit of an instrument of acceptance in accordance with the provisions of Article XIV of this Agreement.

2. The Director-General of the Organization shall notify all Nations having deposited instruments of acceptance as well as all Member Nations and Associate Members of the Organization and the Secretary-General of the United Nations of the date on which this Agreement comes into force.

ARTICLE XX

Authentic Languages

The English, French and Spanish texts of this Agreement shall be equally authentic.

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At the request of interested Member Nations in North-West Africa, a draft agreement for the establishment of a commission for controlling the desert locust in that area, within the framework of FAO, was prepared by the Organization. The Agreement was reviewed in March 1970 by the FAO North-West African Desert Locust Research and Control Coordination Sub-Committee. The Agreement was approved by the FAO Council at its Fifty-fifth Session (November 1970) and submitted to Member Nations for acceptance.

In accordance with paragraph 1, Article XIX, the Agreement entered into force on **17 August 1971**, date of receipt of the third instrument of acceptance. The Agreement was registered with the Secretariat of the United Nations on 24 September 1971 under No. 11354.

At its Sixth Session (April 1977), the Commission adopted amendments to the Agreement which were approved by the FAO Council at its Seventy-second Session (November 1977). These amendments entered into force for all the parties to the Agreement.

Parties to the Agreement

The following participants deposited their instruments of acceptance on the corresponding date indicated:

Participant: Acceptance

Algeria: **17 Aug 1971**

Libyan Arab Jamahiriya: 13 May 1971

Mauritania: 16 Jan 1989

Morocco: 1 Oct 1971

Tunisia: 22 Jul 1971

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