

council

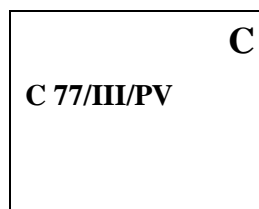
FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS

conseil

ORGANISATION DES NATIONS UNIES POUR L'ALIMENTATION ET L'AGRICULTURE

consejo

ORGANIZACION DE LAS NACIONES UNIDAS PARA LA AGRICULTURA Y LA ALIMENTACION



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VERBATIM RECORDS OF MEETINGS OF COMMISSION III OF THE CONFERENCE
PROCES-VERBAUX DES SEANCES DE LA COMMISSION III DE LA CONFERENCE
ACTAS TAQUIGRAFICAS DE LAS SESIONES DE LA COMISION III DE LA CONFERENCIA

TABLE OF CONTENTS	TABLE DES MATIERES FIRST MEETING PREMIERE SEANCE PRIMERA SESION (18 November 1977)	INDICE
		<u>Page/Página</u>
<u>PART III - CONSTITUTIONAL AND ADMINISTRATIVE MATTERS</u>		
<u>TROISIEME PARTIE - QUESTIONS CONSTITUTIONNELLES ET ADMINISTRATIVES</u>		2
<u>PARTE III - ASUNTOS CONSTITUCIONALES Y ADMINISTRATIVOS</u>		
A. <u>Constitutional and Legal Matters</u>		
A. <u>Questions constitutionnelles et juridiques</u>		2
A. <u>Asuntos constitucionales y jurídicos</u>		
17. <u>Composition and Terms of Reference of the Council, Programme Committee, Finance Committee and CCLM</u>		
17. <u>Composition et mandat du Conseil, du Comité du programme, du Comité financier et du Comité des questions constitutionnelles et juridiques</u>		2
17. <u>Composición y mandato del Consejo, el Comité del Programa, el Comité de Finanzas y el Comité de Asuntos Constitucionales y Jurídicos</u>		
18. <u>Amendments to the FAO Constitution and General Rules of the Organization</u>		
18. <u>Amendements à l'Acte constitutif et au Règlement général de l'Organisation</u>		2
18. <u>Enmiendas a la Constitución de la FAO y al Reglamento General de la Organización</u>		
- <u>Increase of Council Seats (C 77/LIM/13, page 2, paras. 208-211; C 77/LIM/13-Sup.1, Appendix A)</u>		
- <u>Accroissement du nombre des sièges du Conseil (C 77/LIM/13, page 2, par. 208-211; C 77/LIM/13-Sup.1, Annexe A)</u>		2
- <u>Aumento del número de puestos del Consejo (C 77/LIM/13, pág. 2, párrs. 208-211; C 77/LIM/13-Sup.1, Apéndice A)</u>		
- <u>Composition of the Programme Committee and Finance Committee (C 77/LIM/2)</u>		
- <u>Composition du Comité du programme et du Comité financier (C 77/LIM/2)</u>		2
- <u>Composición del Comité del Programa y del Comité de Finanzas (C 77/LIM/2)</u>		
	SECOND MEETING DEUXIEME SEANCE SEGUNDA SESION (19 November 1977)	
<u>ADOPTION OF REPORT</u>		16
<u>ADOPTION DU RAPPORT</u>		
<u>APROBACION DEL INFORME</u>		
<u>DRAFT REPORT OF COMMISSION III - PART I (C 77/III/REP/1)</u>		16
<u>PROJET DE RAPPORT DE LA COMMISSION III - PREMIERE PARTIE (C 77/III/REP/1)</u>		
<u>PROYECTO DE INFORME DE LA COMISION III - PARTE I (C 77/III/REP/1)</u>		
18. <u>Amendments to the FAO Constitution and General Rules of the Organization</u>		16
18. <u>Amendements à l'Acte constitutif et au Règlement général de l'Organisation</u>		
18. <u>Enmiendas a la Constitución de la FAO y al Reglamento General de la Organización</u>		
- <u>Increase of Council Seats (Res...../77) (paras. 1-5)</u>		16
- <u>Augmentation du nombre des sièges du Conseil (Rés...../77) (par. 1-5)</u>		
- <u>Aumento del número de puestos del Consejo (Resolución/77) (párrs. 1-5)</u>		

	<u>Page/Página</u>
<u>PART III - CONSTITUTIONAL AND ADMINISTRATIVE MATTERS</u> (continued)	
<u>TROISIEME PARTIE - QUESTIONS CONSTITUTIONNELLES ET ADMINISTRATIVES</u> (suite)	21
<u>PARTE III - ASUNTOS CONSTITUCIONALES Y ADMINISTRATIVOS</u> (continuación)	
A. <u>Constitutional and Legal Matters</u> (continued)	
A. <u>Questions constitutionnelles et juridiques</u> (suite)	21
A. <u>Asuntos constitucionales y jurídicos</u> (continuación)	
17. <u>Composition and Terms of Reference of the Council, Programme Committee, Finance Committee and CCLM,</u> (continued)	
17. <u>Composition et mandat du Conseil, du Comité du Programme, du Comité financier et du Comité des questions constitutionnelles et juridiques</u> (suite)	21
17. <u>Composición y mandato del Consejo, el Comité del Programa, el Comité de Finanzas y el Comité de Asuntos Constitucionales y Jurídicos</u> (continuación)	
18. <u>Amendements à l'Acte constitutif et au Règlement général de l'Organisation</u> - <u>Composition of the Programme Committee and Finance Committee</u> (C 77/LIM/2)	
18. <u>Amendements à l'Acte constitutif et au Règlement général de l'Organisation</u> - <u>Composition du Comité du programme et du Comité financier</u> (C 77/LIM/2)	21
18. <u>Enmiendas a la Constitución de la FAO y al Reglamento General de la Organización</u> - <u>Composición del Comité del Programa y del Comité de Finanzas</u> (C 77/LIM/2)	
THIRD MEETING TROISIEME SEANCE TERCERA SESION (23 November 1977)	
<u>CYCLONE DISASTER IN INDIA</u>	
<u>DESASTRE PROVOQUE PAR UN CYCLONE EN INDE</u>	36
<u>LA CATASTROFE DEL CICLON EN INDIA</u>	
<u>PART III - CONSTITUTIONAL AND ADMINISTRATIVE MATTERS</u> (continued)	
<u>TROISIEME PARTIE - QUESTIONS CONSTITUTIONNELLES ET ADMINISTRATIVES</u> (suite)	36
<u>PARTE III - ASUNTOS CONSTITUCIONALES Y ADMINISTRATIVOS</u> (continuación)	
A. <u>Constitutional and Legal Matters</u> (continued)	
A. <u>Questions constitutionnelles et juridiques</u> (suite)	36
A. <u>Asuntos constitucionales y jurídicos</u> (continuación)	
17. <u>Composition and Terms of Reference of the Council, Programme Committee, Finance Committee and Committee on Constitutional and Legal Matters</u> (continued)	
17. <u>Composition et mandat du Conseil, du Comité du programme, du Comité financier et du Comité des questions constitutionnelles et juridiques</u> (suite)	36
17. <u>Composición y mandato del Consejo, el Comité del Programa, el Comité de Finanzas y el Comité de Asuntos Constitucionales y Jurídicos</u> (continuación)	
18. <u>Amendments to the FAO Constitution and General Rules of the Organization</u>	
18. <u>Amendements à l'Acte constitutif et au Règlement général de l'Organisation</u>	36
18. <u>Enmiendas a la Constitución de la FAO y al Reglamento General de la Organización</u> - <u>Composition of the Programme Committee and Finance Committee</u> (C 77/LIM/2)	
- <u>Composition du Comité du programme et du Comité financier</u> (C 77/LIM/2)	36
- <u>Composición del Comité del Programa y del Comité de Finanzas</u> (C 77/LIM/2)	

-	<u>Authentic Chinese Text of the Constitution (Amendment to Article XXII of the Constitution)(C 77/LIM/13, C 77/LIM/13-Sup.1/Rev.1)</u>	
-	<u>Amendements à l'Acte Constitutif et au Règlement général de l'Organisation (Extrait du Rapport de la soixante et onzième" session du Conseil) (C 77/LIM/13, Sup.1/Rev. 1)</u>	51
-	<u>Enmiendas a la Constitución de la FAO y al Reglamento General de la Organización (Fragmento del Informe del 71º período de sesiones del Consejo) (C 77/LIM/13 -Sup.1/Rev.1)</u>	
-	<u>Status and Use of Languages (Amendments to Rules IV and XLI GRO)(C 77/LIM/13, C 77/LIM/13, Sup.1/Rev.1)</u>	
-	<u>Statut et utilisation des langues (Amendements aux Articles IV et XLI du RGO)(C 77/LIM/13, C 77/LIM/13-Sup.1/Rev.1)</u>	52
-	<u>Situación y empleo de los idiomas (Enmiendas a los Artículos IV y XLI del RGO) (C 77/LIM/13, C 77/LIM/13-Sup.1/Rev.1)</u>	
	FOURTH MEETING QUATRIEME SEANCE CUARTA SESION (24 November 1977)	
	<u>PART III - CONSTITUTIONAL AND ADMINISTRATIVE MATTERS (continued)</u> <u>TROISIEME PARTIE - QUESTIONS CONSTITUTIONNELLES ET ADMINISTRATIVES (suite)</u>	58
	<u>PARTE III - ASUNTOS CONSTITUCIONALES Y ADMINISTRATIVOS (continuación)</u>	
A.	<u>Constitutional and Legal Matters (continued)</u>	
A.	<u>Questions constitutionnelles et juridiques (suite)</u>	58
A.	<u>Asuntos constitucionales y jurídicos (continuación)</u>	
18.	<u>Amendments to the FAO Constitution and General Rules of the Organization (continued)</u>	
18.	<u>Amendements à l'Acte constitutif et au Règlement général de l'Organisation (suite)</u>	58
18.	<u>Enmiendas a la Constitución de la FAO y al Reglamento General de la Organización (continuación)</u>	
-	<u>Term of Office of the Director-General (C 77/LIM/13, C 77/LIM/13-Sup.1-Rev. 1, C 77/LIM/33)</u>	
-	<u>Durée du mandat du Directeur général (C 77/LIM/13. C 77/LIM/13-Sup.1/Rev.1. C 77/LIM/33)</u>	58
-	<u>Mandato del Director General (C 77/LIM/13, C 77/LIM/13-Sup.1/Rev.1, C 77/LIM/33)</u>	
	FIFTH MEETING CINQUIEME SEANCE QUINTA SESIÓN (24 November 1977)	
	<u>PART III - CONSTITUTIONAL AND ADMINISTRATIVE MATTERS (continued)</u> <u>TROISIEME PARTIE - QUESTIONS CONSTITUTIONNELLES ET ADMINISTRATIVES (suite)</u>	84
	<u>PARTE III - ASUNTOS CONSTITUCIONALES Y ADMINISTRATIVOS (continuación)</u>	
A.	<u>Constitutional and Legal Matters (continued)</u>	
A.	<u>Questions constitutionnelles et juridiques (suite)</u>	84
A.	<u>Asuntos constitucionales y jurídicos (continuación)</u>	
18.	<u>Amendments to the FAO Constitution and General Rules of the Organization (continued)</u>	
18.	<u>Amendments à l'Acte constitutif et au Règlement général de l'Organisation (suite)</u>	
18.	<u>Enmiendas a la Constitución de la FAO y al Reglamento General de la Organización (continuación)</u>	84

-	<u>Granting of Immunities to Participants attending FAO meetings</u> (CL.72/REP (provisional) paras. 111-114, C 77/LIM/33)	
-	<u>Octroi d'immunités aux personnes participant à des réunions de la FAO</u> (CL 72/ÍEP (provisoire) par. 111-114, C 77/LIM/33)	84
-	<u>Concesión de inmunidades a los participantes en reuniones convocadas por la FAO</u> (CL 72/REP (provisional) párrs. 111-114, C 77/LIM/33)	
-	<u>Amendments to the General Rules of the Organization</u> (Personnel Matters) (C 77/LIM/16-Rev.1)	
-	<u>Amendements au Règlement général de l'Organisation</u> (questions de personnel) (C 77/LIM/16-Rev.1)	85
-	<u>Enmiendas al Reglamento General de la Organización</u> (Asuntos de personal) (C 77/LIM/16-Rev.1)	
19.	<u>Statutory Report on Status of Conventions and Agreements Thereto</u> (C 77/10 and C 77/10 Sup.1)	
19.	<u>Rapport statutaire sur l'état des conventions et accords et sur les amendements y relatifs</u> (C 77/10 et C 77/10 Sup.1)	85
19.	<u>Informe reglamentario sobre el estado de las convenciones y acuerdo y de las enmiendas a los mismos</u> (C 77/10 y C 77/10 Sup.1)	
20.	<u>Other Constitutional and Legal Questions</u>	
20.	<u>Autres questions constitutionnelles et juridiques, notamment:</u>	86
20.	<u>Otros asuntos constitucionales y jurídicos</u>	
20.1	<u>Agreement Concerning Relations with the World Food Council</u> (C 77/LIM/25)	
20.1	<u>Accords concernant les relations avec le Conseil mondial de l'alimentation</u> (C 77/LIM/25)	86
20.1	<u>Acuerdo de relaciones con el Consejo Mundial de la Alimentación</u> (C 77/LIM/25)	
-	<u>Agreement Concerning Relations with the International Fund for Agricultural Development</u> (C 77/LIM/24)	
-	<u>Accords concernant les relations avec le Fonds international de développement agricole</u> (C 77/LIM/24)	86
-	<u>Acuerdo de relaciones con el Fondo Internacional de Desarrollo Agrícola</u> (C 77/LIM/24)	
20.2	<u>Granting of Official Status to International Non-Governmental Organizations</u> (C 77/18)	
20.2	<u>Octroi du statut officiel à des organisations internationales non gouvernementales</u> (C 77/18)	87
20.2	<u>Otorgamiento de Condición Jurídica Oficial a entidades internacionales no gubernamentales</u> (C 77/18)	
20.3	<u>Amendments to the Financial Regulations</u> (C 77/LIM/7. C 77/LIM/VL CL 72/REP (provisional), paras. 89-92)	
20.3	<u>Amendments au Règlement financier</u> (C 77/LIM/7. C 77/LIM/34, CL 72/REP (provisoire), par. 89-92)	88
20.3	<u>Enmiendas al Reglamento Financiero</u> (C 77/LIM/7, C 77/LIM/34, CL, 72/REP (provisional), párrs. 89-92)	
B.	<u>Administrative and Financial Matters</u>	
B.	<u>Questions administratives et financières</u>	88
B.	<u>Asuntos administrativos y financieros</u>	
21.	<u>Audited Accounts</u> (C 77/5,6,7,8 and 9; C 77/LIM/34;C 77/LIM/14;CL 72/REP)	
21.	<u>Comptes vérifiés</u> (C 77/5,6,7,8 et 9;C 77/LIM/34; C 77/LIM/14;CL 72/REP)	88
21.	<u>Cuentas comprobadas</u> (C 77/5,6,7,8 y 9; C 77/LIM/34; C 77/LIM/14; CL 72/REP)	
23.	<u>Other Financial and Administrative Questions, including:</u>	
23.	<u>Autres questions administratives et financières, notamment:</u>	90
23.	<u>Otras cuestiones financieras y administrativas, en particular:</u>	

23.1	<u>Working Capital Fund:Reimbursement of Withdrawals in 1974-75 (C 77/LIM/4 and C 77/LIM/34)</u>	
23.1	<u>Fonds de roulement:remboursement des montants prélevés en 1974-75 (C 77/LIM/4 et C 77/LIM/34)</u>	90
23.1	<u>Fondo de Operaciones: reembolso de las cantidades retiradas en 1974-75 (C 77/LIM/4 y C 77/LIM/34)</u>	
23.3	<u>Emoluments of the Director-General (CL 72/REP (provisional) paras. 93-96 and C 77/LIM/34)</u>	
23.3	<u>Emoluments du Directeur général (CL 72/REP (provisoire) par. 93-96 et C 77/LIM/34)</u>	90
23.3	<u>Emolumentos del Director General (CL 72/REP (provisoire) par. 93-96 y C 77/LIM/34)</u>	

SIXTH MEETING
SIXIEME SEANCE
SEXTA SESION
(25 November 1977)

	<u>PART III - CONSTITUTIONAL AND ADMINISTRATIVE MATTERS (continued)</u>	
	<u>TROISIEME PARTIE - QUESTIONS CONSTITUTIONNELLES ET ADMINISTRATIVES (suite)</u>	94
	<u>PARTE III -ASUNTOS CONSTITUCIONALES Y ADMINISTRATIVOS (continuación)</u>	
A.	<u>Constitutional and Legal Matters (continued)</u>	
A.	<u>Questions constitutionnelles et juridiques (suite)</u>	94
A.	<u>Asuntos constitucionales y jurídicos (continuación)</u>	
23.	<u>Other Financial and Administrative Questions (continued)</u>	
23.	<u>Autres questions administratives et financières (suite)</u>	94
23.	<u>Otras cuestiones financieras y administrativas (continuación)</u>	
-	<u>Financial Position of the Organization - Status of Contributions (C 77/LIM/11, C 77/LIM/31, CL 72/REP (Provisional) paras. 65-70 and 73-79)</u>	
-	<u>Situation financière de l'Organisation - Etat des contributions (C 77/LIM/11, C 77/LIM/31, CL 72/REP (Provisoire) par. 65-70 et 73-79)</u>	94
-	<u>Situación financiera de la Organización - Estado de las cuotas (C 77/LIM/11, C 77/LIM/31, CL 72/REP (Provisional) párrs. 65-70 y 73-79)</u>	
-	<u>Allocation of Cash Surplus</u>	
-	<u>Répartition de l'excédent de trésorerie</u>	95
-	<u>Asignación del superávit de tesorería</u>	
20.	<u>Other Constitutional and Legal Questions (continued)</u>	
20.	<u>Autres questions constitutionnelles et juridiques (suite)</u>	97
20.	<u>Autres questions constitutionnelles et juridiques (suite)</u>	
20.4	<u>Amendments to Conventions concluded under Article XIV of the FAO Constitution</u>	
20.4	<u>Amendements aux Conventions conclues en vertu de l'Article XIV de l'Acte constitutif de la FAO</u>	97
20.4	<u>Enciendas a los convenios concluidos en virtud del Artículo XIV de la Constitución de la FAO</u>	
-	<u>International Poplar Convention (C 77/LIM/27)</u>	
-	<u>Convention internationale sur les peupliers (C 77/LIM/27)</u>	97
-	<u>Convención Internacional del Alamo (C 77/LIM/27)</u>	
-	<u>Convención Internacional del Alamo (C 77/LIM/27)</u>	
-	<u>Convention internationale pour la protection des végétaux (C 77/LIM/26)</u>	97
-	<u>Convención Internacional de Protección Fitosanitaria (C 77/LIM/26)</u>	

SEVENTH MEETING
SEPTIEME SEANCE
SEPTIMA SESION
(25 November 1977)

	<u>Page/Página</u>
<u>PART III - CONSTITUTIONAL AND ADMINISTRATIVE MATTERS</u> (continued)	
<u>TROISIEME PARTIE - QUESTIONS CONSTITUTIONNELLES ET ADMINISTRATIVES</u> (suite)	112, 127
<u>PARTE III - ASUNTOS CONSTITUCIONALES Y ADMINISTRATIVOS</u> (continuación)	
A. <u>Constitutional and Legal Matters</u> (continued)	
A. <u>Questions constitutionnelles et juridiques</u> (suite)	112, 127
A. <u>Asuntos constitucionales y jurídicos</u> (continuación)	
20. <u>Other Constitutional and Legal Questions</u> (continued)	
20. <u>Autres questions constitutionnelles et juridiques</u> (suite)	112, 127
20. <u>Otras cuestiones constitucionales y jurídicas</u> (continuación)	
20.4 <u>Amendments to Conventions concluded under Article XIV of the FAO Constitution</u> (continued)	
20.4 <u>Amendements aux conventions conclues en vertu de l'Article XIV de l'Acte constitutif de la FAO</u> (suite)	112, 127
20.4 <u>Enmiendas a los Convenios concluidos en virtud del Artículo XIV de la Constitución de la FAO</u> (continuación)	
- <u>International Plant. Protection Convention</u> (continued)(C 77/LIM/26)	
- <u>Convention internationale pour la protection des végétaux</u> (suite) (C 77/LIM/26)	112, 127
- <u>Convención Internacional de Protección Fitosanitaria</u> (continuación)(C 77/LIM/26)	
B. <u>Administrative and Financial Matters</u> (continued)	
B. <u>Questions administratives et financières</u> (suite)	118, 132
B. <u>Asuntos administrativos y financieros</u> (continuación)	
22. <u>Scale of Contributions</u> (C 77/LIM/9)	
22. <u>Barème des contributions</u> (C 77/LIM/9)	118, 132
22. <u>Escala de cuotas</u> (C 77/LIM/9)	
- <u>Scale of Contributions 1978-79</u> (C 77/LIM/15-Rev.2, C 77/LIM/34)	
- <u>Barème des contributions 1978-79</u> (C 77/LIM/15-Rev.2, C 77/LIM/34)	118, 132
- <u>Escala de Cuotas para 1978-79</u> (C 77/LIM/15-Rev.2, C 77/LTM/34)	
<u>ADOPTION OF REPORT</u> (continued)	
<u>ADOPTION DU RAPPORT</u> (suite)	124
<u>APROBACION DEL INFORME</u> (continuación)	
<u>DRAFT REPORT OF COMMISSION III - PART 2</u> (C 77/III/REP/2)	
<u>PROJET DE RAPPORT DE LA COMMISSION III - DEUXIEME PARTIE</u> (C 77/III/REP/2)	124
<u>PROYECTO DE INFORME DE LA COMISION III - PARTE 2</u> (C 77/III/REP/2)	
17. <u>Composition and Terms of Reference of the Council, Programme Committee, Finance Committee and Committee on Constitutional and Legal Matters</u> (Res. .../77) (paras. 1-8)	
17. <u>Composition et mandat du Conseil, du Comité du Programme, du Comité financier et du Comité des questions constitutionnelles et juridiques</u> (Rés..../77) (par. 1-8)	125
17. <u>Composición y mandato del Consejo, el Comité del Programa, el Comité de Finanzas y el Comité de Asuntos Constitucionales y Jurídicos</u> (Res..../77) (párrs. 1-8)	

	<u>Page/Pàgina</u>
18. <u>Amendments to the FAO Constitution and General Rules of the Organization</u> (paras 9-20)	
18. <u>Amendements à l'Acte constitutif et au Règlement général de l'Organisation</u> (par. 9-20)	126
18. <u>Enmiendas a la Constitución de la FAO y al Reglamento General de la Organización</u> (pàrrs. 9-20)	
- <u>Authentic Chinese text of the Constitution (Res. .../77)</u> (paras. 9-12)	
- <u>Texte chinois authentique de l'Acte constitutif (Rés..../77)</u> (par. 9-12)	126
- <u>Texto auténtico en chino de la Constitución (Res. .../77)</u> (párrs. 9-12)	
- <u>Status and Use of Languages in FAO (Res. .../77)</u> (paras. 13-20)	
- <u>Statut et utilisation des langues à la FAO (Rés. .../77)</u> (par. 13-20)	126
- <u>Situación y empleo de los idiomas en la FAO (Res. .../77)</u> (párrs. 13-20)	
<u>APPENDIX Amendments to the General Rules of the Organization</u>	
<u>ANNEXE Amendements au Règlement general de l'Organisation</u>	126
<u>ÀPENDICE Enmiendas al Reglamento General de la Organización</u>	
- <u>The Programme Committee</u>	
- <u>Comité du Programme</u>	126
- <u>Comité del Programa</u>	
- <u>The Finance Committee</u>	
- <u>Comité financier</u>	126
- <u>Comité de Finanzas</u>	
EIGHTH MEETING HUITIEME SEANCE OCTAVA SESION (28 November 1977)	
<u>PART III - CONSTITUTIONAL AND ADMINISTRATIVE MATTERS</u> (continued)	
<u>TROISIEME PARTIE - QUESTIONS CONSTITUTIONNELLES ET ADMINISTRATIVES</u> (suite)	136
<u>PARTE III - ASUNTOS CONSTITUCIONALES Y ADMINISTRATIVOS</u> (continuación)	
B. <u>Administrative and Financial Matters</u> (continued)	
B. <u>Questions administratives et financières</u> (suite)	136
B. <u>Asuntos administrativos y financieros</u> (continuación)	
22. <u>Scale of Contributions</u> (continued) (C 77/LIM/9)	
22. <u>Barème des contributions</u> (suite)(C 77/LIM/9)	136
22. <u>Escala de cuotas</u> (continuación) (C 77/LIM/9)	
- <u>Scale of Contributions 1978-79</u> (continued) (C 77/LIM/15-Rev.2, C 77/LIM/34, C 77/LIM/47)	
- <u>Barème des contributions 1978-79</u> (suite) (C 77/LIM/15-Rev.2, C 77/LIM/34, C 77/LIM/47)	136
- <u>Escala de Cuotas para 1978-79</u> (continuación) (C 77/LIM/15-Rev.2, C 77/LIM/34, C 77/LIM/47)	

NINTH MEETING
NEUVIEME SEANCE
NOVENA SESION
(28 November 1977)

	<u>Page/Página</u>
<u>ADOPTION OF REPORT</u>	
<u>ADOPTION DU RAPPORT</u>	144
<u>APROBACIÓN DEL INFORME</u>	
<u>DRAFT REPORT OF COMMISSION III – PART 3 (C/LIM/III/REP/3)</u>	
<u>PROJET DE RAPPORT DE LA COMMISSION III - TROISIEME PARTIE</u> (C/LIM/III/REP/3)	144
<u>PROYECTO DE INFORME DE LA COMISIÓN III - PARTE 3 (C/LIM/III/REP/3)</u>	
18. <u>Amendments to the FAO Constitution and General Rules of the Organization (paras 1-9)</u>	
18. <u>Amendements à l'Acte constitutif et au Règlement général de l'Organisation (par. 1-9)</u>	144
18. <u>Enmiendas a la Constitución de la FAO y al Reglamento General de la Organización (párrs.1-9)</u>	
- <u>Term of Office of Director-General (Res...../77)(paras 1-4)</u>	
- <u>Durée du mandat du Directeur général (Rés...../77) (par. 1-4)</u>	144
- <u>Mandato del Director General (Res...../77)(párrs.1-4)</u>	
- <u>Granting of Immunities to Participants Attending FAO Meetings (Res...../77)(paras 5-7)</u>	
- <u>Octroi d'immunités aux personnes participant à des réunions de la FÁO (Rés...../77) (par. 5-7)</u>	144
- <u>Concesión de inmunidades a los participantes en reuniones de la FAO (Res...../77)(párrs. 5-7)</u>	
- <u>Amendments to the General Rules of the Organization (Personnel Matters)(Res...../77)(paras 8-9)</u>	
- <u>Amendements au Règlement gèneral de l'Organisation (Questions de personnel)(Rés...../77) (par. 8-9)</u>	144
- <u>Enmiendas al Reglamento General de la Organización (Asuntos de Personal)(Res...../77)(párrs. 8-9)</u>	
19. <u>Statutory Report on Status of Conventions and Agreements and on Amendments Thereto (para.10)</u>	
19. <u>Rapport statutaire sur l'état des conventions et accords et sur les amendements y relatifs (par.10)</u>	145
19. <u>Informe reglamentario sobre el estado de las convenciones y acuerdos y de las enmiendas a los mismos (párr.10)</u>	
20. <u>Other Constitutional and Legal Questions (paras 11-21)</u>	
20. <u>Autres questions constitutionnelles et juridiques (par.11-21)</u>	145
20. <u>Otras cuestiones constitucionales y jurídicas (párrs.11-21)</u>	
- <u>Agreement Concerning Relations with the World Food Council (paras 11-14)</u>	
- <u>Accord concernant les relations avec le Conseil mondial de l'alimentation (par. 11-14)</u>	145
- <u>Acuerdo de relaciones con el Consejo Mundial de la Alimentación (párrs.11-14)</u>	
- <u>Agreement Concerning Relations with the International Fund for Agricultural Development (paras. 15-16)</u>	
- <u>Accord régissant les relations avec le Fonds international de développement agricole (par.15-16)</u>	145
- <u>Acuerdo de relaciones con el Fondo Internacional de Desarrollo Agrícola (párrs.15-16)</u>	

-	<u>Granting of Official Status to International Governmental and Non-governmental Organizations</u> (paras 17-19)	
-	<u>Accord régissant les relations avec le Fonds international de développement agricole</u> (par. 17-19)	145
-	<u>Reconocimiento como entidades oficiales de organizaciones internacionales gubernamentales y no gubernamentales</u> (párrs. 17-19)	
-	<u>Amendments to the Financial Regulations (Res...../77)</u> (paras 20-21)	
-	<u>Amendements au Règlement financier (Rés...../77)</u> (par. 20-21)	145
-	<u>Enmiendas al Reglamento Financiero (Res...../77)</u> (párrs. 20-21)	
21.	<u>Audited Accounts (Res...../77)</u> (paras 22-28)	
21.	<u>Comptes vérifiés (Rés...../77)</u> (par. 22-28)	145
21.	<u>Cuentas comprobadas (Res...../77)</u> (párrs. 22-28)	
23.	<u>Other Financial and Administrative Questions</u> (paras 29-34)	
23.	<u>Autres questions administratives et financières</u> (par. 29-34)	146
23.	<u>Otras cuestiones financieras y administrativas</u> (párrs. 29-34)	
-	<u>Working Capital Fund: Reimbursement of Withdrawals in 1974-75 (Res...../77)</u> (paras 29-30)	
-	<u>Fonds de roulement : Remboursement des montants prélevés en 1974-75 (Rés...../77)</u> (par. 29-30)	146
-	<u>Fondo de operaciones : Reembolso de las cantidades reiteradas en 1974-75 (Res...../77)</u> (párrs. 29-30)	
-	<u>Emoluments of the Director-General (Res...../77)</u> (paras 31-33)	
-	<u>Emoluments du Directeur général (Rés...../77)</u> (par. 31-33)	146
-	<u>Emolumentos del Director General (Res...../77)</u> (párrs. 31-33)	
-	<u>Status of Contributions</u> (parr. 34)	
-	<u>Etat des contributions</u> (par. 34)	146
-	<u>Estado de las cuotas</u> (párr. 34)	
<u>PART III - CONSTITUTIONAL AND ADMINISTRATIVE MATTERS</u> (Continued)		
<u>TROISIEME PARTIE - QUESTIONS CONSTITUTIONNELLES ET ADMINISTRATIVES</u> (suite)		
		146
<u>PARTE III - ASUNTOS CONSTITUCIONALES Y ADMINISTRATIVOS</u>		
(continuación)		
A.	<u>Constitutional and Legal Matters</u> (continued)	
A.	<u>Questions constitutionnelles et juridiques</u> (suite)	146
A.	<u>Asuntos constitucionales y jurídicos</u> (continuación)	
20.	<u>Other Constitutional and Legal Questions</u> (continued)	
20.	<u>Autres questions constitutionnelles et juridiques</u> (suite)	14
20.	<u>Otras cuestiones constitucionales y jurídicas</u> (continuación)	
20.4	<u>Amendments to Conventions concluded under Article XIV of the FAO Constitution</u> (continued)	
20.4	<u>Amendements aux conventions conclues en vertu de l'Article XIV de l'Acte constitutif de la FAO</u> (suite)	146
20.4	<u>Enmiendas a los Convenios concluidos en virtud del Artículo XIV de la Constitución de la FAO</u> (continuación)	
-	<u>International Plant Protection Convention</u> (continued) (C 77/LIM/26)	
-	<u>Convention internationale pour la protection des végétaux</u> (suite)(C 77/LIM/26)	146
-	<u>Convención Internacional de Protección Fitosanitaria</u> (continuación) (C 77/LIM/26)	

TENTH MEETING
DIXIEME SEANCE
10ª SESION
(29 November 1977)

	<u>Page/Pàgina</u>
<u>ADOPTION OF REPORT</u>	
<u>ADOPTION DU RAPPORT</u>	162
<u>APROBACION DEL INFORME</u>	
<u>DRAFT REPORT OF COMMISSION III - PART 4 (C 77/III/REP/4)</u>	
<u>PROJET DE RAPPORT DE LA COMMISSION III - QUATRIEME PARTIE (C 77/III/REP/4)</u>	162
<u>PROYECTO DE INFORME DE LA COMISION III - PARTE 4 (C 77/III/REP/4)</u>	
20.4 <u>International Poplar Convention</u> (paras. 1-3)	
20.4 <u>Convention internationale du peuplier</u> (par. 1-3)	162
20.4 <u>Convención Internacional del Alamo</u> (párrs. 1-3)	
22. <u>Scale of Contributions 1978-79</u> (paras. 4-7)	
22. <u>Barème des contributions 1978-79</u> (par. 4-7)	162
22. <u>Escala de cuotas para 1978-79</u> (párrs. 4-7)	
23.2 <u>Allocation of Cash Surplus</u> (paras. 8-9)	
23.2 <u>Répartition de l'excédent de trésorerie</u> (par. 8-9)	163
23.2 <u>Asignación del superávit de tesorería</u> (párrs. 8-9)	
<u>Appendix</u> <u>Amendments to the Convention placing the International Poplar Commission within the Framework of FAO</u>	
<u>Annexe</u> <u>Amendements à la Convention plaçant la Commission internationale du peuplier dans le cadre de la FAO</u>	163
<u>Apéndice</u> <u>Enmiendas a la Convención por la cual se integra en el marco de la FAO a la Comisión Internacional del Alamo</u>	
<u>Appendix</u> <u>Scale of Contributions 1978-79</u>	
<u>Annexe</u> <u>Barème des contributions 1978-79</u>	163
<u>Apéndice</u> <u>Escala de cuotas para 1978-79</u>	
<u>DRAFT REPORT OF COMMISSION III - PART 5 (C 77/III/REP/5)</u>	
<u>PROJET DE RAPPORT DE LA COMMISSION III - CINQUIEME PARTIE (C 77/III/REP/5)</u>	164
<u>PROYECTO DE INFORME DE LA COMISIÓN III - PARTE 5 (C 77/III/REP/5)</u>	
20.4 <u>Amendments to Convention Concluded Under Article XIV of the FAO Constitution</u>	
20.4 <u>Amendements aux conventions conclues au titre de l'Article XIV de l'Acte constitutif de la FAO</u>	164
20.4 <u>Enmiendas a los convenios concluidos en virtud del Artículo XIV de la Constitución</u>	
- <u>International Plant Protection Convention</u> (paras. 1-4)	
- <u>Convention internationale sur la protection des végétaux</u> (par. 1-4)	164
- <u>Convención Internacional de Protección Fitosanitaria</u> (párrs. 1-4)	

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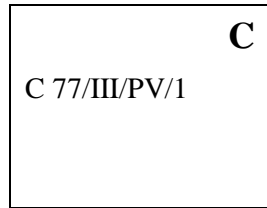
FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS

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ORGANISATION DES NATIONS UNIES POUR L'ALIMENTATION ET L'AGRICULTURE

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Nineteenth Session
COMMISSION III

Dix-neuvième session
COMMISSION III

19° periodo de sesiones
COMISIÓN III

FIRST MEETING
PREMIERE SEANCE
PRIMERA SESION

(18 November 1977)

The First Meeting was opened at 9.45 hours,

S. Boolell, Chairman of Commission III, presiding

La première seance est ouverte à 9 h 45

sous la présidence de S. Boolell, President de la Commission III

Se abre la primera sesión a las 9.45'horas

bajo la presidencia de S. Boolell, Presidente de la Comisión III

PART III - CONSTITUTIONAL AND ADMINISTRATIVE MATTERS
TROISIEME PARTIE - QUESTIONS CONSTITUTIONNELLES ET
ADMINISTRATIVES

PARTE III - ASUNTOS CONSTITUCIONALES Y ADMINISTRATIVOS

- A. Constitutional and Legal Matters
- A. Questions constitutionnelles et juridiques
- A. Asuntos constitucionales y jurídicos
- 17. Composition and Terms of Reference of the Council, Programme Committee, Finance Committee and CCLM
- 17. Composition et mandat du Conseil, du Comité du programme, du Comité financier et du Comité des questions constitutionnelles et juridiques
- 17. Composición y mandato del Consejo, el Comité del Programa, el Comité de Finanzas y el Comité de Asuntos Constitucionales y Jurídicos
- 18. Amendments to the FAO Constitution and General Rules of the Organization
- 18. Amendements à l'Acte constitutif et au Règlement général de l'Organisation
- 18. Enmiendas a la Constitución de la FAO y al Reglamento General de la Organización
- Increase of Council Seats
- Accroissement du nombre des sièges du Conseil
- Aumento del número de puestos del Consejo
- Composition of the Programme Committee and Finance Committee
- Composition du Comité du programme et du Comité financier
- Composición del Comité del Programa y del Comité de Finanzas

CHAIRMAN: Distinguished Delegates, I should like to acknowledge most sincerely the honour you have accorded me and my country by electing me as Chairman of this Commission. I shall endeavour to ensure that the work of the Commission is successful.

I should also like to express my congratulations to the four Vice-Chairmen of the Commission, Ambassador Valdes of the Philippines, Mr. El Dalati of Syria, Mr. Landymore of the United Kingdom, and Ambassador La Corte of Venezuela. I must thank them for agreeing to serve on this Commission and I look forward to fruitful collaboration with them.

Furthermore, I should like to propose as Rapporteur of our Commission Mr. Parves Masud of Pakistan. As you know, he has made valuable contributions to FAO meetings and has had an opportunity of following the items under discussion at the earlier session of the Council. If he is available, I will ask him to take up his position as Rapporteur and, on behalf of the Commission, I thank him for having accepted this burden.

S. KRONVALL (Sweden): It is my pleasure, on behalf of the Swedish delegation, to second the nomination of Mr. Parves Masud of the Pakistan delegation as Rapporteur of this Commission. I am convinced that Mr. Masud's long experience in FAO activities and his high personal qualifications will contribute to a successful outcome of the work of Commission III.

I therefore wholeheartedly support the election of Mr. Masud as our Rapporteur.

I. HAKIM (Indonesia): My delegation would also like to support the nomination of Mr. Masud as our Rapporteur. We know Mr. Masud very well here in FAO from his activities during our sessions and at various meetings. We are sure he will fulfill the task we have asked of him, and therefore we wholeheartedly support the nomination of Mr. Masud.

CHAIRMAN: If no other delegation wishes to take the floor I take it that the appointment of Mr. Masud as Rapporteur of this Commission is unanimously agreed.

Applause

Applaudissements

Aplausos

CHAIRMAN: At this stage, I want to limit my remarks to the first two items before us, Item 17, the Composition and Terms of Reference of the Council, Programme Committee, Finance Committee and CCLM, and Item 18, which is Amendments to the FAO Constitution and General Rules of the Organization.

As you know, these two items are very closely interrelated, since most of the issues discussed under Item 17 will eventually necessitate amendments of the FAO Basic Texts. In order to avoid duplication of discussions, I would therefore suggest taking Items 17 and 18 together, and discussing the substantive points one by one in each case, carrying through until we agree on the required amendments before taking up the next point. In this way I hope we can save some time and energy.

As you will have noticed from the Journal of the Conference, the first point is the increase in Council seats. We have to give priority to this point to enable the Conference to elect the Council members at the Twentieth Plenary Meeting on 28 November. This requires an amendment to the Constitution and if we can reach agreement on this point today, which I hope we shall, the first part of the report on this limited subject can be ready for adoption by this Commission tomorrow morning. Once we have disposed of this priority question, we can move to the next point on the Agenda, Items 17 and 18. For the time being, however, I invite you to concentrate your attention exclusively on the question of the increase of Council seats on which we must reach an early decision.

The relevant documents before you are C 77/LIM/13, page 2, paras. 208-211 and the Conference Resolution in document C 77/LIM/13-Sup.1, Appendix A, both of which are extracts from the report of the Seventy-First Session of the Council.

I now invite the Legal Counsel to introduce the subject.

LEGAL COUNSEL: As you already stated, Mr. Chairman, the question the increase in the number of Council seats is dealt with in documents C 77/LIM/13 and C 77/LIM/13-Sup.1. The first document sets forth the proposal of the Council and the second document contains a draft Conference resolution designed to give effect to that proposal.

It will be recalled that the Conference, at its last session, adopted Resolution 3/75, paragraph 9, which requested the Council "to embark as soon as possible on a study of the composition and terms of reference of the Council, the Programme Committee, the Finance Committee and the CCLM".

In order to give effect to this request, the Council at its post-Conference session two years ago established a working party which considered, among other things, the number and distribution of seats of the Council. The report of the ad hoc Committee which was submitted to the Council at its Seventy-First Session in June of this year set forth various alternative proposals ranging between the possibility of maintaining the Council at its present size and that of increasing its size by adding as many as eleven seats.

On the one hand, emphasis was placed on the need to keep the Council to a manageable size in order to retain efficiency. On the other hand, it was recognized that the increase in the Organization's membership since 1973, when the number of seats had been fixed at 42, called for a limited increase in the size of the Council and that there was a need for improving the geographical representation of certain regions, especially that of Africa. Accordingly, the majority of the members of the Council agreed on an intermediate solution whereby the number of seats would be increased by seven, thus bringing the total membership of the Council to forty-nine. It was also agreed that three additional seats should be allocated to Africa, and one each to Asia and the Far East, to Europe, to Latin America and to the Near East.

If the Conference were to endorse that proposal, it would be necessary to amend Article V, paragraph 1 of the Constitution and Rule XXII, paragraph 1 (b) of the General Rules of the Organization. The proposed amendment to the Constitution has been duly circulated by the Director-General to all Member Nations within the notice period required under Article XX of the Constitution.

The draft resolution set forth in Appendix A of document C 77/LIM/13-Sup.1 has been reviewed by the Resolutions Committee of the Conference as far as its form is concerned, and I understand that no

modifications have been proposed by the Resolutions Committee. The next consideration by the Resolutions Committee is in document C 77/LIM/33 which has been circulated this morning. It is identical with the text appearing in document C 77/LIM/13-Sup.1.

I. MOSKOVITS (Malta): This is the first opportunity for my delegation to speak in this Commission, and first of all we would like to congratulate you, Mr. Chairman, on your election as Chairman, and also to congratulate the Vice-Chairmen. We would like to express our great satisfaction that Mr. Masud will be the Rapporteur of the Commission.

May I recall that it was the delegation of Malta which, at the Seventeenth and also at the Eighteenth Session of the Conference, asked that a thorough investigation be made into the composition, functions and role of the Council.

The paper before us gives the result of the work of the ad hoc Working Party adopted in full by the Council. This delegation accepts the Council's proposals and the modifications to the Constitution which are necessary in this regard, in part as to the increase of Council seats. Nonetheless we regret to say that this solution resolves only part of the problem as we see it and does not give full satisfaction to the problem before us.

When we made our proposals we hoped that not only the number of Council seats would be examined by the Council and its Working Party but also that the structural changes that we feel are needed to make the work of the Council more effective and efficient would give an opportunity to foster real collaboration among all the Member Nations to this Organization, as requested by Conference Resolution 3/75.

The Conference also expressed its hope that the solution that will be reached before the Nineteenth Conference will solve the problem permanently and once and for all. I think nobody among us here thinks that the solution we are adopting now is a permanent solution, but as I told you, we accepted it as an intermediary solution and hope that the question will be re-examined. I am wondering if this Commission wishes perhaps to propose to the Conference that the work started by the ad hoc Working Party and the Council should be continued in the following biennium or perhaps later.

J. BERTELING (Netherlands): Increasing the number of Council seats seems a logical consequence of the interests of countries to be elected to the Council. It seems to me the Council is very important. However, the effectiveness of the Council might very well decrease by increasing the number of seats. My delegation is of the opinion that FAO is a very important Organization that should organize its work as effectively as possible. We therefore would prefer the smallest possible increase of zero seats, but we could accept the proposed increase.

R. SALMI (Finland): Mr. Chairman, please allow me on behalf of the Nordic countries - Denmark, Iceland, Norway, Sweden and Finland - to congratulate you on your election to the Chairmanship of this Commission. We are confident that under your leadership the Commission will succeed in its task.

As to the question of increasing the number of seats in the FAO Council, the problem of maintaining the desired amount of efficiency in the Council's work has been put forward on a number of occasions, and rightly so. It cannot be denied that there are some disadvantages connected with the increase in the number of seats in the Council. However, these disadvantages can rightfully be considered as necessary evils related to the growth of an international organization. None of us would like to see FAO diminish in scope or in the number of members. The proposed increase in the number of seats in the Council from 42 to 49 to which the majority of Council members have been able to agree therefore equally finds the support of the Nordic countries.

P. BYRNES (United States of America): Mr. Chairman, may I also congratulate you on your election as Chairman of this Commission and welcome as Rapporteur our friend Mr. Masud of Pakistan.

My Government has traditionally thought that in the interests of efficiency and effectiveness the Executive Bodies of the various agencies should be as small as possible. Nevertheless we recognize that the increased size of membership, particularly in the African Region, and the desire of all members to participate in the important work of the Council. Therefore, we agree to increasing the size of the Council from 42 to 49. We support the proposed Resolution and the necessary amendment to our Constitution.

M.A. MAKKI (Saudi Arabia) (interpretation from Arabic): Mr. Chairman, I also wish to congratulate you and the Vice-Chairmen on your election and I am sure that under your guidance the work of this Commission will arrive at positive results.

With respect to the item under scrutiny we are, of course, very much in favour of the increase of the number of seats in Council because we think many countries, particularly African countries who recently acceded to independence and joined the Organization a short time ago, would be unfairly treated if not represented on the Council. We also agree with the proposal made by the delegate of Malta to have this matter resumed again in the future and that the solution be not regarded as definitive, final and permanent. We therefore agree with the increase from 42 to 49 in the number of seats on the Council and accept the amendments consequent to it.

J.S. CAMARA (Guinée): Je tiens tout d'abord à joindre ma voix à celles des délégations qui m'ont précédé pour vous présenter toutes nos félicitations à vous comme aux Vice-Présidents, ainsi qu'à notre ami et collègue Masud, qui va être notre rapporteur.

Concernant ce point spécifique, nous tenons à réaffirmer, même si nous donnons notre accord à la proposition du Conseil, notre insatisfaction pour la région africaine et, partant de là, nous pensons que nous ne sommes pas au bout de nos peines et que ce problème doit rester ouvert comme l'a proposé le délégué de Malte. Donc, ma délégation appuie la proposition de Malte, à savoir que le groupe de travail et le Conseil poursuivent leur tâche pour que des propositions beaucoup plus équitables soient trouvées pour la composition du Conseil, car, malgré la proposition du Conseil et ses recommandations, il se trouve que la région africaine est toujours défavorisée par rapport aux autres régions. Nous sommes, certes, pour l'efficacité du Conseil; nous avons toujours dit que le Conseil doit être un instrument efficace au service de la FAO, mais cela ne doit pas empêcher une représentation plus équitable de toutes les régions au sein du Conseil, car l'Acte constitutif même de la FAO le dit, tous les Etats doivent participer aux activités de la FAO et, en tant que telle, notre région doit pleinement participer, parce que c'est une des régions où se posent avec le plus d'acuité les problèmes alimentaires. C'est pour cela que nous estimons que nous devons être mieux représentés que nous ne le sommes aujourd'hui.

Les trois sièges qui sont donnés à la région africaine, nous nous y rallions, mais nous ne sommes pas satisfaits et nous souhaitons que cela soit mentionné dans le procès-verbal de cette session; ce n'est pas une satisfaction car en tenant compte de la répartition actuelle et de la répartition proposée, toutes les régions vont bénéficier d'un siège, et proportionnellement, pour l'Afrique ce n'est pas trois sièges mais cinq que nous aurions du avoir pour pouvoir être au même niveau que les autres régions. Nous pensons que tout en nous ralliant à cette proposition, le groupe de travail doit poursuivre sa tâche pour qu'à la prochaine session de la Conférence générale il y ait équité entre toutes les régions.

J. L. TOFFIN (France): Permettez-moi tout d'abord de vous féliciter à mon tour de votre nomination comme Président de cette Commission et de vous dire que nous sommes également fort heureux d'avoir comme rapporteur notre collègue M. Masud du Pakistan.

La délégation française approuve l'augmentation proposée du nombre des membres du Conseil. Elle estime que cette augmentation correspond en fait à l'augmentation du nombre d'Etats Membres de l'Organisation au cours de ces dernières années, et que d'autre part cette augmentation reste modérée, et qu'elle a ainsi l'avantage d'améliorer d'une part la répartition géographique au sein du Conseil, notamment pour la région africaine et même si cette répartition pourrait encore jouer davantage pour cette région, il y a tout de même un progrès, et en même temps nous considérons que les effectifs du Conseil tels qu'ils sont désormais fixés restent dans une ligne raisonnable pour permettre un travail efficace.

Aussi bien, ma délégation confirme son accord à la réforme proposée et aux amendements constitutionnels auxquels cette réforme va donner lieu.

CHANG SHIH-CHAN (China) (interpretation from Chinese): As the membership of FAO has been expanded in recent years, it is necessary to increase the number of seats on the Council. The proposal submitted to the Conference on this subject has made it possible to provide new opportunities for Third World countries for work in this Organization. Therefore, the Chinese delegation supports this proposal.

S.H. AL-SHAKIR (Iraq)(interpretation from Arabie):On behalf of the Iraqi delegation we wish to congratulate you on your appointment to the Chair of this Commission and also the Vice-Chairmen and our Rapporteur.

We have followed very carefully the amendments proposed by the Commission and by the Council. And the amendments before us, although they are limited in scope, nevertheless provide a great opportunity for a more equitable distribution and greater contribution in the work of the Council.

The increase in membership of the Council is due to the many countries who recently acceded to independence, particularly in the African region, and also to the highly complex nature of FAO and its increased responsibilities, particularly in the future, and it is in view of this that our delegation supports the proposal to that effect.

L. LAPEBY (Gabon): Je voudrais joindre ma voix à celles des orateurs qui m'ont précédés pour vous féliciter de votre élection au poste de Président de cette Commission et féliciter les Vice-Présidents. Je suis très heureux que M. Masud ait été choisi pour jouer le rôle difficile du rapporteur de notre Commission.

Il est important, compte tenu de l'augmentation du nombre de pays membres au sein de notre Organisation, que conjointement le nombre de sièges au Conseil augmente.Cependant, si l'on se réfère aux termes mêmes de la Constitution de notre Organisation, il reste quand même que la solution qui nous est pro-posée n'est pas encore équitable, non seulement entre les régions, mais je dirai même au sein des régions car il serait bon que tous les pays puissent participer aux activités du Conseil qui est l'organe directeur de notre Organisation.

C'est pourquoi je joins ma voix à celle du délégué de Malte et je voudrais souhaiter que la solution qui nous est proposée actuellement ne soit pas la solution définitive, mais que le groupe de travail continue et s'efforce de trouver une solution plus juste et plus équitable qui puisse satisfaire non seulement les aspirations des différents groupes de ce monde mais aussi les changements que notre Organisation connaît et aider en quelque sorte à rétablir un équilibre qui a existé mais qui n'existe plus du fait de l'augmentation du nombre d'Etats Membres de notre Organisation.

G.K. MBURATHI (Kenya): My delegation would like to take this opportunity to add our congratulations to you for being elected as the Chairman of this Commission. We are confident that you will deliver our deliberations to good final conclusions .We would also like to congratulate your Vice-Chairmen and the Rapporteur of the Commission.

The Kenya delegation has followed the deliberations of the Council in reviewing the number of seats to the Council for the previous biennium. While we support the increase in the number of seats from 42 to 49 we would like to re-emphasize or reiterate what has already been said particularly by the delegate of Malta that this should be a temporary solution. We say this in the light of the fact that in our region, Africa, not every country is in a position to be in the same fora as we are, that is not every nation in Africa is yet free.Therefore the balance of representation has to be continuously reviewed by the Council with a view to maintaining a proper regional balance in the Council. This is the only way that we can expect effective participation by all regions. Therefore I would like to say again that we support the raising of the number of seats from 42 to 49, and further proposed amendments to the FAO Constitution and the General Rules of the Organization.

T. HAYAKAWA (Japan): First of all I would like to congratulate you on your election as Chairman of this Commission and our distinguished representative from Pakistan as Rapporteur.

In respect of the proposed amendment, the increase in the numbers of the Council, our delegation has expressed the view through various opportunities that the number of seats of the Council should be limited to the smallest possible in order to maintain the effectiveness of the work of the Council. But in view of the increase of the member countries of FAO we think that the proposed increase in seats from 42 to 49 is a justifiable one and so our delegation would like to support this proposed amendment.

H. BAEYENS (Belgique): Je vous adresse, tout comme les orateurs précédents, mes félicitations pour votre élection et je félicite M. Masud pour sa désignation comme rapporteur.

Toute solution à un problème doit nécessairement être le résultat d'un compromis et lorsqu'on dit "compromis", on dit aussi qu'aucun des partenaires n'est vraiment satisfait de la solution. Néanmoins, nous avons examiné en Belgique la solution qui est proposée ici pour ce qui est du nombre de sièges du Conseil. Nous avons évalué les avantages et les inconvénients et je suis en mesure de donner l'appui de ma délégation à la résolution qui nous est proposée.

Miss F. JAWHAR HAYAT (Koweït) (interprétation de l'Arabie): Thank you, Mr. Chairman. We congratulate you on your election and we extend our congratulations to Mr. Masud for his election as Rapporteur of this Commission. We would like to express our support concerning increasing the number of seats of the Council, this is to give a chance to the new members who joined this Organization at its Nineteenth Session.

Il est donc naturel que le nombre de sièges devrait être augmenté pour accroître l'efficacité du Conseil et souligner l'équité de la répartition régionale. Nous appuyons également la proposition du délégué de Malte que cette solution soit temporaire.

J. CHAMI (Liban): Je suis très heureux de me joindre aux orateurs qui m'ont précédé pour vous féliciter à l'occasion de votre élection à la présidence de cette Commission. Cette Commission discutera de points très importants. Je félicite également mon ami M. Masud.

Notre délégation a participé aux réunions du groupe de travail chargé par le Conseil d'étudier diverses questions concernant l'Acte constitutif et le Règlement général de l'Organisation et je voudrais ici exprimer notre appréciation et nos remerciements au Président du groupe, M. le délégué de France, qui a permis à ce groupe de travail, en dépit des points litigieux et des discussions difficiles, d'arriver au résultat qui est actuellement soumis au Conseil, en juin dernier, et qui a reçu son approbation unanime.

Je ne rentrerai pas dans des discussions de toutes les questions soulevées, mais je me limiterai ce matin à la question relative à l'augmentation des sièges du Conseil. En conformité avec l'esprit d'équité et l'amélioration de la représentation géographique, notre délégation appuie l'augmentation proposée et nous ne nous opposons pas à ce que le groupe de travail poursuive sa tâche à l'avenir pour modifier le nombre de sièges dans l'intérêt général de la FAO.

J.O. ALABI (Nigeria): My delegation joins the others in congratulating you on your election.

We wish to support the proposed increase in the number of seats from 42 to 49 in order to improve the geographical distribution of seats on the Council. We note, however, that Africa still has not got enough seats for the 38 member countries in Africa. There will now be only eleven seats. Compared with other regions this number of seats is still insufficient. We, however, accept this increase and like Oliver Twist ask for more in the future.

D. VUJICIC (Yougoslavie): First of all I would like to congratulate you and the Vice-Chairmen on being elected to lead our discussions in this Commission. Also it is my special satisfaction to congratulate the very able representative and my good friend Mr. Masud of Pakistan, who has been elected as Rapporteur to this Commission.

My delegation, as all the others so far, would like also to render its full support to the proposal of the Council and the Working Group which was established two years ago for enlargement of the Council seats from 42 to 49 and for the regional distribution of these new additional seven seats. This will give the possibility for a more equitable regional and geographical distribution of the seats and better representation of various views and positions of countries of this Organization. We would also like to state that we share the view and the concern of the delegate of Malta concerning the proposals which concern the work of the Council. The Commission or Working Group which was given terms of reference by the Conference and the Council two years ago was much wider than the suggestions that we have received from this Group and the Council. Practically in this matter only the problem, at least

temporarily, of the number of seats and distribution of seats has been solved but the terms of reference, of the Council meant that the work of the Council practically has not been discussed or only touched by this Working Group and this is why we are of the opinion that the Conference should request the Council and to propose the method and provisions how to continue this work so that before the next Conference or for the next Conference we get also those suggestions concerning the terms of reference which have already been in the Working Group which worked for the last two years. It is to give us proposals on terms of reference, method of work, improvement of work of the Council, of this Council Commission, the Programme Committee, the Finance Committee and so on.

SANG WOO PARK (Korea, Rep. of): First of all, Mr. Chairman, on behalf of my delegation I would like to associate ourselves with other speakers in congratulating you on your election to the Chairmanship of this Commission.

Concerning the matter under discussion, my delegation regards it as necessary and desirable to increase the number of seats on the Council, because the number of member countries of this Organization has increased and because the enlargement of the Council would give more opportunities to participate in important decision-making of FAO to a greater number of countries; therefore my delegation strongly supports the Resolution.

Miss L. NAVANI (Thailand): Mr. Chairman, may I join previous speakers in congratulating you on your election of this Commission, as well as the Vice-Chairmen and the Rapporteur, Mr. Masud.

My delegation is of the opinion that it is most appropriate at this stage to increase the number of Council seats from 42 to 49, to be in line with the increased membership of the Organization; therefore my delegation would like to confirm with satisfaction our support for the proposal and the amendment put before us.

W.A.F. GRABISCH (Germany, Fed. Rep. of) (interpretation from German): Mr. Chairman, my delegation also would like to congratulate you on your election as Chairman of this important Commission and also to congratulate the Vice-Chairmen.

My delegation, too, accepts the proposals made to us. As regards the proposal made by the delegate of Malta, that the ad hoc Working Group should continue its deliberations on the Council's composition and method of work, we have some difficulty. As we all know, the last round of discussions took a considerable time and what we now have before us is a compromise, as the delegate of Belgium said, and I do not suppose anybody is really happy about it. If, however, Member States wish this group of questions to be taken up again and discussed further, then in the view of my delegation such discussions should take place in the Council itself, so that the maximum number of member countries could take part in the discussion, and not in a special ad hoc Working Group.

M. EL FADHEL KHELIL (Tunisie) (interpretation de l'arabe): Etant donné que je prends la parole pour la première fois dans cette Commission, permettez-moi de joindre ma voix à celle de ceux qui ont pris la parole avant moi et cela afin de vous féliciter ainsi que les Vice-Présidents, de votre élection.

Je voudrais également remercier le Groupe de travail qui a étudié les questions, notamment la question d'une augmentation du nombre des sièges au sein du Conseil. Ma délégation appuie les propositions présentées car cela implique l'augmentation du nombre des pays membres dans l'Organisation. Nous pensons que le Groupe de travail devrait continuer à étudier ces questions afin qu'une représentation plus équitable et une répartition géographique également équitable soient le résultat de ces travaux.

Nous pensons que cela apportera aux travaux du Conseil quelque chose de plus efficace et de plus positif. Nous pensons également que l'élargissement du Conseil permettra aux résolutions et aux décisions prises par le Conseil d'être plus représentatives.

S.M.L. MARIKAR (Sri Lanka): Mr. Chairman, let me on behalf of Sri Lanka congratulate Mauritius and Pakistan on their elevation to high office in this Commission.

Sri Lanka was Chairman of the Asian Group at the time this matter was taken up in the Working Party and, together with India, represented the Asian Group on the Working Party on the Reconstitution of FAO Bodies. It was our opinion that there should be due recognition of the fact that the population of the Asian region far outweighs that of all other regions put together. In addition it seems as if all problems of poverty and underdevelopment are concentrated in that region. That is not to deny the fact that other regions have problems. We were therefore very happy when in the Working Party and later in the Council we were able to come to some sort of compromise. Forty-nine reflects a delicate balance of interests. We support it, and although we are not, like many other people, particularly satisfied, we can go along with it. Who is satisfied with a compromise? We all have doubts in the end.

B. SAMANEZ CONCHA (Perú): En primer lugar, quiero aunar mi voz a la de los otros oradores para felicitar a usted y a los Vicepresidentes que lo acompañan en este importante Comité, así como al distinguido representante de Pakistán, que actuará como Relator de nuestras labores.

En cuanto al tema, quisiera expresar que apoyamos el proyecto de enmienda a la Constitución para que se incremente el número de puestos de 42 a 49, pero al mismo tiempo, quiero expresar mi apoyo a la posición formulada por el distinguido representante de Malta, con las ampliaciones que han sido presentadas por los distinguidos representantes de Gabon, Kenya y Yugoslavia.

M.A. BENDJENNA (Algérie): Je voudrais tout d'abord vous féliciter pour votre élection à la présidence de cette Commission. Mes félicitations s'adressent aux Vice-Présidents ainsi qu'au rapporteur.

En ce qui concerne l'objectif de notre discussion, notre délégation pense, étant donné que notre Organisation prend de plus en plus d'ampleur et qu'elle tend vers l'universalité, que l'augmentation du nombre de sièges du Conseil devrait être plus importante afin de permettre une représentation géographique plus équitable en laveur de l'Afrique. Cependant, dans un esprit de conciliation, ma délégation appuie cette première phase de l'augmentation proposée par le Conseil, tout en soulignant qu'il faut continuer à chercher d'autres solutions pour permettre à toutes les régions d'être représentées plus équitablement. Pour terminer, je fais mienne la proposition exprimée par la délégation de Malte, qui a été également appuyée par d'autres délégations.

A.B. WILLIAMS-BAFFOE (Ghana): I congratulate you, Mr. Chairman, on your election to the Chairmanship of this Commission. I should like to add the voice of my delegation to those of previous speakers in supporting the additional seven seats on the Council, thus bringing the total to 49. It should, however, be appreciated that the continent of Africa is not yet represented adequately in the geographical distribution of the Council. We would therefore hope that adequate provision will be made when the time comes.

A.F. CHOWDHURY (Bangladesh): Allow me, Mr. Chairman, to congratulate you on your election as Chairman of this Commission, and the Vice-Chairmen also. We also congratulate Mr. Masud of Pakistan on his election to the office of Rapporteur.

My delegation supports the increase in the number of seats on the Council from 42 to 49. I do not wish to dilate upon the reasons for that support - they have already been amply and ably expressed by other delegations - but my delegation takes note of the anxiety of the delegates of Malta and Kenya regarding the solution of the problem of proper representation of the African continent. No solution is permanent. This solution which we are discussing today is on the basis of today's position of the total membership of FAO. In the course of time, when the membership is further increased, I think this question may be raised again.

K. ARIKAN (Turkey): First of all, Mr. Chairman, I should like to join other delegates in congratulating you and the Vice-Chairmen on your election to office and also to express our great pleasure at the election of Mr. Masud, delegate of Pakistan, as Rapporteur. We are confident that your able guidance will contribute greatly to the successful completion of the work of this Commission.

My delegation supports the proposed increase in the number of Council seats. We believe that the time which has elapsed since the creation of the Council justifies the addition of seven seats to the Council.

P. CELAN (Roumanie): Permettez-moi d'abord de vous féliciter, au nom de ma délégation, pour votre élection à la présidence de cette Commission, ainsi que les Vice-Présidents. Je suis heureux d'avoir M. Masud comme rapporteur.

Je désire confirmer la position de mon pays, qui approuve l'actuelle proposition visant à l'augmentation du nombre de sièges au Conseil, de 42 à 49. Mais en même temps, nous nous prononçons toujours pour qu'une représentation géographique équitable soit réalisée et nous considérons que l'actuelle solution doit faire l'objet d'une analyse future afin d'arriver à une révision équitable, au sein du Conseil, de toutes les régions.

E. DIAZ BUSTABAD (Cuba): En primer lugar lo felicitamos a usted por su elección y al resto de la Mesa que lo acompaña.

Estamos de acuerdo con el aumento del número de puestos del Consejo y consideramos que se toma en cuenta el aumento de los países que han ingresado en la Organización. Por tanto, apoyamos la propuesta de aumento del número de puestos de 42 a 49 y por consiguiente estamos de acuerdo con el proyecto de resolución que se nos presenta. Por otra parte, nos parecen muy justas las demandas de la región de África, de que se mantenga el Grupo de Trabajo funcionando, sobre todo si se toman en cuenta los países que se liberan y pasan a formar parte de la Organización y que pertenecen a esta región.

E.K. PORTE (Liberia): Mr. Chairman, the Liberian delegation would like to join the rest of the speakers in congratulating you and your officers on your election in this Commission.

We join other delegates who have supported the increase in the number of Council members and the resolution before the Commission.

M.S. ZEHNI (Libya) (interpretation from Arabic): On behalf of my delegation I would like to congratulate you, Mr. Chairman, on your election. I also congratulate Mr. Masud on his election as Rapporteur.

I entirely support the increase in the number of Council members. I too would wish for fairer geographical distribution. I think the work should be carried on in order to find a better solution.

E. DOUEK (Israël): Tout d'abord, je désire joindre ma voix à celle des autres orateurs afin de vous féliciter pour votre élection à la présidence de cette Commission.

Etant donné que nous croyons que le Conseil est un instrument important pour la bonne conduite des travaux de l'Organisation, ma délégation approuve son élargissement et l'augmentation du nombre des sièges en son sein; ceci afin que les pays membres soient mieux représentés.

Nous estimons aussi que la proposition n'apporte pas une solution concrète au problème; c'est pour cela que nous pensons qu'il faut considérer la proposition de la délégation de Malte.

RAMADHAR (India): Mr. Chairman, I would like to join earlier speakers in congratulating you, and also our friend from Pakistan, Mr. Masud, on his appointment as Rapporteur.

Along with Sri Lanka, we were on the Working Party and a number of alternatives were placed before it. After a great deal of deliberation the alternative of increasing the Council seats from 42 to 49 was recommended. As mentioned by the delegate of Sri Lanka, we are not very happy with this proposal, particularly in view of the large population of Asia and the Far East, where the problem of hunger, poverty and malnutrition looms large. But in order to finalize this, we went along with it. My delegation will go along with this suggested increase from 42 to 49, and further suggests that if this question is re-opened, the large populations in this particular region should be kept in view.

I. HAKIM (Indonesia): My delegation's task is made easier by the statement of the delegate of Sri Lanka and that of my colleague from India. We would also like to support the view that my region - and I mean Indonesia - is not satisfied with the decision to increase the number of Council seats from 42 to 49. However, as stated before, we can go along with the resolution recommended by the Council. Therefore, we would also like to stress again that while we regard the number of countries as important, at the same time the size of the population should also be taken into account when deciding on the seats for the Council so that the world can really be fully represented in it.

On the second point, with regard to the continuation of the Working Party, my delegation is flexible. However, if - and I say "if" - it is to be continued we should also like one matter to be looked into. That is the geographical distribution of the seven regions in FAO. We think that the countries in the region should be kept open so we have a fair distribution in each of the seven regions or however many regions - seven or eight. I do not know which region but the region should be reflected and the countries in that region should be fully represented.

Having made this point, we support the resolution recommended by the Council.

Sra. M. IVANKOVICH de AROSEMENA (Panamá): La delegación de Panamá desea unirse a las delegaciones que lo han felicitado, por su elección como Presidente de esta Comisión. También felicitamos a los Vicepresidentes y al Sr. Masud, de Pakistán.

La delegación de Panamá considera que el incremento del número de miembros de la Organización y la necesidad de mejorar la representación geográfica de algunas regiones, son motivos que justifican el incremento de los puestos en el Consejo de la FAO. Por lo tanto, apoyamos el incremento de siete puestos, elevando el número de miembros a 49; sin embargo, consideramos que el Grupo de Trabajo debe seguir estudiando este tema de manera que todas las regiones estén debidamente representadas en el Consejo de la Organización.

E. SAENZ (Colombia): Queremos en primer termino unirnos también a las voces de felicitación por su elección como Presidente de esta reunión, así como a los Vicepresidentes y al Relator, nuestro colega de Pakistán.

Hemos tomado la palabra para unirnos igualmente y prestar nuestro asentimiento en el sentido de que estamos de acuerdo y apoyamos las enmiendas que se hacen a la Constitución para que se aumente el número de miembros del Consejo a 49.

B. de AZEVEDO BRITO (Brazil): My delegation would like to join other speakers in congratulating you and other members, and Mr. Masud, of course, on your election. We have a very effective leadership for this Commission.

As far as the subject which we are discussing is concerned, my delegation fully realizes that the proposal is a compromise and, as many before me have said, as a compromise this cannot satisfy everybody, and probably does not completely satisfy anybody. We go along with this compromise for an increase from 42 to 49, because we feel at this stage it is the only possible thing to do. On the other hand, we agree that the search for a totally satisfactory solution should continue if it can be found. Therefore, we go along with the proposal made by the delegation of Malta.

In the light of that we would like to stress that there are two regions grossly under-represented in the FAO Council: Africa and Latin America are both very badly represented, taking into account the number of countries. There is also another factor. There are two regions which are over-represented and I do not need to indicate which two they are. But perhaps it is better to spell it out since we have records. They are the North American region and the Southwest Pacific. I think a correction has to be made there in favour of taking into account two regions grossly under-represented and two regions grossly over-represented. I very much hope that future work on this issue will take into account my observations on this point.

A. MARQUINA (Venezuela): La delegación de Venezuela expresa, igualmente, su felicitación a usted, señor Presidente, por haber sido elegido para presidir esta Comisión, así como a los Vicepresidentes y al Relator, señor Masud.

Venezuela apoya la proposición de incremento del número de siete para elevarlo a 49 miembros.

S. DOSSOU (Bénin): Permettez-moi d'emboîter le pas aux autres délégations en vous félicitant pour votre brillante élection à la tête de notre Commission ainsi que pour exprimer nos félicitations aux autres membres du bureau de cette Commission.

Au nom de la République populaire du Bénin, j'appuie la proposition visant à accroître le nombre des membres du Conseil à 49. Il est vrai que dans cette Organisation nous avons toujours noté que la majorité arithmétique n'a jamais joué et qu'il n'est pas décent non plus que ce soit la majorité des puissants et des bailleurs de fonds qui l'emporte. C'est pourquoi j'estime que cette solution ne peut être, comme l'ont déjà souligné les délégués de Malte, de Guinée et du Nigeria, que provisoire, car même si l'on voulait s'en tenir à la majorité du groupe, pour ne pas le nommer, de Genève, nous arriverions à une représentation de quelques membres seulement si on doit tenir compte des fonds donnés. Si l'on devait tenir compte des populations pour la représentation au Conseil, on aboutirait à avoir quelques Etats détenant le quart de la population du monde. C'est pourquoi la seule solution valable est la répartition géographique et régionale sur la base du nombre d'Etats Membres et je constate qu'à l'heure actuelle, sur 144 membres, l'Afrique compte 38 Etats et c'est pourquoi nous estimons que sa représentation au Conseil est insuffisante.

Nous appuyons donc la résolution qui nous est soumise avec les réserves suivantes: c'est une solution provisoire et nous espérons que les prochaines réunions de nos assises iront plus loin.

I. OROZCO GUZMAN (México): Permítanos a nosotros también sumarnos a la felicitación por su elección para presidir nuestra reunión e igualmente nos complace la designación como Relator de esta Comisión de nuestro distinguido amigo Masud.

Examinamos por el momento un aspecto solo del informe que ha presentado el Grupo de Trabajo al Consejo y, desde luego, percibimos que por limitación del tiempo no fueron aportados otros aspectos que tienen relación con el problema que examinamos. Mi delegación es miembro de este Grupo y así pudimos comprobarlo. No obstante nos sumamos al apoyo que ha sido expresado respecto del aumento del número de miembros en el Consejo, según ha sido propuesto por el Grupo primero y después recomendado por el Consejo.

Deseamos expresar la necesidad de que el Grupo de Trabajo haga un estudio ulterior de esos aspectos que no fueron discutidos y que tomen en cuenta la comprensible preocupación de la región latinoamericana, así como entre otras cosas la composición porcentual actual de las distintas regiones que están representadas en el Consejo, según fue expresado en forma clara por nuestro colega del Brasil.

P. ALPEN (Australia): I should like to join previous speakers in congratulating you, Mr. Chairman, on your election, and also the Vice-Chairmen. We are particularly delighted that the Rapporteur of this Commission will be the delegate of Pakistan.

I do not wish to take up the time of the Commission, but I feel it incumbent on me to exercise a right of reply to some remarks made by the delegate of Brazil. He referred to the particular region to which Australia belongs, and I think it only fair to say that if the proposals, which we support, are accepted the South-West Pacific region, which at present consists of four members and is likely to be increased as other countries accede to independence, is only represented by one member of the Council. I fail to see how this makes our region over-represented, by any form of arithmetic. I need not go into the importance of the region in the field of food and agriculture, and I will rest on this point.

I confirm again that we agree with the proposals made by the Council.

Sra. Doria A.C. BERTA DE ALBERTO (Argentina): Mi delegación desea en primer lugar asociarse a los oradores que han tomado la palabra anteriormente para felicitar al señor Presidente por su elección para dirigir esta importante Comisión. También queremos hacer extensiva esta felicitación a los Vicepresidentes y al Relator de la misma.

Con relación al aumento del número de puestos, mi país apoya el proyecto de enmienda a la Constitución, en virtud de la cual se aumenta el número de puestos de 42 a 49 en el seno del Consejo, ya que ello no es sino la consecuencia lógica del constante incremento del número de miembros de nuestra Organización, permitiendo así reflejar mejor la necesidad e inquietudes de cada uno de los países. Sin embargo, y por último, quisiéramos asociarnos a lo ya expresado por otros colegas nuestros de delegaciones latinoamericanas en el sentido de apoyar lo propuesto por el delegado de Malta, y apoyado a su vez por la mayoría de las delegaciones, acerca de la conveniencia de que el Grupo de Trabajo continúe sus funciones tratando de encontrar una solución más favorable y equitativa para todos.

M. NGA-MA (Zaire): Tout en vous félicitant de votre élection, ma délégation appuie elle aussi la proposition de porter le nombre de sièges au Conseil de 42 à 49. Toutefois, nous suggérons que les critères dont il faut tenir compte pour la répartition des sièges au Conseil soient surtout le nombre des membres de l'Organisation pour une région donnée. Pour terminer, ma délégation soutient l'idée, avancée par plusieurs délégués, qui consiste à demander que le Groupe de travail ad hoc poursuive des études dans ce domaine afin d'aboutir à une répartition équitable des sièges au Conseil.

CHAIRMAN: I am advised that the resolution will be part of the report which we will adopt tomorrow morning, so I think that concludes our deliberations of this morning.

The meeting rose at 11.10 hours

La séance est levée à 11 h 10

Se levanta la sesión a las 11.10 horas

council

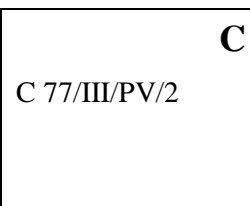
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Nineteenth Session
COMMISSION III

Dix-neuvième session
COMMISSION III

19° periodo de sesiones
COMISIÓN III

SECOND MEETING
DEUXIEME SÉANCE
SEGUNDA SESION

(19 November 1 977)

The Second Meeting was opened at 10.00 hours

S. Boolell, Chairman of Commission III, presiding

La deuxième séance est ouverte à 10 heures, sous la présidence de

S. Boolell, Président de la Commission III

Se abre la segunda sesión a las 10.00 horas, bajo la presidencia de

S. Boolell, Presidente de la Comisión III

ADOPTION OF REPORT

ADOPTION DU RAPPORT

APROBACION DEL INFORME

DRAFT REPORT OF COMMISSION III - PART I

PROJET DE RAPPORT DE LA COMMISSION III - PREMIERE PARTIE

PROYECTO DE INFORME DE LA COMISION III - PARTE I

18. Amendments to the FAO Constitution and General Rules of the Organization

18. Amendements à l'Acte constitutif et au Règlement general de l'Organisation

18. Enmiendas a la Constitución de la FAO y al Reglamento General de la Organización

- increase of Council Seats (Res...../77)

- Augmentation du nombre des sièges du Conseil (Res...../77)

- Aumento del número de puestos del Consejo (Resolución ... /77)

PARAGRAPHS 1 TO 5, INCLUDING DRAFT RESOLUTION

LES PARAGRAPHES 1 A 5, Y COMPRIS LE PROJET DE RESOLUTION

PÁRRAFOS 1 A 5, INCLUIDO EL PROYECTO DE RESOLUCIÓN

P. SAND (Secretary, COMMISSION III): There are a few corrections in the French and the Spanish texts, not in the English text. In the French text in paragraph 2 in the fourth line the word "opportune" should be replaced by the word "justifié".

Also in the French text, in the text of the resolution on page 3 the third paragraph of the resolution which starts with the word "Reconnaissant" should be changed to read "Reconnaissant qu'un élargissement limité du Conseil est justifié par l'augmentation du" and the rest is unchanged.

As to the Spanish text, in paragraph 2 of the Report, the phrase in the fourth line, "un número de miembros aceptable", should be changed to read "una composición funcional".

P. MASUD (Chairman, Drafting Committee): Distinguished, Delegates, I shall be extremely brief since my work has been aided considerably by the unanimity in this Commission with regard to the Council's proposals on the increase of Council seats.

The draft report which you have before you is short and self-explanatory. I should however draw the attention of the Commission to the draft resolution appearing on page 3 of the Draft Report which the Resolutions Committee have examined and found in order.

With this short introduction I present this first draft of the Report of Commission III

CHAIRMAN: May I now invite any comments from the floor if there are any.

B. SAMANEZ CONCHA (Perú): Tengo la impresión de que se ha sometido a consideración el informe en su conjunto tanto para aprobar los ítem. 1, 2, 3, 4, el proyecto de resolución y el ítem. 5; pero yo quisiera formular algunas observaciones al último ítem. Me refiero al ítem. 5.

En el día de ayer el distinguido delegado de Malta propuso que el Grupo de Trabajo sobre Composición y mandato del Consejo debería continuar en sus labores durante el próximo período, a fin de buscar una solución definitiva al problema sobre el número de miembros del Consejo; propuesta que fue apoyada por la gran mayoría y no hubo objeciones. Pero esto no se refleja claramente en el ítem. 5.

Por consiguiente, sugiero que al ítem. 5 se añada lo siguiente, en la parte final: "... y por consiguiente el Grupo de Trabajo sobre la composición y mandato del Consejo debe continuar estudiando el problema, con el fin de que la próxima Conferencia resuelva en definitiva esta cuestión."

E. DIAZ BUSTABAD (Cuba): Quisiéramos unirnos a la propuesta que ha presentado la delegación de Perú, porque consideramos que el resultado de nuestro debate fue precisamente ése, o sea, que no hubo oposición por ninguna de las delegaciones presentes y consecuentemente con esto proponemos que se suprima lo que aparece al inicio de este párrafo, que es: "varias de las delegaciones" y se sustituya por la de "la mayoría", o sea, "la mayoría de las delegaciones".

I. DEBARRO (Malta): My delegation is of the opinion that in paragraph 5, English version, 6th line, we should add after the word "review", "during the forthcoming biennium".

M.A. MAKKI (Saudi Arabia) (interpretation from Arabic): We have referred to the continuity of the working group in our statement yesterday and I support what the delegates have required about this addition to paragraph 5 so that we can have an equitable solution to member countries' representation in the Council. Naturally in view of the non-representation of the African countries we must see that they join the Council so as to be properly represented.

Sra. M. IVANKOVICH de AROSEMENA (Panamá): La delegación de Panamá apoya la propuesta del delegado del Perú, respaldada por la delegación de Cuba, pues consideramos que refleja el consenso a que llegó esta Comisión en el día de ayer.

S. DOSSOU (Bénin): Je prends la parole pour une question de forme. Au paragraphe 5 du texte français, à la page 4, on constate qu'au début de la rédaction de la résolution relative à l'augmentation du nombre des sièges du Conseil, on dit, "La Conférence, rappelant, considérant, reconnaissant, ..." puis, plus loin, "décide d'amender", etc. Ensuite encore, "décide que trois sièges" et, à la fin, on lit "tout en se déclarant".

Je pense que normalement c'est la Conférence qui prend une décision, qui prend note de ce qu'une certaine délégation, tout en se déclarant favorable, etc. Je ne vois pas la liaison entre cette brutale scission entre les décisions prises par la Conférence et le paragraphe 5 de la page 4 qui dit "Tout en se déclarant" ... Si c'est une décision de la Conférence, on devrait dire, "La Conférence prend note de ce que certaines délégations, etc. " .

I. HAKIM (Indonesia): Although I do not have the proposals made by the distinguished delegate from Peru, I hope that the Rapporteur has got it. I would just like to add to the proposals made by the delegate from Peru, where he mentioned that the working party should continue to study the problem, then you should insert "taking fully into account the deliberations taking place during the Conference".

LEGAL COUNSEL: I think there are certain legal and constitutional problems which arise in connection with the proposal made by the distinguished delegate from Peru, supported by various other delegates. The Working Party was established by the Council at its post-Conference session two years ago. The Chairman, Mr. Bula-Hoyos, was requested to undertake consultations with Members of the Council in order to determine the composition of the Working Party equitably representing the various regions. This the Chairman did and he finally constituted the Working Party as he had been authorized to do by the Council. However, that Working Party was of an ad hoc nature and its term would come to an end by the end of the term of the Chairman of the Council. It was an arrangement which was very much geared to the Chairman of the Council. However, the main difficulty arises from the fact that the Working Party was composed of Members of the Council.

The Council membership changes at the end of the year; therefore, the composition of the Working Party would have to be reviewed by the Council in any event to take into account the changing membership of the Council.

Thirdly, I think that it is in accordance with established custom to entrust the Council with the task of studying a question, possibly by establishing a Working Party, but it is the Council that has authority to establish a Working Party under the General Rules of the Organization, in particular Rule XXV.10 of the General Rules. I believe therefore that a slightly more flexible formula might be considered by the Conference, such as:

"by way of establishing a Working Party to study the question" or something along those lines.

CHAIRMAN: In the light of the explanation given by the Legal Counsel, who pointed out some of the procedural problems, would Members of the Commission still insist on the proposal made by the delegate of Peru, or should we alter the paragraph in the light of the explanation given by the Legal Counsel?

B. SAMANEZ CONCHA (Perú): He escuchado atentamente lo expresado por el Dr. Boolell y las razones que ha expuesto son valederas, pero debemos tomar en cuenta que la Conferencia es el órgano máximo de la Organización y ya tomo conocimiento en período anterior, tal como se expresa en el párrafo 1º, de la creación del Grupo de Trabajo. Si bien es cierto que la composición del Grupo de Trabajo puede variar por la renovación que se va a efectuar entre los miembros del Consejo, yo creo que es muy fácil superar el impasse y la propuesta que había presentado a la luz de las observaciones del Asesor Legal podía modificarse en la siguiente forma: "Y por consiguiente, el Consejo o un grupo de trabajo creado por este debe continuar el estudio del problema con el fin de que la próxima Conferencia resuelva en definitiva esta cuestión."

Y me adhiero, aprovecho para adherirme, a lo manifestado, creo que ha sido por el distinguido delegado de Indonesia, que este problema sea resuelto a la luz de las discusiones y lo tratado en el seno de esta Comisión.

P. MASUD (Chairman, Drafting Committee): While trying to be brief, I thought I had covered everything but apparently there are one or two aspects which need to be looked at again.

As regards the proposal of the delegate of Cuba, I would gladly go along with the suggestion that it should be "a majority of delegations to the Conference." I hope that would be acceptable to the delegate of Cuba. It would also look after the concern expressed by the delegate of the People's Republic of Benin. This would include mention of the Conference, so it would be in line with his wishes.

As regards the proposal of the delegate of Peru, as we are all aware, there is no final solution to this problem of increasing the number of seats because two years from now, when the next Conference meets, the situation may still warrant further examination; therefore, to demand that we should have a final solution by the next Conference would not be quite realistic.

I would, however, agree with the proposal of the delegate of Peru that we should have another look at the fifth line of the English text, which reads:

"Accordingly, they were of the opinion that this matter should continue to be kept under review". If that is read with the earlier part:

"...while they accepted this increase as a compromise, they considered that their regions were still under-represented and that the solution reached did not constitute a permanent solution to the question of equitable geographical representation on the Council".

The words permanent solution is a very important aspect of the wording of this paragraph. We are here already admitting that there is no permanent solution and I do not think it would be advisable at this stage to include in this draft wording which would read a "final solution by the next Conference", because I am afraid that also would not be possible since we cannot predict the situation that will exist two years from now.

As regards the concern expressed by the delegate of Saudi Arabia, that is also covered by what I have just said, because it clearly states that the matter should continue to be kept under review.

I should like to have the views of the delegate of Peru on what I have said.

L. LAPEBY (Gabon): Il est question de deux choses très distinctes. D'une part, le rapport, dans lequel il est évidemment fait mention des préoccupations de plusieurs délégations et, d'autre part, le fait qu'il faut tenir compte de la Résolution dans laquelle il n'est fait aucune mention de ce que nous souhaitons

Par conséquent, il faudrait voir si, dans la Résolution, on ne pourrait pas, dans le paragraphe 1 qui cite: "décide d'amender", écrire, "décide d'amender à titre provisoire". Ceci permettrait de se référer à nouveau à cette Résolution sur cette question. On adopterait alors le paragraphe 5 en demandant au Conseil de continuer à étudier la question.

CONSEILLER JURIDIQUE: Je crois que la possibilité envisagée par le distingué délégué du Gabon est parfaitement couverte par la formule (pas encore définitive) du paragraphe 5 du rapport, qui prévoit qu'en tout cas la question reste à l'étude. Du point de vue juridique, un amendement provisoire n'est pas prévu par l'Acte constitutif. Il s'agit bien d'un amendement qui doit être adopté par une majorité des deux tiers, pour qu'il devienne effectif. Donc, il faut que l'amendement tel qu'il est proposé soit adopté par la Conférence de façon définitive, quitte à revenir sur la question, comme la Conférence l'a fait à plusieurs reprises lorsque le nombre de sièges au Conseil a été augmenté de 18 à 24, à 27, à 30, à 34, ensuite à 42 et maintenant probablement à 49. Donc, rien n'est définitif dans ce monde, mais l'amendement ne peut pas être adopté à titre provisoire. Il doit être ferme pour pouvoir être inséré dans l'Acte constitutif.

J. BETERLING (Netherlands): I am a little puzzled now. It is said in the Seventh Report that a number of delegations said they accepted the increase as a compromise. I recall that a number of delegates said yesterday that they could accept the increase as a compromise but that they considered the increase was already quite high. As regards keeping this matter under review, I would like to remind delegations that there are some other things going on in the United Nations system in these matters. I personally have some experience of the endless and not very fruitful discussions on the restructuring of the United Nations system. The same thing is now going on as regards the structure of the International Labour Organization. Of course, it is easy to discuss structure and councils and these things again and again and not discuss agriculture and the situation of agriculture in the world.

However, we have noted what happened yesterday; therefore, I would suggest a sentence at the end of the paragraph to this effect:

"Other delegations feared that the increase might already hamper the effectiveness of the Council and were not in favour of keeping the matter under review".

P. MASUD (Chairman, Drafting Committee): The concern expressed by the delegate of the Netherlands is already reflected in the Resolution on page 3, where it says:

"Considering the need to keep the Council to a manageable size in order to retain efficiency,"

The Conference is already aware of this aspect, and I thought there was no need to mention it in the few lines I had recorded. I therefore think that at the moment what he fears is already uppermost in the mind of the Conference and there is no need to mention it again.

A.F. CHOWDHURY (Bangladesh): It appears that there may be a number of solutions for changing the draft here and there but still we may not be able to come to an acceptable solution. I agree with the Rapporteur, Mr. Masud, on the slight amendment he has suggested, instead of a "a number of delegations". I think that is all right.

Regarding the other portion, about review, to my mind that should satisfy our anxiety about getting better and more equitable representation in future, because I agree with the learned Legal Counsel that there cannot be a permanent solution to a human problem like this. The solution that the majority of us, at least, agree to today is on the basis of the position and the circumstances prevailing today. After two years the number of members of FAO will go up and the question of further review and perhaps further increasing the number of different commissions and committees may arise. So I think our anxiety about getting better, representation is well reflected when it is said that the matter should continue to be kept under review. Therefore I support this draft with the amendment that has already been accepted by the Rapporteur.

L. LAPEBY (Gabon): Le premier considérant de la résolution parle de deux aspects: il y a la composition et il y a le mandat. Or, la résolution qui nous est proposée ne concerne que la composition. Le problème n'est donc pas résolu. Je pense qu'il y a là une étude qu'il faut quand même refaire, et il manque un paragraphe à cette résolution. Il faut quand même que celle-ci dise nettement que le Conseil doit continuer cette étude, ce n'est pas seulement le rapport qui doit le dire, et la résolution ne doit servir que de référence. Il n'est pas exclu que, lorsque le groupe de travail aura épuisé la question, on, soit peut-être admis à diminuer le nombre de membres du Conseil tout en respectant une meilleure répartition géographique et en lui donnant un mandat qui soit beaucoup plus efficace. C'est la notion sur laquelle je voudrais insister.

CONSEILLER JURIDIQUE: Si je ne m'abuse, la pratique générale de l'Organisation est de mettre dans une résolution des décisions pour lesquelles une résolution est effectivement requise. Il faut une résolution pour tout amendement aux textes fondamentaux de l'Organisation; en outre, pour qu'il n'y ait aucune équivoque en ce qui concerne l'application d'un amendement aux textes fondamentaux, il convient d'insérer un paragraphe opératif qui prévienne comment cet amendement est en effet appliqué. Vous avez donc deux amendements qui sont couverts par le premier paragraphe opératif tandis que le deuxième paragraphe prévoit comment ces amendements seront appliqués, c'est-à-dire à quelles régions seront attribués les sièges supplémentaires qui sont introduits en vertu des amendements prévus au premier paragraphe opératif.

En ce qui concerne les directives que la Conférence donne au Conseil, en général c'est dans la partie narrative du rapport qu'elles sont inscrites. Ce n'est pas une règle fixe, mais cela correspond à la coutume prépondérante de tracer la ligne de démarcation, si j'ose dire, entre le contenu d'une résolution et le contenu de la partie narrative du rapport. Bien sûr, la Conférence est libre de décider comme elle le juge utile. Toutefois, puisque vous m'avez demandé des explications, j'ai pensé qu'il était de mon devoir de vous soumettre ces observations.

0.0. SOMORIN (Nigeria): I would say that better representation is properly safeguarded by the wording of paragraph 5 as it stands. The points in paragraph 5 are still open to discussion as and when necessary.

CHAIRMAN: As I do not have any more speakers for the time being, may I sum up this discussion and propose that we agree to the amendment suggested by Cuba that instead of "a number" we put "a majority of delegations to the Conference." As explained both by the Legal Counsel and the Rapporteur, the anxiety expressed by a large number of delegations as to their representation is already taken care of in the wording of paragraph 5, so as this matter is still open, I would submit that we accept paragraph 5 with the amendments proposed and that we proceed to the adoption of the Report. Is that agreeable?

B. SAMENEZ CONCHA (Peru): Sugeriría que para encontrar una solución y un consenso a la luz de lo manifestado por el representante de Pakistán, Relator de esta Comisión, se intercale una frase en el párrafo que dice: "Por consiguiente, opinaban que esta cuestión debía seguir sometida a examen". Es cierto que queda sometida a examen, pero no se especifica a examen de quién y a qué plazo. Sugerimos que se adicione la frase siguiente: a examen por el Consejo o un Grupo de Trabajo creado por éste. Creo que esto podría ser aceptable por parte de las demás delegaciones y así superaríamos este pequeño impasse.

CHAIRMAN: I think this is acceptable. It is quite reasonable. So with this amendment can we proceed to the adoption of the Report? The Secretariat has taken note of the amendments and the Report, as amended, will be circulated to delegates.

Paragraphs 1 to 4, including draft resolution, adopted

Les paragraphes 1 à 4, y compris le projet de résolution, sont adoptés

Los párrafos 1 a 4, incluido el proyecto de resolución, son aprobados

Paragraph 5, as amended, approved

Le paragraphe 5, ainsi amendé, est approuvé

El párrafo 5, así enmendado, es aprobado

Draft Report of Commission III - Part 1, as amended, was adopted

Le projet de rapport de la Commission III, première partie, ainsi amendé, est adopté

El proyecto de informe - Parte I, así enmendado, es aprobado

PART III - CONSTITUTIONAL AND ADMINISTRATIVE MATTERS (Continued)

TROISIEME PARTIE - QUESTIONS CONSTITUTIONNELLES ET

ADMINISTRATIVES (suite)

PARTE III - ASUNTOS CONSTITUCIONALES Y

ADMINISTRATIVOS (continuación)

A. Constitutional and Legal Matters (continued)

A. Questions constitutionnelles et juridiques (suite)

A. Asuntos constitucionales y jurídicos (continuación)

17. Composition and Terms of Reference of the Council, Programme Committee, Finance Committee and CCLM (continued)

17. Composition et mandat du Conseil, du Comité du programme, du Comité financier et du Comité des questions constitutionnelles et juridiques (suite)

17. Composición y mandato del Consejo, el Comité del Programa, el Comité de Finanzas y el Comité de Asuntos Constitucionales y Jurídicos (continuación)

18. Amendments to the FAO Constitution and General Rules of the Organization - Composition of the Programme Committee and Finance Committee

18. Amendements à l'Acte constitutif et au Règlement général de l'Organisation - Composition du Comité du programme et du Comité financier

18. Enmiendas a la Constitución de la FAO y al Reglamento General de la Organización - Composición del Comité del Programa y del Comité de Finanzas

CHAIRMAN : It was suggested at the beginning yesterday that we should approach these items point by point, so I am going to ask you to give your attention now to the composition of the Programme Committee and the Finance Committee. As with the increase in Council seats, this will eventually require amendments to the FAO Basic Texts and hence falls within both Agenda items 17 and 18. -Again, in order to avoid duplication of discussion, I would invite you to take this point from the agreed recommendation of the Council at its Seventy-First Session. The relevant document is C 77/LIM/2. I will now call on the Legal Counsel to introduce the subject.

LEGAL COUNSEL: As you have just said, Mr. Chairman, the document relating to this item on the Agenda is C 77/LIM/2. From this document, which contains the relevant extracts from the reports of the Seventy-First and Seventy-Second Sessions of the Council and of the Thirty-Fifth Session of the Committee on Constitutional and Legal Matters (CCLM), you will see that the Conference has before it a set of draft amendments to Rules XXVI and XXVII of the General Rules relating to a proposed change in the composition of the Programme Committee and the Finance Committee. In order to assist the Commission in considering this matter, it may be useful to summarize the events that have led up to the draft amendments that the Commission is now called upon to examine.

At its Session in 1975 the Conference asked the Council to study its own terms of reference and also those of the Programme Committee, the Finance Committee and the CCLM.

The Council set up a working party for this purpose, whose recommendations were considered by the Council at its Seventy-First Session in June 1977. The recommendations relating to the composition of the Programme and Finance Committees were endorsed by the Council. They are recorded in paragraph 237 (a) to (g) of the Report of the Seventy-First Session of the Council as reproduced in Appendix A to document C 77/LIM/2. They embody the basic principles and ideas which the Conference is now called upon to consider.

As the Council realized that, in order to give effect to its recommendations, it would be necessary to amend the Organization's Basic Texts, the Council also entrusted the CCLM with the task of preparing appropriate amendments. This the CCLM did at its Thirty-Fifth Session in October of this year, and the observations of the Committee may be found in paragraphs 3 to 18 of its Report, reproduced in Appendix B of the document I have just mentioned.

The draft amendments to the General Rules XXVI and XXVII that it proposed are shown in Appendix F to that document.

The report of the CCLM and the proposed draft amendments were submitted to the 72nd Session of the Council which immediately preceded this Conference Session. While a number of views were expressed, the Council nevertheless decided that there was insufficient time to examine the complex questions involved, and therefore decided to refer the matter to the Conference.

May I now be allowed to refer briefly to the substantive point which the Commission is called upon to consider. The Commission may find it desirable to use as its point of departure the recommendations submitted by the Council. If the Conference agrees with the Council recommendations, it may then wish to consider the draft amendments to Rules XXVI and XXVII which are designed to give effect to these recommendations. In case the Conference should wish to modify any of the Council recommendations, it would be necessary to see whether, and in what way, the proposed amendments to these Rules would be affected.

To recapitulate this briefly, the main points of the Council's recommendations are : First, that the Standing Committees of the Council should continue to be advisory to the Council ; second, that there should be no change in the composition of the CCLM but that there should be a moderate increase in the membership of the Programme and Finance Committees, four members being added to each committee ; third, that the members should be Member Nations rather than persons appointed by the Council in their, individual capacity, but that the qualifications of the representatives of the Member Nations that they would appoint would nevertheless be a relevant factor ; fourth, that there should be no longer any alternates to the members of the Programme and Finance Committees ; and last, that equitable geographical distribution should be achieved by the election procedure spelt out in paragraph 237(g) of the Report of the 71st Session of the Council, with seats being distributed to the seven regions divided into two groups of regions.

As I have said, the amendments to the General Rules before you reflect these recommendations, but there are two further points to which I believe the Commission's attention should be drawn. As will be noted from the CCLM's report to the 72nd Session of the Council, the CCLM found that there were questions that arose out of the Council recommendations which were not covered, or only partly covered. Accordingly, the CCLM made certain suggestions on these matters and took them into account when drafting the proposed amendments to Rules XXVI and XXVII. There are fundamentally two questions. The first relates to the equitable geographical distribution. This principle is referred to in sub-paragraph (g) of the Council recommendations in connection with the election procedure for the Programme and Finance Committees proposed by the Council.

The procedure involves placing seven FAO regions into two groups. The CCLM assumed that the countries belonging to the regions concerned would consult each other before the election took place, particularly with regard to the representation on the Finance Committee where the four regions included in the first group would be sharing six seats.

The second question which requires consideration by the Commission, assuming that it accepts the Council's recommendations, is that of whether - and if so, under what conditions- members of these Committees may replace their representatives. The Commission will note from sub-paragraph (a) of the Council's recommendations that while Committees would be made up of Member Nations, these Member Nations would indicate before the election the names of the representatives they would appoint if they were elected and submit a curriculum vitae of their prospective representatives. It would appear that the Council envisaged that the personal merits of the representative whom a Member Nation proposed to appoint would be a relevant consideration for Members of the Council in electing the members of the Programme and Finance Committees. Thus, although the Committees would be composed of representatives of Member Nations, an element of personal merit that characterized elections of these Committees until now as their members were elected in their personal capacity would still be maintained.

The CCLM felt - this opinion is reflected in the draft amendments to the General Rules which are before you - that a certain degree of flexibility should be permitted so that a Member Nation may be allowed to designate a substitute for its representative at least once in a biennium, submitting details of the substitute's qualifications and experience to the next Session of the Council. However, in order to ensure a reasonable degree of stability in the composition of the Committees, and to secure continuity of attendance by representatives, the CCLM considered that the seat of a member should be declared vacant if the representative were absent from two consecutive sessions, or if he were unable to perform his functions for the remainder of the Committee's term. In both these cases a bi-election would be held at the next session of the Council to fill the vacancy.

The CCLM also made proposals to cover the possibility of the Chairman of either committee being absent, suggesting that he should be replaced temporarily by the Vice-Chairman if the Chairman were absent for one session or for a part of one session. However, if he were absent for two consecutive sessions, or unable to perform his duties for the remainder of his term of office, the office of Chairman would devolve upon the Vice-Chairman for the remainder of such term, and a by-election would be held at the

next Session of the Council to fill the vacancy by a candidate from the group of regions to which the former Chairman belonged. It goes without saying that, in the event of a by-election, the country previously elected could again present its candidature.

To conclude, therefore, the Commission may find it desirable to devote its attention first to the recommendations formulated by the Council at its 71st Session, and then, in the light of the report of the CCLM and the views of the Council expressed in the 72nd Session, to consider whether the proposed amendments to General Rules XXVI and XXVII correspond to the policy that the Conference wishes to adopt in this connection.

Any amendments to the General Rules would, in accordance with standing practice, have to be adopted by means of resolution. However, the drawing up of such a 'draft resolution has to be deferred until the Commission has taken a decision on the substantive issues submitted to it for consideration. The draft resolution would include appropriate amendments to Rules XXVI and XXVII which, once agreed upon by the ' Commission, will require adoption at a Plenary Meeting of the Conference by a two-thirds majority vote.

CHAIRMAN : Now that you have listened to the Legal Counsel and have before you the relevant document C 77/LIM/2, I would invite your comments on both Appendix A and the report of the CCLM.

Sra. A.C. BERTA DE ALBERTO (Argentina): Muchas gracias, señor Presidente. La delegación de Argentina desea en primer lugar manifestar que adjudica trascendente importancia a este tema, porque entiende que tanto el Comité del Programa como el Comité de Finanzas han estado brindando valiosas contribuciones a la tarea de la Organización, a través del asesoramiento que han prestado al Consejo. El propio Consejo ha tenido oportunidad de reconocer esta circunstancia, porque en casi todos sus informes ha manifestado su reconocimiento por la eficiencia con que esos órganos han actuado. Esta circunstancia me lleva a invitar a que se haga un análisis muy detenido de las modificaciones que se proponen introducir en la constitución y el mandato de estos Comités, para evitar que se aprueben modificaciones que puedan ir en detrimento de esta eficiencia, que se ha reconocido reiteradamente a estos Comités.

A este respecto deseo señalar que mi delegación, aun cuando pienso que mientras más reducidos sean los Comités más fácil es llegar a soluciones concretas, en este caso particular que nos ocupa está dispuesta a apoyar el incremento que el Consejo sugiere para los Comités del Programa y de Finanzas, porque entiende que el aumento del número de puestos en el propio Consejo es un antecedente que debe tener su correspondencia en los Comités del Programa y de Finanzas.

En cuanto concierne al carácter de los Miembros de estos Comités, es decir, si serán representantes de Gobierno o si actuarán a título personal, mi delegación desea señalar que no está de acuerdo con la orientación del Consejo y que estos integrantes deberían actuar a título personal. En efecto, la experiencia indica que hasta ahora los integrantes de estos Comités, precisamente por haber tenido la oportunidad de actuar con flexibilidad y liberalidad, no tienen que ajustarse a las instrucciones de sus capitales y esto les ha permitido llegar a un consenso en casi todos los puntos que han tenido que analizar.

Si, en cambio, la integración se hace a título de país, se desnaturalizaría totalmente el carácter de estos órganos, que se limitarían entonces a anticipar las deliberaciones que luego tendrán lugar en el próximo Consejo, porque las instrucciones que recibirán de sus capitales serán las mismas que se impartirán a las delegaciones que asistan a las sesiones ordinarias del Consejo,

Frente a ello, mi delegación pondría en tela de juicio la necesidad de la existencia misma de los Comités del Programa y de Finanzas, si es que su cometido, dado el carácter de sus integrantes, se limitase a duplicar los debates del Consejo. Y en mérito a ello mi país desea proponer lo siguiente: Que los países Miembros sean quienes propongan los propios candidatos, en base a sus antecedentes personales; pero que los candidatos que resulten elegidos actúen luego a título personal.

Como podrá observarse, lo que estamos proponiendo es una solución intermedia entre el modo de integración de los anteriores Comités del Programa y de Finanzas y el que hoy nos propone el Consejo, y lo hacemos así porque estamos convencidos de que esta solución, a la vez que permitiría que los dos Comités sigan actuando con la eficiencia que han tenido hasta ahora, permitiría también que en su integración se observara una distribución geográfica equitativa.

En cuanto a los suplentes, señor-Presidente, mi delegación no aprecia ningún motivo para eliminarlos. Por el contrario, entiende que hay razones más que valederas para que sean designados. Ello debería hacerse en consonancia con el sistema que estamos proponiendo para los Miembros titulares.

En cuanto al número de suplentes, creo que para el Comité del Programa deberían designarse: 3 para las regiones en desarrollo y 1 para los países desarrollados.

Finalmente, señor Presidente, nosotros deseáramos que en la medida de lo posible estos comentarios sean analizados por las delegaciones a medida que intervengan y consten asimismo en el informe como la posición de nuestro país.

A. ZAKI (Maroc) (interprétation de l'arabe): Je suis heureux de prendre la parole pour la première fois à cette séance de la troisième Commission et je tiens donc de ce fait à vous féliciter de votre élection qui est la marque de confiance qui vous est faite, Nous sommes absolument certains que sous votre direction cette Commission fera des progrès et que les résultats de ces travaux seront satisfaisants. Je tiens aussi à féliciter les membres de votre bureau, en particulier M. MASUD qui a été nommé rapporteur de cette Commission.

Je saisis également cette occasion pour évoquer certains des points qui figurent à notre ordre du jour et vous faire connaître le point de vue de ma délégation à leur sujet. Tout d'abord, nous aimerions remercier le Conseiller juridique qui nous a exposé dans le détail les propositions qui nous sont présentées et qui figurent dans le Document C 77/LIM/2,

En ce qui concerne le nombre des membres du Comité financier, ma délégation estime que l'augmentation du nombre des membres à neuf n'est pas suffisante, parce qu'il serait véritablement difficile d'assurer une représentation équitable à tous les pays ; par conséquent, il serait préférable que le nombre des représentants soit de 8 au lieu de 6 pour l'Afrique, l'Orient, le Proche-Orient et l'Amérique du Sud.

Ensuite, dans le cas du Président se trouvant dans l'incapacité d'assister à une réunion, que ce soit le Comité du programme ou le Comité financier, et ensuite au sujet de l'élection des membres de ces deux comités, je dirai que ma délégation appuie les recommandations du Conseil qui s'y rapportent. A ce sujet, je voudrais souligner l'importance considérable que mon pays attache à la composition du Comité du programme car nous estimons que ce Comité est véritablement l'élément moteur de nos programmes et qu'il se doit de défendre les intérêts de tous les Etats Membres dans le domaine de l'agriculture. La délégation du Royaume du Maroc a suivi de très près et sans interruption les travaux de ce Comité, ceci depuis près de 15 ans.

B. de AZEVEDO BRITO (Brazil) :[My delegation would like first first of all to thank the Legal Counsel for introducing the item to our Commission and explaining the basic points which we are called upon to decide. We feel that we are facing here quite an important problem because the possibility of the Programme and Finance Committee to operate in an efficient manner depends to a large extent on the appropriateness of the programmes of the Organization, not only the programmes that we approve but even the implementation, the follow-up of the programmes.

We feel that this exercise which we are taking up now represents the result of long effort and of detailed consideration of the subject. Basically the need for reform of the Programme and Finance Committee is linked to the actual functions of the FAO Council. For a number of years Member states, at least a large number of them, felt that FAO Council by virtue of its large composition, its short sessions and the number of items it has to consider within its agenda has no time to scrutinize in detail programme proposals or budgetary proposals. The result is that it became more and more important for a number of delegations at least to be assured that the results of the deliberations of the Programme and Finance Committees represented in itself a balanced and reasonable approach not only from an academic point of view but a governmental point of view.

Many of us in the Council - and that view was expressed many times - felt that since we are not in a position to scrutinize programmes in so much detail it was very important that what emerged from the Programme and Finance Committees represented the considered and balanced view of a really representative group of countries. The result of that approach, that orientation, that concern, was that it was necessary first to have a larger composition of the Programme and Finance Committee. That was the first conclusion. The second conclusion was that it was necessary to have surely persons with technical knowledge of the subjects, with expertise, but at the same time persons who could advance the positions of their government, what was the analysis and assessment of their governments, and not purely academic work.

May I say in this connection that the so-called purely technical work is done by the Secretariat. For that effect we have an independent Secretariat paid by all of us, and independent of all and each of us. The purely technical work of programming and budgeting is done by the impartial Secretariat. This

impartial Secretariat is directed by the Director-General, he brings up its proposals which are supposedly balanced, taking into account the views of Member states in general. Now the Council has two technical bodies to have the first review of those proposals. In our view, and what was the feeling of many delegations, it was necessary to have already a clear analysis by governments. On those lines the Council at its 71st Session recommended the kind of action which is later on worked on by the CCLM with its proposed amendments.

My delegation fully supports the conclusions of the 71st FAO Council. We feel the increase in the number of members of the Programme and Finance Committees is a direct response inter alia to the larger membership of the Organization. We feel also that the character of government representatives, the fact that they are elected Member states, is vital if we want to have an analysis which really represents the balanced views of a group of representative countries elected by us. We feel if we wanted a purely academic analysis of programmes we would find it in universities, we would have a team of experts, we would not elect many members there but would elect experts to go through the budgetary proposals. The project, however, is different. We want to know, for instance, that what comes out from the Finance Committee is a proposal that reflects a balanced accepted approach from both developing and developed countries. We want to know, for instance, if Country A be present in the Finance Committee and approved, that we also have Country A's approval in Council and Conference. That is very important, because in other words what happens is that we have so-called agreements in the Programme and Finance Committees then we discover here that the same countries' representatives who spoke for them, after all were speaking only for themselves. There were things that were supposed to be valid and in fact were not valid. Concessions are made in the Programme and Finance Committees and we just discovered later that these concessions meant nothing. We feel therefore that it is very important to ensure Governmental representation. We feel also that the 71st Session of the FAO Council followed a very good compromise by saying that the country when presenting its candidature for one of these two Committees should also indicate the person it is intended to appoint as its representative, together with the curriculum vitae. May I say in this connection that that is precisely the procedure of the United Nations Programme Committee which by the way is a 21-member Committee. I have had the privilege to serve on that Committee for seven years and it is precisely the system, in such a way that we show the expertise. The country which is elected not only indicates beforehand the name of the person but of course takes maximum care to ensure that the person is really knowledgeable on the issues that he is supposed to give advice on. This experience of the Programme Committee of the United Nations itself has been extremely positive in our view, in such a way that the Economic and Social Council when it reviews their work, know already that out of the 21-member Committee we already have a balanced view of members of the Organization in such a way that the Economic and Social Council can go much faster into consideration of programmes and budgets for the United Nations proper.

We have only a minor divergence on the proposal of CCLM concerning the by-election. We feel that all efforts should be made by the countries appointed to these two Committees not to change their representatives. Obviously in some cases when there is administration change it is difficult to completely make impossible such a change. If for instance a major contributor to the budget has a major change in its administration it is quite understandable that it is impossible to forbid that Member State to bring a representative who will follow and transmit its views. That is obvious. May I say also in this connection, referring to the United Nations experience which I have had for around seven years in the Programme Committee, to my memory in seven years there was only one change to this effect, which shows a remarkable degree of stability and restraint in this option of being able to make changes in exceptional cases. But I must say that is a question of drafting of the actual proposal of the CCLM that can easily be taken care of if we agree on the main thrust of the proposal of the 71st Session of the FAO Council and I repeat, my delegation fully supports the proposal of the 71st Session. We feel that they represent already a compromise very difficult to work. This compromise was worked on the basis of the recommendation of the ad hoc Committee which worked extensively looking into all aspects of the subject. It was very serious work done and also the Council devoted much attention to it. We are quite happy to see at the 71st Session of the Council that there was a consensus on the recommendations of the 71st Session of the Council. We very much hope this consensus will not change here.

A. GOMEZ ORB ANEJA (España): Muchas gracias por darme la palabra. Quiero ante todo agradecer al Consejero Jurídico por habernos centrado el problema y voy a seguir su consejo. Parece que ante todo debemos decidir cuáles son las finalidades a que aspiramos, qué es lo que queremos, y luego discutir si la propuesta de las enmiendas continuará o podemos conseguir lo -que queremos de esa manera.

De manera que me reservaré los comentarios que tenga sobre los cambios del Reglamento de la Organización, pero primero vamos a ver a qué aspiramos y qué queremos, y ver si entendemos lo que queremos.

Para ello voy a seguir como nos ha propuesto el Asesor Legal, el resumen del Informe del 71 período de sesiones del Consejo. Evidentemente la historia de la FAO es que había unos Comités Asesores Técnicos y que por la evolución natural, esos Comités estaban últimamente compuestos de representantes de

gobierno, aunque no se llamasen así, pero en realidad representaban gobiernos. O sea, había tendencia a representar gobiernos y ahora se nos propone que sean representantes de gobiernos y que sean los gobiernos quienes propongan unos individuos. Francamente, me extraña mucho que buscando una fórmula de combinación de representantes de gobiernos y de técnicos no se haya seguido el ejemplo que nos da la Unesco y la OMS en el que se propone y existe en los Comités Ejecutivos de los dos organismos una fórmula que yo creo que es la más parecida a la que nos ha propuesto la Sra. delegado de Argentina y con la que estoy de acuerdo. Sería el nombramiento de individuos y que estos individuos que se les elige por sus méritos propios, su capacidad técnica, representen gobiernos; o sea el cambio es un cambio bastante importante, porque seguimos teniendo técnicos, pero representando gobiernos, pero no gobiernos sólo, porque entonces no tendremos técnicos quizás. Segunda cuestión y que me parece que es a lo que se aspira. Es primero aumentar los miembros de los dos Comités. Se aumenta, naturalmente, por la evolución de la Organización; en el aumento de los miembros del Consejo estamos de acuerdo en que hay que aumentarlos, pero, claro, creo que hay una distinción muy importante que hay que hacer aquí y que me parece está confundida, que es lo relativo a la distribución geográfica.

No creo que se pueda hacer la misma comparación de distribución geográfica entre el Comité del Programa y de Finanzas. En el Comité del Programa, evidentemente, debe haber una distribución geográfica; los países representantes tienen distintos puntos de vista geográficos, digamos, y es lógico que se busque una fórmula de participación de todas las regiones, incluso de las regiones que tienen más población, como la africana o el Lejano Oriente, y se les dé una posibilidad de tener miembros representantes de la región porque los programas deben representarse. Pero para el Comité de Finanzas no hay razón alguna para la representación geográfica; es mucho más técnico y el mismo Asesor jurídico nos ha dicho ya que va a ser imposible hacer una distribución geográfica en el Comité de Finanzas. Por lo tanto, creo que habría que hacer una distinción entre geográfica a rajatabla para el Comité del Programa, pero no para el Comité de Finanzas, en el que además hay unos intereses económicos, pues es lógico que países que contribuyen en gran cantidad quieran ser representados en el Comité de Finanzas. Y por ello, insisto en que creo que hay que ver si es posible dar una representación personal a la vez que política, digamos, y aumentar los puestos. Hacer la distinción de representación geográfica para el Comité del Programa y el Comité de Finanzas; en cuanto a los sustitutos, también aquí estoy de acuerdo con la delegado de Argentina. Evidentemente, la fórmula que se nos propone es muy complicada. Sería muy difícil el nombrar sustitutos. No sé por qué se han suprimido los suplentes; los suplentes eran simplemente una elección hecha de antemano, para el día que faltase un representante que no pudiese venir, y además estaba elegido por el mismo Consejo. No sé por qué se ha sustituido.

De manera que estos son los puntos que hay que centrar; ver si estamos de acuerdo sobre ellos, y luego veremos la manera de conseguir esos objetivos.

N. AL-SALEH (Saudi Arabia)(interpretation from Arabic): I wish to put forward the point of view of the Kingdom of Saudi Arabia on the points at hand. First we support the increase in the membership of the two Committees for the justifications shown in the report, and as clarified by Legal Counsel. We also fully support what the distinguished delegate of Morocco said in connection with the increase in the membership of the Finance Committee. We believe this proposal deserves full support.

The memo before us speaks of the qualifications of the representative of the country to be nominated, yet we believe it is preferable that these qualifications or the minimum qualifications should be clearly defined so that member countries could be aware of the requirements when they nominate a citizen for membership of the Committee.

In paragraph 7 it is mentioned that the representation need not be at regional level. However, my delegation considers that representation at regional level is preferable and I consider that this point requires further clarification.

A.F. CHOWDHURY (Bangladesh): As the Commission has already agreed to the proposal of the Council to increase the number of his own seats, in the same proportion it was proposed to increase the number of seats in the Programme Committee and the Finance Committee. So my delegation supports the proposal for increasing the members in the Programme Committee by four, bringing it to eleven, and I am also at one with the distinguished delegates from Saudi Arabia and Morocco to increase the number of members of the Finance Committee also to eleven because to my mind the Programme Committee and Finance Committee are two very closely interrelated committees because the programme has to be executed with finance, so if the representation of the Finance Committee becomes a little broad based I think that will not hamper the efficiency of the Committee, rather it has the advantage of getting the advice of a few more countries.

Regarding the geographical distribution of membership of the Committee, I am afraid I cannot agree with the views of the delegate of Spain that those countries which contribute more should be better represented on the Finance Committee. I think that this is not in keeping with the spirit of FAO, because FAO is mainly meant to help the under-developed countries, countries which have been lagging behind in the food and agriculture sector. On his argument, the countries which have contributed more could ask for more investment, more help, in their own countries; but that is not going to help this world body. Since the Programme Committee is responsible for drawing up and approving programmes for the development of food and agriculture in different countries, the Finance Committee also should be composed with the same geographical equitability, so that the two Committees may work in full harmony.

As regards the status of the members who will be serving on these Committees, whether they will be individuals or representatives of governments, the recommendation of the Council was made after due deliberation. The individual capacity position cannot be accepted by my delegation because we feel that, since FAO was composed of countries, Members of FAO are countries and not individuals so in the Committees also they are representatives and not individuals; but since in order to serve on these Committees the individuals should have some qualifications and expertise, I think the requirement of calling for a curriculum vitae is in order. That means the countries will be represented, after due election, with the personal qualifications of the candidates being taken into consideration; but if this is left to individuals I think there will be complicated problems, because, after all, who will those individuals be? They will be persons who are also serving their countries, serving their governments. There have been cases where, when representation was based on individuals, a government could not make available the services of an individual to serve on Committees when required. But if the nomination is on the basis of representation of the country, the government will necessarily think in advance about the possibility of making the services of the individual available to serve on these Committees.

I, therefore support the recommendation made by the Council regarding the compromise between representation of governments and individual qualifications.

Regarding the alternate, I think this Commission should accept alternate delegates, because after an individual has been nominated by a government there may be many changes, changes in government, and if due to the exigencies of circumstances an individual cannot be spared by the government I think at least one alternate should be allowed for members of these Committees. I think the alternate nominations also should be submitted along with complete curriculum vitae so that both the principal nominee and the alternate nominee will be sufficiently qualified to serve on these Committees.

For Chairmen, however, there should not be any alternate, because, after all, the Chairmen will be elected from among the members nominated by different governments after looking into their capabilities and qualifications to guide the proceedings of the Committees. I therefore suggest that except in the case of Chairmen at least one alternate should be considered.

R. SALMI (Finland): I wish to state the opinion of the Nordic countries in this matter. In our opinion, the recommendations submitted for consideration to this Conference by the Council are the result of many compromises. The proposed increase by four in the number of members of the Programme and Finance Committees could lead to strengthening the importance of those Committees, and we wish them success in their activities in the future. However, at this stage we do not find it necessary to go more deeply into the details of the recommendations, but we reserve the right to comment further if necessary.

J.L. TOFFIN (France): En ce qui concerne notre délégation, nous considérons, pour notre part, comme tout à fait opportune une réforme de la composition et du mode de désignation du Comité financier et du Comité du programme. Il nous paraît en effet que la composition et le mode de désignation de ces comités tels qu'ils ont fonctionné jusqu'ici sont de moins en moins adaptés aux nécessités actuelles. En particulier compte tenu des tâches toujours plus lourdes qui sont dévolues à ces Comités, ce qui s'explique naturellement par la complexité croissante des tâches de notre Organisation, aussi bien au sein du groupe de travail qui a été nommé par le Conseil qu'au sein du Conseil lui-même, le sentiment général s'est très vite affirmé qu'une modification . était nécessaire dans le mode de désignation des membres de ces Comités et qu'il convenait que ces membres, au lieu d'être désignés simplement à titre personnel, soient désormais des repré-sen-tants de leurs gouvernements.

Nous approuvons totalement cette opinion, mais il nous a paru également souhaitable de maintenir une certaine exigence quant aux qualifications personnelles des membres des comités. C'est pour-quoi nous approuvons la proposition qui a été faite par le Conseil de faire présenter les candidats par leurs gouvernements, mais d'accompagner leur candidature de la production d'un curriculum vitae qui permettrait aux membres du Conseil, lors des élections, de juger des qualifications personnelles de chacun des candidats. C'est une formule qui nous paraît assez heureuse et qui permet de maintenir l'équilibre entre les deux conditions qui nous semblent nécessaires dans le choix des membres de ces Comités, c'est-à-dire la représentation du gouvernement et la qualification personnelle.

D'autre part, il est apparu nécessaire de revoir la composition des deux comités, le Comité du programme et le Comité financier, pour tenir compte de l'augmentation des membres de l'Organisation et des membres du Conseil et qu'en même temps il était important de ne pas dépasser un effectif raisonnable pour permettre à ces comités de continuer à fonctionner de façon efficace.

Nous estimons pour notre part que les chiffres qui ont été retenus, soit 11 pour le Comité du programme et 9 pour le Comité financier, sont des chiffres raisonnables auxquels nous pouvons souscrire sans difficulté.

En outre, le régime qui nous est proposé présente à notre point de vue un avantage très important en ce sens qu'il permet de réaliser une répartition géographique entre les membres du Comité qui permet à toutes les régions géographiques d'être représentées au sein du Comité financier et du Comité du programme, ce qui n'était pas le cas, jusqu'à présent, dans l'ancien système.

En définitive, et comme l'a très justement rappelé le représentant du Brésil tout à l'heure, je dois dire que les propositions qui nous sont soumises sont le résultat de très longues discussions, d'un travail très approfondi, très sérieux, et je crois que nous sommes en présence d'un résultat valable et nous souhaitons beaucoup qu'il puisse recueillir une approbation de la Conférence, tout au moins dans ses lignes principales.

S.H. AL-SHAKIR (Iraq) (interpretation from Arabic): The issues concerning the constitution of the Programme and Finance Committees have already been discussed when we studied the work of those Committees and the advice they give to the Council. When we saw this, my delegation found that there were new criteria for judging the efficiency of the two Committees. Those criteria show that the working of the Committees reflects on agricultural policy as contained in the Programme, particularly the financial aspects; therefore, the opinion of the member countries and governments on that policy, particularly the regions they come from, will play a major role in the programmes and the budgets relating to them. The result is that other views will be given by the addition of new members to our Organization. Now, if the various countries require renovation and development in line with the new world economic order we feel that the committees of our Organization should be inspired by what is going on in other United Nations bodies and in governmental bodies.

There is no doubt also that personal qualifications will play a major role in these Committees and these criteria should be kept well in mind by the various countries when nominating their candidates to play their role in the Committees, particularly with respect to their technical and agricultural experience, as the delegate of Brazil has said, so that they may better play their role in the Committees. We must therefore clearly define the qualifications of the members nominated. Added to this, increasing the number of members will enable us to arrive at a better geographical representation.

Then the personal qualifications concern the member countries and the regions. Added to this, through these suggestions the people can better play their roles, particularly in augmenting the work of the Organization and in coping with its increased activities. We support all those who follow the lines of these proposals in our approach to settling this point, whether it be for an election or for the constitution.

P. MASUD (Pakistan): I will not take too long because what I wanted to say has already been very ably said by the delegate of Brazil. I fully agree with the views expressed by him and support the decision reached by the Seventy-First Council Session of the FAO.

However, I would like to take this opportunity of saying a word about the proposal made by the delegate of Spain regarding greater representation for the major donor countries. At this point, the argument my delegation would like to present is that everybody is a donor according to his capacity. Some are rich countries, others are not so rich, and everybody contributes according to his capacity. Therefore it would be unfair to give any greater representation to those who contribute more. Secondly, once a donor country has donated the amount due from that country, it has very little say in how it is spent. It is then for the FAO in its wisdom to spend it in the manner in which it thinks most beneficial. Therefore we are not inclined to agree with that point of view.

On the proposal put forward by the delegate of Argentina regarding member countries proposing their own candidates, who should act in a personal capacity, I think there is very little difference between what has been said by the delegate of Argentina and that proposed by the Council. Once a person is nominated by his country, he would always take into consideration the viewpoint or the inclination of his country and therefore it would be very difficult for him to act independently. Therefore I would think that there is no difference between the proposal by Argentina and the one approved by the last Council Session.

Lastly, another point was made regarding alternates. At present, if I am not mistaken - and the Secretariat should correct me if I am wrong - alternates do not belong to the same country. What is now being proposed is that alternates should belong to the same country. For example, if Country X is elected, the alternate should be from the same country and not the present system in which the alternate comes from a different country than the actual member.

F. WILA (Gabon): J'abonde dans le même sens que le Maroc, en ce qui concerne l'augmentation du nombre des membres des deux Comités concernés. J'appuie par ailleurs les propositions contenues dans les documents s'agissant de la représentation des membres techniquement compétents désignés par leurs gouvernements. Le contraire signifierait l'existence d'un comité composé de personnes très qualifiées mais ne respectant pas les politiques respectives de leurs gouvernements, qui contribuent bien sûr au fonctionnement de notre Organisation.

Au paragraphe 4 du document présenté, il est dit qu'en cas d'impossibilité d'un membre du Comité de participer à une session, celui-ci a la faculté de désigner un remplaçant. Mais ici, le caractère relatif de la compétence doit être pris en considération compte tenu du facteur temps qui ne permettra pas un choix aussi efficace que voulu du remplaçant.

RAMADHAR (India): The issues that we are discussing are fairly important and every care has to be taken to see that the effectiveness of these two Committees is enhanced.

My delegation supports the proposed increase in the number of members of the Programme Committee to make a total of eleven. My delegation further suggests that there is no reason why a similar increase should not be made in the membership of the Finance Committee. The Finance Committee is equally if not more important than the Programme Committee and therefore its membership could also be increased to eleven to enhance its effectiveness and to give fair geographical representation.

So far as the principle of representation is concerned, my delegation supports the proposal that this should be governmental representation, but the curriculum vitae of the candidates should be separated by the countries concerned.

The question of alternates was discussed earlier and was dropped. Now if a particular member is not able to attend a meeting, my delegation suggests that the government should be free to nominate a person to attend in his place and the curriculum vitae of such a nominated person may be communicated to the next Council Session for information. Thus there should be no necessity to have a by-election. In suggesting this, my delegation is aware that the government concerned will take every care to propose the name of a really competent person to act as some sort of alternate for that particular session.

Further, my delegation is in full agreement with what has been said by the delegates of Bangladesh and Pakistan, that there is no question of bringing in the concept of contribution when determining geographical distribution. We are really surprised that such a suggestion has been made because it is very unusual and irregular for giving representation in international bodies. Representation in FAO is made according to a formula, as in other international organizations, and I am not aware that it is decided anywhere on the scale of contributions.

D. VUJACIC (Yugoslavia): The proposal made by the Council was as a result of a year or more's work of the Working Group, which was appointed immediately after the last Conference. It was also discussed in the Council and is the result of a kind of compromise after long consultations between various regions during the whole of this period. My delegation considers that this proposal represents a very reasonable compromise in all its aspects.

On the number of seats in the Committees, my delegation is not against the suggestion by the delegate of India to have an equal number of seats in both the Programme Committee and the Finance Committee. It also supports the proposed method of regional distribution and the method of election to secure this regional distribution in the Committees. We are also in favour of the proposed procedure which ensures that qualified people participate in the work of the Committees by being elected in a specific manner, so that the electing body is acquainted with their curriculum vitae. I do not wish to extend my statement because previous speakers have explained much more eloquently the reasons why this solution is most suitable for the present circumstances and the needs of the Organization. To conclude, my delegation supports the proposal of the Council concerning the composition and method of election of the members of the Committees.

T. HAYAKAWA (Japan): I only wish to make brief comments. First of all, as to the status of the representatives on the two Committees in question, my delegation thinks that members of these two Committees cannot but have two different characters. In other words, they are elected for their own personal merits as experts but, at the same time, they reflect the views or opinions of their governments. So in this connection my delegation supports the proposal advanced by the Council.

Secondly, as to the enlargement of these two Committees, my delegation is of the opinion that the balanced representation of developing and developed countries must be ensured in these two important Committees. In this connection we can support the idea of increasing these two Committees. If this Commission feels it necessary to increase them to twelve or fourteen for each Committee we shall be in a position to support this. However, the number proposed by the Council is as a result of careful and long studies, so we can also be in a position to support the number suggested by the Council.

T.M. NARAIN (Mauritius): We have before us a document which is the result of long previous discussions. My delegation fully appreciates the importance of the issues being discussed, and we have heard with great interest the views expressed by other delegations, and particularly the explicit statements made by the Legal Counsel and the delegate of Brazil.

We have no difficulty in agreeing with the recommendations of the Council at its Seventy-First Session. We agree to the increase in the number of seats for the Programme and Finance Committees so as to represent the geographical areas more equitably; it would bring the increase in line with the Council's and F AO's increases in membership. We agree that the members of the Programme and Finance Committees should be on a governmental basis first, and then as individuals. The individuals have to represent the views of the country and the geographical region they represent.

Since the members of the Finance and Programme Committees are representatives of governments in the first instance, we feel that alternates should be acceptable, because governments will change or have revised opinions on the elected representatives, or the representative may for various reasons be unable to attend the Committee. Therefore, at least one alternate should be allowed.

Sra. M. HERNANDEZ BRITO (Cuba): En lo que respecta al número de puestos de los Comités del Programa y de Finanzas, consideramos que debemos ser consecuentes con el aumento propuesto del número de puestos del Consejo, ya que el principio es el mismo: lograr una mayor participación de los países teniendo en cuenta el aumento en el número de países que han ingresado en la Organización, y de igual forma debía considerarse el número de puestos en el de Finanzas. Sin embargo, esto no fue aceptado ni se trae una propuesta a este respecto para ser sometida a esta Conferencia.

La posición de nuestra delegación sobre la composición de los Comités del Programa y de Finanzas y de Asuntos Constitucionales y Jurídicos es que sean designados Estados Miembros y no personas a título personal. Uno de los argumentos que se esgrimen para justificar que la designación sea a título personal es lograr la mayor competencia y capacidad en la persona designada. Aceptar esto es aceptar que las personas designadas por los Gobiernos no la tendrían, y continuando por esta vía de análisis, los que nos encontramos representando a nuestros Gobiernos tendríamos que aceptar nosotros mismos que no somos competentes, lo cual es contradictorio, por cuanto consideramos que los que nos encontramos en esta sala somos competentes y capaces y que esta es una Organización de Estados Miembros y no de personas.

Sobre la representatividad, consideramos es necesario que los Comités del Programa y de Finanzas estén integrados por representantes de países, siguiendo estrictamente el criterio de la representación geográfica equitativa; rechazamos cualquier propuesta que se base en el criterio del monto de las donaciones y apoyamos cualquiera que sea tendente a reconocer a los países en desarrollo y subdesarrollados, con igual derecho, como establece la Carta de las Naciones Unidas.

Nuestra delegación admite que estas propuestas, contenidas en el documento C 77/LIM/2, son el fruto de largas negociaciones y lo acepta como lo que es: una solución de transacción, con la excepción del párrafo 4(a) y (b) I y II, en lo que se refiere a la sustitución de representantes de los Estados Miembros, ya que debe ser facultad del Estado Miembro elegido sustituir a sus representantes.

Apoyamos lo expuesto por el Presidente del Grupo de los 77, en el sentido de que esta fue la posición que se adoptó en el Grupo.

J.O. ALABI (Nigeria): My delegation supports the proposal for the increase in the number of seats on the Programme and Finance Committees. This will make it possible to have wider representation on the Committee and to have the benefit of the views of more experts. We feel, however, that the size of the Committees proposed is reasonable. We want to avoid making it more difficult for the Committees to reach agreement. After all, it is not the number which matters but the contribution of members who are participating.

On the question of having alternates, we feel there is no need to have alternates since it would be possible for members to represent those who are absent. The elected members should be present at all meetings in-so-far as possible in order to ensure continuity.

With regard to the question that the curriculum vitae of candidates proposed by governments should be submitted at the time of election, we are trying to ensure that people who are knowledgeable in the matters to be discussed serve on the Committees, and it is necessary to pin down to some extent who will serve on the committees. If we just leave it to the governments to nominate anybody, we may end up with having a new person coming for each meeting, which is not desirable.

We would appeal to governments to allow their nominees to act freely as experts and not give them too strong instructions, which would make it difficult to arrive at a consensus at meetings.

I. HAKIM (Indonesia): I have three points to make during this debate, but first I should like to give my delegation's view? on this matter.

We agree to the increase in members of the Programme and Finance Committees because it is in line with the increase in the membership of the Conference and in line also with the membership of the Council. We are also of the view that the Programme and Finance Committees are advisory bodies of the Council and also, as a first stage, scrutinizing bodies of the Council. We are grateful for the explanation given by the delegate of Brazil about his experiences in the Programme Committee of the United Nations. In this regard, as we follow that line of thinking, we consider that the Programme and Finance Committee members should represent member countries and also be representatives of their regions.

In that regard, following suggestions made by other delegates, we think the increase in the Programme Committee and the Finance Committee should be equal. The task of the Programme Committee is not only to follow up the formulation of programmes and budgets but also to monitor, and at the end there is the question of the evaluation of the programme, the evaluation and auditing of the budgets. We think that both Committees should be equally represented. It means an increase in the numbers of the Programme Committee to equal the Finance Committee, if we follow this line of thinking.

This also makes it easier to agree on the procedure for electing members of these two Committees because we have the first stage and the second stage of election, and then eight members will be elected in the first stage for the Programme Committee and the Finance Committee. If the membership of the Finance Committee is only six, and we have four regions, some difficulties will arise.

The second point which we should like to touch upon is the question of balanced representation between the developed and the developing countries. Of course, we agree to this principle, but we have seven regions in the FAO. How can we say that North America should have balanced representation between developed and developing countries, because in North America we are supposed to have only two developed countries, so you cannot apply the principle of balanced representation between developed and developing countries in that region, that is, unless we are again to discuss the concept of seven regions in the FAO. I mentioned this in my first intervention on another item. If we are going to discuss these seven regions of the FAO, then this concept can be discussed.

The third point ray delegation would like to raise is the question of amendment to the General Rules of the Organization. If we follow this concept that the Programme and Finance Committees should consist of representatives of countries and of regions, and that representatives' personal merits should also be taken into account then we do not consider a by-election is necessary if a certain member is unable to attend the sessions for two consecutive sessions. We suggest that instead of a by-election we might ask the Council to approve the new member taking the place of the member who is unable to attend on two consecutive sessions. In that way we would avoid the difficulties of a by-election.

J. CHAMI (Liban) (interpretation de l'arabe): Je ne ferai pas une longue déclaration. Ce que je voudrais dire a déjà été présenté par le délégué, du Brésil. Notre délégation appuie le projet de résolution adopté par le Conseil lors de sa soixante et onzième session et qui a été présenté à cette Commission.

Notre appui, en effet, porte sur l'augmentation du nombre des membres des Comités du programme et financier, ainsi que sur la représentation à ces comités et les qualifications requises des candidats pour pouvoir siéger à ces deux comités.

M.A.BENDJENNA (Algérie): Je voudrais tout d'abord remercier le Conseiller juridique pour la façon dont il nous a présenté la question qui fait l'objet de nos débats. Je peux également ajouter qu'il a même éclairé certains points obscurs des documents soumis. Notamment la possibilité, pour un Etat Membre dont le représentant n'a pu assister à deux sessions d'un comité, de pouvoir poser sa candidature même s'il doit faire l'objet d'une élection partielle.

Ceci étant dit, je voudrais ajouter que ma délégation appuie les conclusions de la soixante et onzième session du Conseil, surtout celles tendant, d'une part, à l'augmentation du nombre des membres du Comité du programme et du Comité financier (augmentation inférieure à nos souhaits mais que l'on accepte), et, d'autre part, à transformer lesdits comités en organes composés de représentants gouvernementaux. Enfin nous pensons, nous aussi, que les conclusions du Conseil représentent une formule de compromis et que nous devons nous y rallier.

P.J. BYRNES (United States of America): Like most of the speakers this morning my delegation appreciates the importance of these two Committees. We know these Committees have been effective over the years and have served the Organization, the Council and the Conference very well. In both the ad hoc Working Party and the 71 st session of the Council we stated that we would have been pleased to see these remain structured in size and manner as they currently are. However, we recognize the majority view was different concerning this, and we recognize the fact that in the long deliberation that has taken place there has been a necessity for extensive compromise. I will not comment concerning the specific points raised this morning and now before us. I will merely say my government accepts the changes recommended by the Seventy-First Council and the CCLM. In closing, let me say we are very grateful for the clarity with which the Legal Counsel introduced this very difficult subject this morning.

B. SUK LEE (Korea, Rep. of): First of all, my delegation would like to thank the Legal Counsel for giving us a very informative explanation on this matter. My delegation would like to speak very briefly on this. The constitution of the Programme and Finance Committee has been scrutinized by a Working Party for a long time, and also discussed in the Seventy-First Session of the Council. While agreeing to the general recommendations of the seventyfirst Council and also the views expressed by the delegates of Brazil and India, my delegation would like to point out one thing concerning the size of the Finance Committee.

Since the Finance Committee's function is as important as the Programme Committee's and also the two Committees are very closely related, my delegation fully supports the proposal made by the delegate of Bangladesh and supported by the delegate of India to increase the Finance Committee to 11 Member countries.

A. GOMEZ ORBANEJA (España): Le agradezco me dé la palabra, para aclarar una cuestión.

Los delegados de Bangladesh, India y Pakistan se han referido a mi declaración anterior y yo desde luego he de decir que no había propuesto que la composición del Comité de Finanzas se basase en la distribución geográfica. Lo que sí dije fue que el mismo Comité de Asuntos Jurídicos había encontrado dificultades

sobre la distribución geográfica. Yo dije también que la razón principal no es sólo la del número de los componentes, sino la de la materia. La programación sí es una cuestión geográfica y es lógico que haya un Comité de Programación geográfico, pero en un Comité de Finanzas, la geografía no tiene nada que ver, pues es simplemente una cuestión técnica.

El representante de Bangladesh ha hablado de inversiones; pero es que el Comité de Finanzas no hace inversiones, lo que hace es controlar los costos.

O sea que la distinción que yo quería hacer es que la distribución geográfica debe aplicarse al Comité del Programa, pero no al Comité de Finanzas.

CHAIRMAN: Thank you, distinguished delegate of Spain.

Distinguished delegates, I think we have come to the end of this morning's session. We have discussed rather exhaustively document CC 77/LIM/2 Appendix A recommendations of the Council and we still have to discuss certain other matters raised by the Legal Counsel arising from the recommendation and comments of the CCLM.

The meeting rose at 12.20 hours

La seance est levée à 12 h 20

Se levanta la sesión a las 12.20 horas

council

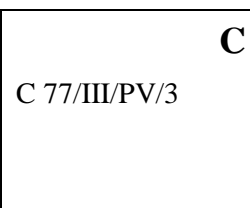
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consejo

ORGANIZACION DE LAS NACIONES UNIDAS PARA LA AGRICULTURA Y LA ALIMENTACION



Nineteenth Session
COMMISSION III

Dix-neuvième session
COMMISSION III

19° periodo de sesiones
COMISIÓN III

THIRD MEETING
TROISIEME SEANCE
TERCERA SESION

(23 November 1977)

The Third Meeting was opened at 15.10 hours

S. Boolell, Chairman of Commission III, presiding

La troisième seance est ouverte à 15 h 10.

sous la présidence de S. Boolell, Président de la Commission III

Se abre la tercera sesión a las 15.10 horas.

bajo la presidencia de S. Boolell, Presidente de la Comisión III

CHAIRMAN: Before we start with the agenda I invite the Director-General to make a statement.

CYCLONE DISASTER IN INDIA

DESASTREPROVOQUE PAR UN CYCLONE EN INDE

LA CATASTROFE DEL CICLON EN INDIA

DIRECTOR-GENERAL: All of us here, I am sure, have read with a deep sense of sorrow the reports of the death toll that the cyclones have left in their trail in the Andhra Pradesh, Tamil Nadu and Karnataka, states of India. It will be some time before we have on hand the exact death toll and damage reports, but it is already clear, from the preliminary despatches, that this has been a disaster of harsh proportions.

Through the delegation of India, here present, we wish to convey, to the Government and the people of India, our sincerest sympathy. FAO stands ready to assist, within its modest capabilities, in whatever way it can, to help in the tremendous rehabilitation task that lies ahead.

May I also appeal to other nations and institutions to join us in this task of swift rehabilitation in the knowledge that promptly extended help is help doubled.

CHAIRMAN: In my capacity as Chairman of this Commission I wish to associate myself with the words of sympathy expressed by the Director-General and the appeal he has launched to come to the help of those people who have suffered from the cyclone in India.

RAMADHAR (India): My delegation is really moved by the feelings and sentiments expressed by the Director-General and also endorsed by you, Mr. Chairman.

This has been a very great catastrophe in that part of the country which was not prone to cyclones earlier. I will be conveying the wishes of this House, including that of the Director-General and you, Mr. Chairman, to my Government and I am sure that the feelings expressed here will give and will instill a sense of support to all those who have suffered in this,

PART III - CONSTITUTIONAL AND ADMINISTRATIVE MATTERS

(continued)

TROISIEME PARTIE QUESTIONS CONSTITUTIONNELLES ET ADMINISTRATIVES (suite)

PART III ASUNTOS CONSTITUCIONALES Y ADMINISTRATIVOS

(continuación)

- A. Constitutional and Legal Matters (continued)
- A. Questions constitutionnelles et juridiques (suite)
- A. Asuntos constitucionales y jurídicos (continuación)
- 17. Composition and Terms of Reference of the Council, Programme Committee, Finance Committee and Committee on Constitutional and Legal Matters (continued)
- 17. Composition et mandat du Conseil, du Comité du programme, du Comité financier et du Comité des questions constitutionnelles et juridiques (suite)
- 17. Composición y mandato del Consejo, el Comité del Programa, el Comité de Finanzas y el Comité de Asuntos Constitucionales y Jurídicos (continuación)
- 18. Amendments to the FAO Constitution and General Rules of the Organization
- 18. Amendements à l'Acte constitutif et au Règlement général de l'Organisation
- 18. Enmiendas a la Constitución de la FAO y al Reglamento General de la Organización
- Composition of the Programme Committee and Finance Committee
- Composition du Comité du programme et du Comité financier
- Composición del Comité del Programa y del Comité de Finanzas

CHAIRMAN: We now resume our discussion on Item 17 which we started last Saturday but before I give the floor to any delegation I would like to summarize what took place last Saturday.

From the discussions on Saturday it would seem that the very great majority of delegations have expressed their support for the Council recommendations contained in Appendix A of document C 77/LIM/2. I would ask delegates to refer to those documents since I intend to endorse the recommendations in paragraph 237 of the extract from the Council report. First of all it seems that all delegations which spoke on Saturday support the recommendation contained in paragraph 237 (a) (b) (e) and (f). These paragraphs relate to having governmental representation on both committees, increasing the Programme Committee to eleven, the election of a Chairman based on personal merit and the payment of costs of travel and per diem of representatives.

To the best of my recollection there was a consensus on these items. However, a number of delegations have not had an opportunity to state their views and some delegations, including the Nordic countries, expressly reserved their position. I hope that my summary is accurate so far.

Secondly, there are still certain issues open arising out of the Council recommendations. Some delegations have spoken in favour of increasing the membership of the Finance Committee to eleven but from the general assessment of the situation I believe the consensus is to retain the membership to nine, although I must admit that some members spoke in favour of the increase from nine to eleven.

There was also a difference of views on the Council recommendation that there should be no alternates on either committee. A number of delegations questioned the reasons for abolition of the provision regarding alternates. The other recommendation on which several comments have been made relate to the CCLM proposal for by-elections and the proposed requirements of personal qualifications for members of the two committees. Several delegations stressed the need to ensure the prerogative of Member Nations to appoint substitutes for their designated representative.

If we agree that the main recommendations to the Council are accepted, except on one or two issues I have just mentioned, and especially the question of the substitute, I would request that we confine our discussion to that particular issue. Since we have the whole of the afternoon to discuss this particular issue I think that we can have time to take other matters at the conclusion of our discussion on this item, so I would ask you to include in your agenda the following items: that is, (a) authentic Chinese text of the FAO Constitution; (b) the status and use of languages in FAO; the relevant documents are C 77/LIM/13 and C 77/LIM/13-Sup. 1, Rev.1 and C 77/LIM/33. This is on the assumption that we conclude our deliberations on the item now in front of us.

L. LA CORTE (Venezuela): Deseamos ser breves, de acuerdo con sus recomendaciones, señor Presidente, para aprovechar el tiempo de que disponemos.

Sobre el punto que está sometido a discusión, nos manifestamos de acuerdo con que los componentes miembros de los Comités del Programa y del de Finanzas deben ser representantes de los Estados Miembros, y no como ha venido sucediendo hasta ahora que actuaban con carácter personal.

Consideramos, además, que estos miembros deben tener por supuesto unos amplios conocimientos en las materias en las cuales van a intervenir y, por tanto, que deben participar con el respaldo de sus Gobiernos, con el curriculum vitae de cada uno de ellos para asegurarse de los conocimientos de los mismos.

Aprobamos también que se eleve a once el número de miembros del Comité del Programa y a nueve los del Comité de Finanzas, aun cuando nosotros preferiríamos que el número de miembros del Comité de Finanzas fuera también de once y no de nueve. No hacemos hincapié en esto. Es una preferencia de nuestro país y solo en este sentido lo exponemos.

Respecto de los demás puntos, he de decir que estamos de acuerdo en que todos los miembros de estos Comités deben realmente representar el modo de pensar de la generalidad de los Miembros de la FAO y no solamente el de sus países. Con esto queremos manifestar que estamos en oposición de quienes creen que por el hecho de que los miembros de los Comités sean representantes de los gobiernos vaya a disminuir la forma más efectiva de llevar a cabo su representación.

Es todo lo que teníamos que decir, señor Presidente.

B. de AZEVEDO BRITO (Brazil): Thank you, Mr. Chairman, you have already summed up the situation as it was when we met Saturday and I fully agree with your summing up that there is general consensus of the FAO Council with respect of the Programme and Finance Committee. Like the representative of Venezuela my delegation would also like in principle to have eleven instead of nine in the Finance Committee. However, we will be prepared to go along with the recommendation of the Council since it was a sort of

compromise reached at that level. In fact, at the level of the Ad Hoc Group which advised the Council. Of course even the debates at the present session of the Conference on budgetary matters have the concern of all our members on finance matters and budget matters. But anyway, as I said, we will go along with the compromise of the Council.

You pointed out, Sir, two points for discussion. If I understood the points correctly they were the question of substitutes and the question of so-called by-elections. Now, in fact, the two are related. May I first, say that as far as our substitutes are concerned, the thinking as far as I can recollect of the Ad Hoc Group which considered this programme in detail, we excluded alternates from the start. First because we were speaking about the government representatives, countries, states, which theoretically could represent replacements for their representatives. A different situation from the Committee on a personal basis in which you have an additional person which stands behind the full member just to replace in case of need.

Second it would exclude the possibility of an alternate in order to keep the committees small. That again, is part of the compromise when we reached the move from eleven to nine. There were delegations which would have preferred a smaller committee so that was part of the compromise. I say that to save time because I could speak for one hour but I think probably the relevant information on those two grounds that you were speaking about Member States being represented by one representative and if at all necessary by replacements would not be alternates as such. That is the first aspect. The second aspect is the wish not to keep the Committee too large, that was part of the compromise.

Now the by-election, Sir, is linked as we tried to suggest last Saturday. Linked to government representation. My delegation would have some reservations, to put it mildly to paragraph 4, a second part of 4(a) and 4(b) on two texts. We feel that if we have a government and member states elected in cases of absolute necessity - for instance a change of administration of an important nature, or a physical impossibility of the man who is representing the country to be present - in such exceptional cases one should allow the country to allow a replacement. I would go along, however, with any language which would make it explicit that there are really exceptional cases.

I referred on Saturday to the experience of the Programme Committee of United Nations and I said there had been only one replacement in 7 years. Of course a replacement would be a mandate of a member country. So that the members which are elected should be urged to make all efforts to keep the person whom they indicate at the beginning for all the time of the mandate. Only under very special circumstances, fully justified, should there be the possibility for a change. In such cases the Council should be informed of the curriculum and details of the person and the state of course would be the first, I am sure, to be careful in the choice of the replacement. I am fully confident whoever is elected - whichever country is elected - to such an important committee will take all the care to ensure adequate representation. I think, perhaps, we should have no reason to doubt about this careful selection. It is a very important committee in our estimation. They are bound to have a vital influence on the conduct of our work. They are the guides for the Council which are a very large body which can go into details and at the same time be an advisory body to the Director-General. It is an extremely important committee. I have no doubt whatever country is elected would put forward the name of a person fully qualified, and if it were at all necessary to provide a replacement of equal standing. That, I think is a reasonable assumption.

Now in whatever language I want to make it clear that we urge the countries not to make replacements unless absolutely necessary, my delegation fully supports this. Thank you very much.

DIRECTOR-GENERAL: I hesitate to intervene in this debate, to which, of course I am not a party. But as I myself served on the FAO Programme Committee from 1957 to 1962, I should like to state my reaction to the proposal to allow a Government - in exceptional cases, which are very difficult to define - to send to the Programme Committee session a person other than one who has been elected.

My problem is as follows. The first difficulty arises in defining those situations. Obviously, a government has supreme power of decision. Thus, if there is a new Minister or a new Government, they may like to designate another person. It is not for the Council, or this meeting, or the Director-General to decide whether or not the decision of the Minister to send an alternate is a wise one. We must accept that decision. In such a case, the alternate would be nominated instead of being elected. He would be sitting at the table with his colleagues, members of the Programme Committee, elected by secret ballot, and would participate in their work, though he himself had been nominated by his Minister. So he might find himself in a somewhat ambivalent situation, not having the same status, not having been elected, and owing his presence to the choice of his Minister.

I just want to draw your attention to this point. Another aspect to be considered is that, for the past twenty-five years, we have had a Programme Committee of seven members. Now it will have eleven members, because of the increased number of Member States - now 144 - and normal representation should be wider. But this Committee has always been a committee of experts, of wise people; you could call it the Comité des Sages. As long as there is a quorum of seven, I don't think the work of the Committee will be very much hampered if representation is incomplete. I know that, in such a case, the views of the Committee would not be those of all the member countries, of all the regions, since the normal eleven members, in fact, also represent the regions. We know this, even if it has not been put in writing; in practice, selection is made on a national basis, but also on a regional basis; it is a fact of life. It is stated, also, that eight members should come from developing countries. The point I am making here is that the quality of the work - I'm speaking about quality - will not suffer if seven or eight members attend the session rather than eleven, because the experience of many years has demonstrated that this- Committee has always functioned very well with seven members. I agree, however, that, in this case, representation would not be complete, because there would be countries normally represented on the committee who, in fact, would not be present.

In conclusion, I leave the decision to this Committee, but I could not refrain from commenting and expressing my reaction on this subject.

To sum up, how can one define the occasions on which a Government will decide to send an alternate? Furthermore, this alternate would not carry the same weight; he would be in a different category from the delegates, since, as I have already stated, he would be sitting with delegates elected by secret ballot, who would represent a region, and who would be well known. But we can, of course, work with any committee you decide to select, and any solution you decide to adopt will be acceptable to us.

I apologize to the distinguished delegate of Brazil. Though I find myself in agreement with him on many points, I have ventured to express an opinion regarding a Committee on which I had the honour to serve for some years. But what the honourable delegate of Brazil has said is equally valid, because we also need the representation of all Member Countries. Thank you.

B.E. MATAMOROS HUECK (Nicaragua): Como es ésta la primera vez que mi delegación interviene en esa Comisión, en primer término deseo felicitar al señor Presidente por su elección, así como también a los Vicepresidentes.

El resumen a modo de introducción que hizo el señor Presidente le permitió a esta delegación ampliar su criterio y puntualizar algunas informaciones, que estimamos bastante necesarias.

En cuanto al tema que estamos considerando me excusará el señor Presidente que sea un poco más amplio debido a que en la reunión del sábado no tuvimos oportunidad de intervenir.

Mi delegación, señor Presidente, comparte el criterio expresado por otras delegaciones en cuanto a que los miembros tanto del Comité del Programa como del Comité de Finanzas deben ser representantes de los Estados Miembros, y entiende que éstos puedan presentar un curriculum vitae para la elección.

Nos pareceasimismo conveniente, señor Presidente, que estos miembros sean expertos en las cuestiones de que se han de ocupar y que tengan un conocimiento general de las labores y actividades de la Organización.

En cuanto al número de miembros, mi delegación está de acuerdo en que los del Comité del Programa sean once. Por otra parte, vería con agrado que se ampliara también a ese mismo número de miembros, once, los del Comité de Finanzas.

En cuanto a las disposiciones reglamentarias a que se refiere el artículo 26, Apéndice Ft mi delegación entiende que vienen elegidos los Estados Miembros y los que a través de la elección adquieren este derecho. Específicamente, el mismo artículo dice textualmente: "Los Estados Miembros serán elegidos por el Consejo, de conformidad con el procedimiento legal, y los miembros del Comité destinarán como representantes a personas"•

A nuestro criterio, el derecho adquirido en esta elección es del Estado y no del individuo. En este criterio, viene la cuestión que se plantea con la suplencia. Creemos que es estricta facultad, del Estado en determinados casos que se podría definir como el estado de necesidad por impedimento natural u otras circunstancias similares. El Estado, como tal, tendrá la facultad de nombrar un suplente, pero no consideramos que puedan existir otras hipótesis, o que sería necesario recurrir a crear la figura de la suplencia.

En cuanto al párrafo 3 del Apéndice F, mi delegación, recogiendo las recomendaciones del Consejo, de-searía agregar un comentario Me parece que debería expresarse en forma manifiesta que en la elección de los miembros del Comité de Programas y de Finanzas debería conservarse una distribución geográfica equilibrada entre las diferentes regiones que componen la FAO. Creo que así conservaríamos, en una forma clara y expresa, la exigencia de que todos los miembros del Comité deben obedecer a una representación donde. las regiones puedan contribuir, en una forma amplia y equilibrada, a las labores de estos importantes comités, que nosotros consideramos que dan un trabajo y una contribución esencial a las sesiones del Consejo y también de la Organización.

G. LIEBER (Germany, Fed. Rep. of) (interpretation from German): The opinion of my delegation concerning the composition of the Programme and Finance Committees of the FAO is known already. We would have preferred in the future to have both Committees filled by technicians chosen for their personal qualifications, and the number of representatives should be maintained at its present level.

The decision taken by the Council after long discussion, and the compromise arrived at by the Ad Hoc Working Group is, in our opinion, a maximum amount of modifications which should not be exceeded in the interests of the working capabilities of these bodies. The Programme Committee with eleven members and the Finance Committee with nine, who are also going to bring in the representative views of their governments, as has been requested, will have great difficulty in any case in submitting to the Council the analysis of the Programme and Budget recommendations, and in particular, their balanced opinion.

These are difficulties which we should not increase by the addition of more representatives, particularly in the Finance Committee. Neither should we expect these increased committees to take upon themselves the work of the Council itself. We should remember that both of these committees, according to the Constitution of our Organization, are subsidiary bodies of the Council and should remain such.

The final decision concerning the advice given by these committees should be maintained in the Council. The additional difficulties which arise out of the increased number of members, and the greater difficulties arising out of the deliberations of the increased bodies, should not be neglected in the interests of the Organization itself.

My delegation, therefore, is in favour of accepting the advice of the Council as we have it in the document before us, and of the modification to the Constitution in Appendix F being supposed.

S. JUMA'A (Jordan) (interpretation from Arabie): I have already stated at the meeting of the Council at its Seventy-first session the reasons for my objections to this new proposal which was put forward by the Committee in charge of revising the Constitution of the three Committees - Programme, Finance and CCLM. I still hold the same opinion, and I feel that the Conference, now it is about to make a decision on this subject, will undoubtedly take the wrong decision which for this reason will weaken the importance of these Committees, and particularly that of the Programme Committee and the Finance Committee, because the representation of these two Committees as proposed will be selected first on the basis of the government representation of the country, and secondly on the basis of a regional representation.

Therefore, those who will be members of these two Committees, Programme and Finance, will merely speak of their specific points of view without attributing importance to the Organization itself, because it is an international organization and not a regional one and does not represent groups of States from all over the world. Experience has proved that if possible the members should be familiar with all the reports published by the Council of this Organization ever since its creation. They will notice that these reports contain expressions of gratitude to those two Committees, not merely for formal reasons but because these two Committees were able to render to the Council very great services as the members of these two Committees had personal competence and abilities and spoke from a world-wide and international point of view without attributing too great importance to the opinion of one side or one region. They attributed the greatest importance to international - or rather, scientific - opinion alone, and were not influenced by political or regional questions or sentimental aspects of the problem.

It is unfortunate that the Council, which has been thanking these two Committees over twenty years, should now do away all of a sudden with this and should propose to the Conference the introduction of a new method, which in my opinion is a poor one and which will weaken the Organization. It will create new difficulties for the Secretariat because the representatives of the States who are no longer the same will not be entirely familiar with the problems of the Organization and will not always "be of the required level. Experience has already shown this in the past.

It is also a pity that the Programme and Finance Committees should become a mini-Council, and for many delegations all the discussions will take a great deal of time and will weaken the friendly relationship between the members of these Committees who at present are linked by being small Committees of five to seven people. The decisions made by the Programme and Finance Committees were adopted unanimously.

Never were any resolutions adopted by a majority. It seems to me that to alter the composition of these two Committees and to establish them on a regional basis alone will certainly make it necessary for these Resolutions in the future to be adopted by a majority, not unanimously.

This is a very dangerous question and even though I am aware of the fact that it is late at this stage to change the views of the Conference I believe that as a compromise we should accept the last proposal made by the Council, which proposes an increase in the number of members of the Programme Committee to 11 and of the Finance Committee to 9 and to eliminate the question of alternates for the reason given by the Director-General - that is, that the alternate will not know what has gone on during the previous meeting of the two Committees.

Here I would like to draw your attention to the fact that the work of the two Committees is continuous and the members who participate must be familiar with all the work from beginning to end. If a person misses one meeting he will have lost the thread of the discussion and he will not know what certain publications are about, since he will not have been there when they were drafted.

So the proposal is this, that within four years at the utmost we should re-open our discussion on this subject and if experience shows that the new procedure for these two Committees is good and that the results are good, then we can continue with the procedure, but if we notice that the work in these two Committees is not satisfactory and has become difficult, we will have to think the matter over again and find a better method which I am sure is the method which exists at present.

I am saying this in order to tell you why I continue to insist that this Resolution, if adopted, will be the worst Resolution adopted by the Council at its present Session.

S. KRONVALL (Sweden): My delegation would like to make some brief comments on the question of alternates or substitutes in the enlarged Programme and Finance Committees. We all know what hard work has been done to reach the compromise that I think many governments have accepted as a package. It is therefore with concern that my delegation has noted in the debate views expressed to the effect that governments who are members of the Programme and Finance Committees should be free to decide who they wish to send to the meetings of these Committees.

To accept such a development would mean that the important principle of personal capacity or personal qualification could be more or less lost. It would also mean a serious risk of losing continuity in the work of these Committees. To fulfil their important task, the Committees must be composed of highly qualified persons who attend meetings regularly. Alternates or substitutes could thus in my opinion seriously reduce the efficiency of the Committees.

Having said this, let me also, to avoid any misunderstanding, state that I am not questioning the competence or otherwise of sovereign governments. It is just a matter of finding the proper technique to ensure that the important work of the enlarged Programme and Finance Committees will be done with the highest possible efficiency and continuity. As I see it, this means that alternates or substitutes should not be allowed for.

H. ABDALLA (Egypt)(interpretation from Arabic): After having heard the statements by the preceding speakers, I will try to be brief. We agree with the representation of governments on the Programme and Finance Committees, but we would like to stress once again the need for the people representing their governments to be highly qualified and highly competent and that this should be made entirely clear in the *curricula vitae* submitted at the time of election. The Director-General has shown us his experience as a member of the Programme Committee for many years and mentioned a very important point, the question of the non-elected alternate on an elected group, because when we select the members of the Committee we are familiar with their activities and we know what they do at the Conference. It is on this basis that we make our choice. Our choice is not based on our personal likes or dislikes or because people belong to a certain geographical area or even to a certain group of developed or developing countries. We base our selection on the experience of the person concerned and because we think that the person is qualified. So this Committee is obviously not a committee of governments but the Council is a government body. These Committees are committees of experts in agricultural matters, and I insist on the

agricultural nature of these bodies, because very often we realise that on these Committees there are not sufficient agricultural experts and agronomists, also of financial experts and accounting experts. We must bear this in mind very closely when we deal with the Finance Committee, because a member who is not familiar with financial questions and accounting, questions will have to turn to someone who is responsible for these questions. Here I would like to stress the importance of the technical qualifications of the representatives. The delegate of Jordan is quite right when he refers to the question pertaining to the choice of these government representatives. There is a text of the Constitution which says that the persons elected to the Programme Committee and the Finance Committee must have attended the Conferences of the Organization and be familiar with the activities of the Organization. It is unacceptable for a government to present a representative to us who has not attended any Conferences of the Organization for membership of the Programme Committee. Any nomination made by a government or by someone on behalf of a government should specify the number of Conferences attended and in what capacity so that we may know what his qualifications are. This is a point we must bear in mind.

Concerning the geographical distribution, we support this entirely because these persons represent different regions. But in financial matters we do not see the importance of geographical representation. Here we are concerned with questions of finance and accounting, matters which are a question of qualifications. Whether they come from Europe, Asia or anywhere else does not really matter. So here I insist on the representation of both developed and developing countries, developed countries because they have a great deal of technical and scientific knowledge, and developing countries because they try to defend the interests of that part of the world. Before concluding I would like to draw your attention to the question raised by the Director-General concerning alternates. Here I believe that we should maintain this system of elected alternates who attend the work of the Committee if the titular member himself is unable to attend.

Sra. M. IVANKOVICH de AROSEMENA (Panamá): Mi delegación considera que los Comités de Finanzas y de Programas deben seguir desempeñando las funciones de órganos consultivos del Consejo y del Director General. Como órganos de consulta de ambos, sus miembros deben ser elegidos tomando en consideración sus capacidades individuales y técnicas en la materia. Pero estimamos también que los candidatos deben ser presentados por sus gobiernos. Por lo tanto, apoyamos que los miembros de ambos comités sean representantes de Gobiernos. Apoyamos también el aumento del número de miembros de ambos Comités a un total de once en el Comité de Programas y de nuevo en el Comité de Finanzas. No objetamos que puedan ser elevados a once los miembros en el Comité de Finanzas. A este respecto, mi delegación considera que es muy legítimo el derecho de todas las regiones a estar debidamente representadas en ambos Comités. La representación geográfica constituye un equilibrio en los trabajos de ambos.

P. MASUD (Pakistan): The position of my delegation is very similar to, if not exactly the same as, that of the Brazilian delegation. There is however one question which is agitating my mind and on which I will seek clarification and take advantage of the Director-General's presence to do so. It is regarding the Finance Committee. The proposal put forward by the Council was that the membership of the Finance Committee, which is presently five, should be increased by four and brought to a figure of nine, which is almost double the present number. Now we hear proposals which state that the Programme Committee should have 11 members, which would be even more than double. We would like to know whether the work of the Finance Committee has doubled in volume since it was first constituted. If not, then there does not seem to be any justification for increasing the number to eleven. Secondly, is there any dissatisfaction with the present performance of the Finance Committee which would necessitate an increase to the number of eleven? At this stage I must say that we have no objection to the number being raised to eleven, but this is a question which is agitating my mind and I thought that clarification on this issue would be helpful to all concerned.

Moreover, all the delegations who have spoken in favour of the figure of eleven have given no justification for this increase. It appears that they have plucked this figure out of the air or have reasoned that since the Programme Committee has eleven members, therefore the Finance Committee should also have eleven. But they forget that the Programme Committee is comprised of seven members and there is only an increase of four, which is not too much of an increase considering the increase in the volume of FAO's work.

I should therefore be extremely obliged if some of the delegations which have been proposing a figure of eleven could give some justification for that. I must also admit that this has somewhat of a selfish motive because, as Rapporteur, I have to report on why these delegations have asked for a figure of eleven; and that is why I am raising this question.

S. STAMPACH (Tchécoslovaquie): Notre délégation lors de la discussion au Conseil s'est déjà ralliée au consensus sur la proposition concernant l'augmentation des membres du Comité du programme et du Comité des finances.

Néanmoins, permettez-moi, Monsieur le Président, d'attirer une fois de plus votre attention sur certains aspects concernant la représentation des pays membres dans les deux comités.

1. Nous soutenons l'idée que ce sont les gouvernements qui doivent être représentés, mais en même temps il faut dire franchement qu'il est difficile de parler de "représentation régionale en ce qui concerne les représentants et les membres des deux comités, parce qu'il faut considérer qu'il existe différents systèmes socio-économiques, et qu'il est peu réaliste de demander à un représentant, dont le gouvernement appartient à un système socio-économique tout à fait différent de l'autre, d'exprimer l'avis d'un gouvernement de système tout à fait différent.

2. C'est pourquoi il nous semble anachronique de distribuer les postes uniquement selon la région; il serait préférable de prendre en considération à la fois le principe de base de la représentation régionale et celui de la représentation géographique, tel qu'il est appliqué dans l'Organisation des Nations Unies.

J'avais l'avantage d'être non seulement au groupe ad hoc du Président du Conseil, mais aussi au CQCJ lors de la discussion de ces problèmes. Nous soutenons la représentation des gouvernements et des Etats, et nous pensons que parler de suppléants, maintenir le système des suppléants, ou même indiquer le suppléant d'avance, représenterait une certaine limitation du droit souverain des différents gouvernements. Nous ne pensons pas que ce serait justifié du point de vue légal.

Il nous semble qu'un certain quorum est souhaitable en ce qui concerne le travail de ces deux comités, parce que, jusqu'à présent, ils ont travaillé avec une représentation plus limitée sans rencontrer de grandes difficultés; donc, si quelque gouvernement est absent d'une réunion parce qu'il ne peut pas envoyer son représentant nommé à l'origine, cela ne devrait pas gêner le travail du Comité.

Je voudrais dire aussi que, si nous acceptons le principe de l'élection par Etat, en pratique le représentant doit suivre ses instructions et ne peut pas se limiter à exprimer un avis personnel sur les différents aspects même si son opinion est subjectivement sage, il doit respecter les instructions du gouvernement qu'il représente.

Il s'agit non seulement des deux Comités mais également du CQCJ qui a aussi une certaine influence sur la fonction du Conseil. Nous parlons d'un rôle consultatif mais je pense que, dans la pratique, on peut plus concrètement analyser les différents aspects du travail de toute Organisation.

C'est pourquoi ces deux Comités ont certainement une grande influence sur le progrès et la gestion de l'Organisation.

Nous pensons qu'il serait bon de juger la représentation géographique au Conseil, aux deux Comités, et probablement au CQCJ comme un ensemble, ce qui permettrait d'avoir une représentation plus large des différents pays et d'attirer l'initiative d'un nombre plus large de pays membres dans leur collaboration avec l'Organisation.

Si nous avons au Conseil 49 membres, et maintenant 11 membres dans un Comité, 9 dans l'autre, nous avons dans l'ensemble 69 pays qui pourraient être représentés directement dans les organes directeurs et consultatifs les plus importants de l'Organisation. C'est pourquoi nous estimons qu'il serait bon de prendre en considération, au cours de la présentation, les différentes candidatures.

En ce qui concerne le CQCJ, nous pensons que le travail de cet Organe, qui n'est pas dans la constitution de toutes les agences des Nations Unies, était très utile pour cette Organisation.

Je me demande si, maintenant, lorsque nous discutons du Comité financier et du Comité du programme, les mêmes caractéristiques ne sauraient pas être appliquées en ce qui concerne le Comité juridique et constitutionnel, parce que dans ce Comité il serait nécessaire d'avoir des juristes qui, si on parle de problèmes constitutionnels, soient très au courant des principes juridiques de l'Organisation.

En ce qui concerne la procédure pour l'élection, nous voudrions de nouveau réserver notre position en ce qui concerne les élections par étapes, en ce sens que nous ne voudrions pas avoir ici un préjudice en ce qui concerne la conception de la représentation géographique pour les autres agences des Nations Unies.

Je me permets de poser une question formelle auprès du Conseil juridique en ce qui concerne les modifications de l'Article 20.6 et 20.7 de la Constitution, spécialement en ce qui concerne le délai pour présenter les candidatures. Si nous sommes en train d'approuver cette nouvelle modification au sein de notre Commission, et maintenant au plénium de la Conférence, alors il nous manquerait quelques jours pour répondre à l'exigence de dix jours avant l'élection. Je me demande s'il ne serait pas bon d'avoir une certaine exception pour cette Conférence ou pour la prochaine session du Conseil en ce qui concerne ce délai de dix jours, parce que les gouvernements devront présenter leurs candidatures non pas en se basant sur le principe que nous sommes maintenant en train de modifier, mais sur le principe du document nouveau. Je pense qu'il serait bon, du point de vue juridique, de prévoir une certaine exception en ce qui concerne cette procédure.

En conclusion, je voudrais de nouveau souligner le principe de la représentation juste et réaliste des pays membres.

Cette Organisation est devenue probablement la plus grande agence - je n'ose pas dire la plus importante agence - des Nations Unies; c'est pourquoi ce principe devrait devenir, si je puis dire, une loi constitutionnelle pour cette Organisation, parce qu'il assure l'équilibre dans la représentation au Conseil et aux différents comités. Je pense qu'elle mérite d'avoir cet équilibre et que cela ne pourrait que servir son progrès.

LE CONSEILLER JURIDIQUE: M. le Président, puisque les décisions que voudra prendre la Conférence comporteront également des amendements aux règlements généraux de l'Organisation, il faudra qu'il y ait une résolution. Nous avons pensé qu'il serait souhaitable que les résolutions comprennent également un paragraphe opératif prévoyant que le délai de dix jours qui est prévu dans le projet de la nouvelle règle ne s'appliquerait pas aux élections qui doivent avoir lieu au Comité du Programme et du Comité financier lors de la 63^{ème} session du Conseil, c'est-à-dire lors de la session qui suivra immédiatement cette Conférence.

A. GOMEZ ORBANEJA (España): La delegación de España ya ha hecho una declaración el otro día. Por la propuesta del Consejo y por las discusiones de esta Comisión llegamos a la conclusión de que hay ciertas finalidades, ciertas aspiraciones que tienen una gran mayoría. Nosotros estamos perfectamente de acuerdo con esas finalidades.

Estamos perfectamente de acuerdo, como ha explicado el señor Presidente, con que los Comités deben ser unos Comités de miembros representantes de Gobiernos, con calificación especial en los individuos. Perfectamente de acuerdo.

Estamos asimismo de acuerdo en que haya una mayor distribución geográfica; aspiramos a que haya una distribución geográfica lo más extendida posible.

Otro extremo es el de la distribución por regiones. Hay regiones que tienen muchos más países que otras. Estamos de acuerdo en que las regiones con países menos desarrollados que son una gran mayoría deben tener una mayor proporción de miembros.

Estamos, pues, de acuerdo con estos tres puntos o finalidades. Lo que nos preocupa, señor Presidente, es cómo vamos a conseguir tales finalidades, de aquí mi pregunta y mi duda respecto a si el cambio de reglamento que se nos propone podrá conseguir lo que queremos. A nosotros nos parece que no. Tal como está redactado el reglamento, yo creo que no vamos a conseguir eso a que aspiramos.

Se habla de que se va a hacer la distribución por regiones, y se agrupan las regiones, y puede ocurrir que haya una sola región en un grupo. De manera que sería ilusoria la distribución geográfica. Por ello, estimo que debiera pensarse en cómo se puede conseguir esa eficaz distribución geográfica.

Acabamos de oír a varios delegados, y de ello me congratulo, y en último término al de Checoslovaquia, que la cuestión de distribución geográfica debe verse en todo su conjunto, tanto en el Consejo como en los Comités del Programa y en el de Finanzas.

Para lograrlo, creemos, y a ello aspiramos, que los miembros de los países que no están representados en el Consejo tengan una mayor posibilidad de estar representados en los Comités del Programa y de Finanzas.

En primer lugar, estimamos que debe establecerse en el reglamento una cierta preferencia para los países que no sean miembros del Consejo. Y en segundo lugar, si los miembros van a representar regiones o a hablar en nombre de regiones, es lógico, me parece bien que los Presidentes de esos Comités no puedan hablar en nombre de una región: deben mantener un punto de vista de las distintas regiones.

Es natural también que el Presidente que se va a elegir, que ha de ser independiente y por separado, no represente una región, y para ello sería conveniente que no pertenezca a ninguna región de las que tenga que representar, y que luego la distribución geográfica se lleve a cabo cuando se haga la segunda etapa de los Comités.

Estos dos puntos o propuestas que acabo de mencionar los queremos presentar formalmente, aunque no sé si es éste el momento oportuno o cuando se discuta el texto de reglamento que se nos propone.

Y en cuanto a lo que nos ha dicho el señor Director General sobre los -sustitutos, no podemos estar completamente de acuerdo con él. Creemos y seguimos creyendo que hubiera sido mucho mejor que los sustitutos los nombrase el mismo Consejo ya con antelación, y serían sustitutos no de un individuo si-no sustitutos de otros Estados. No haría falta complicar el sistema para la designación de nuevos sustitutos si los hubiera elegido ya el Consejo con antelación, con la garantía de que se trata de técnicos que presenta el propio Consejo.

Sobre esta materia ha hablado muy acertadamente Jordania y nosotros estamos de acuerdo con sus manifestaciones.

Insisto en que lo que nos preocupa es cómo vamos a conseguir esa distribución geográfica. Por ello, nos reservamos proponer enmiendas concretas al texto del reglamento. Muchas gracias.

J L TOFFIN (France): Je serais très bref. Je suis déjà intervenu en effet samedi dernier pour appuyer d'une façon générale les propositions du Conseil concernant la réforme du Comité du Programme et du Comité financier. Je voudrais simplement revenir aujourd'hui sur deux points qui, si l'on se réfère à l'exposé de notre Président, posent encore un problème et font encore l'objet de quelques divergences au sein de cette Commission: D'abord, le problème de l'élargissement du Comité financier. Je dois dire que, pour notre part, notre délégation verrait de sérieuses objections à ce que l'on revienne sur les propositions du Conseil concernant l'élévation à 9 de l'effectif du Comité financier. Cet effectif a été établi après de laborieuses tractations, et a cherché à réaliser un équilibre au point de vue de la répartition régionale, équilibre entre régions et aussi implicitement entre pays développés et pays en voie de développement. Il est évident que si l'on remet en cause le chiffre des effectifs du Comité financier, il faudra revoir toute la distribution géographique de façon à maintenir l'équilibre auquel on était parvenu et que cela nécessitera de très longues discussions et dont on ne voit pas très bien d'ailleurs la nécessité. Je rappelle en effet que, comme l'a très bien indiqué le représentant du Pakistan, l'on n'a jusqu'ici donné aucune raison motivée, aucune raison convaincante des avantages qu'il pourrait y avoir à augmenter les effectifs du Comité financier.

Je rappelle d'ailleurs que, dans la formule actuelle qui est traditionnelle à la FAO, le Comité du Programme et le Comité financier n'ont pas le mêmes effectifs: le Comité du Programme a aujourd'hui 7 membres, et le Comité financier 5. Il n'y aucune nécessité à ce que deux Comités aient donc le même effectif.

Le second point sur lequel je voudrais dire un mot est celui des suppléants. Nous ne voyons pas la nécessité de rétablir le poste de suppléant qui figurait jusqu'ici dans le Comité du Programme et dans le Comité financier. Tout d'abord, la suppression des suppléants a été recommandée par le Groupe de travail, approuvée par le Conseil, parce qu'elle apparaissait un peu comme la contrepartie de l'augmentation des effectifs des deux Comités, et qu'il y avait tout lieu de s'efforcer de maintenir un chiffre global aussi petit que possible afin de maintenir l'efficacité des travaux de ce Comité. D'autre part, l'existence des suppléants, on l'a rappelé d'ailleurs tout à l'heure, n'a plus de véritable raison d'être depuis que les membres des deux Comités sont des représentants des gouvernements. Autrefois, avec le système des représentants à titre personnel, l'existence des suppléants se justifiait, puisqu'il fallait pouvoir remplacer un membre absent; aujourd'hui, s'agissant de représentants des gouvernements, on peut laisser à chaque gouvernement le soin de désigner le cas échéant un remplaçant, au cas où son représentant ordinaire serait indisponible et au moins pour une séance, n'est-ce pas, comme il est prévu dans les propositions du Conseil.

POINT OF ORDER

POINT D'ORDRE

PUNTO DE ORDEN

Q. HABÍBUL RAQUE (Bangladesh): I want to raise a point of order. If I could hear you correctly your summing up was that on certain issues we have come to a consensus; on certain other issues the floor is open for discussion. But my understanding from the discussion is that the whole question is open now. We as delegates have been intervening on all the aspects of the problem, including whether there should be governmental representation tempered with personal qualities, all aspects of Programme and Finance Committees. I would urge upon you to limit the discussion to the specific points so that we can wind up the discussion and come to a consensus.

CHAIRMAN: I think you are perfectly right because in my summing up I said that the consensus was that the recommendation of the Council had been agreed on several points, including the membership of the Finance and Programme Committees. The only point at issue was the question of the substitute because it is also agreed that the representative should be representative of government because a compromise had been reached. So I will ask the members, because time is limited, we have still a number of speakers on our list, to confine their remarks to the point at issue which I have just mentioned.

Q. HABIBUL HAQUE (Bangladesh): If I understand you correctly now, for the second time, the discussion in the House is now limited only to the question of substitutes, not even alternates, so it is only a question of substitutes, when a member nation represented by a personality is for unavoidable reasons absent in the committee, whether he could be substituted by a member designated by that nation. This is the only point in discussion now, am I correct?

CHAIRMAN: Yes. The question of alternate I understood had already been discussed last Saturday because nobody is in favour. There has been some confusion when members spoke about alternate substitutes. Alternates, as it exists now, means replacement of the representative government; what we understand by substitute means replacement of the representative elected on the different committees, so what is at issues now is the substitute and, together with it, the question of by-election.

J. GARCIA E. (El Salvador): En atención a la intervención anterior de que existe un consenso sobre los distintos puntos que se han planteado, mi delegación, en todo caso, quisiera más bien referirse al tema que nos ocupa, que es el de los sustitutos o suplentes, como quiera llamárselos. Somos del criterio de que sean los Estados Miembros quienes designen, en caso de eventualidad, quién debe reemplazar a un sustituto o suplente determinado. Es inadmisibles que se pretenda que un miembro de ese comité actúe a título personal. Esto distorsiona la conformación del orden establecido en las comunidades de naciones, donde la participación de un miembro debe estar en línea con los intereses del país que representa.

Finalmente, nosotros estamos, o más bien compartimos, la propuesta de que el Comité de Finanzas también pueda aumentarse a once.

En cuanto a la calificación que debe reunir el candidato, modus operandi, debe convenirse que en la distribución geográfica un curriculum atendiendo a los méritos personales del candidato, es lo que debe prevalecer. Es como una cogitación del mismo.

B. SAMANEZ CONCHA (Perú): Si vamos a discutir únicamente el problema de los sustitutos y de los suplentes, creo que estaríamos discutiendo un poco en el vacío. Creo que para tratar esto debe quedar claramente establecido el carácter de representatividad de los miembros de los dos Comités, de Finanzas y del Programa. Se habla de que hubo un consenso en el Consejo para presentar un proyecto de resolución a la Conferencia, proyecto que figura en el apéndice F del documento que estamos discutiendo, en el cual, en el punto segundo del texto español se dice textualmente: "Todo Estado Miembro de la organización que desee ser elegido como miembro del Comité"; o sea, que esto implica que la recomendación es que la

representación sea a los Estados y de ninguna manera a las personas, y como tal, debe ser el Estado en función de su soberanía, en caso de que la persona que designó como titular no pueda concurrir por determinadas razones, quien debe nominar al sustituto, y creo que la palabra "sustituto" expresa claramente lo que es. Se trata de un reemplazo del miembro; se trata de una sustitución; no se trata de una suplencia temporal. Sería el reemplazo para lo que resta del período.

De manera que nosotros estamos de acuerdo en que debe ser representado a título del Estado Miembro; es decir se trata de una sustitución y no de una suplencia. Además, yo creo que es la primera vez que hacemos uso de la palabra al discutir este tema y yo creo que deben tocarse otros puntos.

En el proyecto de resolución se habla de que un muerto no puede asistir. Esto me preocupa profundamente. El muerto, muerto esta y de ninguna manera podrá asistir, De forma que recomiendo o solicito que el punto A del apéndice cuatro sea cuidadosamente revisado en su redacción.

Ahora, con relación a la representatividad por regiones debo manifestar que en el punto I del párrafo tercero del apéndice F no se recoge la recomendación del punto g del apéndice F, al elevar el Consejo su informe, a la Conferencia. Al elegir a los miembros de los Comités, el Consejo deberá tener en cuenta el principio de asegurar una distribución geográfica equitativa en los Comités, o lo que se sugiere es que la resolución debería recoger esta recomendación para que quede claramente establecida la distribución equitativa en cada una de las regiones en el momento de la elección de los miembros de los comités.

A.J. PECKHAM (United Kingdom): Thank you, Mr. Chairman. I want to make some very brief remarks on a strictly practical consideration. When we are dealing with the question of candidates, of people elected, to these very important Committees. I think the first consideration is that the committees are immensely important to the work of FAO, and if I may say to the standing of the Organization. I would have thought that almost everyone is agreed that the important thing is to ensure that we get people of some stature sitting on these committees. Not only is it a question of technical qualifications, but of their personal capacity and standing.

I mention these considerations because I think they are important, Mr. Chairman. Now I do so because I want to lay before the Committee a particular problem which we have faced, and which I think, may face other governments.

If you are going to get hold of representatives with the requisite qualifications and standing, you cannot guarantee that they will always be available whenever a meeting of the Committee may take place. Clearly if they are elected they will do their utmost to attend. But by the nature of things if you are wanting people of some standing they have other engagements. And, therefore, I recall the Director-General's opening remarks when he referred to the possibility exceptionally of members of the Committee being unable to attend. I'm sure if people are elected it would be very exceptional, but there is the strictly practical consideration that, if you tie people down to guarantee their attendance as it were then inevitably you are eliminating some of the best people available.

I just want to make that strictly practical point, Mr. Chairman, and suggest that there is a need for a little common sense. I think the real problem here is always balancing what is in a practical sense desirable and what one would theoretically like to happen. I just want to make those observations because this is a problem which the United Kingdom has been wrestling with in order to make available a particular candidate. Since the discussion, Mr. Chairman, is purely on the matter of substitution in the event, exceptionally, of members not being available I will not make remarks about the composition of the Committees as my understanding is that this matter has now been settled.

J.S. CAMARA (Guinée): Pour répondre à l'appel de notre Président, je vais m'efforcer d'être bref. J'ai eu l'honneur d'être membre du Groupe qui a élaboré la plupart des documents qui sont soumis au Conseil et au Comité des questions constitutionnelles et juridiques.

Parler uniquement du problème des remplaçants ou des suppléants n'est pas chose aisée. Je pense que cette question des remplaçants devrait être acceptée telle qu'elle a été proposée par le Comité des questions constitutionnelles et juridiques, car il est vrai qu'un pays qui présente une candidature à un poste au Comité du programme ou au Comité financier s'engage à faire le maximum d'efforts pour que son représentant puisse assister à toutes les réunions. Il est également bien évident que si, pour une raison ou pour une autre, il arrivait qu'un représentant ne puisse pas assister à une session, il conviendrait de laisser au gouvernement la possibilité de désigner une autre personne, en informant à temps le Directeur général.

En ce qui concerne le nombre des membres de ces comités, c'est-à-dire onze membres dans l'un et neuf dans l'autre, il n'y aura pas de difficultés d'obtenir un quorum afin de permettre aux deux comités de fonctionner.

Pour ce qui concerne la question de l'augmentation des membres du Comité financier, je pense avec le délégué du Pakistan que la proposition qui a été faite constitue un processus lent et difficile. Je suis d'avis que nous devrions maintenir les deux comités tels qu'ils sont actuellement. Sur la base de cette considération, ma délégation serait prête à accepter le texte qui nous est soumis.

Je voudrais insister toutefois sur une question qui a été soulevée par le délégué tchécoslovaque à savoir celle de la représentation régionale équitable. Nous sommes d'accord qu'il y ait des pays développés et des pays en développement et que les deux groupes soient suffisamment bien représentés comme l'a proposé le Conseil. Mais il y a également une représentation régionale dans ces deux groupes de pays, et deux types d'élection. Il faudrait donc que les régions soient représentées de façon équitable. Certaines régions comportent beaucoup de membres, elles ont donc des difficultés pour présenter leurs candidats. Il faudrait tenir compte de ce fait, de même que des différences sociales et économiques dans le monde pour permettre au Directeur général de s'orienter, parce que ces comités sont des organes consultatifs pour le Directeur général qui doit avoir le point de vue des différentes tendances qui sont confrontées actuellement dans le monde.

A.A. MANSOOR (Bahrain) (interpretation from Arabie): The delegate from Bangladesh has cut the ground from under my feet in the question of substitutes alone and the question to be discussed concerns substitutes only. Substitutes are appointed for the personal qualifications of the representative of the country but actually, Mr. Chairman, many of the points raised were eliminated from the discussion because the states cannot reach a consensus. It seems, however, that it is also recommended from the Council concerning substitutes, so why should we discuss that question only because I believe that if the representation is to be done by the government and by the state then we should see to it that the members of these committees should be competent too. That they should be able to do efficient work on the committees. Of course the states could to save time present the name of the substitute so that the Council may take a decision on the substitute as well. That might perhaps be a compromise solution to this problem of the substitutes.

DATO'ISHAK B. Hj. PATEH AKHIR (Malaysia): Since this is the first time that I am taking the floor, allow me to congratulate you, Mr. Chairman, on your election as Chairman of this Commission. With your vast experience, I am confident that our deliberations will run smoothly.

Malaysia is most appreciative of the considerable amount of hard work put in by the Council, the Working Party, and the CCLM, and would go along with the recommendations made by the Council in Paragraph 237 of Appendix A.

However, in the matter of alternates, we noted somewhere in the document that one of the questions left unresolved by the Council is whether or not member nations should be free to designate substitutes for their representatives whenever situations make substitution imperative. Malaysia is quite agreeable to the proposal that member nations should have the authority to designate substitutes for their representatives, but it is important, however, to adhere to the principle of personal merit and it is also important to ensure continuity of attendance by representatives.

Malaysia's agreement is therefore subject to such safeguards, and we note that the amendments to the relative rules prepared by the CCLM do provide these safeguards. I refer to Paragraph 4(c) of the proposed amendments to the GRO concerned.

L. LAPEBY (Gabon): La question que nous étudions actuellement risque d'avoir de nombreuses conséquences qui ne seront pas toujours heureuses, parce que nous nous bornons au problème des remplaçants. Je voudrais d'abord dire qu'un remplaçant, s'il n'a pas suivi les travaux de la FAO, s'il n'a pas suffisamment de connaissances en ce qui concerne les fonctions et les devoirs de la FAO, me paraît plutôt un fardeau qu'un élément rentable au sein d'un Comité tel que le Comité du programme ou le Comité financier. Même en considérant la répartition géographique la mieux élaborée pour la région concernée, il n'offre pas de garantie quant à la qualité. Le résultat n'est pas difficile à deviner. Certes, il eut été normal et peut-être préférable, très préférable même, qu'en étudiant le problème de la représentation des gouvernements on ait étudié auparavant le mandat des comités. Parce que nous introduisons une nouvelle notion, et nous avons déjà pas mal d'expérience dans les groupes de travail,

où les représentants des Etats, faisant valoir le mandat de leur gouvernement, bloquent les travaux. Cela revient à un double travail. Je crains que dans la situation actuelle, nous n'arrivions au même résultat: c'est que, se prévalant du mandat que le gouvernement lui a donné, un représentant empêche le comité de travailler, qu'il s'agisse du comité du programme ou du comité financier. C'est un drame et je crois que l'on ne devrait pas clore ce problème, mais qu'il faut le laisser à l'étude. Nous verrons les résultats dans deux ou quatre ans. Quelle que soit la compétence du candidat présenté par l'Etat, il ne faudrait pas que, selon l'importance de son Etat, de son gouvernement ou de la contribution de son pays, il puisse dire au Comité: mon gouvernement. m'a demandé de définir tel point et de pas aller au-delà.

Les comités tels qu'ils ont été connus étaient dégagés de cette notion. Il s'agissait de personnes élues uniquement sur la base de leurs compétences. Elles pourraient parler non pas en se référant à une attitude de leur gouvernement mais en tant qu'experts, c'est là où réside le vrai problème. Celui des remplaçants est encore beaucoup plus grave.

L. COMANESCU (Romania): I will be very, very brief, Mr. Chairman. I only want to stress some points on this matter of balanced geographical representation on the two bodies we are talking about. We fully agree with the opinion expressed by our colleague from Czechoslovakia supported by Spain, which has taken into consideration the representation as a whole in the Council and its subsidiary bodies for electing members to the Programme and Finance Committees. That is our first point.

The second refers to Appendix F of document C 77/LIM/2 specifically on the procedure proposed for the election of members from Europe, North America and South-West Pacific. It seems to us equitable and fair that when electing the members from these regions we should take into consideration the number of countries existing in each of these regions.

POINT OF ORDER

POINT OF D'ORDER

PUNTO DE ORDEN

A.J. PECKHAM (United Kingdom): On a point of order, Mr. Chairman - I made an intervention a little earlier and would have had quite a lot to say about geographical representation, but my understanding was that you had ruled a consensus on this plan.

If in fact the matter is to be re-opened, I want to put you on notice there may be others who want to speak on it, but I think the time is too late.

CHAIRMAN: Thank you very much, delegate of the United Kingdom. My task can sometimes become very embarrassing. It is so difficult to anticipate what delegates are going to say, and once the speeches are started it is difficult to interrupt them. I think delegates will understand that time is against us as it is now almost five o'clock, and I will again appeal to them to confine themselves to the points still to be resolved.

K. OLZVOY (Mongolia): Since this is the first time I am taking the floor I would like to congratulate you, Mr. Chairman, on your election to the Chairmanship of this important Committee.

I would like very briefly to state the position of my delegation on the issue before us. We support the proposed increase of the members of the Programme and Finance Committees and the idea that the members of the Committees should represent their respective governments. I would also like to stress the governments of the States who have been elected to the Committees have the sovereign right to freely appoint their representatives and substitutes to them.

It is our opinion that the membership of both Committees should represent the various geographical regions as well as the social and economic systems.

S. DOSSOU (Bénin): Etant donné que ma délégation est déjà intervenue pour dire qu'elle approuvait la proposition du Groupe de travail d'augmenter le nombre des membres des deux comités, je vais être bref. Je voudrais insister sur trois points.

J'appuie fortement la proposition tendant à ce que les candidats proposés soient des représentants des gouvernements. La pratique déjà acquise à l'Unesco montre que la solution contraire favoriserait une certaine anarchie. Finalement, la FAO est une Organisation qui regroupe avant tout des Etats Membres.

S'agissant des remplaçants, il y a tout d'abord un problème pratique que je voudrais soulever. Il est dit, au paragraphe a) de l'Annexe F que nous examinons, que s'il apparaît que le représentant d'un membre du Comité sera dans l'impossibilité de participer à une session, l'Etat peut désigner un autre candidat en le notifiant au Directeur général. Je voudrais savoir s'il ne serait pas nécessaire de faire intervenir une modification du texte, car qu'arriverait-il lorsque, entre deux sessions du Conseil, un membre venait à décéder par exemple, alors qu'il n'y aurait pas de session du Conseil pour juger si le remplaçant proposé est compétent.

En outre, je souhaiterais qu'il soit précisé au paragraphe 4 qu'au cas où un candidat ne présenterait pas telles qualifications, le Conseil se réserverait le droit de le refuser éventuellement. Je le répète, il faudrait préciser spécialement ce point.

Enfin, en relisant le règlement intérieur du Comité du programme, il y a sept membres gouvernementaux. A l'Article 8, quatre membres et un suppléant constituent le quorum. Nous supprimons maintenant le suppléant. Je pense qu'il est nécessaire de conserver au moins cet article indiquant le nombre qui constitue le quorum.

MAPELA NGA-MA (Zaire): Ma délégation estime que si l'on doit adjoindre aux membres de ces deux comités des suppléants ou des remplaçants, il faudrait que les candidatures des suppléants soient aussi soumises aux élections, cela afin de respecter le critère de qualifications et de compétence personnelles. Mais toutefois, ainsi que l'a dit le délégué du Gabon, ma délégation craint un certain dualisme entre l'Organisation et les membres des deux comités, du fait: que ces derniers membres étant représentants de leurs pays respectifs, risquent de se limiter aux instructions de leurs gouvernements. Aussi, nous proposons que l'on associe le Directeur général dans le choix des membres des deux comités, dans une formule selon laquelle l'avis du Directeur général soit requis avant d'élire le candidat à un de ces deux comités.

M. EL DALATI (Syria)(interprétation from Arabie): First I should like to apologise for having been absent when I was given the floor last time.

Since I am taking the floor for the first time, Mr. Chairman, I should like to congratulate you on your election to the chairmanship of this Commission.

I would like to thank the Director-General for the comments he made regarding the enlargement of both Committees. It is clear that the enlargement of the Programme and Finance Committees has become necessary following the increased membership of the Council. I would like to say that the nature of these two Committees proves that these are technical committees and that it is necessary for us to ensure the competence of the membership of these Committees. Also, the expansion of these two Committees should be reasonable, even if we have to take into account the principle of geographical distribution and the representation of various regions. Also I believe that we must be flexible with respect to regional representation to allow the two Committees to be comprised of competent persons capable of getting the job done in the most efficient way. This is why we accept the recommendations made to the Council regarding the increased membership of the Programme Committee to eleven and of the Finance Committee to nine.

As regards the question of substitutes, we believe that it would be helpful to define those conditions under which a substitute may be designated by this government. For example, we could say that if a member misses two consecutive sessions he could lose his status as member and the substitute would then become a member.

B.E. MATAMOROS HUECK (Nicaragua): Trataré de ser muy breve, y me excuso, señor Presidente y señores delegados, por tomar nuevamente la palabra.

Solamente deseo sentar una afirmación, que me parece comparten muchas delegaciones: el derecho adquirido en el momento de la elección es del Estado Miembro. En consecuencia, señor Presidente, en el caso de impedimento, de ausencia del representante del Estado en el Comité del Programa o en el de Finanzas, las

atribuciones para nombrar un sustituto son estrictamente del Estado. Y le parece a mi delegación, señor Presidente, que cualquier mención a una elección parcial o intermedia, o a otro mecanismo que no fuera propio del Estado no sería consecuente con lo contenido en el párrafo 2 del artículo 36.

Al mismo tiempo deseo hacer presente mi adhesión a la propuesta hecha por la delegación de España. A mi delegación le parece muy pertinente.

Siendo estos dos Comités constituidos por representantes de gobiernos, quizá los Presidentes de ambos deberían ser elegidos en calidad de Presidentes independientes, en la misma forma y paralelamente a como dispone el reglamento de la Organización respecto del Consejo. Muchas gracias.

Sra. Doña G. RIVERA MARIN de ITURBE (México): Muchas gracias señor Presidente por la distinción de que he sido objeto.

He pedido la palabra primeramente para felicitar al señor Presidente por su elección para dirigir esta Tercera Comisión y, en segundo término, para apoyar las palabras del distinguido delegado de Nicaragua en el sentido de que si una elección ha favorecido a un Estado y este Estado ha seleccionado a una persona como su representante en el Comité -sea del Programa, sea de Finanzas-, se considera que la elección lógica recae en la persona que reúne los atributos que aquí se están enumerando y que son exigibles. Será una representación de tan alta distinción como es ésta. Y si esta persona por alguna circunstancia o puede cumplir con el mandato que se le ha encomendado, el Estado Miembro que ha sido favorecido con el nombramiento debe seguir en posesión de ese nombramiento.

Aquí estamos hablando de representaciones gubernamentales, no de representaciones por méritos personales. Por consiguiente, nuestro criterio es que el gobierno que ha sido elegido debe seguir ostentando el puesto hasta que termine el plazo legal para el cual fue designado.

He sido muy breve cumpliendo sus deseos, señor Presidente, y muchas gracias por haberme dado la palabra fuera de tiempo.

CHAIRMAN: That concludes our discussion on Item 17. The Draft Report will be prepared by the rapporteur and the Report will also contain the Draft Resolution on this matter.

As I indicated when we opened this meeting, we have amended the Agenda to add two items - the Authentic Chinese Text of the FAO Constitution, and the Status and Use of Languages in FAO. I will ask the Legal Counsel to introduce the subject on the Authentic Chinese Text.

Authentic Chinese Text of the Constitution (Amendment to Article XXII of the Constitution)

Amendements à l'Acte Constitutif et au Règlement General de l'Organisation

(Extrait du rapport de la soixante et onzième session du Conseil)

Enmiendas a la Constitución de la FAO y al Reglamento General de la

Organización (Fragmento del Informe del 71º período de sesiones del Consejo)

LEGAL COUNSEL: The relevant documents in this sub-item are the report of the Seventy-First Session of the Council, paragraphs 218 to 220, reproduced in document C 77/LIM/13, document C 77/LIM/13 Sup.1 Rev.1 Appendix C, and document C 77/LIM/33, which sets forth the draft Conference Resolution as reviewed from the point of view of form by the Résolutions Committee.

The Council has noted that whereas Rule XLI of the General Rules of the Organization provided that Chinese, as well as Arabic, English, French and Spanish, were official languages of the Organization according to Article XXII of the Constitution only the Arabic, English, French and Spanish texts of the Constitution were stated to be equally authoritative.

The Council considered that the Chinese text of the Constitution should have the same authoritative character as the other texts. It accordingly proposed that Article XXII of the Constitution be amended by the insertion of the word "Chinese" after the word "Arabic" in this Article. The Director-General has notified Member Nations of this proposal in accordance with Article XX-4 of the Constitution. The Chinese version of the Constitution, which has been published in the Chinese edition of the Basic Texts, has also been transmitted by the Secretariat to all Member Nations.

The Resolutions Committee has examined the draft resolution regarding this proposed amendment and, as I said before, the text endorsed by that Committee is contained in the Third Report of the Resolutions Committee, document C 77/LIM/33, page 5 of the English text.

CHAIRMAN : Thank you, Legal Counsel. I now give the floor to the delegate of the Peoples Republic of China.

LI CHEN-HUNA (China) (interpretation from Chinese): At the 71st Session of the Council, the Chinese delegation proposed an amendment to Article XXII of the Constitution regarding the authentic texts of the Constitution of the Organization and won the warm support of many delegations. Thereupon, the Council decided to submit to the Conference for consideration and adoption the amendment stipulating that the Chinese text of the Constitution shall be equally authentic. I would like to make the following explanation on this matter.

As we all know, Chinese has always been one of the five official languages of FAO. However, according to the present provisions of Article XXII of the Constitution, only the Chinese text is not equally authentic as are the texts of the other official languages. For reasons known to all, my country could not take part in the activities of FAO for a fairly long period of time with the result that this problem could not be solved sooner. In 1973, my country resumed her activities in this Organization. This year, the Secretariat published the Chinese edition of the "Basic Texts of the Food and Agriculture Organization". Therefore, we think it both proper and necessary to amend Article XXII now so that the Chinese text of the Constitution shall be equally authentic. We trust that this proposal of ours will be approved by the current Conference.

CHAIRMAN: This is a matter which is very straightforward and I am sure everybody will approve it, but nevertheless some delegates have asked for the floor and I will give it to them most willingly.

Q. HABIBUL HAQUE (Bangladesh): Mr. Chairman, as you stated rightly that this is a straightforward matter, I shall be extremely brief. The Bangladesh Delegation supports the amendment of Article XXII of the Constitution as recommended by the Council to include Chinese also as one of the authentic texts of the Constitution. I will also include the no. 2 item as to the same status of the Chinese language as the other languages of the Organization.

CHAIRMAN: I see that there is widespread support for this amendment as has been expressed by Bangladesh and by the following who have briefly taken the floor: Brazil, Pakistan, Nicaragua, Philippines, India, Yugoslavia, Nepal, Lebanon, Liberia, Malta, Mauritania, Gambia, Egypt, Benin, Afghanistan, Mexico, Viet Nam, Nigeria, Ghana, Spain, Kuwait, Libya, Lao, Syria, Zaire, Iraq, Sri Lanka, Tanzania, Mauritius, Burma, Zambia, Panama, Tunisia, Turkey, Burundi, Saudi Arabia, Senegal, Chad, Sierra Leone, Bahrain, Indonesia, Czechoslovakia, Mali, Democratic People's Republic of Korea and Hungary.

I can now move to the next item which is the status of languages and this item will be introduced by the Director-General.

Status and Use of Languages (Amendments to Rules IV and XLI GRO)

Statut et utilisation des langues (Amendements aux Articles IV et XLI du RGO)

Situación y empleo de los idiomas (Enmiendas a los Artículos IV y XLI del RGO)

DIRECTEUR GENERAL: Vous êtes saisi d'un projet de résolution portant amendement à l'Article XLI du Règlement général et, corollairement, à d'autres dispositions des textes fondamentaux. Je voudrais retracer brièvement l'historique de cette question.

Il y a dix ans, en 1967, la huitième Conférence régionale pour le Proche-Orient, tenue à Khartoum, a recommandé pour la première fois que la langue arabe soit utilisée dans les travaux de la FAO. A la neuvième Conférence régionale, à Bagdad, en 1968, cette recommandation connut un modeste début d'application.

En raison de leur utilité manifeste pour la pleine participation des Etats Membres arabophones aux délibérations de l'Organisation, les services de traduction et d'interprétation arabes se sont peu à peu développés. Aujourd'hui, l'interprétation arabe est assurée à la Conférence, au Conseil et à son Comité plénier, aux conférences régionales pour le Proche-Orient, et aux réunions techniques tenues dans cette région. Le programme de traduction arabe au titre du Programme ordinaire est passé de 1 800 000 mots à 2 500 000 mots. Des services d'interprétation et de traduction arabes sont en outre fournis au Programme alimentaire mondial, au Conseil mondial de l'alimentation, et l'ont été à la Commission préparatoire du Fonds international de développement agricole. Enfin, l'utilisation de l'arabe au Bureau régional du Caire s'est développée, grâce notamment à de généreuses contributions volontaires des Emirats arabes unis, de l'Irak, du Koweït, et de QATAR.

Sur le plan des Textes fondamentaux, la situation n'est pas aussi satisfaisante. Certes, le texte de l'Acte constitutif fait foi dans sa version arabe depuis 1969; certes, l'arabe est devenue langue officielle de l'Organisation aux termes de la Résolution 16-71 de la Conférence; mais la rédaction actuelle de l'Article XLI du Règlement général stipule que, si "l'anglais, l'espagnol, et le français sont des langues de travail" l'arabe "est une langue de travail d'emploi limité".

Monsieur le Président, le moment est venu de supprimer cette situation injustifiée et de donner pleinement droit de cité à la langue arabe, véhicule millénaire de la pensée religieuse et mystique, culturelle et scientifique, utilisée aujourd'hui par 22 de nos Etats Membres et langue liturgique pour 45 pays musulmans.

Tel est le but de l'amendement qui vous est proposé aujourd'hui et qui tend à remplacer la rédaction actuelle de l'Article XLI du Règlement général par le texte suivant: "L'arabe, l'anglais, le chinois, l'espagnol et le français sont les langues de l'Organisation".

Après avoir attentivement étudié la question, le Comité du programme, le Comité financier, le Comité des questions constitutionnelles et juridiques et enfin le Conseil à sa soixante et onzième session, ont donné leur aval à cette proposition d'amendement et aux modifications qui en découlent pour d'autres dispositions des textes fondamentaux.

En se prononçant sur ce point le Conseil a estimé qu'il y avait lieu de conserver, en matière d'utilisation des langues, l'attitude pragmatique déjà préconisée par la Conférence et par lui-même. Nous y sommes résolus, monsieur le Président, et nous continuerons d'agir dans ce sens avec souplesse et sélectivité, en prenant comme critère l'utilité pratique des textes et des services d'interprétation pour les Etats Membres.

La Conférence générale de Tunis a souligné que l'élargissement des langues nationales représentait par lui-même un facteur essentiel de développement car il permet de perfectionner les moyens d'expression, de communication et de réflexion, et de faciliter le transfert des technologies. C'est dans cette optique, monsieur le Président, que nous envisageons, l'expansion progressive de l'emploi de la langue arabe à l'Organisation.

CHAIRMAN: This is also a very straightforward matter as explained by the Director-General.

I see that there is widespread support also for these amendments, and the following countries have expressed their agreement from the floor: Bangladesh, Pakistan, Iran, Spain, Ghana, Gambia, Nicaragua, Tunisia, Libya, Mexico, Malta, Viet Nam, India, Cuba, Afghanistan, Nigeria, Switzerland, Benin, Senegal, Lebanon, Burma, Kuwait, Sierra Leone, Cyprus, Tanzania, Lao, Bulgaria, Turkey, Lesotho, Liberia, Jamaica, Kenya, Yugoslavia, Austria, Chad, Zaire, Uruguay, Mauritania, Zambia, Indonesia, Greece, Democratic People's Republic of Korea, Burundi, Philippines, Czechoslovakia, Mali, Hungary, Sri Lanka, People's Republic of Mongolia, Bahrain, Venezuela, Federal Republic of Germany, Panama, Peru, Poland, Chile and Upper Volta.

L. LAPEBY (Gabon): Je voudrais dire avec une satisfaction particulière que je vois enfin aujourd'hui un amendement qui ferait l'unanimité. En effet, il y a tout de même quelque temps que nous avons posé ce problème de langues et tant à la Conférence qu'au Conseil la délégation gabonaise a toujours estimé qu'il ne devrait pas y avoir de discrimination entre Les langues. Je suis donc heureux que ce problème soit résolu et j'apporte mon plein appui.

S.H. AL-SHAKIR (Iraq) (interpretation from Arabic): I want to thank all colleagues who have supported this ever since this question was first submitted at the 61st Session of the Council and to all those who use this language today, there are 22 states, aside from the use of this language in other countries in Asia and Africa, I would like to say that the Arabic language in its use, its technical content, and its use in various organizations will make it possible for the delegations to take an active part in the work of these organizations and they will be able to participate more fully in the Arabic-speaking countries when there are draft reports and other documents because this will be an additional link for all information to all those who work in the agricultural sector.

I would like to thank the Director-General of this Organization for having studied this subject of the use of the Arabic language. We know there are difficulties but we hope that when we adopt this resolution and in future budgets we will be able to make use of Arabic at all meetings and the technical committees and in all reports and all relations between the Organization and the Arabic-speaking nations.

H. ABDALLA (Egypt) (interpretation from Arabic): We would like to express our satisfaction at the fact that the Director-General has presented this subject to us and that we finally come to the end of the road travelled by the Arabic language for 10 years. We are grateful to the Director-General for having presented this subject in such an historical fashion, that is, the stages that the Arabic language has gone through within the Organization and the fact that he spoke to us about the historic role played by this language and which it continues to play.

We would also like to take advantage of this opportunity to thank the international community for having supported the proposal in favour of the Arabic language ever since this subject appeared on the horizon ten years ago.

S. JUMA'A (interpretation from Arabic): It goes without saying that I support the proposal. I have some observations, or rather some questions to ask. First I would like to say that this amendment means that all documents will be prepared - documents in the Conference will be prepared -, the committees of the Council will reproduce in Arabic. But there is no reference to the Council for organization of such and all the other bodies which are part of the Organization. It goes without saying that the work of the Council is of capital importance and all the documents must be made available to Arabic-speaking delegates in their language. So all the documents should be made available without any exception. Furthermore, there are many documents at the present Conference which were not made available to members in Arabic. It is therefore very difficult for Arabic-speaking countries to follow the discussions and to participate in the work actively.

Then the second question is that this amendment still leaves discrimination between languages because it says that all the agreements will be drafted in English, French and Spanish. So there is still a discrimination in connection with the Arabic language.

My third observation is that it is obvious that this amendment cannot be implemented if all the tools are not available and we know that the department in charge of the Arabic translations consists of a very small number of officials. And I don't think that this small number of officials can do the work which is required. And this is why I would like to ask Mr. Mandefield to reply to this observation and I would like to thank the Director-General very particularly for having introduced this matter and for having given it such importance not just for members of the Arab world but because it is a field of importance and validity which must be safeguarded without exception.

H.W. MANDEFIELD (Sous-Directeur general, Département des affaires générales et de l'information): L'amendement de l'Article XLI est de caractère constitutionnel et juridique. L'Article XLI a un caractère facultatif. L'amendement qui le modifie ne préjuge pas de l'emploi qui en est fait. Comme l'a fait observer le Comité des questions constitutionnelles et juridiques, tout est limité, ici-bas, et la limitation est précisée pour chaque exercice biennal par le Programme de travail et budget.

Au programme 5.1.4 (page 182 du texte français du Budget), qui a été examiné ces jours-ci par la Commission II, il est précisé que le quantum de la traduction arabe sera augmenté d'un tiers, c'est-à-dire de 2,5 à 3,5 millions de mots. Quant aux amendements corollaires, ils se rapportent à des textes généralement anciens, formulés et adoptés au moment où l'arabe n'était pas une langue de travail de l'Organisation.

M, EL DALAI I (Syria) (interpretation from Arabic): Mr. Chairman, on behalf of my delegation I formally thank the Director-General for the way in which he has introduced this question - the use of Arabic in our Organization. I would like to express my appreciation to all those who have given us support concerning the use of the Arabic language at international level.

B. de AZEVEDO BRITO (Brazil): Thank you, Mr. Chairman. We should also like formally to support the proposed amendment and we very much hope that Portuguese will be next in line as we have many Portuguese-speaking countries here now.

CHANG SHIH-CHAN (China) (interpretation from Chinese): The Chinese delegation agrees to the amendment of Rule XLI of the GRO.

J.S.AL-SIRKALL(United Arab Emirates)(interpretation from Arabic): We requested the floor some time ago,, Mr. Chairman.It seems the Secretariat did not take note of our request.

Be this as it may, I should first like to congratulate you on your chairmanship of this Commission, since I am taking the floor for the first time.

Secondly, my delegation would like to present to the Director-General our sincere thanks for the efforts he has made to have the Arabic language made an official language in this Organization.My delegation would also like to support the amendment regarding the use of the Chinese language on an equal footing with the other languages.

Since Arabic is our official language, we should also like to associate ourselves with the other speakers supporting the proposed amendment.

S. JUMA'A (Jordan) (interpretation from Arabic):I would like to thank Mr Mandefield for his replies but we are not quite clear, as I raised a question regarding the Council documents and he did not reply to this.I also spoke about Conventions - not the past Conventions, but Conventions which would be concluded in the future. We have heard that these Conventions would be translated into English, Spanish and French. Arabic and Chinese were not quoted.

I would also like to ask Mr. Mandefield to be good enough to tell us if we have sufficient budgetary appropriations for these tasks. I would like to know whether documents will be presented in the Arabic language or not.

H.W. MANDEFIELD (Sous-Directeur general, Département des Affaires générales et de l'Information): Pour les conventions qui doivent être rédigées à l'avenir, je pense que leurs auteurs décideront si elles sont effectivement une portée territoriale qui intéresse les pays de langue arabe, auquel cas il ira de soi que ces textes seront également établis dans cette langue.En tout cas, rien ne l'interdira.

En ce qui concerne l'allocation de 3 500 000 mots, elle suffira à traduire en arabe tous les documents importants de la Conférence et du Conseil. Nous avons déjà commencé, et nous pensons qu'il y a là un nouveau progrès, un pas en avant, dans la direction que nous avons déjà prise il y a plusieurs années.

Le Conseil et la Conférence elle-même ont toujours maintenu, et ont récemment réaffirmé la nécessité d'une attitude pragmatique, de façon à traduire les documents qui sont utiles. Nous les traduirons dans toute la mesure où les ressources à notre disposition le permettront.

CHAIRMAN: Before we close this item, I will invite the Director-General to take the floor.

DIRECTEUR GENERAL (interprétation de l'arabe): Je suis heureux, en cette occasion historique, d'exprimer mes remerciements à tous les membres des délégations qui ont appuyé la proposition qui tend à faire de l'arabe une langue de travail et une langue officielle, sur un pied d'égalité avec les autres: anglais, espagnol, français et chinois.

A l'occaion de l'introduction de l'arabe comme langue officielle et langue de travail, je voudrais également féliciter à cette occasion tous les pays arabes,ainsi que les autres pays qui ont des liens spirituels et religieux avec la langue arabe.

Je ferai tout ce qui sera en mon pouvoir pour mettre en application la décision que vous venez de prendre.

CHAIRMAN: Thank you very much, distinguished Delegates. That concludes pur discussion on this item..

The Meeting rose at 18.15 hours.

La seance est levée à 18 h 15

Se levanta la sesión a las 18.15 horas

council

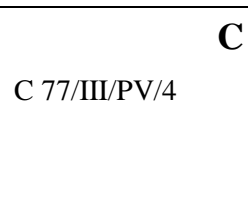
FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS

conseil

ORGANISATION DES NATIONS UNIES POUR L'ALIMENTATION ET L'AGRICULTURE

consejo

ORGANIZACION DE LAS NACIONES UNIDAS PARA LA AGRICULTURA Y LA ALIMENTACION



Nineteenth Session
COMMISSION III

Dix-neuvième session
COMMISSION III

19° periodo de sesiones
COMISIÓN III

FOURTH MEETING
QUATRIEME SEANCE
CUARTA SESION

(24 November 1977)

The Fourth Meeting was opened at 09.45 hours

S. Boolell, Chairman of Commission III, presiding

La quatrième séance est ouverte à 9 h 45, sous la présidence
de S. Boolell, Président de la Commission III

Se abre la cuarta sesión a las 09.45 horas, bajo la presidencia
de S. Boolell, Presidente de la Comisión III

PART III' - CONSTITUTIONAL AND ADMINISTRATIVE MATTERS (continued)
TROISIEME PARTIE - QUESTIONS CONSTITUTIONNELLES ET
ADMINISTRATIVES (suite) PARTE III- ASUNTOS CONSTITUCIONALES Y
ADMINISTRATIVOS (continuación)

A. Constitutional and Legal Matters (continued)

A. Questions constitutionnelles et juridiques (suite)

A. Asuntos constitucionales y jurídicos (continuación)

18, Amendments to the FAO Constitution and General Rules of the Organization
(continued)

18. Amendements à l'Acte constitutif et au Règlement général de l'Organisation (suite)

18. Enmiendas a la Constitución de la FAO y al Reglamento General de la Organización
(continuación)

- Term of Office of the Director-General

- Durée du mandat du Directeur général

- Mandato del Director General

CHAIRMAN: We have already dealt with all the subjects related to the amendments to the FAO Constitution listed under Item 18 except one. We will now deal with the last subject under this Item which is: Term of Office of Director-General. As you are already aware this subject has been extensively discussed by the Committee on Constitutional and Legal Matters, as well as by the last session of the Council. As a result a draft resolution on this issue has been recommended by the Council for adoption by the Conference. You are invited to consider this draft resolution which is contained in Document C 77/LIM/33. As background information you also have available Document 77/LIM/13 which provides an extract of the Report of the Seventy-First Council Session. You may now intervene on this issue,

RAMADHAR (India): The issue which we are considering under this item is very important for this Organization and has a far-reaching implication. My delegation had the privilege of being on the Working Party when this matter was discussed at length. The Working Party requested the Secretariat to make a report to the Council with the necessary assistance of the CCLM, keeping in view the practice of other organizations within the UN system. The CCLM analysed the law and practice of other organizations in the UN system and suggested draft amendments to the Basic Texts, These were considered by the Seventy-First Session of the Council in June 1977 and the Council unanimously agreed to recommend that the Conference provide for the eligibility of the Director-General for re-appointment.

My sole purpose in recapitulating the sequence of events is only to highlight that this issue is being brought before this Conference after thorough examination and it has been examined in detail by the Working Party, the CCLM and the Council.

FAO is the only Organization within the United Nations system in which the supreme governing body, in this case the Conference, is precluded from re-appointing the incumbent and my delegation finds no reason for a departure from the law and practice of other organizations. The existing provision depriving the Member Nations of the chance of re-appointing the Director-General, if they consider that it is in the best interests of the Organization and in the best interests of the implementation of its programmes, is really very discriminatory. If we deprive the incumbent from this eligibility for re-election this will be quite discriminatory as compared to other organizations. It is true that the existing provision was made only a couple of years back and the present Director-General is the first incumbent to be appointed under the amended provision but FAO is a dynamic organization and if changes are necessary in order to keep this Organization in tune with the spirit of the times we should not fight shy of effecting good changes. What we are discussing here is not a temporary circumstance or an unusual personality but the basic principle, the principle of preservation of our rights to consider any candidate, including the incumbent of the office of Director-General. In amending our constitutional provision we are not in any way binding ourselves to an incumbent of this office. We are only permitting ourselves the maximum choice which is our right as sovereign members of this Organization.

My delegation therefore fully supports the Draft Resolution endorsed by the Council and submitted to us by the Resolutions Committee. My delegation urges the Conference to adopt this.

M.A. PAPAGEORGIU (Grèce): La délégation de la Grèce a participé avec plaisir aux débats de la 71^{ème} session du Conseil ces jours derniers. Au cours de cette session, le sujet très important de la rééligibilité du Directeur général de la FAO a été amplement examiné et pleinement discuté. Le rôle du Conseil est en effet de préparer et de faciliter les débats et les décisions de notre Conférence. C'est pour cela que je voudrais, pour raccourcir mon intervention, me lancer dans un très court exercice de statistique. Si je me souviens bien, pendant la 71^{ème} session du Conseil, 33 délégations ont pris la parole, soulignant ainsi l'intérêt qu'elles portaient à cette question. Aucune délégation ne s'est prononcée contre le principe de la rééligibilité. Deux délégations ont indiqué qu'il semblait prématuré de prendre une décision et trois ou quatre ont formulé quelques réserves concernant le nombre ou la durée du mandat du Directeur général. Toutes les autres délégations, qui représentent les 8/10^{èmes} de celles qui ont pris la parole, se sont exprimées en faveur de la rééligibilité pleine et entière du Directeur général de la FAO, sans réserve ou sans mettre de limitations d'aucune sorte. Je pense que l'examen de ces chiffres doit nous permettre d'abréger considérablement les débats et de proposer à la Conférence d'approuver à l'unanimité la résolution qui nous est présentée. Evidemment, la procédure actuelle a un caractère anormal et discriminatoire. Cela a été parfaitement illustré dans le rapport du Groupe de travail du Conseil, dans le rapport du Comité des questions constitutionnelles et juridiques et dans le rapport de la 71^{ème} session du Conseil. C'est pour ces raisons que mon gouvernement croit que de toute façon les Etats Membres de la FAO ne doivent pas être privés de l'importante faculté qu'ils possèdent au sein d'autres organisations des Nations Unies et qui est de décider s'ils désirent confier un ou plusieurs mandats au Directeur général. C'est pour ces raisons que je voudrais vous dire que le Gouvernement de la Grèce appuie fermement le projet de résolution concernant l'amendement à l'article 7 de l'Acte constitutif, qui introduit la rééligibilité du Directeur général.

O.R. BORIN (Italie): J'ai eu l'occasion d'examiner deux fois, avec tout le soin qu'il mérite, le projet de résolution qui est soumis aujourd'hui à notre attention. La première fois, en ma qualité de président du Comité des questions constitutionnelles et juridiques, la deuxième en tant que délégué de l'Italie. Chaque fois, j'ai trouvé que cette résolution était parfaitement cohérente, conforme à la raison, conçue dans l'intérêt général de l'Organisation, plus juste, plus proche de la nature et de la réalité de la vie internationale, ainsi que tout particulièrement respectueuse de la souveraineté et de la volonté des Etats, ce qui constitue un principe fondamental de la vie de notre Organisation. Et tout d'abord, elle est conforme à la raison, donc plus rationnelle puisqu'elle supprime une distorsion, une anomalie que nous avons introduites nous-mêmes dans l'Organisation dans le passé, ayant détruit sans aucune raison valable le principe si juste et si équitable en soi, en même temps que naturel, de la rééligibilité du Directeur général.

Ce projet de résolution est encore plus proche de la nature et de la réalité de la vie internationale telles que nous les expérimentons dans toutes les autres enceintes, puisque aucune autre organisation, je répète aucune, et je vous assure que dans le Comité juridique nous avons étudié soigneusement la question, ne prévoit la non-rééligibilité du chef du Secrétariat. Nous sommes donc les seuls à avoir introduit cette anomalie dans le système des Nations Unies, ce qui nous prive actuellement de toute liberté de choix.

Enfin, la résolution qui nous est soumise pour approbation est plus juste et aussi plus respectueuse de la souveraineté et de la volonté des Etats Membres, parce que, en l'adoptant, nous supprimerions tout élément d'inégalité et de discrimination envers une seule personne, celle du Directeur général en fonction, en même temps que tout obstacle à la libre manifestation de la volonté souveraine des Etats dans l'élection du chef de l'administration. Et ceci, il faut le souligner, est bien dans l'intérêt général de l'Organisation, et non pas d'une personne quelconque. Si les Etats Membres approuvent la politique d'un Directeur général, s'ils en apprécient les qualités, ne serait-il pas discriminatoire et injuste envers un homme qui jouirait de la confiance et de l'approbation générale et que l'on souhaiterait pouvoir réélire, que de lui opposer le principe de la non-rééligibilité que nous avons nous-mêmes adopté dans le passé? C'est bien là ce que j'ai appelé tout à l'heure le paradoxe dans lequel nous sommes plongés dans notre Organisation et dont nous voulons maintenant sortir.

Je pense donc qu'il est sage et raisonnable de vouloir aujourd'hui éliminer ce paradoxe par cette résolution et que ce serait, entre autre, un acte de justice et la fin d'une forme d'autolimitation que nous nous sommes nous-mêmes imposée pour reprendre enfin à part entière la liberté de choix et de décision que nous avons supprimée. Tout cela sera bien dans l'intérêt général de l'Organisation, ayant expérimenté entre autres dans le passé les inconvénients du principe de la non-rééligibilité, dans le manque d'efficacité et dans l'instabilité et l'érosion progressive du pouvoir réel du chef du Secrétariat vers la fin de son mandat.

Partant, l'Italie donne son appui total à ce projet de résolution visant à légitimer la rééligibilité du Directeur général, sans aucune restriction, et elle estime, pour ce qui concerne la procédure de l'élection, que celle-ci devrait continuer à être le privilège de la Conférence, pour donner à tous les Etats Membres, sans aucune distinction, le même pouvoir et le même droit.

LI YUNG KAI (China) (interpretation from Chinese): The Chinese delegation stated its views on the question of the eligibility of the incumbent Director-General for re-election at the Seventy-First Session of the Council. We think that the Director-General of this Organization plays an important role in implementing the resolutions of the Conference and the Council, advancing policy proposals, carrying out activities in accordance with the Constitution of the Organization and organizing and coordinating the work of the Secretariat. Opportunity should be given to the incumbent Director-General, as well as other candidates, to run for the office. There should not be any restrictions on this matter. Therefore we support the draft resolution.

N. AL-SALEH (Saudi Arabia) (interpretation from Arabic): As you know most of us agree to the Resolution of 1975 designed to introduce international economic order and also provide for the establishment of a committee responsible for examining a Programme of Finance and Economic matters in our Organization. Mr. Chairman we should like to thank the Secretariat for having examined the legal and constitutional aspects of this question in the General Conference. With more particular respect to the election of the Director-General we consider the Director-General as the executive head of our Organization. He represents the Organization's conscience, authority, and the Director-General is subject only to the instructions of the General Conference. Furthermore, the Director-General must work in order to attain the Organization's objectives. And he is also responsible for finding solutions to all the food and agriculture problems that face us. The Director-General is also responsible for implementing the programmes and resolutions adopted during the course of the General Conference. It is quite clear, therefore, that the election of the Director-General is one of the prime tasks and responsibilities of the General Conference.

The procedure which has been followed for the election of the Director-General is unique in the United Nations system, no other United Nations Agency has anything concerning the eligibility or non-eligibility. Other organizations' executives in other UN agencies are re-eligible, so then why should we prevent the Member States of this Organization from being able to re-elect the Director-General? Why should we do something which is contrary to the practice in other organizations? We believe that it is our duty to be able to choose our Director-General freely and if we think appropriate to re-elect the Director-General. We should be able to do so, and this is why we object to any discrimination among international organizations to the effect that some organizations do have the possibility of re-electing the executive head whereas other organizations do not have such a possibility. Therefore, it is necessary for us to retain the possibility of re-electing our Director-General and we should be able to nominate once again the man who is presently the Director-General of our Organization. The amendment to the Constitution which would make the re-eligibility a possibility would enable us, therefore, to have a much broader range of choice.

We Member States of this Organization are fully authorised to exercise our rights as Members provided, of course, that we respect the legal texts and the Constitution of the Organization. It would be logical, therefore, for us to follow the example of other international organizations with respect to the election of what I call the executive head of the Organization.

The principle of re-eligibility of the Director-General of the Organization would allow for continuity in the work by the Director-General. We believe, therefore, it would be helpful to allow for the continuity in the Director-General's work to be made possible. Our group of Arab countries would like here to express our full support for the draft resolution which was submitted by the Resolution Committee. The draft resolution which had aimed to have the principle of re-eligibility accepted. We adopt this resolution.

L.C.J. MARTIN (United Kingdom): There is really not much need for me to speak because I feel that the sense of the whole Commission is that the Director-General, if we have a good Director-General, should be eligible for re-election. Clearly, this is something that we should do because it is fairly common/ practice within the United Nations system, and it would be most unfortunate if we precluded the possibility of re-electing for another term of office a good Director-General. I would simply echo on this point what was said right at the beginning of the discussion by the representative of India.

My delegation, has no difficulty with the draft resolution. But I do just wonder whether, perhaps, there should not be provision for slightly more detailed procedure to the electing of the Director-General. Here I draw on my own experience as someone who has been very closely associated with

Unesco for a number of years, and I happen at the moment to be the Chairman of Unesco's Executive Board. The Executive Board of Unesco has the responsibility of nominating a Director-General to the General Conference and I think that this helps - if the Executive Board - or in the case of FAO, the Council - has the task of helping to choose a Director-General. I think this clarifies the position for the Conference and gets rid of quite a lot of discussion that might otherwise take place. What I think is unfortunate - or might be unfortunate - would be a great deal of electioneering, of putting forward the claims of various candidates at a General Conference; or, indeed for that matter, two or four years before it. I think that the resolution before us is good, but I would also suggest even at this late stage that there might be some further detail which would enable the General Conference to deal with the business of electing a new Director-General in a more systematic fashion. As I say, the United Kingdom certainly supports the view that there should be a possibility of re-electing a good Director-General.

K. BEDESTENCI (Turkey): In view of the existing rules concerning the appointment of the heads of other UN agencies and particularly considering the long-term nature of food and agricultural development requirements, the appointment of the FAO Director-General should be streamlined with the others. With this conviction and necessity on behalf of the Turkish Delegation I fully support the resolution put forward in Conference Document "C 77/LIM/13-Sup.1/Rev.1" as Appendix A.

S. MADEMBA SY (Senegal): Etant donné que la question a déjà été largement débattue depuis le mois d'avril au sein du Groupe de réflexion, du Groupe africain où elle a été évoquée pour la première fois, ensuite au sein du Groupe de travail sur la réforme des structures de la FAO, qui a approuvé cette idée et entrepris des études en conséquence, enfin et surtout au sein du Conseil où la question a été très longuement débattue et le projet d'amendement de l'Acte constitutif concernant la rééligibilité du Directeur général de la FAO a été adopté à l'unanimité, je me permets d'exprimer mon étonnement qu'en ce moment-ci, pendant la Conférence générale, on puisse encore essayer de revenir sur cette question et présenter à nouveau tous les arguments juridiques pertinents justifiant tous les points de vue pour l'adoption de ce projet d'amendement.

Il va de soi qu'en ce qui concerne la délégation du Sénégal, nous approuvons entièrement le projet d'amendement quant à la réélection du Directeur général.

Tout à l'heure, j'ai écouté avec beaucoup d'intérêt ce qu'a dit le Ministre de Grande-Bretagne visant à instituer une procédure un peu plus détaillée pour cette réélection, et envisager éventuellement la possibilité pour le Conseil de désigner un, deux, trois, ou quatre candidats.;

Je pense qu'effectivement c'est une proposition qui mérite étude, mais qu'au stade où nous sommes il serait peut-être un peu trop tard maintenant pour que nous essayions de prendre immédiatement en considération cette proposition. Je proposerais qu'on en prenne acte et que d'ici deux ans, le Groupe de travail et le Conseil aient, eu le temps de réfléchir à la question de dégager une position commune, et à la prochaine Conférence de la FAO, on verra à ce moment-là si l'on peut présenter un autre amendement à l'Acte constitutif pour préciser d'une manière plus détaillée la réélection du Directeur général.

Au stade actuel, ce sur quoi il faut que vous vous prononciez très nettement, très fermement, d'une manière définitive, c'est sur le principe de la rééligibilité.

G. ESCARDO PEINADOR (España): Análogamente a lo expresado ya por los oradores que me han precedido en el uso de la palabra estudiando el proyecto de resolución de reelección del Director General de la FAO (documento C 77/LIM/13-Sup. 1/Rev.1), quisiéramos hacer, unos comentarios muy breves para apoyar lo dicho por los anteriores oradores.

Esta Organización es una agencia especializada dentro de las Naciones Unidas y sin embarco es la única, como ha subrayado muy bien el delegado de Italia, que no tiene posibilidad de reelegir a su Director General, si así lo considerase oportuno.

Mi delegación, ya en el Consejo apoyó esta enmienda al Artículo VII de la Constitución de la FAO a fin de que el Director General de la Organización pueda ser reelegido por la Conferencia,, homologándonos con ello a las otras agencias especializadas de las Naciones Unidas.

La enmienda del Artículo VII de la Constitución eliminará también la incongruencia que existe en la presente formulación del Artículo, que limita la posibilidad de decisión de la Conferencia de la FAO y por tanto, la soberanía de los Estados Miembros que la componen.

La continuidad es otro de los elementos muy digno de tenerse en cuenta en favor de la posibilidad de reelección del Director General de una Organización tan compleja como la FAO.

No podemos dudar de que cualquier candidato que haya sido elegido para cargo tan alto necesita por lo menos un primer bienio para dar a la Organización la dirección deseada por la Conferencia que lo ha elegido y para formular su plan de acción. Por consiguiente, los dos bienios que le restan pueden no ser suficientes, sobre todo cuando se trata de problemas tan complejos como los del desarrollo, que pueden no permitir completar este plan de acción. Por ello, la Conferencia debe tener la posibilidad, si lo considera necesario y se encuentra conforme con la labor que viene desarrollando el Director General, de poder reelegir a este en beneficio de la continuidad de los programas de la Organización.

En resumen, señor Presidente, el proyecto de resolución sobre reelección del Director General, contenido en el proyecto que nos somete el documento antes mencionado, refleja el pensamiento de mi delegación, y estoy seguro, por lo que ha venido oyendo, el de la inmensa mayoría de los miembros de esta Comisión. Por ello estimamos que tal resolución debe ser adoptada por esta Conferencia.

P.A. MORALES CARBALLO (Cuba): Seré muy breve, señor Presidente. En lo que concierne a la enmienda del Artículo VII, párrafos primero y tercero, de la Constitución, que se refiere a la reelección del Director General, reiteramos nuestro apoyo a la propuesta hecha por el Consejo en su 71º período de sesiones.

La Constitución de la FAO no debe limitar que se reeija al Director General, sino que, por el contrario, debe reconocer que es sólo potestad de los Estados Miembros decidir sobre su permanencia en el cargo y si considera que redundaría en beneficio de la Organización y de la ejecución de sus programas establecer una continuidad en el trabajo, aprovechándose así la experiencia adquirida en el desempeño de sus funciones.

De esta forma se garantizará que la FAO, al igual que las restantes organizaciones que forman el sistema de las Naciones Unidas, tenga oportunidad de aprovechar los beneficios que trae consigo el hecho de reelegir a un Director General que haya desarrollado durante su mandato una eficiente labor y demos trado con su actuación sus posibilidades de que esta Organización sea una vía adecuada para ayudar a los países subdesarrollados en la lucha por erradicar el hambre y la malnutrición, cumpliendo así con los objetivos para que fue creada.

Entendemos además que debe seguir siendo facultad de la Conferencia, como ha opinado la mayoría de los miembros del Consejo en su 71º período de sesiones, la elección del Director General, por ser el órgano donde están representados todos los Estados Miembros y, por ende, el órgano rector de esta Organización.

Esperamos, pues, que el proyecto de resolución que hoy se nos presenta sea aprobado por unanimidad.

L. VELAY (France): J'ai eu le privilège d'appartenir au Groupe de travail du Conseil qui a examiné ce problème pour la première fois il y a quelques mois, au cours des travaux de ce Groupe, comme ensuite au cours des délibérations du Conseil. Je me suis efforcé de percevoir les raisons particulières à la FAO qui pourraient justifier la discrimination concernant la réélection du Directeur général. Je dois dire que, jusqu'à présent, j'ai vainement attendu une justification d'une telle dérogation, et sans faire la critique de nos prédécesseurs de 1971, je crains qu'ils n'aient arrêté leur décision en fonction des circonstances et peut-être des personnes, et non pas en fonction de l'intérêt général de l'Institution. Ce n'est jamais une bonne méthode, mais si nous n'apercevons pas les raisons particulières qui justifieraient la dérogation actuelle, j'ai peur que l'on aperçoive très clairement et très bien tous les inconvénients d'une telle disposition.

Je voudrais en citer seulement deux qui me paraissent particulièrement graves:

Le premier - et beaucoup d'orateurs l'ont déjà souligné - c'est que notre Assemblée générale, c'est-à-dire la Conférence, n'a pas la possibilité de sanctionner par son vote la question du Chef du Secrétariat, c'est-à-dire du Directeur général de la FAO. Elle est privée de cette possibilité fort importante qui existe pour toutes les autres Assemblées générales de la famille des Nations Unies. On peut dire, à la limite, que le Directeur général n'est pas véritablement responsable devant la Conférence puisque, quels que soient ses choix, quelle que soit sa gestion, ceux-ci ne peuvent pas être sanctionnés soit par une réélection, soit par la fin de son mandat.

Le deuxième inconvénient que je voudrais signaler, est celui-ci: je me demande quelle va être l'autorité réelle du Directeur général au fur et à mesure que va approcher le terme de son mandat de six ans et que des pays sauront que, dans peu de temps, il ne sera plus le responsable des activités et des choix de l'Organisation elle-même.

Pour ces deux raisons, M. le Président, et pour beaucoup d'autres, je voudrais joindre ma voix à celle de tous les orateurs qui m'ont précédé pour recommander à mon tour l'adoption, si possible, du projet d'amendement qui nous est soumis et que ma délégation appuie très fortement.

Doña P. de CASTRO MONSALVO (Colombia): Esta delegación de Colombia también desea tocar el tema que, bajo el proyecto de resolución aprobado por el Consejo sobre elección del Director General, está siendo en estos momentos sometido a nuestra consideración.

Como es de conocimiento de todos, la elección del Director General de esta Organización es privilegio exclusivo de la Conferencia, su máximo cuerpo gubernamental, y a este respecto, en nombre de mi Gobierno, deseo expresar nuestra parecer de que el derecho de reelección de su Director General debe ser un privilegio de esta Conferencia.

La Constitución de la Organización, redactada por esta misma Asamblea, excluye en su Artículo VII el derecho a la reelección de su Director General. Sin embargo, los países miembros, representados aquí por sus delegaciones, están en la mayor posición para juzgar y considerar al candidato más indicado para ejercer en su nombre la dirección y tomar las medidas más apropiadas para el logro de los objetivos de la Organización, independientemente del hecho de que el candidato sea o no Director General en el momento.

Por lo anteriormente expuesto, señor Presidente, y por ser ésta la única de las agencias especializadas de la familia de las Naciones Unidas que no cuenta con el derecho de reelección de su Director General, deseo hacer patente el apoyo de mi Gobierno para lograr la modificación de nuestra presente Constitución a fin de poder contar con el derecho a la reelección del Director General, según se indica en el proyecto de resolución, que estoy seguro que esta Conferencia aprobará sin dificultad.

Para concluir, señor Presidente, deseo mencionar también que la continuidad de los programas de una organización como la FAO exige, en beneficio de los Estados Miembros, que la Conferencia debe tener libertad para decidir sobre la persona que ejercerá tan importante cargo.

H. MAPELA NGA-MA (Zaire) : Ma délégation estime que le sujet qui nous occupe est très important, et peut-être même le plus important de tous ceux qui ont été débattus jusqu'à présent, car, à notre avis, il engage l'avenir même de notre Organisation et c'est justement pour cette raison que ma délégation vous demande de nous permettre de nous étendre sur cette question. Nous pensons néanmoins que son examen pourrait être bref car il consiste tout simplement à ce que nous corrigions en ce moment une erreur qui, durant des années, faisant que contrairement à ses homologues des autres organisations de la famille des Nations Unies, le Chef de l'exécutif de la FAO était soumis à un régime discriminatoire défavorable et non démocratique en ce qui concerne la durée de son mandat. Qui de nous pourrait prétendre en effet qu'il est de l'intérêt de nos pays membres de s'interdire la possibilité de réélire un Directeur général qui leur aurait donné pleine satisfaction et dont ils souhaiteraient voir la politique se poursuivre. La FAO, nous le savons, est une grande et lourde machine dont il n'est pas possible de changer le cours en quelques mois. Si le Chef de l'exécutif ne pouvait en aucun cas disposer de plus de six ans, ainsi qu'il est libellé à l'Article 6 de l'Acte constitutif cela veut dire qu'il consacrerait son premier biennium à la mise en place de sa politique et qu'il ne lui resterait que quatre ans pour la mettre en oeuvre.

A l'échelle des problèmes agricoles, six ans ne sont pas assez pour envisager, examiner et essayer de résoudre les problèmes. Comme nous le savons tous, la plupart des projets de mise en valeur dans le domaine agricole demandent un ou deux ans pour être formulés, plus de trois ans pour être étudiés et plusieurs années encore pour être financés et mis en oeuvre.

Les problèmes auxquels toutes les grandes institutions des Nations Unies sont confrontées sont de même nature. Ils ont comme point de convergence l'être humain et, partant de cela, ma délégation trouve qu'il n'est que logique que les constitutions respectives de ces institutions permettent, sans aucune exception ni limite, la réélection des chefs exécutifs. La délégation de mon pays ne voit aucune raison pour qu'une organisation et son Directeur général se trouvent pénalisés en matière de constitution. Il s'agit de corriger une erreur qui n'a que trop duré, dont nous sommes malheureusement tous responsables, que le Conseil, à la suite d'une recommandation, est parvenu à corriger en trouvant la solution qui convient et qui nous est soumise par simple formalité, pour approbation.

En conséquence, en vue de nous conformer à cette formalité, mon pays ne voyant pas pourquoi le Directeur général de la FAO devrait faire l'objet de ces mesures discriminatoires, appuie pleinement et sans modification la résolution que le Conseil nous prie d'accepter à la page 216 du rapport, contenue dans le document approprié que nous avons sous les yeux.

Pour terminer, je tiens à souligner que bien qu'il soit très important ce problème est clair et net. Il a été étudié par un Groupe de travail ad hoc, par le Comité des questions constitutionnelles et juridiques et par le Conseil, et cela à notre propre demande. Nous n'avons donc aucune raison de reporter une décision à ce sujet. Nous recommandons l'adoption immédiate de la résolution.

Enfin, en ce qui concerne l'organe qui doit élire le Directeur général, ma délégation appuie l'idée que la décision appartient à la Conférence, comme cela a toujours été le cas.

G.A. de SANTA CLARA GOMES (Portugal): We fully support the draft resolution on the eligibility of the Director-General. We think the Rules of the Organization should provide that Conference may if it so desires re-elect the Director-General. We do not consider that Member States should be deprived of this right. This right also prevails in the United Nations system. On the other hand, it should be noted /that\ under the aegis of the Director-General several new programmes and activities have been launched and that the new dynamism inspires us. These activities take several years to mature. So what is not a very sound principle may also be considered as prejudicial to FAO and unfair to the incumbent Director-General, who fully benefits from the confidence of the Organization. So Portugal fully supports the draft resolution under consideration and thinks that it should be approved as it is unanimously.

O.M. SELIKANE (Lesotho): My delegation has no difficulty in appreciating the proposal as presented. We are quite aware how contracts are carried out in all FAO's undertakings. Our experience has been that whenever the term of office is due to expire signs of slackness and stagnation begin to show. In these areas we would wish to keep up with the spirit of continuity whenever possible. Eligibility of the Director-General for reappointment or re-election becomes an aspect of importance to us. Therefore it is worth favourable consideration.

My delegation fully supports the draft resolution before us. My delegation is, however, dependent on the kind guidance of the Legal Adviser as to the mode of re-election or reappointment.

H. CURTZ (Denmark): In the view of the delegations of Denmark, Finland, Norway and Sweden the system for reappointment, the terms of office and the possible reappointment of the executive heads of the organizations within the United Nations family should as far as possible be uniform. As we all know, it is possible to reappoint the executive heads of most other United Nations organizations. Consequently we see no reason why this should not also be possible within FAO.

M. JARRAYA (Tunisie): La procédure adoptée dans toutes les autres organisations internationales donne la possibilité de réélire le chef de l'exécutif. que ce soit le Directeur général, le Secrétaire général ou autre, en fonction des organisations. Nous pensons donc que le principe de la rééligibilité du chef du Secrétariat est un principe acquis dans toutes les organisations internationales. Or, ce n'est pas le cas pour notre Organisation. Je pense qu'au sein de la FAO, le principe de la rééligibilité était également respecté dans le passé, mais qu'une modification est intervenue par la suite. Nous pensons également que pour tenir compte de la souveraineté des Etats et de leur possibilité de choisir entre la rééligibilité et le renouvellement du mandat, il serait juste de revenir au principe de la rééligibilité et d'amender l'Acte constitutif de l'Organisation! dans ce sens en adoptant le projet de résolution qui nous est présenté. Nous espérons que tel sera le cas à l'unanimité.

J.K. MBURATHI (Kenya): My delegation has followed the work of the Committee on Constitutional and Legal Matters and that of the Council in connexion with the term of office of the Director-General. We have also examined in detail the law and practice prevailing in other organizations forming part of the United Nations system. We believe that any clause preventing any incumbent Director-General from being re-elected to that office is tantamount to infringing on the freedom of choice of Member Nations. It is in the light of this and in order to align the spirit of the FAO Organization with other systems prevailing in the United Nations that we wholeheartedly support the draft resolution under consideration.

Sra. D. RIVERA MARIN DE ITURBE (Mexico): La delegación de mi país ha sido siempre respetuosa con el derecho de los Estados para manifestarse en forma autónoma en las decisiones de nuestra Organization. En esa forma, desde la reunión del Consejo en junio pasado, en la que la mayoría de los Estados representados se pronunciaron por apoyar la reelegibilidad del Director General, también mi país la apoyó, considerando que con ello se garantizaba la estabilidad de nuestra Institución, en tanto que abrió la posibilidad de apoyar con nuestro voto la continuidad de una labor de reestructuración y enfoque más dinámico, y acorde con las necesidades de solucionar los problemas agrícolas de un mundo cada vez más pequeño, tal y como lo ha estado estableciendo el Director General.

Esta práctica, además, habrá de colocar a nuestra Organización en igualdad de condiciones en el sistema de las Naciones Unidas, sistema que consideramos puede ser ante todo uniforme y congruente, para permitirnos con ello la reelegibilidad de un director cuya acción se haya destacado en beneficio del conjunto de las naciones miembros.

Debido a lo anterior, la delegación de México reitera ante esta Conferencia su posición, manifestándose en el sentido de apoyar enfáticamente la resolución propuesta a nuestra consideración en el proyecto de resolución C 77/LIM/13-Sup. 1-Rev. 1.

A. RASHID (Tanzania): My delegation wishes to support the change of the Constitution with regard to the eligibility for re-election of the Director-General. My delegation agrees with the Council that this provision of our Constitution is certainly not in line with the practice of other international organizations. We would like to quote a few examples.

Take, for instance, the Secretary-General of the United Nations: he can stand for re-election as many times as the General Assembly can re-elect him, so that his limitation is the support that he can master from the General Assembly.

Another example is the Secretary-General of the OAU: although his term of office is five years, yet he can stand for re-election for another term.

I could have given examples of several other international organizations with the same practice. We are aware that the Constitution of FAO has in fact been changed in the past on the same provision as to the number of years that Director-General can serve, but those changes were not sufficient to bring our Organization to the same level with other international organizations. The Tanzanian delegation therefore wishes to support very strongly the recommendation of the Council.

The FAO is a democratic institution. The practice of democracy includes the right of a holder of an important office to stand for re-election, so that if his performance has been good, then those who voted him in have the right to vote him in again, so that they can enjoy his good service. This, to say the least, is what happens in our own national Parliament.

It is, therefore, the hope of the Tanzanian delegation that the draft resolution on the terms of office of the Director-General as recommended by the Council will be adopted unanimously.

G. LIEBER (Germany, Fed. Rep. of) (interpretation from German): My delegation has listened with great interest to the discussion and, as far as we are concerned, we have really found it rather difficult to form an opinion regarding this very important item. We have taken into consideration all the different items and all the different opinion-forming bodies. Now the basic consideration which led to the adoption of Resolution 3/75 is, we feel, important not only for this Organization but for the whole United Nations system. All these reasons for adopting the Resolution are, we feel, still valid today. We would have liked to have time to go into this at greater length. However, we will not be opposed to the adoption of the draft resolution before us.

Q. HABIBUL HAQUE (Bangladesh): We have listened with great interest to the interventions of all the delegates this morning and also to that of my friend and colleague from the Federal Republic of Germany. We are very happy to note that there is absolute unanimity on this subject of re-eligibility of the Director-General. No delegation has so far stated that this amendment is an absolute necessity. While intervening, most of the delegates mentioned the amendment which we had in 1971. We all know, those of us who participated in 1971 and those who went through the records, that it was taken in a situation of exigency. We feel that this is no longer valid. I am obliged to remind this august

Commission that this distinguished Organization for sixteen years of its creation had been having ad hoc arrangements. Then we had two amendments, which meant that we have been vacillating: we could not be objective. We feel that now is the time when we can be objective.

When we adopted the Resolution in 1971, I felt that we became an odd-man-out in the United Nations family because we adopted an amendment which was not true of any other organization in the United Nations family. We believe that in view of that, we are now in a situation which is conducive for us to take the right decision. I am very happy that my friend and colleague from the Federal Republic of Germany has mentioned that they will go along with the Resolution but stating that perhaps it was time to examine all aspects of the problem. We have examined all aspects of the problem, in the Working Party, in the CCLM and then in the 71st Session of the Council.

I can tell you, Mr. Chairman, that since the 1971 amendment, all the countries have been feeling that a Resolution has been adopted which does not fit in with the United Nations system, which excluded us from being a member of the United Nations family and having uniform arrangements for election of the Executive head which is so important for an organization. The democratic principles demand that we, the sovereign countries who sit here, would have our privilege to choose the right man without any prejudice or any restrictions whatsoever.

To make my friend from the Federal Republic of Germany happy, I would point out that the situation which prevailed at the time of the 1971 Resolution is no longer valid today; today is the appropriate time to take the right decision, an objective decision: as you know, Mr. Chairman, the next election is four years away, nor do we have any person aspiring to re-election or election to that office.

If we take time, then the situation will be disturbed; by the time we sit in the next Conference the situation will not be as conducive as today to take an objective decision. In that circumstances, we believe that it is the right time to take a right decision. As sovereign nations let us have confidence in ourselves, let us have confidence in our successors in office here that we will be taking the right decision again. We will be electing a man to this high office of Director-General who would enjoy the confidence of the sovereign nations.

I would mention one other thing here: those who are elected to the United Nations and to its specialized agencies as the executive head, are distinguished sons of the soil and distinguished citizens of the world. We want to give them a distinguished status as executive head of the organization. If we fix the tenure towards the end of the career, he becomes a sitting duck. A situation emerges wherein there is a strain all around, even within the Organization, making his task most difficult to accomplish. We as nations should try to get the best out of a Director-General or an executive head during his entire tenure of office and not to neutralize his activity at any point of time. So as long as he remains in office, we would say that he is effective and he can deliver the goods to the nations who had elected him and placed their trust in him in his high office.

If we restrict his tenure we will perhaps deprive him of his effectiveness. On the other hand if we elect a distinguished person as executive head of the Organization and then make his task difficult and let the carpet be taken away from under his feet towards the end of his tenure, we would then jeopardize the position of the distinguished person elected to this office. If we decide not to allow continuity of an executive head, let us, the sovereign nations, take that decision upon it in an atmosphere which will permit that distinguished person do bid goodbye in a decent way.

I appeal to my friend from the Federal Republic of Germany to join with all of us here this morning who feel happy about it, that what we are doing today is the right thing, that we are taking the right decision in a congenial atmosphere where we can think objectively. We are not influenced by any circumstances or by any person. We as nations have gathered here today to take a decision which is good for us and good for this Organization.

LA XUAN DINH (Viet Nam): En ce moment, nous parlons de la durée du mandat du Directeur général, en particulier de sa rééligibilité. Nous pensons qu'auparavant, en 1971, lorsque la Conférence avait adopté la Résolution décidant que le Directeur général ne sera plus rééligible après son mandat de six ans, peut-être avait-elle eu certaines raisons plausibles; mais dans les conditions actuelles, nous pensons que cette Résolution n'est plus pertinente parce qu'elle n'est pas normale et d'ailleurs pas démocratique.

Ce n'est pas normal, parce que la FAO est la seule Organisation du système des Nations Unies dont l'organe directeur suprême n'est pas habilité à réélire le titulaire du poste de Directeur général. Cette stipulation est rare, voire introuvable aussi dans les constitutions nationales de beaucoup de pays.

Ce n'est pas démocratique, parce que cette dérogation aux règles et pratiques ordinairement appliquées aux autres organisations prive les Etats Membres de la FAO de la faculté de réélire un Directeur general s'ils jugent que celui-ci, de par ses capacités et les bons résultats qu'il a acquis durant son mandat, saura très bien mettre en oeuvre tous les programmes de l'Organisation s'il continue à rester en fonctions. Ce n'est pas démocratique encore, parce que ce serait une discrimination si l'on excluait l'ancien Directeur général de la rééligibilité.

C'est pour ces raisons que notre délégation soutient pleinement le projet d'amendement stipulant que le Directeur general nommé par la Conférence pour un mandat de six ans, est rééligible.

R.G. AMATO UDABE (Uruguay): Otras distinguidas delegaciones que me han precedido han planteado argumentos casi coincidentes con los que yo pienso exponer. Por ello seré breve y omitiré en mi exposición los antecedentes de la cuestión que nos ocupa y han sido abundante y prolijamente expuestos ante esta Comisión.

La delegación del Uruguay reitera suyo el principio de la reelegibilidad del Director General. Pondré énfasis en la fuerza jurídica de dicho principio.

En efecto, la modificación de la cláusula constitucional de la FAO, párrafos 1 y 3 del Artículo VII, relativa al mandato del Director General, posibilitará la armonización del sistema de FAO con la legislación y prácticas vigentes en otras organizaciones que forman parte del sistema de las Naciones Unidas.

Este principio ha inspirado la propuesta del Consejo en su 71° período de sesiones. Mi delegación siempre lo ha compartido, y en esta instancia soberana se adhiere a la expresión unánime en favor de las enmiendas presentadas y que se contienen en el proyecto de resolución de T documento C 77/LIM/13-Sup.1/Rev.1.

H. REDL (Austria): Because of the special importance of this subject the Austrian delegation during their general discussion in the Plenary stated that we welcomed the re-eligibility of the Director-General. I am particularly happy to support this statement here once again in this Session. We feel that the Constitution of the FAO has to be aligned with the constitutions of other United Nations Agencies. Austria, therefore, would like to support fully and wholeheartedly the amendment, and in particular the draft resolution before us given in document C 77/LIM/33.

S. STAMPACH (Tchécoslovaquie): Ma délégation a déjà exprimé son avis concernant le mandat du Chef exécutif de notre Organisation à plusieurs occasions. Ayant le privilège d'être membre du Groupe de travail ad hoc du Conseil et du CQCJ, ainsi qu'au sein du Conseil, dans tous les cas, notre exposé a reflété les consultations avec des pays amis non représentés dans ces organes; c'est pourquoi je tiens à vous renouveler, M. le Président, notre position qui est fermement d'approuver à l'unanimité le projet de Résolution visant la rééligibilité du Directeur général qui nous a été soumis par le Comité des Résolutions. Nous nous déclarons très satisfaits du texte de la Résolution qui ne limite aucunement les droits de tous les pays souverains de cette Organisation au cours d'élections du Directeur général par les Conférences.

I. MOSKOVITS (Malta): We were not in as happy a position as my predecessor who spoke from Czechoslovakia because we had no opportunity to speak on this very important matter in the working party, in which we were not included, nor in the Council, where as observer the right to speak was denied to us.

I think that the most important part of the working party's report is just this; this is the only valuable part of it. I criticised the report of the working party very much but I fully support the question of the eligibility of the Director-General.

Many arguments have been mentioned already and I think it is extremely important that the sovereign rights of the government should not be limited by the fact that they cannot express their views on the Director-General's election. As the delegate of France has already pointed out, this very anomaly has its origins, it was for a purely personal reason that it was brought in. Originally in FAO there was no such regulation and no similar regulation limiting the re-election of the Director-General and it was on several occasions freely exercised.

Therefore we fully support the draft recommendation and regret only that this resolution cannot be accepted by acclamation because the regulations forbid it and ask for a vote by rollcall but we hope that it will be a unanimous vote.

We agree with the delegate of the United Kingdom, there might be other modus vivendi for election but I think for the time being we should not digress, we should accept the situation as it is, approve this resolution, which, as many of our colleagues have pointed out is more than judicious. It is even more important than in the other United Nations organizations because agriculture takes a longer period, it needs office for a longer period for development, and therefore I fully agree with the delegates of Turkey and for Mexico. We need stability and regally a long term of office of the Director-General.

S.SIDIBE (Mali): La delegation du Mali soutient sans reserve le projet de Resolution présenté, concernant la rééligibilité du Directeur général.

T.M. NARAIN (Mauritius): My delegation has given considerable thought to this matter and we have come to the conclusion that the present arrangements for the Director-General create an anomaly which has to be corrected. Of all the Specialized Agencies of the United Nations system only the FAO finds itself in the peculiar position of limiting the term of office of its executive head.

Ever since the creation of FAO not enough attention has been given to the question of principle which is involved in putting the office of Director-General in line with that of other organizations. Each time that the Constitution has been amended it has been done ad hoc to suit the situation. FAO being one of the most important, if not the most important, of The Specialized Agencies of the United Nations must wish to do that which functions efficiently and effectively. There are many arguments in favour of changing the Constitution. All member nations which constitute the FAO must have the option to exercise the sovereign rights to elect anyone whom the majority deem fit to be at the head of the Organization. We are not in favour of setting any limit to the term of office of the Director-General because this will be tantamount to restricting our rights to choose the executive head. We therefore support the draft resolution of the Council.

Eligibility for re-appointment does not necessarily mean that the same person who is now at the head will be re-elected. It simply means that the present Director-General will have the same right as any other person to stand as a candidate. If we limit the terms of his office we should create a situation whereby any Director-General, one or two years before the end of his term, will not be able to carry out his responsibility effectively. The mere fact that the Director-General is not available for re-election weakens his position, especially towards the end of his assignment, as all his staff and advisors will not give him the same loyalty but will look forward to the new incumbent.

B. SAMANEZ CONCHA (Perú): Esta delegación está de acuerdo con las enmiendas de los párrafos 1 y 3 del Artículo VII con miras a que quien ejerza el cargo de Director General pueda ser reelegido por la Conferencia, que es el órgano máximo de la Organización.

De este modo se restablece el principio de reelegibilidad, que innegablemente redundará en beneficio no solo de la continuidad de los programas en marcha sino de la estabilidad de la Organización.

A.J. WADDA (Gambia): I was very privileged and honoured as Chairman of the Drafting Committee of the Seventy-First Session of the Council which drafted this resolution and this delegation was honoured also to present the draft resolution to Council which was adopted and forwarded to Conference for consideration.

In doing so we were fortunate in examining all the reasoning and all the arguments delivered in the Council with regard to this subject of the terms of office and method of election of the Director-General. I will not repeat the arguments that were delivered in Council but I would like to take this opportunity to answer a few questions raised by certain delegations. The delegation of the United Kingdom has made a suggestion about re-election or the nomination by the Council of the Director-General. This proposal was made by the Working Party to the Council, "that the Council be given the function of proposing a single candidate for the appointment by the Conference for a period of six years in the first instance, and without limitation on eligibility for re-appointment".

This proposal was examined by the Council and most of the members of Council spoke against it. As a result of that the Drafting Committee rejected this suggestion by giving Council the responsibility of nominating a candidate for the Conference. The Drafting Committee and the Council thought this would be tantamount to giving the Council the responsibility of electing the Director-General. As a result of that this was rejected.

Mr. Chairman, in the Report of the Council one paragraph sums up the whole argument, and I venture to quote the paragraph again. "The Council unanimously agree to recommended that the Conference should provided for the eligibility of the Director-General for appointment." And I put emphasis here without limitation on the length of time, it was pointed out in this respect that FAO was the only Organization in the United Nations system in which the supreme governing body precluded appointing an incumbent and, therefore, there was no reason to depart from the law and practice of the Organization resulting in Member Nations of FAO being deprived of their freedom to appoint a Director-General if they considered that it was in the best interests of the Organization and implementation of its programme that, he should continue in office. It was also emphasised that the exclusion of incumbent eligibility would be discriminatory. Mr. Chairman, this paragraph sums up the argument and its reasoning behind the submission of this Resolution to the Conference. I have heard today the voice of my distinguished colleague the representative of the Federal Republic of Germany recorded in this Conference. It is true that the Delegation of Germany mentioned in the Council about their reservations. They believe conditions in 1971 when the amendment was made still prevail. But a member of the Drafting Committee, the distinguished delegate of Bangladesh, has answered him eloquently, that the argument is no longer valid. 1977 is not 1971, and the delegate from France was also a member of the Drafting Committee and he has clearly stated that we have examined them to find out the reasons behind the amendment in 1971 but we were not convinced. In fact we could not find - I would repeat what France said "we could not find any tangible reasons for having made that amendment" and whatever motivated the amendment it is no longer valid. For that reason, Mr. Chairman, my delegation would appeal to all Member Nations to give this Resolution its full support and that this Commission should adopt this Resolution unanimously.

K. SAYAKONE (Lao): La délégation du Lao a étudié avec le plus grand soin les projets d'amendements à l'Acte constitutif et au Règlement général de l'Organisation proposés par le Conseil, en particulier les amendements aux paragraphes 1 et 3 de l'Article VII de l'Acte Constitutif relatifs à la durée du mandat du Directeur général. Notre délégation est persuadée que ces amendements, une fois adoptés par la Conférence, ne peuvent que renforcer la bonne marche des activités de l'Organisation et créer une bonne atmosphère d'amitié, une coopération plus fructueuse et une meilleure compréhension entre les pays membres au sein de l'Organisation, facteurs essentiels au renforcement de la lutte efficace contre la faim et la malnutrition dans les pays en développement, en Asie, en Afrique, et en Amérique Latine. En outre, ces amendements permettraient à notre avis la bonne poursuite de la nouvelle politique de la FAO dont le présent Directeur général, M.E. SAOUMA, est l'instigateur. Comme tout le monde le sait, cette nouvelle politique se traduit par des actions sur le terrain, par l'orientation des options dans la pratique, et par un meilleur contact avec les pays membres, que le Programme de décentralisation nous a rendu et nous rendrait encore d'énormes "services, notamment pour panser les blessures de guerre et permettre la reconstruction de notre pays. Par conséquent, la délégation de la République démocratique du Lao appuie fermement le projet de Résolution recommandé par le Conseil relatif à la rééligibilité du Directeur général.

M. VARGAS JORDAN (Bolivia): Deseo expresar razones y fundamentaciones muy valederas para justificar la posición de mi país en cuanto al extremo que nos ocupa; pero haciéndome eco de las reflexiones hechas por el señor Presidente, seré lo mas breve posible.

La delegación de mi país, Bolivia, considera que el proyecto de resolución a que se refiere el documento C 77/LIM/13/Sup.1/Rev.1, y que aparece en el Apéndice A, tal como se dice en el primer considerando es el fruto de una profunda y paciente labor preparatoria que hicieron el Grupo de Trabajo sobre la Composición y el Mandato del Consejo, el Comité del Programa y el CAP, y que luego el Consejo en su último período de sesiones apoyó por unanimidad.

Estima esta delegación que es necesario conceder la aprobación final a este proyecto de resolución, porque consideramos que de esta forma la FAO se pondrá a tono con las disposiciones vigentes en otras organizaciones que forman parte del sistema de las Naciones Unidas.

Además, pensamos que no debe impedírseles a los Estados Miembros la reelección del Director General de esta Organización, si ellos así lo determinan, y más aún si en la actualidad contamos con un Director General que abre nuevos cauces en la política de la Organización.

Por todas estas razones, la delegación de mi país, Bolivia, confirma su pleno apoyo a este proyecto de resolución y pide que esta Comisión lo recomiende por unanimidad al plenario.

M.A. BENDJENNA (Argérie): Pour répondre à votre appel, et sans vouloir reprendre les arguments des différentes délégations qui m'ont précédé, et qui, par contre, ont toutes souligné la discrimination que subit notre Organisation par rapport aux autres organisations du système des Nations Unies quant à la faculté de réélire le Chef du Secrétariat, étant donné que l'unanimité s'est dégagée au sein du Conseil et au sein de notre Commission pour le principe de la rééligibilité du Directeur général, ma délégation voudrait elle aussi joindre sa voix aux autres pour donner son plein appui au projet de Résolution qui nous est soumis et dire qu'il est le seul permettant aux Etats Membres d'exercer leur droit souverain, de redonner leur confiance à un Directeur général qui a fourni ses preuves.

K.K. TANOUCHEV (Bulgarie): La Délégation bulgare accorde son plein appui à la Résolution concernant la rééligibilité du Directeur général. Elle accepte la constatation du Groupe de travail en ce qui concerne les différences essentielles du mandat de Directeur général dans les autres organisations du système des Nations Unies, à l'exception non justifiée de la notre. Ma délégation est donc d'accord pour insérer les amendements nécessaires dans les paragraphes 1 et 3 de l'Article VII de l'Acte constitutif qui traitent du principe de la rééligibilité du Directeur général; elle estime que cette réélection doit être faite par la Conférence en considérant que cette pratique assure la possibilité d'une participation équitable des pays membres de la FAO dans la gestion de l'Organisation.

DATUK ALI Hj. AHMAD (Malaysia): I shall be extremely brief. The Malaysian Delegation has given careful thought to the proposal to amend Article 7 of the Constitution in connection with a term of office of the Director-General contained in document C 77/LIM/13. In regard to the proposed amendment to make it possible for the Conference to re-appoint a Director-General my Delegation fully supports it. My Delegation agrees entirely that it would be in the interest of the Organization if Member Nations were not precluded from re-electing a Director-General if they should so desire. Further we take note of the fact that the laws and practice prevailing in other organizations forming part of the United Nations system allows for such re-election. Thank you.

ABDUL MAJID (Afghanistan): The Afghanistan Delegation firmly believes that FAO should follow the law and practice prevailing in other organizations of the United Nations system, and that the Member Nations of FAO should not be deprived of their freedom to re-elect a Director-General who is eligible, and is in the best interest of the organization and implementation of the programmes. Therefore, my Delegation fully and wholeheartedly supports the Draft Resolution in regard to the re-election of the Director-General which appears in the document C 77/LIM/13 to be adopted unanimously. Thank you.

C. Di MOTTOLA BALESTRA (Costa Rica): Mi delegación ya ha tenido oportunidad de manifestar, después de un estudio muy detenido, su pleno apoyo a la propuesta que tenemos a la vista en el Comité de Asuntos Constitucionales y Jurídicos, del cual formó parte. Habría querido hacerlo en el mismo Consejo, pero debido a nuevo método de trabajo que se ha instaurado, no hemos tenido esta oportunidad.

Mi delegación, como las demás que han participado en el debate de esta mañana, estima que la actual Constitución de la FAO, que impide la reelegibilidad del Director General, es una anomalía en el sistema de Naciones Unidas. Esa anomalía da lugar a gravísimos inconvenientes. Hace unos años, cuando ya la reelegibilidad estaba limitada y la Conferencia quería proceder a una nueva elección por un período diferente del que estaba previsto, esa constitución se tuvo que suspender. Yo creo que esto no debería ocurrir ahora. Deberíamos volver a una legalidad absoluta, permitiendo a la Conferencia que ejerza plenamente sus derechos soberanos. Es por estas mismas razones que mi delegación teme estar disconforme con la propuesta de la delegación inglesa, porque confiando la propuesta para la elección del Director General al Consejo, ello tendría un carácter selectivo. Entonces, la elección la haría el mismo Consejo, y ello tendría un carácter anormal y sería absolutamente inútil. Reiteramos nuestro pleno apoyo a la propuesta que se nos somete a consideración.

P. ALPEN (Australia): My delegation supports the Draft Resolution, and has nothing to say on the suggestions which have been made by the representatives of the United Kingdom and Senegal.

S. JUMA'A (Jordan) (interpretation from Arabic): The delegate of Saudi Arabia has already spoken on behalf of the Arab countries, and therefore I shall not add to the arguments he has already advanced. I have, however, one observation I should like to make, and with your permission, Mr. Chairman, after having expressed this observation I should like to call on the delegate of the United Kingdom. The proposal he made would prolong the discussion, and I believe that he is desirous of withdrawing his proposal and will not insist on its being discussed. In that case the decision we shall take can be unanimous.

Without going into details, I would like to ask my colleague, Mr. Martin, to speak if the Chairman agrees to give him the floor.

CHAIRMAN: Thank you, this is a reasonable request which will enable us to curtail the debate, so I will give the floor to Mr. Martin of the United Kingdom.

L.C.J. MARTIN (United Kingdom): I feel deeply sorry and apologetic, I have no desire whatsoever to cause a debate. When I spoke earlier, I was trying to describe what happens in another specialised agency of the United Nations, and I was not making a formal proposal.

So in deference to my good friends the representatives of Jordan and Gambia and one or two others who have referred to what I said, let me make it quite clear that I am certainly not trying to have the Resolution amended. I join everybody in hoping the Resolution will be passed unanimously.

CHAIRMAN : Thank you, the delegate for the United Kingdom. I hope now delegates will confine their remarks to the Resolution as presented in the document.

L. LAPEBY (Gabon): Le projet de résolution relatif à la rééligibilité du Directeur général a fait l'objet d'une étude minutieuse, tant de la part du Groupe de travail que du Comité des questions constitutionnelles et juridiques et du Conseil, lequel avait convenu, à l'unanimité, comme le dit le rapport, de soumettre la question de la rééligibilité du Directeur général à la Conférence, à sa session actuelle. Nous avons eu le privilège de prendre part à la 71e session du Conseil, à laquelle a pris part également la République fédérale d'Allemagne. Comme notre collègue du Bangladesh, j'ai été surpris par la déclaration qu'a faite le délégué de la RFA qui aurait souhaité disposer de plus de temps pour examiner la question, c'est-à-dire quatre mois, après avoir participé aux travaux du Conseil. Pour ma part, je veux espérer et proposer que nous adoptons la proposition qui nous est faite par acclamations.

Le délégué du Royaume-Uni n'insiste plus sur sa proposition. Je n'y reviendrai donc pas.

S. DOSSOU (Bénin): J'invoquerai un argument de forme. Il est souhaitable et absolument nécessaire que le Directeur général de notre Organisation soit rééligible, et cela pour de nombreuses raisons qui ont déjà été évoquées. Il y a le fait qu'il est souhaitable d'avoir une harmonisation avec les autres organisations des Nations Unies dans ce domaine, ce qui donnerait au Directeur général une plus grande efficacité pour mener à bien sa politique. Mon deuxième argument est que si vous reprenez l'argumentation de tous les chefs de délégation, il n'en est pas une seule qui n'ait approuvé la politique du Directeur général. Il est certain que c'est un bon directeur et que nous désirons le conserver.

En ce qui concerne la forme, je voudrais que le texte français soit corrigé et que, dans la dernière phrase, on remplace le "il" par "le Directeur général". Cela donnerait "Le Directeur général est rééligible". Enfin, on dit que le Directeur général est nommé. Il faudrait que l'on choisisse entre nomination et élection. Il semble qu'il est élu, et cela de façon beaucoup plus démocratique.

Ceci dit, la délégation du Bénin approuve la proposition visant la rééligibilité du Directeur général.

K.N. WEERACKODY (Sri Lanka): Even without your exhortation to be brief, Mr. Chairman, we do not think the matter under discussion is one that calls for a long speech.

My delegation sees no inherent reason why we in FAO should be denied the right which other United Nations bodies enjoy, to allow a particular Director-General who has lived up to the expectations of this body and has given a creditable account of his work to continue for more than one six-year term.

We give our wholehearted support to the proposed amendment of the FAO Constitution.

U TINT HLAING (Burma): The Burmese delegation holds the view that although the Constitution is designed to offer permanency it must not become an end in itself, but should rather be a means to ensure that the vitality of our Organization is preserved. Such vitality is ensured only when the Constitution enables us to have the fullest latitude in our choice of a Director-General. Agenda Item 18 therefore appropriately seeks to amend Article VII of our Constitution by eliminating the prohibition that prevents us from choosing an incumbent Director-General if in our collective judgement it would be the wisest decision.

In my delegation's view this amendment is fully justified, since it would broaden the options of the Conference. More important, it would ensure that the Organization is not cut off by an article of doubtful worth in what must be its perennial search for talent, integrity and competence. My delegation therefore fully supports the amendment to the Constitution as proposed in document C 77/LIM/33.

G.P. KAMILARIS (Cyprus): Although I have not taken the floor in this Commission before, I will be quite short. The Cyprus delegation has taken due note of the fact that the constitutional provision of FAO concerning the term of office of the Director-General is different from the law and practice prevailing in other organizations in the United Nations system.

My delegation strongly believes that the Director-General of this Organization should have the possibility of a long enough tenure in office in order to ensure that his programmes and policies, should they of course be approved by Member Nations, have a reasonable possibility of successful implementation. In consequence any unnecessary and perhaps unwarranted changes in policies or approaches to plans of operations that could normally be expected to follow any changes in FAO's top administration could have severe setbacks to international agricultural development which the Organization is pledged to support and foster. Further, my delegation is strongly of the opinion that in the field of global agricultural development six years, which is the current maximum term of office of the Director-General, is by far too short a life-span for meaningful policies to be adopted at the international level and for their impact to be felt by the beneficiaries, as well as for allowing any changes or modifications to policies that might become inevitable in the process of implementation.

By adopting the Council's recommendations on this issue and allowing the Director-General of the Organization to offer himself for reappointment, should he so desire, this Conference will simply be safeguarding this Organization's growth and success through offering Member Nations the option, currently denied to them, of re-electing to office any outgoing Director-General whose performance has been highly satisfactory and who enjoys the confidence of Member Nations. In fact, it is my delegation's view that by adopting the Council's recommendations the Conference will be doing nothing more than leaving options open, which surely is the least we can do, always bearing in mind that the reappointment or not of any incumbent Director-General is, and will always be, the ultimate prerogative and responsibility of Member Nations and future Conferences.

Under the circumstances my delegation strongly supports the proposal before us today on the eligibility of the Director-General of this Organization for reappointment.

CHIN YUNG SUK LEE (Democratic People's Rep. of Korea): Today this Commission is discussing an important question, the term of office of the Director-General of this Organization.

I would like to take this opportunity of expressing once again my thanks to all the delegates for having rendered active support to the admission of the Democratic People's Republic of Korea to this Organization.

As a new member I would like to express my humble opinion on the subject with which this Commission is dealing. The question of the term of office of the Director-General is closely connected with the role of this Organization - that is, to help overcome poverty and hunger in the world, in particular

to assist the increase of agricultural production in the developing countries. Increasing the agricultural production and developing the national economy is mainly dependent upon mobilizing the masses of the people and developing the revolutionary spirit of self-reliance on the basis of a future ideal of ensuring self-sufficiency in food and in the development of an independent national economy.

I have already mentioned this in my speech in the general debate, so I will not repeat it today.

With regard to the role of the FAO, we are of the opinion that it should help generally to develop the national economy and to increase the agricultural production of each country, particularly of the developing countries. In this connexion the Director-General should not be changed mechanically but his term of office should be dependent on how he is and how he will effectively and energetically with his accumulated experience of this Organization perform his function with the purpose and vision of this Organization. We have little knowledge of this Organization, since we have become a new member at this present Conference. However, in the general debate, which we have heard with deep interest, many delegates pointed out the important role of the present Director-General, Mr. Saouma, in helping to increase the agricultural production of the developing countries and in promoting international cooperation among Member States.

In conclusion, for the reasons I have mentioned, the Democratic People's Republic of Korea fully supports the eligibility of the Director-General for reappointment, as in the draft resolution before us.

B.P. DHITAL (Nepal): Thank you for finally allowing us the floor. To comply with your request, Mr. Chairman, we will be brief.

We would like to make two brief observations, one in principle and the other on practice.

We are told by the Working Party appointed by the Council that the provisions of FAO concerning the term of office of the Director-General are essentially different from the law and practice prevailing in other organizations forming part of the United Nations system. This has been unanimously endorsed by the Council itself as is evident from the report that is before us. Since FAO is one of the largest and most important agencies of the United Nations we fail to see why it should remain the only organization whose Constitution does not belong to the common system. If the Member States are free to choose or re-elect the Secretary-General of the United Nations and the heads of other sister agencies that form the United Nations system FAO alone should not remain a conspicuous single agency where Member Countries are prevented from exercising their rights. The supreme governing body of FAO, which is composed of independent Member Nations, should not in our view deprive themselves of their own freedom to reappoint a Director-General if they consider that such an action is in the best interest of the Organization.

On practical grounds we can see, as indeed happens in many cases, when a departmental head is appointed for a fixed term without any aspiration for a further period his moral authority is often weakened, especially towards the end of his fixed term, and he fails to carry out his mandate effectively. This should not be encouraged to happen. While no individual should be allowed to enjoy a monopoly, similarly no individual should be subjected to what are known as discriminatory practices. In our view the case for ensuring re-eligibility of the Director-General without limitation on number or variation in length of terms deserves most careful consideration and support.

We are, therefore, in favour of the resolution that is presented to us and the delegation of Nepal supports the amendment to the Constitution.

Sra. M. IVANKOVICH de AROSEMENA (Panama): Seré bastante breve. Durante el 71° período de sesiones del Consejo de la FAO, mi delegación tuvo oportunidad de exponer, como miembro del Consejo, sus puntos de vista acerca del tema que nos ocupa. En esa oportunidad, la delegación de Panamá manifestó su apoyo al principio de la reelegibilidad del Director General, en el entendido de que seguirá siendo la Conferencia, como órgano rector de la Organización, quien tenga la tarea de elegir al Director General.

Estimamos que es necesario armonizar las cláusulas constitucionales de la FAO con la legislación y la práctica de otras organizaciones de las Naciones Unidas que permiten la reelección de sus máximos dirigentes y, por lo tanto, apoyamos decididamente el proyecto de resolución que se nos presenta.

H.A. AL-MUTAWA (United Arab Emirates)(interpretation from Arabic): My delegation would like to associate itself with the delegations which have preceded us and which support this draft resolution concerning the amendment of our Constitution which affirms the principle of the re-eligibility of the Director-General. Also we would like to support everything that was said by the delegate of Saudi Arabia, who spoke on behalf of the Arab countries.

B.E. PHIRI (Zambia): My delegation had the privilege of being in the Working Party; therefore I will be very brief. Most of the argument for or against the change in the Constitution has been examined by the Working Party and it was decided that the proposal to have the Director-General stand for re-election be accepted, and so it is before us today.

My delegation goes along with all those who have supported this resolution. I would appeal that, since the list seems to be very long and all the arguments for the resolution have been expressed by other members before, we should limit ourselves simply to supporting this resolution. We tend to repeat over and over again what other delegations have said. I think if we have any new arguments to bring forward, possibly we should speak at length, but if we have not I suggest that we just say we support this resolution.

J.O. ALABI (Nigeria): I will follow the advice of the delegate of Zambia. The Nigerian delegation has studied the draft Resolution on the term of office of the Director-General, and these are our comments.

Nigeria sat on the FAO Council in 1971 when the Council, recommended to Conference that the term of office of the Director-General should be changed from two four-year terms, making a total of eight years, to one single term of six years. Several reasons were given to justify a single longer term and we wonder if the reasons given then are no longer useful and valid now. The new term has really not been given a trial because the present Director-General is the first to serve under the new term. We note that Council agreed to recommend to Conference to provide for the eligibility of the Director-General for reappointment without limitation on the number or variation in length of term. We agree that Member Nations of FAO should not be deprived of their freedom to re-appoint a Director-General if they consider that it is in the best interest of the Organization and the implementation of its programmes, that the Director-General should continue in office. But we are of the opinion that it will not be in the best interest of the Organization not to limit the number of times the Director-General can serve.

As the Resolution now stands, it is too open-ended. A Director-General can continue to serve for ever and ever. This is not a desirable pattern for this Organization. From time to time we need to inject new blood in the form of new leadership into the Organization to give new ideas and new directions. The dynamism and zeal shown by the present Director-General confirm our view. We recommend most seriously that after the first term of six years a Director-General could serve for another term of four years, but not more. We believe that whatever programmes he has helped to initiate on assuming his office should have made appreciable progress in ten years. In any case, an incumbent should be tired of being on the same job after ten years.

We therefore suggest the addition of the following words at the end of Paragraph 1 of Article VII: "for a period of four years, after which he shall not be eligible for re-appointment."

We will like to associate ourselves with the majority of the members of the Council who feel that the function of nomination, selection and appointment of the Director-General should be performed by the Conference and not by the Council, irrespective of whether this is the practice in another organ of the United Nations. After all, they have their own constitution, separate and distinctive from ours. We therefore do not see anything wrong with the present system, which we advocate to continue.

We wish to stress in conclusion that the views we have expressed on this matter were prompted by our concern for the future of FAO and have nothing to do with the present holder of the post of Director-General, for whom we have great respect.

J.S. CAMARA (Guinée): J'ai eu l'honneur d'être membre du Groupe de travail qui a présenté au Conseil un projet de recommandation et de résolution.

Ma délégation appuie pleinement la proposition contenue dans le projet de résolution, et tiendrait simplement à faire changer le libellé du texte que je vous lirai après mes commentaires.

A la suite de la dernière intervention de mon éminent collègue du Nigeria, je voudrais faire un bref commentaire sur sa proposition, à savoir que nous avons tous parlé ici de ne pas introduire une certaine discrimination pour une organisation du système des Nations Unies, et que nous cherchons justement à éliminer cette discrimination.

J'ai eu la chance d'assister à l'élection de nombreux Chefs de Secrétariat dans d'autres institutions. Je donnerai donc ces institutions comme exemple pour faire savoir que le Directeur général en poste peut très bien ne pas être réélu et qu'un autre candidat soit élu à sa place. Lorsqu'il s'agissait d'élire le Directeur général actuel de l'UNESCO, le prédécesseur avait manifesté lui-même l'intention d'être réélu, mais voyant que beaucoup de pays se prononçaient en faveur d'une nouvelle candidature, il a lui-même retiré sa candidature. Donc, c'est un exemple.

Dans les autres Organisations également, il n'est de pratique nulle part que l'on donne un mandat de six ans et ensuite un mandat de quatre ou de deux ans à quelqu'un qui doit être réélu, alors que celui qui ne doit pas être réélu aurait un mandat de six ans.

Il faut que nous soyons un peu logiques avec nous-même, je ne connais pas une Constitution des Etats Membres qui implique que celui qui est en poste ne sera réélu que pour tant d'années, alors que, si un autre brigue le même poste, il sera réélu pour un mandat beaucoup plus long. Donc, il faut que les choses restent telles quelles.

Concernant le principe de rééligibilité, dans les autres institutions spécialisées, le Chef de leur Secrétariat est réélu, il est rééligible, On ne pose aucune condition à la durée de son mandat et au nombre de mandats.

Donc, je pense que si nous prenons en considération les exemples comme celui du Directeur général de l'OMS> que tout le monde a apprécié, puisqu'il est parti avec les acclamations, les félicitations, après être resté près de dix-neuf ans, personne ne s'en est plaint, au contraire, nous l'avons félicité. Le Directeur général du BIT, que M. Blanchard a remplacé, est resté de nombreuses années dans cette Organisation, il l'a quittée parce que le Tout-Puissant l'a rappelé. Le Directeur du PNUD est resté jusqu'à 80 ans, personne ne s'en est plaint. D'autres sont restés.

Je pense que là n'est pas la question. Il faut que nous donnions sa chance à celui qui a bien servi l'Organisation d'être réélu, et s'il continue à bien servir, d'être de nouveau réélu jusqu'à ce qu'il se rende compte lui-même qu'il n'est plus en mesure de le faire, que sa santé est déficiente. Mais il faut aussi que l'Organisation ait la possibilité de le maintenir.

Beaucoup ont fait appel au représentant de la République fédérale d'Allemagne; moi, je ferai appel, en tant que représentant de la Guinée, mon pays africain, à mon collègue du Nigeria, pour qu'il retire sa proposition, pour que cette Résolution soit adoptée à l'unanimité. Je pense que le consensus et l'unanimité sont en train de se dissiper sur l'approbation de cette Résolution, et je lui lance un appel pressant pour qu'il retire sa proposition.

Maintenant, concernant ce qu'avait dit le collègue du Bénin, je voudrais vous proposer que le libellé du texte se lise de la façon suivante, en tout cas pour la rédaction française, dans l'Article VII: "Le Directeur général de l'Organisation est élu par la Conférence pour un mandat de six ans. Il est rééligible."

Je pense que le texte est beaucoup plus clair en langue française.

B, de AZEVEDO BRITO (Brazil): Our Group of 77 has already taken a group position last June at the beginning of the session of the FAO Council. At that time I had the privilege and honour to state in the name of our Group the text which I read out at the time:

"In relation to the election and tenure of the Director-General by the Conference, it is our feeling that governments should be allowed to express their choice without any limitations. We concur with the principle of the re-eligibility of the Executive Head of the Organization. In doing so, our basic aim is to ensure free and ample choice to governments, and to avoid any harmful effects on the development of the policies and programmes of the Organization."

We feel that the specific proposal of amendment of the Constitution recommended by the FAO Council is fully in line with our group position which was carefully studied and considered. I need not go into the detailed arguments but the simple fact and the basic point is the free choice of our countries, of our governments as to the way in which we want the Organization to be conducted.

We therefore feel that the present amendment which is now before the Conference is the correct one. The same argument which supports the amendment in changing the Constitution, which is limitative, would support the idea of not having limitations in the number of mandates or any further successive mandate. We feel that the present text is the correct one; it is fully in line with our group position. We also feel that the election by the Conference is an essential point. I shall not dwell on that but it is a simple question of logic. In deciding on the future of the Organization it is imperative that each of us - each Member State - can equally have an influence and exert its choice.

We therefore feel that the process of election must be kept with the Conference. To sum up, I must say we are very happy to see in the debate so far that on this particular very important issue the developed and developing countries feel alike, and the debate amply proves that. At a certain point in Plenary, Australia mentioned that sometimes there was a kind of polarisation, and I think here is an excellent example of convergence of views of our groups. Many delegates before me asked for unanimity and for unanimous decision. I say can move by acclamation; that is the correct course and we should do it as soon as possible. It would be the right thing to do.

J. GARCIA E, (El Salvador): En relación con el tema que nos ocupa, la delegación de El Salvador sostiene que la FAO debe equipararse al resto de las Organizaciones del sistema de las Naciones Unidas en lo concerniente a la reelegibilidad del Director General.

Tratándose de un organismo tan complejo y en pleno período de expansión, la continuación o no en el cargo de Director General tiene una importancia extraordinaria. Si quien desempeña el cargo lo hace de una manera muy eficiente, no hay razón para que sea sustituido.

Por otra parte, no resulta aconsejable continuar con una práctica que atenta contra la voluntad de los Estados.

Estamos convencidos de que el período de seis años no es suficiente para estudiar y desarrollar los programas y proyectos. Es necesario disponer de un período de tiempo más largo.

En consecuencia, apoyamos firmemente el proyecto de resolución presentado a la Conferencia sobre mandato del Director General y exhortamos a las delegaciones presentes para que, por unanimidad, quede aprobado.

S.M. RICHARDS (Liberia): In view of the practice within the other bodies of the United Nations system, that is having the opportunity to re-elect the leader, the Liberian delegation fully supports the draft resolution amending Article 47 of the FAO Constitution with regard to the re-eligibility of the Director-General for re-appointment. To summarise, the Liberian delegation fully supports the draft resolution. It is our hope that this amendment will be unanimously adopted and we also appeal to our colleague from Nigeria to reconsider his position on his amendment.

K. OLZVOY (Mongolia): After listening to the interventions made by the delegates on the issue before us, namely the proposed amendment of the term of office of the Director-General, my delegation wishes also to associate itself with those who have spoken in favour of re-election of the Director-General of FAO. We feel that the incumbent Director-General, as well as any other candidates, can run for the office of the Director-General of FAO.

As far as the method of election of the Director-General is concerned the delegation of Mongolia strongly believes that our Organization's supreme organ, that is the Conference, where all Member States are represented, has full power and authority to select and elect any competent candidate to the office of Director-General.

S. MATUS MATZKE (Chile): Atendiendo al requerimiento del señor Presidente, voy a ser brevísimos. Mi delegación estima que el principio de la reelegibilidad del Director General de la FAO se encuentra ampliamente justificado. Se han expuesto numerosos argumentos para fundamentar la aceptación de tal principio, y como mi delegación los comparte en absoluto, no los repite.

En concreto, la delegación de Chile apoya plenamente la resolución que se ha presentado y confía en que será aprobada por unanimidad.

H. BAEYENS (Belgique): La Belgique n'étant pas membre du Conseil n'était pas intervenue dans le débat lorsque ce problème a été examiné dans cette enceinte; c'est pourquoi je suis heureux d'avoir cette occasion de marquer l'appui de ma délégation à l'amendement à l'Article VII, qui est proposé dans le document 77/LIM/53.

Comme d'autres délégations l'ont déjà exprimé, la délégation belge juge souhaitable et logique que les prérogatives des Etats Membres de la FAO, en ce qui concerne la rééligibilité du Directeur général, cadrent mieux et soient plus conformes à celles dont ils jouissent dans la plupart des autres Organisations du système des Nations Unies.

Le changement proposé à l'Article VII a l'avantage de mettre en concordance et en harmonie les dispositions statutaires de la FAO avec les règles et pratiques correspondantes en vigueur dans les autres organismes du système des Nations Unies.

J. W. CURRIE (Canada): Although the subject before us is very important I will be brief, particularly as almost every conceivable argument in favour of the proposal has been stated. Canada fully supports the principle that the best possible individual should be in a position to be elected Director-General of FAO and that principle applies to the incumbent. Thus we support the amendment before us.

In keeping with your wish to speed the conclusion of this debate our position should be construed as a regional one, also reflecting the views of the United States of America.

Sra. A.C. BERTA de ALBERTO (Argentina): En aras de la brevedad que se nos acaba de pedir, mi delegación desea expresar simplemente que reitera su pleno apoyo a la enmienda propuesta al Artículo VII de la Constitución, estableciendo la reelegibilidad del Director General que, por otra parte, ya contó con el endoso unánime de todos los grupos regionales y del Grupo de los 77 en ocasión del 71º período de sesiones del Consejo.

En este sentido, señor Presidente, queremos manifestar también nuestro apoyo al proyecto de resolución que figura en el Anexo A del documento que tenemos a la vista, obviando otros comentarios al respecto, ya que las razones que avalan esta decisión han sido amplias y suficientemente expuestas por todas las delegaciones que se han pronunciado unánimemente a favor de esta resolución en el transcurso de esta sesión.

BYUNG SUK LEE (Korea, Rep. of): My delegation will be very brief since many other speakers before me have already elaborated in detail on the necessity for the re-eligibility of the Director-General of FAO. My delegation fully shares the views expressed by the previous speakers who spoke in favour of the re-eligibility of the Director-General for re-election as laid down in the draft resolution before us.

G. GAMO-KUBA (Congo): Je vais m'en tenir à votre recommandation du début. Je crois que tous les arguments ont déjà été avancés. Comme d'autres délégués, nous aurions souhaité que cette Résolution recueille l'unanimité et nous ne désespérons pas qu'à la fin de cette séance, nous arrivions à l'unanimité, malgré quelques notes discordantes.

Comme le délégué de la Guinée, nous voudrions lancer ici un appel à notre collègue du Nigeria pour l'inviter à revenir sur sa proposition. Je crois qu'elle a déjà été présentée lors de la soixante-et-onzième session du Conseil et qu'elle a été rejetée, tout comme l'a été celle du délégué du Royaume-Uni. Peut-être le délégué du Nigeria fera-t-il preuve de coopération pour retirer, tout comme l'a fait le délégué du Royaume-Uni, sa proposition.

La proposition faite par le délégué du Nigeria ne résiste pas à un examen quelque peu approfondi. Le délégué de la France, comme d'autres délégués, a souligné la nécessité de l'efficacité du Chef du Secrétariat. Or, la proposition présentée par le délégué du Nigeria n'enlève pas ce souci, le dernier mandat proposé, de quatre ans, laisse planer le doute sur l'efficacité du Chef du Secrétariat, et quand le délégué du Nigeria dit qu'après un mandat de dix ans, le Directeur général "pourrait être fatigué", selon ses propres termes, et qu'il est nécessaire "de réinjecter un sang nouveau à l'Organisation" ; nous pensons, M. le Président, que cela est du ressort du candidat lui-même, donc du Directeur général. Les Etats Membres disposent des moyens de sanctionner le travail du Directeur général; s'il est fatigué, comme le dit la délégation du Nigeria, les différents Etats Membres, lors du Conseil, ont la possibilité d'orienter les travaux de l'Organisation. Je crois que le Directeur général ne travaille pas en potentat; son travail est sanctionné par les Etats Membres.

Pour ne pas prolonger les débats, j'espère que le délégué du Nigeria daignera entendre notre appel et se rallier à la majorité.

Pour notre part, nous approuverons sans réserve et sans modification aucune le projet de résolution proposé, du moins tel que reformulé par la délégation de la Guinée en ce qui concerne la délégation française.

H. CUEVA EGUIGUREN (Ecuador): La delegación del Ecuador unicamente quiere dejar expresa constancia de su más decidido apoyo al proyecto de resolución referente al mandato del Director General, que consta en el Apéndice A del documento C 77/LIM/13-Sup.1/Rev.1.

Estima esta delegación muy especialmente, en lo referente a la posibilidad de selección del Director General que será muy beneficioso para esta Organización que se permita a sus Estados Miembros reelegir a un Director General cuando lo crean oportuno.

Para terminar, diré que me uno a aquellos oradores que me han precedido en el sentido de pedir a nuestro amigo el distinguido delegado de Nigeria que vea si tiene la posibilidad de retirar su enmienda a fin de que podamos expresar nuestra unanimidad sobre este asunto.

J.O. ALABI (Nigeria): The Nigerian delegation would not like to overflog our position on which we feel rather strongly. We accept the pleas of distinguished delegates from Guinea, Liberia, Congo and Ecuador and we withdraw our reservations. We therefore support the resolution as it now stands in the interests of unanimity.

Applause

Applaudissements

Aplausos

A. OULD HAMZA (Mauritanie): La délégation de mon pays n'a plus grand' chose à dire à ce sujet, après la brillante intervention du délégué du Royaume d'Arabie Saoudite qui a parlé au nom du groupe arabe en exprimant de la manière la plus complète et la plus cohérente ce que pense ma délégation.

La délégation de la République islamique de Mauritanie appuie donc sans réserve l'amendement proposé. En effet, l'adoption d'un tel amendement ne nous permet pas seulement de mettre fin à une pratique discriminatoire dont notre Organisation, son Directeur général et nous-mêmes, sommes victimes, mais aussi permettra d'insuffler un sang nouveau à l'Organisation pour l'alimentation et l'agriculture, et à son Directeur général de continuer son travail. La grande expérience et le sens des responsabilités du Directeur actuel lui permettront de mener à bien sa tâche et d'atteindre dans les meilleurs délais possibles son objectif: l'élimination de la faim et de la malnutrition.

V.F. AMANN (Botswana) Speaking on behalf of the Botswana Delegation we fully agree with the Distinguished Delegate of Zambia and express the Botswana Delegation's full support of the Draft Resolution before us.

D. DANG MEKOULA (Cameroun): La délégation du Cameroun n'éprouve aucune difficulté à appuyer le projet de résolution sur la rééligibilité du Directeur général de l'Organisation. Le Conseil l'a approuvé à l'unanimité. Pour nous, cet amendement ne devrait pas seulement être considéré comme une harmonisation avec les autres organisations du système des Nations Unies, mais comme un objectif vital pour l'avenir de notre institution. La FAO a plus que jamais besoin d'esprit de corps et d'efficacité dans l'exécution de ses programmes. La réélection du Directeur général répond parfaitement à ce propos.

C'est en raison de ces considérations et de celles des orateurs qui m'ont précédé que nous appuyons sans réserve le projet de résolution qui nous est soumis.

V.G. KABORE (Haute-Volta): La délégation de Haute-Volta appuie sans réserve la résolution proposée, dans un souci de continuité et d'efficacité. La FAO est une organisation très importante à nos yeux, et devant la complexité des problèmes auxquels le Directeur général doit faire face, un mandat de courte durée ne suffirait pas à lui conférer l'autorité et l'expérience nécessaires qui sont la condition d'une action efficace au service de l'Organisation que nous défendons.

Miss L. NAVANI (Thailand): Mr. Chairman, my Delegation has listened attentively to the discussion on Sub-Agenda Item 18. We find arguments in favour put forth by many delegations very persuasive especially the observations on the necessity for reserving for the Conference broadest options in the selections of the person to head the Organization and to implement the policies that we adopt.

In this respect I would like also to express, and at the same time, re-confirm the views of my Delegation concerning a Director-General's post of this Organization. My Delegation is of the opinion that this post should be elected by the Conference where all Member Nations are represented as stipulated in the FAO Constitution. In addition the Conference should provide for the eligibility of the Director-General for re-election so that Member Nations would not be deprived of their freedom to re-elect the Director-General if they considered that it is in the best interest of the Organization and the implementation of its programme that he should continue in office. By this method my Delegation is quite certain that we will get the most qualified person to head our Organization.

For this reason, Mr. Chairman, my Delegation fully supports the proposed amendment to the Constitution as contained in document C 77/LIM/33.

I would also like to appeal for a unanimous decision for the Federal Republic of Germany to please drop his amendment.

CHAIRMAN: I should call attention to the last speaker that there is no amendment from the Federal Republic of Germany.

D. VUJICIC (Yugoslavia): Thank you Mr. Chairman. My Delegation would like to follow your request and the advice of my neighbour from Zambia to be as brief as possible and, therefore, I would like only to state the full support of the Yugoslav Delegation to the proposed amendment to paragraph 7 as formulated in the Draft Resolution,

B. MANSARY (Sierra Leone): Thank you Mr. Chairman. I will be brief. My Delegation considers that it is only a question of rectifying an anomaly in the Constitution of FAO insofar as it affects the term of office of the Director-General. This is the only United Nations organization where no provision is made to give the executive head eligible election at the end of his time. In order to keep in step with the other United Nations agencies the issue should be resolved once and for all. My Delegation, therefore, fully endorses the Resolution contained in the Council Resolution 7 recommending paragraphs 1 and 3 of Article VII of the Constitution for adoption.

T. HAYAKAWA (Japan): La delegation du Japon ne s'opposera pas à l'adoption du projet de résolution qui est devant nous,

B.K. ARMAH (Ghana): Mr. Chairman thank you very much. The significance of the present discussion in the opinion of the Ghana Delegation is the fact that the FAO is a dynamic Organization. Dynamic in the sense that it takes cognizance of the prevailing situation for appropriate measures to be taken. It could be asserted generally, Mr, Chairman, that if an individual occupies an elected position for far too long that individual not only assumes sacrosanct attitudes but also becomes a spent force. Fortunately, Mr. Chairman, the Resolution before us takes account of such a possibility in that the incumbent has to present himself for election or re-election. The principle of re-election, Mr. Chairman, is most acceptable to my Delegation because it gives the opportunity to accept the incumbent vis-a-vis his capabilities in relation to the problems the FAO attempts to solve.

Mr. Chairman my Delegation has quietly observed the efficiency of the present incumbent and the Director Generalship of FAO and has come to the conclusion that the horizons of ability and capability should not be eclipsed by tying to a specific term of office. Mr. Chairman, my Delegation supports whole-heartedly the Draft Resolution before us.

P. MASUD (Chairman, Drafting Committee): I am the seventy-fourth to speak today, Sir, I have been keeping count. At this juncture I would rather speak as Rapporteur than as a member of the Pakistan delegation because the Pakistan Delegation has already supported this amendment to the FAO constitution in the FAO Council. Seventy-three speakers preceding me have all supported the adoption of the Resolution. I would propose as Rapporteur that we adopt the following report. This would be a very brief support in view of the long debate that has gone on and would read "The Conference agrees unanimously to adopt resolution....." the relevant number of the resolution would follow.

J. DE LA CRUZ HERNANDEZ (Honduras): Secundando la decisión del Consejo, que aprobó el proyecto de resolución en su 71° periodo de sesiones, el gobierno de Honduras apoya plenamente la enmienda a los párrafos 1 y 3 del Artículo VII de la Constitución de la FAO.

E. DOUEK (Israel): Ma délégation estime normal que notre Organisation suive la pratique en vigueur dans les autres institutions spécialisées des Nations Unies et nous ne pensons pas qu'elle doive faire exception à cette règle. Par conséquent, ma délégation joint sa voix à celles qui ont donné leur appui à la proposition concernant le mandat du Directeur général.

Ms. A. GEREBEN (Hungary): I'm sorry, I promise I will be very brief as Hungary was not a member of the FAO Council at the time this issue was tackled. I am happy to be able to speak in favour of the Draft Resolution before us. My delegation feels that this is very much in line with the practice prevailing at present in other United Nations bodies and the complexity and scope of the activities of the Organization.

J.N. KERRIGAN (Ireland): Thank you Mr. Chairman. Brevity is the soul of wit, and in my feeling it is often also the soul of good debate, so that I will confine my remarks to adding the voice of my Delegation to this Resolution.

TAYE GURMU (Ethiopia): The Ethiopian Delegation find the proposed amendment to be really democratic and, therefore, we support it for this reason.

H.M. CARANDANG (Philippines): The Philippine Delegation would just like to join the others in supporting this Resolution. We think that sovereign nations here should have freedom to choose the best, most able man to run the Organization without excluding the incumbent Director-General, because Member Nations should be free to think that he might, probably, be the best man to run the Organization. We fully support, the Resolution, Sir.

L. COMANESCU (Roumanie): De l'avis de la délégation roumaine, le projet de résolution qui nous est soumis sur la rééligibilité du Directeur général correspond entièrement au principe qui devrait régir l'activité de la FAO. D'autre part, ce faisant, nous ne faisons que nous aligner sur la pratique qui a cours dans les autres institutions du système des Nations Unies, En conséquence, la délégation roumaine se joint aux orateurs précédents, appuie le projet de résolution concernant la rééligibilité du Directeur général et exprime l'espoir qu'elle sera adoptée à l'unanimité.

H.A. SCOTT (Jamaica): The Jamaican delegation supports the Draft Resolution allowing for the eligibility of an incumbent Director-General for re-election, which Resolution was endorsed by the Council and submitted to us by the Resolutions Committee.

The Jamaican delegation is happy the way is now open for a unanimous decision.

B.E. MATOMOROS HUECK (Nicaragua): Mi delegación creía que iba a ser el número 73 en la lista de oradores, pero ha resultado ser el número 83. Esperamos que este número me traiga buena suerte personalmente.

En cuanto al proyecto de resolución que estamos considerando, mi delegación no forma parte del Consejo y deseamos hacer algunos breves comentarios. Mi delegación está de acuerdo y apoya este proyecto de resolución ya que, a nuestro criterio, uniforma la disposición normativa vigente en otras Organizaciones de Naciones Unidas. En segundo lugar y a nuestro criterio, completa y reglamenta el principio de la reelección, que no figuraba contemplado de una forma exacta en los Estatutos de la Organización. Y en tercer lugar mantiene en la Conferencia la soberanía como órgano electivo y permite preservar y mantener el derecho de los Estados Miembros a ejercer, a través del voto, sus prerrogativas soberanas.

Creemos que este proyecto de resolución llena y cumple de una forma amplia todos los requisitos que eran necesarios para perfeccionar las disposiciones que sobre esta importante materia aún faltaban en el Reglamento de la Organización.

E. HITAYEZU (Rwanda): Ma delegation trouve raisonnable l'amendement propose et pense donc qu'il est recevable. Elle tient à déclarer qu'elle lui apporte son appui total.

A. MARQUINA (Venezuela): La delegación de Venezuela no tiene ninguna divergencia de criterio en lo que respecta a la reelección del Director General, contenido en la enmienda propuesta. Por tanto, apoya ampliamente la proposición en el sentido de que pueda ser reelegido el Director General.

H.A. J. HAKIM (Indonesia): As the last speaker in this debate, I feel very honoured. I would like to put it on record that at the 71st Session of the Council Indonesia had the honour of submitting the Draft Resolution concerning the re-eligibility of the Director-General of the FAO. I will not repeat again the reasons that have been given by many delegates in favour of this Resolution.

You have counted many speakers from the second region of the FAO, including North America, and all Member Nations agreed to the principle of re-eligibility of the Director-General. This is again a proof that all Member Nations wish to preserve their sovereign right of being free to elect the executive head of the Organization, and we would all like to abolish discrimination in this and every field.

After this brief remark from my delegation I would also like to thank the delegate of the United Kingdom who has withdrawn his proposal and the delegate of Nigeria who has withdrawn his amendment to the Resolution, while also expressing our gratitude to the delegates of the Republic of Germany and Japan who did not oppose it. May I as the last speaker on this item make a motion that the Committee first approve unanimously the Draft Resolution concerned, secondly recommend that the Conference also approve it unanimously, and third, may I invite all the members of the Commission to express their unanimous support by acclamation by giving it strong applause.

Applause

Applaudissements

Aplausos

CHAIRMAN: Thank you very much, distinguished Delegates, my task has been made much easier by the applause you have given to the last speaker, but nevertheless I should like to announce how the debate has gone. Eighty-six countries have spoken in favour; Saudi Arabia spoke on behalf of 22 Arab countries, Denmark on behalf of 25 Nordic countries, Canada on behalf of the United States and Canada, and Fiji, Papua and New Guinea have wished it to be recorded they are in favour of the Draft Resolution. In all we have 116 countries who have spoken in favour. This shows there is unanimity and there is no dissenting voice. With this may I conclude the discussion of this item.

Resolution adopted by acclamation

La résolution est adoptée par acclamations

Se adopta la resolución por aclamación

The meeting rose at 13.00 hours Li" séance est levée a 13 heures

Se levanta la sesión a las 13.00 horas

council

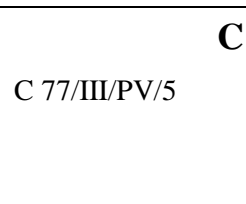
FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS

conseil

ORGANISATION DES NATIONS UNIES POUR L'ALIMENTATION ET L'AGRICULTURE

consejo

ORGANIZACION DE LAS NACIONES UNIDAS PARA LA AGRICULTURA Y LA ALIMENTACION



Nineteenth Session
COMMISSION III

Dix-neuvième session
COMMISSION III

19° periodo de sesiones
COMISIÓN III

FIFTH MEETING
CINQUIEME SÉANCE
QUINTA SESION

(24 November 1977)

The Fifth Meeting was opened at 15.15 hours

S. Boolell, Chairman of Commission III, presiding

La cinquième séance est ouverte à 15 h 15 ,sous la présidence de

S. Boolell, Président de la Commission III

Se abre la quinta sesión a las 15.15 horas, bajo la presidencia de

S. Boolell, Presidente de la Comisión III

PART III - CONSTITUTIONAL AND ADMINISTRATIVE MATTERS (continued)
TROISIEME PARTIE - QUESTIONS CONSTITUTIONNELLES ET
ADMINISTRATIVES (suite) PARTE III- ASUNTOS CONSTITUCIONALES Y
ADMINISTRATIVOS (continuación)

A. Constitutional and Legal Matters (continued)

A. Questions constitutionnelles et juridiques (suite)

A. Asuntos constitucionales y jurídicos (continuación)

18. Amendments to the FAO Constitution and General Rules of the Organization

(continued)

18. Amendements à l'Acte constitutif et au Règlement general de l'Organisation (suite)

18. Enmiendas a la Constitución de la FAO y al Reglamento General de la Organización
(continuación)

- Granting of Immunities to Participants attending FAO meetings

- Octroi aVimmunités aux personnes participant à des réunions de la FAO

- Concesión de inmunidades a los participantes en reuniones convocadas por la FAO

LEGAL COUNSEL: The question concerning the immunities to be granted to participants in meetings convened by FAO was referred to the Committee on Constitutional and Legal Matters (CCLM). The Director-General felt that some amendment to Rule XXXVII, paragraph 4 of the General Rules of the Organization was called for.

While the privileges and immunities of participants in meetings held at the headquarters seat are covered by the Headquarters Agreement concluded between the Italian Government and FAO, the aforementioned Rule is currently cited in the standard letter of agreement between FAO and most governments for all FAO meetings held outside Headquarters. The Rule I have just mentioned refers specifically to sessions of bodies established under Article VI and Article XIV of the Constitution.

However, it does not expressly mention a number of meetings convened under the auspices of FAO, in particular sessions of the Conference or the Council, sessions of the Standing Committees of the Council and Conference, and working parties or consultations convened under Article VI-5 of the Constitution.

This question was considered by the CCLM at its 35th session and by the Council at its 72nd Session. Both the CCLM and the Council recognized that the Director-General had consistently followed the practice of satisfying himself that participants would be granted the immunities that are necessary for the independent exercise of their functions whenever FAO meetings were held outside FAO head-quarters .

However, the CCLM reached the conclusion - which was endorsed by the Council - that considering the limited scope which might be attributed to Rule XXXVII paragraph 4 of the General Rules as at present, the practice followed by FAO did not have as a solid a legal basis as might be desirable. It should be noted in this connexion that the extent of the privileges and immunities covered, this provision now would remain unaltered. The objective of the amendment proposed by the Council is in effect a codification of an existing practice whereby this provision should apply to all meetings convened by FAO outside the Headquarters seat.

The Commission may therefore wish to suggest that the scope of Rule XXXVI-4 of the General Rules be extended to all meetings convened by FAO, as has been recommended by the CCLM and the Council. A draft resolution on the lines recommended is contained in the third report of the Resolutions Committee, the document you have just mentioned, Mr. Chairman, namely document C 77/LIM/33 on page 8 of the English text.

T. HAYAKAWA (Japan): The delegation of Japan at the 71st Session of the Council reserved its position with regard to this amendment because of juridical problems that might be involved in the new amendment. However, in view of the fact that there is no country which, is in opposition to this amendment, my delegation would like to support this amendment at this stage. However, I would like to point out - and I hope that this will be kept in the record of this Commission - that as there is a discrepancy between the stipulation in the Convention of the privileges and immunities of the specialised agencies of the United Nations, and the stipulation in the General Rules of FAO, it is the understanding of the Japanese Government that contracting parties of the Convention on the privileges and immunities of the specialised agencies of the United Nations would not ask for more immunities and privileges than those prescribed in the Convention on the privileges and immunities of the specialised agencies of the United Nations.

This is because the General Rules of FAO are nothing but the rules which govern the FAO bodies, inside matters of the FAO.

Therefore my delegation would like to ask the Secretariat of FAO to keep this understanding of the Government of Japan on record, and we support the amendment proposed by Council.

CHAIRMAN: Do I take it that this draft amendment as proposed is accepted? That is so. we will move on to the next item on the agenda.

- Amendments to the General Rules of the Organization (Personnel Matters)
- Amendements au Règlement général de l'Organisation (questions de personnel)
- Eficiendas al Reglamento General de la Organización (Asuntos de personal)

CHAIRMAN: This item is straight-forward and the relevant document is C 77/LIM/16-Äev.1. It is self-explanatory but nevertheless if anyone wishes to intervene, the floor is open.

As there is no comment, I take it that everybody agrees with this and that the resolution on page 7 of Document C 77/LIM/33 is accepted.

19. Statutory Report on Status of Conventions and Agreements Thereto
19. Rapport statutaire sur l'état des conventions et accords et sur les amendements y relatifs
19. Informe reglamentario sobre el estado de las convenciones y acuerdo y de las enmiendas a los mismos

CHAIRMAN: I would ask the Legal Counsel to introduce the subject.

LEGAL COUNSEL: Pursuant to Rule XXI paragraph 5 of the General Rules of the Organization the Director-General is required to report to the Conference whenever a convention agreement, a supplementary convention or agreement concluded under Article XIV of the Constitution comes into force or ceases to be in force or has been amended and the amendments have come into force.

In addition, under established practice the Director-General also informs the Conference of any developments which may occur in connexion with the following:(1) Agreements concluded between FAO and Member Nations under Article XV of the Constitution;(2) treaties concluded outside the framework of FAO in respect to which, however, the Organization exercises depository functions; and (3) the status of the Convention on Privileges and Immunities of the Specialized Agencies in respect of FAO.

The documents before you, we believe, contain all the information on the status of the above-mentioned treaties which have been updated after the Eighteenth Session of the Conference.

May I add that my attention has been drawn to an error which unfortunately occurred in document C 77/10. I am afraid Cuba has been listed in paragraph 58 among the countries that are party to the Agreement for the Establishment of a permanent basis of a Latin-American Forest Research Institute, although a letter of denunciation was received by the Director-General in 1972 and therefore Cuba should have been listed in paragraph 60 of the document. On behalf of the Secretariat I would like to apologize for this mistake.

The two documents C 77/10 and C 77/10-Sup.1 presented to you are basically for information.

M.A. BENDJENNA (Algerie): Je voudrais remercier le Conseiller juridique de ses explications et lui en demander une à mon tour en ce qui concerne les instruments d'acceptation qui ont été soulignés dans le rapport C 77/10, afin de me permettre de mieux saisir les indications fournies par ce document.

CONSEILLER JURIDIQUE: Comme explication, je voudrais dire simplement que, selon la coutume, la date qui est soulignée se rapporte toujours à l'instrument de ratification, ou d'adhésion, ou d'accession, qui a été nécessaire pour mettre en vigueur l'accord ou la convention en question.

20. Other Constitutional and Legal Questions

20. Autres questions constitutionnelles et juridiques,

20. Otros asuntos constitucionales y jurídicos

20.1 - Agreement Concerning Relations with the World Food Council

20.1 - Accords concernant les relations avec le Conseil mondial de l'alimentation

20.1 - Acuerdo de relaciones con el Consejo Mundial de la Alimentación

D.J. WALTON (Director, Office for Inter-Agency Affairs): Document C 77/LIM/25 contains in Appendix C the text of a draft Supplementary Arrangement regarding cooperation between the World Food Council and FAO. This Arrangement is to be supplementary to the main Relationship Agreement between the United Nations and FAO, as the World Food Council is a subsidiary organ of the United Nations, and the Relationship Agreement between the United Nations and FAO specifically envisages supplementary arrangements of this nature.

The draft Supplementary Arrangement has been negotiated by the Director-General pursuant to the request of the Conference at its last Session that he should, inter alia, prepare and elaborate draft arrangements with the World Food Council defining the distribution of responsibilities and methods of cooperation between FAO and the World Food Council.

When at the request of the Conference relations between FAO, the World Food Council and other bodies were considered by the FAO Council at its Sixty-Ninth Session, in July of last year, the Council felt that it would not be practical at the present stage to seek a hard and fast demarcation of functions between the World Food Council on the one hand and the FAO Council together with its subsidiary bodies on the other hand. The Council also felt that the complementarity of action between the World Food Council and FAO could for the moment best be prompted by close consultation and cooperation at Secretariat level. The Council furthermore decided to maintain the flexible arrangements for the submission of reports of FAO bodies to the World Food Council; these arrangements are reflected in Article VII of the draft Supplementary Agreement. The draft in fact codifies the various decisions relating to arrangements between FAO and the World Food Council.

The negotiated draft was submitted to the recent Session of the Council. It had previously been favourably reviewed by the Programme and Finance Committees and the CCLM. The relevant extract from the report of the CCLM is contained in Appendix A to document C 77/LIM/25.

As you will have seen from Appendix B to that document, the FAO Council agreed with the provisions of the draft Supplementary Arrangements and has now transmitted it to the Conference for its endorsement before signature on behalf of FAO. We understand that the Supplementary Arrangement will, in principle, be considered by the World Food Council at its Fourth Session before signature on behalf of the United Nations.

It may be useful if I point out that substantial developments between FAO and the World Food Council, and in particular on the Third Session of the World Food Council, are covered by another Agenda item, item 15.1, which will be taken up by Commission II on Monday.

It is hoped that the Conference will consider the draft Supplementary Arrangement to be a satisfactory basis for cooperation, and will authorise its signature on behalf of FAO.

CHAIRMAN: This matter is now open to the floor for any comment. I take it that the Commission agrees to the draft Arrangements submitted to you in document C 77/LIM/25.

- Agreement Concerning Relations with the International Fund for Agricultural Development

- Accords concernant les relations avec le Fonds international de développement agricole

- Acuerdo de Relación con el Fondo Internacional de Desarrollo Agrícola

A. ROCHE (FAO staff): The document which is relevant to this item is C 77/LIM/24 which contains the text of a relationship agreement between FAO and the International Fund for Agricultural Development. This agreement has been negotiated in response to the wish expressed by the Conference at its last Session and the negotiated draft was submitted to the Fourth Session of the Preparatory Commission of IFAD in July. The Preparatory Commission proposed a number of amendments to the negotiated draft.

Then the amended draft was subject to further discussions between the Director-General of FAO and the Chairman of the IFAD Preparatory Commission. This took place in September and as a result a draft agreement was submitted to the Programme and Finance Committees and also to the CCLM and it was then subsequently considered by the Council at its pre-Conference Session. At that Session the Council approved the text which was before it, subject to confirmation by the Conference.

The discussion of the Council at its last Session is summarised in paragraph 121 - 129 of its Report and its report is reproduced in Appendix B to document C 77/LIM/£4 and you will also see in that Appendix B the resolution which was adopted by the Council.

Now I should also mention that under Rule XXIV.4(c) of the General Rules of the Organization the Council may, subject to confirmation by the Conference, enter into agreements with other international organizations. Of course the agreement between FAO and IFAD has not yet been what one might call "entered into" in the sense that it should not be considered as finally concluded until IFAD has actually come into existence and its executive board has made and approved an identical text to that which was approved by the FAO Council and it is only then that the agreement will be signed on behalf of the two organizations and will enter into force.

It is anticipated that the IFAD executive board will approve the agreement shortly but only after the conclusion of the current Session of the Conference. This is relevant from the point of view that the confirmation by the Conference will in all probability only be able to take place at its next Session, i.e. at its Twentieth Session. At this stage therefore the Conference is not called upon to take any specific action. However, as already mentioned the Conference at its last Session requested the Council to present draft agreements, including the present one to its Nineteenth Session and in conclusion may I merely mention that it is quite clear that cooperation between FAO and IFAD is in no way conditional upon the entrance into force and subsequent confirmation of a formal relationship agreement.

In fact cooperation with the IFAD Preparatory Commission has already been a reality for some time now and it will continue with IFAD itself as soon as that organization becomes operational.

20.2 Granting of Official Status to International Non-Governmental Organizations

20.2 Octroi du statut officiel a" des organisations internationales non gouvernementales

20.2 Otorgamiento de Condición Jurídica Oficial, a entidades internacionales no gubernamentales

LI YUNG-KAI (China) (interpretation from Chinese): Mr. Chairman, we have noticed that certain non-governmental organizations associated with FAO still retain the membership of some groups (or personnel) controlled by the Chiang Kai-Shek clique entrenched in Taiwan. This is regrettable.

It is common knowledge that there is only one China in the world, that is, the People's Republic of China, while Taiwan is a province of China. The Chiang Kai-Shek clique has long since been spurned by the Chinese people and has no right whatsoever to join any international organization, be it governmental or non-governmental under any pretence. At present more and more countries and people want to increase their friendly contacts with the Chinese people, and United Nations and its specialized agencies have one after another expelled the so-called "representative" of the Chiang Kai-Shek clique. To make a death-bed struggle, the Chiang Kai-Shek clique resorts to a variety of tricks to hang on to some non-governmental organizations under the name of "civil organizations", "academic institutions", or "scientists", trying in this way to confuse public opinion. The Chinese delegation hereby declares that the retention by any organization of the membership of any group or personnel of the Chiang Kai-Shek clique under any pretext and in any form runs counter to the trend of history and is totally unacceptable to the Chinese people.

The Chinese delegation requests this Organization as some other United Nations Specialized Agencies have done to urge international organizations that have consultative, special consultative and liaison status with this Organization, but still retain the membership of any group or personnel controlled by the Chiang Kai-Shek clique, to immediately adopt measure to cancel the membership of such groups or personnel. This Organization is kindly requested to take notice of this problem. Thank you Mr. Chairman.

CHAIRMAN: I will ask Mr. Walton, Director, Office for Inter-Agency Affairs, to answer the point raised by the Distinguished Delegate of the People's Republic of China.

D.J. WALTON (Director, Office for Inter-Agency Affairs): Mr. Chairman this is not a question which has formally arisen in FAO before. I would point out that the non-governmental organizations which are enjoying a special status with FAO have a membership which is by definition non-governmental, and we

in the Secretariat are not completely up-to-date on the changes in the membership of the non-governmental organizations, since this membership consists in some cases of individuals, in other cases, of associations, technical or scientific groupings. I believe, however, that it would be very appropriate that the statement just made by the representative of the People's Republic of China were duly recorded by the Conference, and the statement as recorded by the Conference be brought by the Director-General to the attention of all non-governmental organizations which enjoy official status with FAO.

CHAIRMAN: I hope that will satisfy the Distinguished Delegate of the People's Republic of China. If that is so then we take it that this item is adopted by the Commission.

20.3 - Amendments to the Financial Regulations

20.3 - Amendements au Règlement financier

20.3 - Enmiendas al Reglamento Financiero

P. SKOUFIS (Assistant Director General, Administration and Finance Department): The proposed amendment to the Financial Regulations deals with two subject matters. The first, the need to establish appropriate financial arrangements for operations of technical cooperations programmes. Secondly, the need to provide for the delegation of disbursement authority, if required, to persons who are not FAO staff members. With reference to the first point the Council considered the matter at its 69th Session and generally endorsed the proposal that the TCP fund which remains undelegated at the end of the biennium should be carried over to the next biennium. The majority agreed that the Financial Regulations should be changed accordingly and that this should be proposed to the Conference following review by the Committee on Constitutional and Legal Matters. The CCLM reviewed the Finance Regulation IV at its 33rd Session and the Council at its 70th Session approved modification to the text proposed by the CCLM.

With reference to the second point, the need to provide for delegation of disbursement authority, if required, to persons who are not FAO staff members arises as a result of the evolution which has taken place in the development assistance which is caused by a gradual shift in responsibility from internationally preferred experts to national personnel. This required a change in Financial Regulations. Both proposed amendments and changes appear on page 3 of document C 77/LIM/34 and were endorsed by the Council after review by CCLM at its 33rd Session.

CHAIRMAN: I take it that the Commission agrees to the proposed amendments.

The meeting was suspended from 16.00 hours to 16.25 hours

La séance est suspendue de 16 heures à 16 h 25

Se suspende la sesión de las 16.00 a las 16.25 horas

B. Administrative and Financial Matters

B. Questions administratives et financières

B. Asuntos administrativos y financieros

21. Audited Accounts

21. Comptes vérifiés

21. Cuentas comprobadas

P. SKOUFIS (Assistant Director-General, Administration and Finance Department): With reference to the Regular Programme accounts for 1974 and 1975 - and I refer to document C 77/5 - the Council noted that there was a need for improvement of internal control in some areas and agreed with the request of the Finance Department for a report on progress covering various problems referred in the Auditor's report. Such a progress report was made to the Council by the Finance Committee at the Council's Seventy-First Session in June 1977.

With reference to the UNDP accounts for 1975 - these are covered in document C 77/6 - the Council endorsed the need for improvement in the present project management system. This subject is under study by the Organization, and the Finance Committee will be following closely the development of this system.

As regards the World Food Programme accounts for 1975 - these are covered in document C 77/7 - I should underline that the Auditor's certificate was qualified. This qualification ensued from an excess of expenditure incurred for technical, administrative and servicing costs over the amounts budgeted. The excess was due to increase in staff costs and to a higher level of programme activity than provided for in the budget. In this connexion I should inform the Conference and this Commission that the Committee on Food Aid Policies and Programmes of the UN/FAO World Food Programme at its Second Session in November 1976 approved that the excess be covered from overhead cost earnings under the Food Aid Convention.

The UNDP accounts for 1976, which are covered in document C 77/9, were reviewed by the Council at its session earlier this month. The Council noted certain budgetary and accounting problems which had been pointed out in the External Auditor's report and was informed that these actions had arisen as a result of the UNDP financial crisis which entailed the introduction at short notice of many special measures aimed at reduction of cash outflow.

The problems encountered their reflection in the qualified audit certificate. The Council was informed that these problems were temporary in nature and have now been largely overcome.

The Council also noted the external auditor's recommendations related to field project appraisal and agreed that all steps possible should be taken to ensure that field projects are based on realistic assessments of what is possible.

The auditor's report of the WFP accounts for 1976 which are covered in document C 77/8 were also reviewed by the Council at its session earlier this month. It deals largely with certain operational matters on which the Finance Committee has reported separately to the CFA.

Conference document C 77/LIM/34 on page 4 contains a draft resolution submitted by the Council to the Conference for adoption.

P.J. BYRNES (United States of America):The audit reports as now spoken of here were reviewed by the Council which met just two weeks ago, but in a rather hurried way because it had only a brief period to conduct its work. I should like to make a few comments.

We very much appreciate the diligence with which the external auditor has pursued his work. With particular regard to the Regular Programme Accounts, we have had some concern with what appear to have been inadequate financial procedure for control and allocation of resources; the Assistant Director-General referred to these a moment ago. We do note, however, that in the Report of the Finance Committee a number of corrective measures have been taken and we would like to encourage continuous and closer monitoring of performance in these areas.

We are also concerned that, as noted by the External Auditor, some rather expensive management advice provided to different areas has not been accepted or followed up, and I think this requires quite a bit of attention.

We noted with concern the laxity which seemingly was involved in the International Fertilizer Supply Scheme operations and also the handling of the FAO Money and Medals Programme accounts.

With regard to the UNDP accounts, for 1976, we think it is serious that the External Auditor had to qualify his certificate. That particular period was somewhat unusual, largely because of the UNDP shortfalls, but financial controls are vital to the effectiveness and continuation of international programmes and to the support we all want to maintain for them.

We noted that the External Auditor gave specific attention to the fact that field projects should not be planned on an overly ambitious premise, that better coordination between headquarters of UNDP and the agencies, and between headquarters of FAO and the field, is required.

With regard to the World Food Programme accounts for 1976, we are aware that the Committee on Food Aid Policies and Programmes looked rather extensively into this. We would like to support the comments made at that time but particularly the External Auditor's concern over the continued failure of WFP to establish an adequate recording system for monitoring the progress of projects and stock availabilities within the recipient countries. We hope the World Food Programme Executive Director will follow up the suggestions of the External Auditor and take special steps to monitor the progress of projects so as to make sure aid is received by people for whom it is intended, that shipments are not in excess of agreed needs and that losses and deterioration are avoided wherever possible.

A. BEN KHAYAL (Libya)(interpretation from Arabic): In document C 77/LIM/34 we have a surplus in respect of the Libyan part of 0.14 to 0.21,and if any amendments have been adopted, then I should like to say that at the United Nations we pay 0.17 and not 0.21 as stated in the document before us.

P. SKOUFIS (Assistant Director-General, Administration and Finance Department):I think the intervention by the delegate of Libya refers to a document that will be under discussion tomorrow when we shall be discussing the scale of contributions.

A.A.W. LANDYMORE (United Kingdom): The delegate of the United States has said everything that I had intended to say and so I shall simply associate my delegation with what was said by the. delegate of the United States.

M.A. BENDJENNA (Algérie): A la page 18 du document C 77/8, dans les indications sur l'état des contributions au 31 décembre 1976 au Programme alimentaire mondial, je constate que mon pays ne figure pas parmi ceux qui sont énumérés. Or, mon gouvernement a promis une contribution de 50 000 dollars, laquelle a été effectivement versée au Programme alimentaire mondial. Nous avons déjà reçu un accusé de réception du Directeur exécutif du PAM,

P. SKOUFIS (Assistant Director-General, Administration and Finance Department):I wish to call the attention of the delegate of Algeria to the date of the reports. You will note these reports were prepared in August of 1976 and many of the contributions perhaps were not listed at the time.These are audited reports.Many of the contributions were received subsequent to the preparation of the audited accounts; they have been acknowledged and are now a matter of record in the accounts of the Organization.

23. Other Financial and Administrative Questions, including:

23. Autres questions administratives et financières, notamment:

23. Otras cuestiones financieras y administrativas, en particular:

23.1 Working Capital Fund: Reimbursement of Withdrawals in 1974-75

23.1 Fonds de roulement:remboursement des montants prélevés en 1974-75

23.1 Fondo de Operaciones:reembolso de ías cantidades retiradas en 1974-75

P. SKOUFIS (Assistant Director-General, Administration and Finance Department): At its 70th Session the Council considered how the Working Capital Fund should be reimbursed in respect of an amount of \$112 854 withdrawn from the Fund in 1974.That amount had been withdrawn from the Fund in 1974,That amount had been withdrawn to purchase equipment urgently needed for the purpose of meeting an emergency foot-and,mouth disease situation in South-East Europe.The Council recalled that the Conference at its 18th Session had stressed that any withdrawals from the Working Capital Fund for such emergency should be on a reimbursable basis but it noted that the terms of the Conference Resolution on this subject did not make this entirely clear.

In the circumstances, and stressing that the action should not be considered as precedent-setting, the Council endorsed a recommendation made by the Finance Committee that the withdrawal should be reimbursed from the Organization's 19 74-75 cash surplus rather than by the government which had requested the assistance.It adopted a resolution to withhold \$112 854 from the cash surplus and submitted to the Conference a draft resolution which now appears on page 10 of C 77/LIM/34, to the effect that the amount so withheld be applied to the Working Capital Fund in reimbursement of the withdrawal made in 1974.

CHAIRMAN: I now invite the floor to make any comments.If there are no comments we take it that this sub-item is adopted by the Commission.

23.3 Emoluments of the Director-General

23.3 Emoluments du Directeur général

23.3 Emolumentos del Director General

P. SKOUFIS (Assistant Director-General, Administration and Finance Department): The documents relating to this item CL 72/REP pages 18 and 19, paragraphs 93 to 96 and Conference document C 77/LIM/34 which contains a draft resolution for adoption by the Conference on page 11. Through the report of the Seventieth Session of the Council you have been informed that the International Civil Service Commission had made a number of recommendations to the United Nations General Assembly concerning changes to the system of salaries and conditions of service of the staff in the Professional and higher categories. Upon approval by the United Nations General Assembly these recommendations had also been implemented by the Organization starting 1 January 1977. These changes have consequences on the emoluments of the Director-General and his conditions of service. The Finance Committee and the Council have thus considered that the emoluments of the Director-General and the representative allowance should be brought in line with those of executive heads of other Agencies,

In accordance with General Rule XXXVI 1 (c) the terms and conditions of appointment of the Director-General including the salary and other emoluments attached to the office are determined by the Conference. Hence the resolution that is now before you.

CHAIRMAN: Any comments from the floor? I take it that this is adopted by the Commission.

The meeting rose at 16.50 hours

La seance est levee à 16 h 50

Se levanta la sesión a las 16.50 horas

council

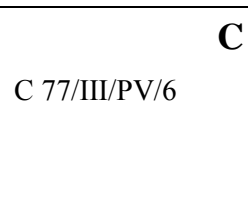
FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS

conseil

ORGANISATION DES NATIONS UNIES POUR L'ALIMENTATION ET L'AGRICULTURE

consejo

ORGANIZACION DE LAS NACIONES UNIDAS PARA LA AGRICULTURA Y LA ALIMENTACION



Nineteenth Session
COMMISSION III

Dix-neuvième session
COMMISSION III

19° periodo de sesiones
COMISIÓN III

SIXTH MEETING
SIXIEME SÉANCE
SEXTA SESIÓN

(25 November 1977)

The Sixth Meeting was opened at 10.15 hours

S. Boolell, Chairman of Commission III, presiding

La sixième seance plénière est ouverte à 10 h 15 sous la présidence

de S. Boolell, Président de la Commission III

Se abre la quinta sesión a las 10.15 horas, bajo la presidencia

de S. Boolell, Presidente de la Comisión III

PART III - CONSTITUTIONAL AND ADMINISTRATIVE MATTERS

(continued)

TROISIEME PARTIE - QUESTIONS CONSTITUTIONNELLES ET

ADMINISTRATIVES (suite)

PARTE III -ASUNTOS CONSTITUCIONALES Y ADMINISTRATIVOS

(continuación)

23. Other Financial and Administrative Questions (continued)

23. Autres questions administratives et financières (suite)

23. Otras cuestiones financieras y administrativas (continuación)

- Financial Position of the Organization - Status of Contributions

- Situation financière de l'Organisation - Etat des contributions

- Situación financiera de la Organización - Estado de las cuotas

P.J. SKOUFIS (Assistant Director-General, Administration and Finance Department): I will speak on the item, Financial Position of the Organization - Status of Contributions. The report of the Seventy-Seventh Session of the Council, CL 72-Rep., contains in paragraphs 73 - 79 comments on the Status of the Contributions as of 9 November 1977. Those comments and the related appendix are also to be found in document C 77/LIM/31. Attention is drawn particularly to paragraph 77 thereof wherein the Council suggested that the Conference might wish to appeal to Member Nations to make adjustments as necessary to their appropriation patterns so that the Organization might receive contributions when due. With your agreement, Mr. Chairman, we would include language to this effect in your draft report.

The question of voting rights referred to in paragraphs 78 and 79 is a matter which, as you know, has been handled by the Plenary of the Conference.

In the case of the Congo the Conference has already approved a Resolution whereby its arrears of contributions will be paid in ten equal instalments together with current contributions in the calendar year of assessment commencing in 1977.

With regard to the amounts of contribution outstanding at 9 November 1977 as set out in the appendix to C 77/LIM/31, I should mention that the following contributions have been received in the interim period. Contributions have been received from Bulgaria US \$60 000, Ethiopia US \$1 108, Guinea US \$13 242, Haiti US \$37 583, Honduras US \$10 670, Mauritania US \$9 678, Nigeria US \$126 337, Pakistan US \$109 448, Poland US \$152 196, Qatar US \$13 907, Venezuela US \$283 386, Information has also been received from the Government of Mauritania that in addition to the payment of US \$9 678 which I have just mentioned as having been received, a remittance equivalent to Fr.francs 90 000, which is approximately US \$18 500, is on its way. Payment of the amount outstanding from Yugoslavia, US \$309 124 is also expected shortly.

I should mention that in paragraph 48 of its Report the recent session of the Council noted, that subject to collection of outstanding contributions miscellaneous income in 1976/77 would exceed the amount budgeted by approximately US \$5 million. In the event that such cash surplus does arise it would be released to Member Nations as at 1 January 1979, thus reducing the amounts that Member Nations would be called upon to pay as contributions in the coming biennium. Accordingly it is hoped that contributions presently outstanding will be settled by the end of the year, 31 December 1977.

O. LUCO ECHEVERRÍA (Chile): Como un aspecto ilustrativo, desearía solicitar de la Secretaría que, si lo tiene a bien, informara sobre los estudios y acuerdos que se han hecho en las Naciones Unidas sobre los nuevos porcentajes de cuotas para los países. Tengo entendido que en las Naciones Unidas se aprobo hace poco una situación que creo que sería de interés para la FAO dar a conocer.

CHAIRMAN: I thank the Delegate of Chile. May I call your attention to Item 22, in which we speak of Scale of Contribution, which we will take later on, and that would perhaps be the appropriate time to get the information.

P.J. BYRNES (United States of America): This is a good financial report. I think it indicates that the Organization has done well in terms of management during this biennium, and it is a very hopeful report in that sense.

I would like to ask with regard to the accumulation of miscellaneous income. Which we have heard it has far surpassed the estimation. Knowing that in the forthcoming biennium we are anticipating the same exact amount that has been budgeted for the current biennium, whether if the financial situation is such and if payments are being made at an earlier rate would it not be possible to estimate a larger amount of miscellaneous income for 1978/79?

CHAIRMAN: Before I give the floor to Mr. Skoufis to answer this! does any other delegate wish to speak on this matter? Then I give the floor to Mr. Skoufis.

P.J. SKOUFIS (Assistant Director-General, Administration and Finance Department): In response to the delegate of the United States of America, the miscellaneous income for the biennium 1976/77 was in excess of our estimates because of the better collection rate, as has already been stated, plus an increase in the interest rates, the interest rates during that year were higher than anticipated.

With regard to our estimates for the future biennium we were not able to confirm that these conditions would prevail, so we estimated on the basis of our previous figure and of course will have to adjust that accordingly as the circumstances permit.

A. LØCHEN (Norway): My delegation agrees with the delegate of the United States of America that this a good financial report and we agree with the suggestion of Mr. Skoufis that our report recommends that countries pay their contributions when due.

J.O. ALABI (Nigeria): The arrears on the payments due in respect of Nigeria have already been sent to the FAO. If by now it has not been received, it is on the way because I received a cable yesterday saying that this amount has been paid and the Central Bank had been authorized to pay the FAO this amount.

CHAIRMAN: In the absence of any further comment I take it that the Commission adopts this item.

23. Other Financial and Administrative Questions (continued)

23. Autres questions administratives et financières (suite)

23. Otras cuestiones financieras y administrativas (continuación)

- Allocation of Cash Surplus

- Repartition de l'excédent de trésorerie

- Asignación del superávit de tesorería

E.M. WEST (Assistant Director-General, Office of Programme & Budget): As I think most delegates know, the question of the allocation of cash surplus is affected by two resolutions emerging from the Council. One resolution was for the establishment of a special reserve account which the Council adopted at its 71st Session and transmitted to the Conference; the other is for the prevention of food losses which was discussed at the 71st Session and again at the 72nd Session, when the Council transmitted a further resolution to the Conference. However, both these resolutions have been under intensive discussion informally in groups. They have, in fact, only just reached the Resolutions Committee and are to be discussed there at 11.00 a.m.

However, it seems - and I hope I am correct in saying this - that the extensive discussions in the informal groups and in contact groups involving also the Director-General have resulted in agreement of the groups on the scope and the wording of these provisions. I will indicate very briefly what the Scope of the resolution is in relation to the cash surplus, in the hope that when the Resolutions Committee does transmit the texts to you, there will be no problems of substance and the Commission can adopt their conclusion on the report which the Drafting Committee will then send back to the Commission for adoption. We need not then have any problems of substance.

Now, on the prevention of food losses, although the substance concerns Commission I, there is a provision therein by which, notwithstanding the provisions of Financial Regulation 6-1(b) the amounts which would otherwise be allocated to Member Nations under Regulation 35-75 which established a Suspense Account for this biennium will be withheld and transferred in an amount not exceeding \$10 million to the special account established for the prevention of food losses, unless a Member Nation by written notification lodged with the Director-General before 31 January 1978 requests that its portion which has been so withheld shall be released and allocated in accordance with Financial Regulation 6-1(b).

Now, there are many other very important substantive provisions in that draft resolution which it will be the business of Commission I to discuss, which do not affect the allocation of the cash surplus, whereas the provision I have just described does. The result is that unless a Member Nation gives notice before 31 January, its share of \$10 million which is expected to be in the cash surplus at the end of the biennium will be withheld and transferred to a special account for food losses. There will still be money left in the cash surplus, but here I turn to the proposal for a special reserve account, the substance of which I think will be discussed in Commission II. The special reserve account would be for certain purposes similar to the suspense account which was established for 1974-75. The important provision as regards the allocation of cash surplus is that, again, notwithstanding the provisions of Financial Regulation 6.1 (b) the Director-General will be directed to transfer, as of 31 December 1977, a sum of \$5 million from the suspense account established under Regulation 35.75 to the special reserve account.

So those two sums - \$10 million and \$5 million - if these resolutions are agreed, will not be available in the cash surplus.

This is the position which, as I have indicated, has been agreed in the very extensive group meetings and contact group meetings. There will still be, in our estimate, some further cash surplus of smaller amounts to be transferred, but I think the essential information this morning is what I have just given you. As I have indicated, when the resolutions come from the Resolutions Committee I hope they can be, as it were, placed immediately into the Draft Report and come back to you as part of the Draft Report on those items .

CHAIRMAN: Any comments? There being none, I take it the explanation given by Mr. West is accepted and we now have to wait for the resolution; I hope that points of substance will not then be raised because this has probably already been dealt with.

E. DIAZ BUSTABAD (Cuba): Desearía, señor Presidente, que se me aclarara cuál es el tema que vamos a tratar: si es el 22 6 el 20.

M.A. BENDIENNA (Algérie): J'appuie la proposition de l'honorable délégué de Cuba. Je voudrais que cette question soit retardée pour que nous puissions nous consulter encore.

CHAIRMAN: Is there any other delegation wishing to take the floor on the proposal of the delegate of Cuba to postpone this item?

E. DIAZ BUSTABAD (Cuba): Nos agradaría, señor Presidente, que este tema se pospusiera porque algunas delegaciones, no solo la nuestra, quisiéramos efectuar previamente unas consultas con respecto a esta temática de las cuotas que se nos plantea.

Reitero que nos gustaría que del tema nos ocupásemos por la tarde porque deseamos que este particular sea tratado antes dentro de los grupos de contacto.

CHAIRMAN: May I ask the delegate of Cuba whether a break of half an hour will be sufficient for him to finish with the consultation and then we could come back and take this item.

It is the general feeling that we postpone item 22 until this afternoon. We will now take item 20, the International Poplar Convention if there is no objection.

20. Other Constitutional and Legal Questions (continued)

20. Autres questions constitutionnelles et juridiques (suite)

20. Otras cuestiones constitucionales y jurídicas (continuación)

20.4 Amendments to Conventions concluded under Article XIV of the FAO Constitution

20.4 Amendements aux Conventions conclues en vertu de l'Article XIV de l'Acte constitutif de la FAO

20.4 Enmiendas a los convenios concluidos en virtud de Artículo XIV de la Constitución de la FAO

- International Poplar Convention

- Convention internationale sur les peupliers

- Convención Internacional del Alamo

LEGAL COUNSEL: The document before you on this sub-item of item 20 is, as indicated in the Journal of the Conference, document C 77/LIM 27. It deals with four amendments of the Convention placing the International Poplar Commission within the framework of FAO. This Convention is a multilateral treaty concluded in accordance with Article XIV of the Constitution under which the International Poplar Commission was established in its present structure.

Two of these amendments, namely the amendments to Article VI, paragraph 2 and Article VIII, paragraph 2 of the Convention, were proposed by the government of France for two purposes: first to change the intervals between regular sessions of the Commission from two to four years and secondly to change the term of office of members of this Executive Committee from six to four years in order to synchronise the terms of office of members of the Executive Committee with the new timing of sessions.

The remaining amendments, namely those to Article II, paragraph 2 and Article XI of the Convention are related to two issues; first the extension of the eligibility for participation in FAO bodies and meetings of non-Member States of FAO that are members of the United Nations Specialized Agencies or of the International Atomic Energy Agency; secondly the elimination of the requirements of confirmation by the Conference or the Council of the Rules of Procedure and amendments thereto of FAO bodies, including in particular bodies established under Article XIV of the Constitution. The introduction of these amendments was necessary in order to give effect to the decisions laid down in Conference resolutions 10/73 and 26/75 respectively.

The proposed four amendments which were adopted by the International Poplar Commission at its Third Special Session held here in Rome on the 15th November 1977, by a two-thirds majority of the Commission's membership, in accordance with Article XII, paragraph 1 of the Convention. Since under Article XII, paragraph 3 of the Convention, amendments become effective only after concurrence of the Conference, the afore-mentioned amendments are now submitted to the Conference for endorsement. The Draft Resolution regarding the concurrence by the Conference has been reviewed by the Resolutions Committee and is contained in document C 77/LIM/38.

CHAIRMAN: I invite comments on the proposed amendments. In the absence of any comments from the floor I take it that the proposed amendments are accepted.

- International Plant Protection Convention

- Convention internationale pour la protection des végétaux

- Convención Internacional de Protección Fitosanitaria

LEGAL COUNSEL: This item concerns the amendments to the International Plant Protection Convention. The relevant papers are contained in the Report of Council which has transmitted to the Conference the proposed amendments set forth in Appendix J of the Council's report, and also the earlier report of the CCLM on the proposed amendment. The extracts from the Council Report and from the report of the CCLM, (document CL 72/5, paragraphs 37 to 52) are reproduced in the document you have just mentioned, namely C 77/LIM/26.

The Convention at present in force is itself a revised version of the International Plant Protection Convention of 1929 which was administered by FAO's predecessor, the former International Institute of Agriculture. It was approved in its present form by the FAO Conference in 1951 as a convention concluded under Article XIV of the Constitution. The Convention has obviously been recognized as an important instrument both for controlling plant pests and for facilitating movement of plants and plant products across international borders. To date 77 states have ratified or acceded to the Convention: a number far exceeding that of the contracting parties to any other Article XIV convention or agreement. The list of contracting parties is given in the Director-General's Report on the Status of Conventions and Agreements, document C 77/10, which was submitted to the Conference and considered by this Commission yesterday.

In view of the technical changes and the increase in the volume of international trade in plants and plant products over the last 25 years there can be no doubt that the Convention is in need of revision. Indeed, this need was recognized by the Conference in 1969 and reiterated in 1971 when the Conference recommended that the provisions of the Convention be examined.

LEGAL COUNSEL: In 1973 the process of consultation began with contracting parties and the Regional Plant Protection organizations. It culminated in the 1976 Government Consultation on the International Plant Protection Convention which was attended by the experts representing the governments of contracting parties. This Consultation proposed a series of amendments to bring the Convention up to date, including two new model types of phytosanitary certificates to replace the certificate at present annexed to the Convention. The Report of the 1976 Consultation containing those amendments has been transmitted to all contracting parties and to other Member Nations of FAO. I understand that copies of the Report of the consultation (AGP:1976/M/13) are available on request at the Document Desk.

Appendix J of the Council Report as reproduced in Document C 77/LIM/26 sets out for your convenience a consolidated version of the revised text of the Convention showing exactly what amendments have been proposed. This text also incorporates some drafting changes that have been suggested by the CCLM in order to ensure consistency and to eliminate possible ambiguities. The proposed new text of the Convention is followed by, first, the existing model Phytosanitary Certificate and then the two new certificates proposed.

Mr. Chairman, I think I ought to say a few words on the question of the procedure that has to be followed. The revised text which has been collectively proposed by the contracting parties represented at the Government Consultation is now submitted to the Conference for approval in accordance with Article XIII of the Convention. It should be noted that, unlike the other Conventions and Agreements adopted under Article XIV of the Constitution, the International Plant Protection Convention has not established any commission or other body empowered to adopt amendments. This has two consequences. First, as pointed out by the CCLM, the final form which the proposed amendments are to take for the Conference to determine. Secondly, the amendments will not enter into force immediately upon approval by the Conference.

Under Article XIII, para. 4 of the Convention, amendments enter into force thirty days after they have been accepted by two-thirds of the contracting parties. There will, thus, inevitably be some delay before the present amendments enter into force.

Another question partly concerning procedure and partly substance relates to the concept of new obligations. Normally, after acceptance by two-thirds majority amendments enter into force for all contracting parties. However, the second sentence of Article XIII, Para. 4 of the Convention provides that amendments which involve new obligations for contracting parties only enter into force for those countries which have actually accepted them. In this case, the unamended text would continue to apply to the other contracting parties. In order that the Director-General in his capacity as depository of the Convention should know which of these two procedures should be observed, the CCLM considered that it would be necessary for the Conference to determine whether or not new obligations were involved. This question is not an easy one since no definite criteria have yet been laid down as to when the variation of an existing obligation can be said to be a new obligation.

The CCLM considered the matter very carefully indeed and itself elaborated some criteria designed to achieve a just balance between two interests to be protected. On the one hand, one has to bear in mind the interests of the minority of contracting parties in not suffering any hardship as a result of acceptance of the amendments by a two-thirds majority of the contracting parties. On the other hand, there is the interest of the international community in avoiding a further delay if the full entry into force of the amendments were to be subjected to acceptance by each of the contracting parties, of avoiding also the inconvenience of having a dual system under which some contracting parties would be bound by one text of the Convention and others by another text.

You will find the CCLM criteria set out in para. 46 of its report. Basically, the CCLM approach was to compact the overall burden to be borne by the contracting parties in the implementation of their existing obligations, with the overall burden they would have to bear as a result of the proposed amendments.

Adopting this approach, the CCLM carried out a detailed review of the substantive amendments proposed. It found that at least two of the amendments were significant in this context. These are dealt with in para. 48-51 of the CCLM Report. One of these amendments related to the proposed new definition of plant products, which might be considered as broadening to some extent the original scope of the Convention. In recommending the new definition, however, the Government Consultation had expressed the view that the amendments would not extend existing obligations. This view was confirmed by the CCLM which found that in practice the effect of new definitions on existing obligations would be minimal. The other proposed amendment considered significant in the context of the question of new obligations was the introduction of a model Phytosanitary Certificate for Re-export which could, in fact, reduce the existing burden on contracting parties.

The CCLM, therefore, came to the conclusion that the overall burden on contracting parties would remain substantially the same and that eventually none of the proposed amendments involved obligations that would fall within the concept of new obligations, which the drafters of the Convention presumably had in mind when they provided for a separate and more cumbersome procedure for the entry into force of amendments involving new obligations.

Mr. Chairman, the questions to be considered by the Commission at this stage may be summarized as follows. First the question whether or not new obligations are involved deserves the Commission's attention. Secondly, the desirability of the approval of the amendments proposed will have to be examined.

The third question that might be discussed is what action could be taken to minimise the delay in the entry into force of these much needed amendments. As I have already stated, even under normal procedure, amendments do not enter into force until they have been accepted by two-thirds of the contracting parties. As seventy-seven countries are now parties to the Convention, the required number of acceptances to bring the amendment into force is at present fifty-two.

It may be somewhat premature but I should perhaps mention it at this stage nevertheless. It is customary for the Conference to adopt a resolution for the purpose of concurring with, or approving, amendments to Article XIV Conventions or Agreements. The draft resolution will be incorporated in the report, after having been examined by the Resolutions Committee. I believe it would be useful to include in the draft resolution an operative paragraph urging contracting parties to accept the revised version of the Convention at an early date so as to expedite the coming into force of the proposed amendments.

Needless to say, I shall gladly attempt to answer any question of a legal nature delegates may wish to ask on this subject. However, legal and technical aspects are closely interwoven. If the questions were to be of a technical nature my colleague, Mr. Chock from our Plant Protection Service, who is sitting beside me, would be available to answer them.

E.D. LETTS (Australia): If what we are considering is a major revision of the International Plant Protection Convention, a glance at Document C 77/LIM/26 will show that every Article, and almost every paragraph and sub-paragraph of each Article are being changed in some way. Also proposed is a new version of the model Phytosanitary Certificate, and a complete addition to the previous provisions in the form of a model Phytosanitary Certificate for re-export.

Australia takes a positive view of the work which has gone on to revise the Convention, and can support most of the amendments suggested by the 1976 Government Consultation, including the wholly new re-export certificate, because we can appreciate that many members, many contracting parties - in particular, I suppose, importing members - felt that up to now there could have been loopholes in the protective arrangements when goods were re-exported and subject to the possibility of infestation en-route.

Australia also supports the recommendation made by the Consultation on general organizational matters on page 17 of its report AGP: 1976/M/13, including those relating to international plant germplasm exchange.

Given our concurrence with most of the changes before us - and our readiness to cooperate by accepting changes which were not much to our liking but which we can live with - the important thing is to come to the points which we see as of major significance and not acceptable in their present form. We are aware of several countries who are not satisfied with certain changes, and it is perhaps timely to point out to this Commission that now is the last chance to make a contribution or express a view since the Council confirmed that any decisions on this International Agreement are to be made by the Conference.

The two major issues which worry us are these. The proposed new wording for the statement of certification in the Model Phytosanitary Certificate is to be found in the middle of page J.9 of document number C 77/LIM/26. That statement makes the flat unqualified requirement that the consignor must certify that the plant products have been inspected and found free from quarantine pests.

First, a conscientious exporter would find it difficult: to rebut the argument that on that basis he would have to inspect every bit of every single consignment to sign a statement in those terms, that is that his goods have been completely inspected and found completely free. We maintain that that is an unrealistic, and therefore an untenable, position in which to place a member. It contrasts sharply with the existing requirements for thorough examination on a sampling basis, which is the current practice and one which works well. Indeed, any other inspection procedure than the sampling one, which we understand is practised in all the bulk grain trades, for instance, would be inoperable for that area.

Second, the requirement of freedom from quarantine pests would bring in a new dimension which could cause difficulties of a practical nature that may not have been fully appreciated so far. The proposals to introduce this quite new concept defines a quarantine pest as "a pest of potential economic importance to the country endangered thereby and not yet present there, or present but not widely distributed and being actively controlled".

The prior government consultation of 1973 commended the original drafters for their wisdom in avoiding a proliferation of definitions. Apart from the definitional problem *per se*, it is the importing country which decides what constitutes a quarantine pest, and exporting countries would find it very difficult to attest to freedom from such pests if details are not readily available for all the many markets which may be involved.

We therefore do not favour the inclusion of a definition of quarantine pests in the convention.

As to the draft Model Certificate text, it might be possible to reword the certification statement of the proposed new Certificate, but that appears fraught with pitfalls. I said earlier I was aware that other countries were dissatisfied with some of the draft. Some of the alternative formulations put to me in discussions outside this room are not attractive to us, and would probably be even less attractive to certain importers.

With great respect to the drafters of the proposed Model Certificate, it seems to take inadequate account of the practical needs of shippers of plant products, and especially those foodstuffs needed to nourish a hungry world. I would like to make this clear. Australia recognizes the right of importing countries to set conditions to prevent the entry of pests and diseases, but we would resist the idea that on top of that all the procedures of inspection should be set from outside. Similarly, I do not think that, for example, East African vegetable suppliers, Asian and Caribbean fruit exporters, or South American shippers of grain, sorghum and wheat would find it reasonable to be told to use, say, bushel measures instead of litres or *vice versa*, or to make a whole series of different inspections varying in sample size and ranging, if required, up to 100 percent of the produce shipped for perhaps 40 or 50 different markets.

Our misgivings do not merely revolve really around exporters and their needs. Consumers, too, want security of supply of food without delays and at the cheapest possible cost.

The existing Model Certificate is not perfect - no document ever was - but it has served the world well, and, if replaced needs to be replaced with something better, and not with something which at worst could serve as an inducement to be less than conscientious, and at best runs the risk of imposing unjustified economic burdens on exporters of plant products, and by extension, on those receiving and paying for the products.

Therefore, Australia proposes as the most satisfactory course that this Conference agrees to retain the existing Model Certificate. We should be glad to hear the views of others on this question.

It is only fair to mention now that if a solution on those lines is not agreed, we would see the need to move to the alternative of proposing that the whole issue be looked at further in the light of the points which are of genuine concern to several countries, including Australia. That would, of course, have the regrettable effect of delaying considerably the introduction of a number of other commendable amendments.

Finally, Mr. Chairman, you might feel disposed to ask why Australia or others are speaking in this way now, a year after the consultation occurred. Changes in a Convention like this affect not only those working in the specialized field of plant protection, but whole areas of government, industry and commerce. It must be remembered that this Model Certificate is used not only to cover plants for propagation - indeed the Conference or FAO organs might like to consider in due course whether there is merit in working out separate provisions of a narrower kind to apply to nursery stock and like products - but the Certificate is also for other commodities like grains in which there is a substantial international trade of great economic significance to many of the developed and developing countries at this Conference.

So the implications of these proposed changes did need mature consideration. But in addition, Mr. Chairman, you will know that the report on the Convention by the Committee on Constitutional and Legal Matters became available only a matter of days ago. Until then, we had no hesitation in assuming that Article XIII.4 of the Convention applied, and that the new obligations involved in the amendments would only come into force upon acceptance by an individual party to the Convention.

The CCLM report now concludes, by some unspecified formula, that the "overall burden" - whatever that means - would not change substantially. We are quite unable to accept the CCLM's opinion that only two amendments are significant in the "new obligations" sense. The words of Article XIII.4 seemed clear to us, and the burden of costs and practical difficulties which might flow from a changed inspection pattern illustrate the new obligations to be assumed. The CCLM has now cast doubts on the rights which we and others attached to our signing of the original, the existing Convention. We are certainly of the view that the rights of contracting parties should not be in any way diminished because of administrative convenience.

Perhaps those legal doubts can be resolved in the foreseeable future. But in the circumstances, and for the reasons I have given, Australia proposes that the safest and the most generally excitable course is to retain the existing Model Certificate, whilst introducing the new re-export certificate.

E. DIAZ BUSTABAD (Cuba): Nuestra delegación manifiesta estar de acuerdo, en general, con el contenido del documento C 77/LIM/26, que a su vez tiene su antecedente en el AGP/176/M13, denominado "Informe de la Consulta intergubernamental sobre la Convención Internacional de Protección Fitosanitaria", resultante de la reunión celebrada en Roma entre los días 15 y 19 de noviembre de 1976. Exceptuamos de esta aceptación los Artículos 9 y 11, sobre los que nuestro gobierno planteó declaraciones y reservas en el instrumento de ratificación de la Convención, por ser nuestra opinión, con relación al Artículo 9, que la solución de controversia debe ventilarse por la vía diplomática entre las partes interesadas. Y con relación al Artículo 11, nuestra delegación entiende que el mismo contiene aspectos de legítima situación colonial que son contrarios a la Resolución 1514 de diciembre de 1960 de la Organización de las Naciones Unidas.

J.W. CURRIE (Canada): As the delegate of Australia has already mentioned there are a number of countries which have reservations about the wording of the proposed amendments. Canada is one of those countries. In 1976 we, as members of the North American Plant Protection Organization voiced our opposition to the proposed phytosanitary certificate, the certificate which certifies that plants and plant products described have been inspected and found free of quarantine pests. It is our position now, as it was then, that this statement is impossible, that it is impossible to ensure that all pests of quarantine significance are absent from a commercial consignment. This applies particularly to bulk shipment of cereals, vegetables and fruits, where 100 percent inspection is not possible. It was our hope then, and it still is, that there is a possibility of having this section either amended or interpreted in such a manner that current practice of sampling will meet the terms of the certificate.

H.A. ISMET HAKIM (Indonesia): We would like to thank the Secretariat for the introduction of this matter. After having heard the statements made by the delegates before me I would like to ask some questions. They concern the terms and the meaning of the plant products and the model phytosanitary certificate. If we look at Article II of the Plant Protection Convention we see the following "and the term 'plant products' shall comprise unmanufactured material of plant origin (including seeds in so far as they are not included in the term 'plants') and those manufactured products which by their nature or that of their processing may create a risk for the spread of pests".

I have two questions. First, does this definition include many of our export commodities, like coffee, tea, palm oil, rubber and others? The second point is if the explanation made by the delegate of Australia on the model phytosanitary certificate implies that when we give this certificate we would make calculations not after sampling but on the bulk of these commodities. Is this interpretation correct? I would like to have an answer to these two questions.

CD. SANCHEZ AVALOS (Argentina): En opinión de mi delegación, las enmiendas a la Convención Internacional de Protección Fitosanitaria introducen, respecto al texto actual, cambios que sin duda implican nuevas obligaciones a las partes contratantes, especialmente para los países exportadores al establecer un modelo de certificado fitosanitario con exigencias que introducen innovaciones en cuanto a su contenido.

En este sentido apoyamos los términos del detenido examen y la opinión del distinguido delegado de Australia.

Por esta observación, mi país no puede menos de dejar planteada su reserva respecto a las enmiendas proyectadas, ya que, en virtud de su ordenamiento jurídico interno, requiere que, en casos como el que consideramos, la decisión nacional debe ajustarse a un trámite con intervención de los superiores niveles gubernamentales.

T. HAYAKAWA (Japon): En ce qui concerne cette Convention qui a été présentée par le Conseil devant nous, la plupart des amendements sont, à notre avis, appropriés et acceptables; mais en ce qui concerne la question, si ces amendements imposent de nouvelles obligations aux pays contractants ou n'imposent pas de nouvelles obligations, sur cette question notre délégation est d'avis que quelques-uns des amendements imposent juridiquement une nouvelle obligation, tout particulièrement l'Article V de cette Convention prévoit un certificat pour l'exportation des végétaux. Cet Article tout particulièrement impose une nouvelle obligation à notre pays.

A. LØCHEN (Norway): My delegation can accept the new amendments as drafted. At this stage of consideration of these changes I think we should not make any new amendments. This has been considered by expert bodies in the Council and in the CCLM, and if the Conference adopts the new Convention it will later be submitted to the contracting parties and, as explained by the Legal Counsel, it will go into force soon after two-thirds of the contracting parties have accepted it. If it should come to the stage that further amendments should be considered, then it must certainly be sent back to the experts for consideration. But my Government can accept the draft amendments as they are and we recommend that the Conference also accept them, as the Council have done.

P.J. BYRNES (United States of America): The issues and the problem which we are facing here I think have been very fully and very eloquently expressed by the delegate of Australia. He has said that many of the amendments proposed are fully acceptable. We share this view. He said that some of the amendments proposed are fully acceptable. We share this view. He said that some of the amendments will cause his Government and other governments some difficulty. It poses the same problem for us and we fully concur in his views. The CCLM report was received late and, quite honestly, the interpretations which the CCLM has reached we cannot concur in.

CHAIRMAN: I have two other speakers on my list. As the presence of the Legal Counsel is urgently required in another Commission I will ask him at this stage to reply to some of the points raised. Then we will continue with the discussion by giving the floor to the two other speakers on my list.

LEGAL COUNSEL: Most of the points that have been raised concern technical questions and I believe that my colleagues from the Plant Protection Service will be in the best position to answer those.

From a legal and procedural point of view I think I should make a very few points only. It seems to me, in the light of the discussion that has taken place in the Commission until now, that the Commission and thereby the Conference finds itself at a crossroad. Three possibilities can be envisaged. The first one is to adopt the amendments, as the delegate of Norway has suggested, and for individual governments later on to suggest further amendments. From an overall legal economy and for considerations of practical application of the Convention I am not certain whether this would be the most suitable procedure.

The second possibility would be to attempt to deal with the specific questions that were raised by the Australian delegation, namely introducing, if that is technically feasible, the idea of inspection of samples as meeting the requirements of the revised model phytosanitary certificate by way of a change of the wording in the Declaration appearing in these proposed new certificates, and possibly, if that were more or less the consensus of the Commission, to eliminate the new concept of quarantine pests from Article II of the Convention and from the proposed new model phytosanitary certificate, particularly if these were to remain the only objections or reservations that have been expressed on the proposals made by the Consultation.

The third possibility is that of deferring final consideration of the proposed revision and requesting the Secretariat to hold a new consultation.

Mr. Chairman, as you know, every meeting and every consultation involves costs, nor am I in a position at this stage to say whether the Secretariat could make arrangements for having a new consultation during the forthcoming biennium.

I should like to make two more points. First, it seems to me that the CCLM has tried hard, in a new field, in a new way to ascertain whether new obligations were involved. I do not think that the CCLM tended, as was said, simply for reasons of administrative convenience, to neglect the interests of individual contracting parties and I regret that this impression might have been caused by the somewhat succinct version of the CCLM's considerations which appear in its report.

As regards the reservations expressed by the delegate of Cuba, these provisions -namely, Article IX and Article XI- that you mentioned have not been amended from a substantive point of view, but merely from an editorial point of view. Therefore I do not think I need to take a position on this question, since it is not addressed to amendments which have been proposed by the Governmental Consultation or by the CCLM. If any further amendments, or any amendments at all, to these provisions were required, I believe an opportunity was given to all Member States, by way of invitations to make comments and subsequently circulation of comments and then the Governmental Consultation, to present their observations. This should not be interpreted in any way as discarding any merits that may attach to the observations made this morning by the delegate of Cuba.

There is one last question and this concerns the additional obligations. In this field it is the impression - which may be mistaken- that as regards import and export controls, sanitary or phytosanitary concerns, legislative amendments to keep up with technical developments and new products being traded, it is fairly frequent that governments have to introduce new legislation or amend their existing regulations more or less as a matter of course and a fairly frequent exercise. The CCLM felt that a slight adjustment of legislation regulations, although it might be incumbent on contracting parties to do so in order to adhere fully to the provisions of the Convention, would not by itself be a new obligation.

I would like to repeat something which I said in my introduction. It may well be that individual countries consider this or any other amendment as involving a new obligation. However, in order to know which of the two procedures should be followed for considering acceptances, the Director-General in his capacity as depository of the Convention would need to know from the outset -that is to say by way of a decision of the Conference- whether he must consider amendments to constitute new obligations, or whether this is not the case.

G. LIEBER (Germany, Fed. Rep. of)(interpretation from German): Above all, I wish to thank the Legal Adviser for having explained with his usual clarity to the Commission the existing position and I thank him also for having pointed to the alternative solution that we have for our further work. I will therefore speak only on the alternatives.

To begin with, my Government is prepared and is in a position to agree to the additions and amendments to the International Plant Protection Convention, and we can do so in toto. In this connection my Government will confirm this Convention once it has been accepted by the Conference.

As far as the second alternative is concerned, that was mentioned by the Legal Adviser, my delegation would have to consult with the relevant ministries in Bonn before being able to take up a firm position in respect of the technical matters contained in the document. All this has been subject to a very long-winded consultation process. We believe that all governments concerned were able to participate in this; my Government at least has made full use of this possibility and therefore considers that the result of the work so far, contained in document C 77/LIM/26, is now ready for a decision.

As far as the third alternative is concerned I wish only to point out the waste of time that is connected with it. The Legal Adviser told us that a postponement of the final decision would most certainly give rise to a further waste of time of two years at least and probably more. I do not now wish to dwell on any further details. My delegation finds itself in precisely the same position as the Norwegian delegation. That is why we would like to ask that those delegations which were unable to agree to the result of the working group so far and who have worked on the International Plant Protection Convention, review their position once again so that the Commission might then be able at least to endorse the work that has been done over such a long time.

B. de AZEVEDO BRITO (Brazil): My delegation has heard with very much attention the comments thus far in the debate on this issue which we understand to be very important. We are particularly attentive to the observations made by Australia on the actual implications of the changes, in particular of the new model of the Phytosanitary Certificate. However, I shall not address myself to the substance of the amendments but to the procedural aspect, and I must say that my delegation is inclined -I underline the word inclined- not to agree with the comments of the CCLM to the effect that there are no new obligations. Even just the fact that the scope of the Convention would change substantially in terms of the object to be treated by the Convention so as to include my manufactured products, that change would suggest that there are new obligations. We would therefore be inclined to agree with Australia also on the point that the procedure for entry into force for the country concerned should follow the specific procedures envisaged when there are new obligations. That means only entry into force by acceptance by the contracting party in question. We feel that it is absolutely correct and we do not agree to put it more mildly, we are inclined not to agree with the CCLM on his judgment of this particular issue,

M.R. LEAR (New Zealand): New Zealand would like to commend the Governmental Consultation which met last year to review the International Plant Protection Convention on the valuable work it did in clarifying, amending and modernizing the Convention. By and large we have no problems with the Convention as such and can accept the recommendations put forward by the Governmental Consultation. Further, we have no problems with the re-export certificate as it is at present worded.

However, like Australia and a number of other speakers we would prefer the retention of the original, that is, the current model phytosanitary certificate. In the English version this is on page 8 of the document that we are discussing. We would prefer that the new model phytosanitary certificate on page J-9 not be adopted. We have a number of reasons for this and, if I may say so, it is not just because of the sampling issue. Our objections go far wider than this. New Zealand, as you know, is not an exporter of grains and when we export plants and plant products we examine them in total, we do not employ sampling methods to any extent, so we have much wider objections than just the sampling issue.

Our problems are, that in our view the original, the old model phytosanitary certificate is clear and simple in its wording and it has worked well for many years. The new certificate, I would urge countries to look at the wording very carefully, seems to us to have substantial double wording which could make exporting and conscientious signing of that document more difficult for exporting countries, especially I think developing countries.

The main problem in the new certificate is the phrase "found free from quarantine pests and substantially free from other injurious pests". Now in my interpretation "found free of quarantine pests" means founds completely free, found totally free and I think you will agree that this makes it a little bit difficult for a conscientious inspecting officer to sign this certificate in good faith, especially since he knows there always is a risk, a chance of there being undetected pests and diseases present which there is a possibility will become manifest during shipment. I think this imposes too strong an obligation on him.

Further on this phrase "found free of quarantine pests" we have perhaps a more substantial objection. "Found free of quarantine pests" means found free of the quarantine pests listed by the importing country. This is because the new model phytosanitary certificate you will notice is addressed to the Plant Protection Authority of the importing country and it is quite clear that when you certify that your plants or plant products are free from quarantine pests it is the quarantine pests of the importing country. You will notice the old certificate, incidentally, does not address itself to a specific importing authority; the new one does. Now if you are certifying that your consignment is free of the quarantine pests of the importing country this implies a number of things. This implies, first of all, that importing countries have in fact defined and specified which pests it considers are quarantine pests. Now I suspect a number of importing countries have not done this and perhaps would not wish to. Furthermore I do not think it is particularly desirable that they do so, firstly because there are problems of finance; exactly what is a quarantine pest for a country and furthermore, more substantially, if quarantine pests are defined and written into the regulations of an importing country not only do you have the problem of definition but once they are actually written into the laws it is very difficult to get them removed, even if the pests that are originally specified as quarantine pests become benign, no longer constitute a major threat, change its nature. It then becomes very difficult to remove that specification or specified pest from the law which means that forever more the exporting country is required to specify that his consignment is free of that pest even though that is no longer a malignant pest.

Furthermore, I think that when importing countries define what pests are quarantine pests, they would normally, I think, include a "catch-all" regulation, a regulation to cover emergencies that would say quarantine pests of such and such and such and such and also whatever the director of, say, the plant protection service may say is a quarantine pest. In other words he is the director, say, of the plant protection service and can nominate what is a quarantine pest very quickly.

Now this leads to our second objection to this phrase "free of quarantine pests" and that is it then becomes extremely difficult for exporters to know for certain what are the quarantine pests listed by importing countries and their regulations and it becomes difficult, I think, for a conscientious officer in an exporting country, especially in a secondary port, to be sure that he knows exactly what are the quarantine pests that he is certifying that the consignment is totally free of.

It may be argued, and I think this is probably one of the main reasons why a number of countries dislike the old phytosanitary certificate, that it used the words "substantially free of injurious pests and diseases". It does not use the word "free" implying completely free of injurious pests and diseases, but there are two points I would make; firstly, the current certificate or the old certificate if you like, does allow for and encourage countries to make additional declarations or additional endorsements which they can attach to their original certificates. This allows the exporter to adapt the certificate to fit the precise needs of the importer if these are known. In other words, the exporter can add substantial certificates that the consignment is free of a particular pest of concern to the importer.

In other words what I am saying is that the old certificate is flexible, it is adaptable and it allows countries to make certification as rigid as required by the importing country. However, the new certificate is inflexible, does not encourage this.

The other point that I would make that these words "substantially free" do not mean tolerably free and I think the wording as it stands in the old phytosanitary certificate has worked well and been acceptable for many years.

On the business of new obligations we have no particular problem except that I suspect that if the new phytosanitary certificate is adopted we would consider that that involved new obligations because the wording is so much more difficult.

I would urge then that we should adopt the convention, or may I put it this way, my recommendation is that the convention, as amended, as recommended by the government consultation be accepted, although taking into account the objection raised by Australia that the definition of quarantine pests should be deleted, which I believe would involve also the deletion of the second half of Article II, paragraph 2. I think that is a fairly simple amendment and I believe, although I am not certain, that that would take care fully of the objections of the delegate of Australia and secondly that once that has been done we adopt the convention provided that we retain the original model phytosanitary certificate and not adopt a new one. That would seem to me by far the simplest of the courses available to us. I believe it would get us around all the objections. It would mean that we would not have to have another consultation, which I agree would be time-consuming and expensive, and I think we could accept that without any problems.

E. DIAZ BUSTABAD (Cuba): No será breve en este caso. Consideramos que para que quede clara la posición de nuestro gobierno, y por la explicación que nos dio el asesor legal, nos vemos obligados a ampliar nuestra intervención. En primer lugar la nota que presento el Director General con fecha 28 de mayo de 1976 expresa lo siguiente: "El Director General ha recibido, el 14 de abril de 1976, del gobierno de la República de Cuba el instrumento de ratificación de la Convención arriba citada. El instrumento de fecha 18 de febrero de 1976, instrumento de ratificación, estaba acompañado de una reserva en la declaración referente a los Artículos 9 y 11 de la Convención, respectivamente, cuyos textos se reproducen en el anexo adjunto".

Con respecto al Artículo 9 (Reserva), el gobierno de la República de Cuba no se considera obligado por las disposiciones contenidas en el Artículo 9? pues entiende que la diferencia en cuanto a la interpretación y aplicación de la Convención por las partes debe ser resuelta mediante negociación directa por las partes por la vía diplomática. Si sacamos esto a colación, al final del párrafo se señala: "El gobierno o gobiernos interesados pueden pedir al Director General de la FAO que designe un comité para que estudie la cuestión controvertida lo que quiere decir que sólo se deja a la facultad de la FAO el crear un Comité para discutir estas controversias.

Con respecto al párrafo 11. la declaración de nuestro gobierno fue la siguiente: "El gobierno de la República de Cuba declara que la disposición contenida en el Artículo 11 de la Convención Internacional de Protección Fitosanitaria es contraria a la declaración sobre la concesión de independencia a los países y pueblos coloniales" (Resolución 1514 adoptada por la Asamblea General de las Naciones Unidas el 14 de diciembre de 1960, en la que se proclama la necesidad de poner fin rápida e incondicionalmente al colonialismo en todas sus formas y manifestaciones).

Vamos a pasar ahora al párrafo 11 que se nos propone, y leemos: "Todo gobierno o estado, en el momento de la ratificación y adhesión, puede enviar al Director General de la FAO la declaración de que esta Convención se extenderá a todos o algunos de los territorios de cuya relación internacional sea responsable". Repito: "A alguno de los territorios de cuya relación internacional sea responsable". Esta Convención se aplicará a todos los territorios específicos que tienen declaración a partir del 13, día en que se haya sido recibido por el Director General de FAO.

Evidentemente, esta es la traza, que está en contra de la resolución adoptada por la Asamblea General, es por esto que nuestro gobierno ratifica la posición de no estar de acuerdo con estos dos artículos, y solo hemos querido intervenir para que se tenga clara la oposición nuestra.

J.W.S. MALECENA (Tanzania): To start with I would like to say that the Tanzanian delegation does agree completely with the delegate of Norway that we ought to adopt the Convention. Mr. Chairman- it would appear that what we are arguing now is really not the matter of the Convention but concerns a procedural point which we all seem to forget.

First of all the way some delegations suggested that we go back to the old Convention. My delegation does not accept this because if we do so we will be going contrary to what we had decided earlier. I believe we agreed to review the whole Convention because we were all convinced that it was inadequate. And during that process of reviewing quite a number of countries, at very great expense, did send experts here, in Rome, to come and review this Convention. Therefore, the results which we have before us are the results of consultations between governments which were done here in Rome. It would appear, listening to some of the statements, that the impression is that this document has been prepared by the FAO Secretariat and, consequently, governments were not involved. I would like to assure you, Mr. Chairman, that if this Convention is not adopted at this meeting I am afraid it will never be adopted, because I do not think some of our governments will be prepared to incur a lot of expense again to come and do a job which, we think, has been done.

Mr. Chairman, when I say a job which has been done I have seen a number of international conventions. Let me say, very sincerely, I know of no international convention that has been accepted by all countries, in an organization like FAO, to be accepted unanimously. There is always one government or another which has got reservations on one paragraph or another. Consequently I am not surprised to see that even in this review we do have some governments which have reservations.

Therefore I think, Mr. Chairman, what we should do is first of all solve the question of procedure. Now the procedure I would like to suggest is that for those governments around this hall which have very strong objections on certain paragraphs, submit their objections, or their amendments, to the Secretariat, and then the Secretariat puts up a small document which would contain some of the amendments. Then we either adopt them or reject them, and then we could take up this problem again. Otherwise if we go on on details, I am afraid some delegations have commented even paragraph by paragraph, of some of the details which some of us would find extremely difficult to accept.

I am afraid, Mr. Chairman, we will certainly get nowhere, therefore let me once again assure you that my delegation would like to propose that we accept this. Naturally there will be some reservations, and this is usual in an international organization like ours. Those delegations which have a strong point, let these points be collected by the Secretariat and then put in a document so that we can see whether we can accept them or not. Because I feel some of these points which have been given by some of the delegations must have been points which were given at consultation but were rejected by the others, and in this particular case may be they were rejected by the majority. So really to what extent when a delegation gives a point, whether that point is accepted by the majority, or, perhaps, he belonged to a minority, remains to be answered. Therefore, I would like to suggest that perhaps we could stop the discussion, let the delegates who have amendments, make them, and then we could look at them later so that we can be in a position to see whether we wish to accept. If we do not accept we can then leave it to the delegates to say whether they would like to go along or not. Otherwise if we do not follow this procedure I am afraid we will be discussing - assuming that the time is going to come - when this Conference will unanimously accept the amendments and I doubt that this situation will ever come,

CHAIRMAN: I agree with Mr. Malecena on many points. So far there is one point of substance which has been raised and objected to. It is the question of Phytosanitary Certificates and is linked with Article II sub-clause 2, otherwise the general trend has been to accept the recommendations of inter-government consultation.

Before giving the floor to Dr. Chock, who has to answer some technical points, I will give the floor to Papua New Guinea.

G.K. GRAHAM (Papua New Guinea): Thank you, Mr. Chairman, I will take heed of your comments and be quite brief. I think, in fact, you have just summed up the real position that I think has been ably put forward by the delegation from Australia and amplified by the delegation from New Zealand. Papua New Guinea finds itself in substantial agreement with the view expressed by those two countries, and to some extent the view expressed by Brazil - although we have not been in a position to examine the implications of that particular aspect of the amendments.

However, the two areas which do concern us are the rather ambiguous terms of quarantine pests, which we would like to see eliminated. The second point which I would like to make is the question of the current model Phytosanitary Certificate, rather than the proposed one for reasons that have already been outlined in detail by both Australia and New Zealand.

M. ISHQUE (Bangladesh): Thank you, Mr. Chairman, for giving me the floor at this late hour. As you suggested, I will be very brief. I have only point for clarification. Under Article II paragraph 1 it says: "the term 'plants products' shall comprise unmanufactured material of plant origin, including seeds in so far as they are not included in the term 'plants' and those manufactured products, which, by their nature or that of their processing, may create a risk for the spread of pests". Having accepted this scope of Article II paragraph 1, we are accepting that given the fruit of the plant, the whole plant or the roots of the plant - if transported across national borders, will require Phytosanitary certificates. Now let us say that a country is exporting tomatoes, or mangoes, or for that matter cabbage, if both countries have accepted this Convention they may ask for the relevant Phytosanitary Certificate. This may hinder the transportation of such food items which one country can very well accept and get from the neighbouring country. This can be simplified if we had developed, under the auspices of FAO - or any other world-body - that such and such a country has, or has not, this list of pests, including disease organisms, insect pests and so on. If the organisms are common - organisms on tomatoes, or fungi on tomatoes - in both countries, this may go through. If the fungus is not in existence in one country, but is in existence in the other, this will mean complications if we insist upon having Phytosanitary Certificates on the transportation of food products. Plant fruits, a thing like that, we ought to have these lists developed if we want to enforce them. If we have not yet developed them, until that time there may be some sort of clause whereby this Phytosanitary Certificate may not be asked for. Thank you, Mr. Chairman.

B.E. MATAMOROS HUECK (Nicaragua): Mi delegación ha seguido con mucha atención los debates que han tenido lugar esta mañana sobre un tema tan complejo como éste y que envuelve dos cuestiones; primera, los aspectos jurídicos, y segunda, las cuestiones de orden técnico.

Es opinión de mi delegación que las recomendaciones y conclusiones a que ha llegado el Comité de Asuntos Constitucionales y Jurídicos aportan nuevos elementos a este Convenio, incluyen nuevas obligaciones para los Estados Miembros.

En este sentido, estimamos que el nuevo texto propuesto de Modelo de certificado fitosanitario no es aceptable para mi país porque, tal como lo expresaron de forma elocuente los ilustres delegados de Australia y Nueva Zelandia, la introducción de nuevos elementos y conceptos, tales como "las plagas de cuarentena", etcétera, entorpece la posibilidad del libre comercio: primero, por la dificultad de aplicar desde el punto de vista práctico tales disposiciones, y segundo, por la extrema variabilidad dinámica de estas plagas - y teniendo en cuenta también las distintas disposiciones vigentes en los países exportadores - que, como muy justamente dijo el distinguido delegado de Nueva Zelandia, debieran ser objeto de unas listas actualizadas y de comunicaciones amplias y continuas a los países exportadores.

Desde el punto de vista práctico, el análisis de todos estos aspectos demuestra claramente cuál difícil sería cumplirlos por parte de los países exportadores, responsables de esta disposición.

Creemos que los aspectos técnicos van íntimamente vinculados con las cuestiones jurídicas y, por tanto, son interdependientes.

Consideramos que la medida más adecuada al respecto sería mantener el texto original existente en relación con estas disposiciones, que es el modelo antiguo, viejo si se quiere, de la Convención Internacional de Protección Fitosanitaria.

Respecto a los artículos del Convenio, señor Presidente, habría que cancelar en el Artículo II lo relativo a la introducción de modificaciones al artículo mismo, que estarían en contradicción con el Convenio existente.

En cuanto a las observaciones formuladas por otras delegaciones referentes al artículo IX acerca del ajuste de diferencias entre los países, me parece que la solución de la advertencia es facultad soberana de los Estados dirimirla entre las partes interesadas, y solamente a través de una renuncia expresa de este derecho, podría delegarse en otros órganos. Y, a nuestro entender, en ese artículo no se incorporan exactamente estos conceptos, que por una parte tutelan el derecho soberano de los Estados, y por otra, llegado el caso, si se considerara conveniente podrían delegar la solución de la advertencia a otros órganos.

J. N. KERRIGEN (Ireland): First of all, I would merely like to say on behalf of my delegation we fully endorse the remarks passed by the delegates of Norway and the Federal Republic of Germany, and in particular those expressed by the delegate of Tanzania. We urge all delegates to endorse the revised text.

With regard to the suggestion made relating to a further meeting to be held to discuss this topic, I should remind delegates that the revised text and the revised Certificate were produced after quite considerable deliberations in the meeting held in Rome last year.

At the time, there were some 74 member countries in the Convention, and less than 50 percent attended that meeting. If we were to have a further meeting, perhaps the same thing would occur.

I would again like to say my delegation would ask all delegates to endorse this particular resolution.

A.K. CHOCK (FAO staff): One thing that needs to be clarified is that the International Plant Protection Convention deals with two aspects, imports and exports, and sometimes these two aspects are somewhat confused. One deals with the import of various types of goods which may contain-plant pests and may therefore endanger the importing country's agriculture.

For this reason, countries will either prohibit or restrict the importation of certain goods. Generally, this is made a part, not of their legislation, but of their regulatory process, one which does not require passage by Parliament, but requires a hearing in some cases or proclamation and then becomes effective 30 days after, dependent on that particular country's method of enforcing regulations.

In these regulations which prohibit or restrict the importation of certain goods, generally the countries - both developed and developing - list the reasons why they are making the prohibition or restriction. This goes along with that part of the Convention which is found in Article VI, paragraph 2 on page J.4 of the English version. The present text, in sub-paragraph (a), reads that "contracting parties shall not, under their plant protection legislation, take any of the measures specified in paragraph 1 unless such measures are made necessary by phytosanitary considerations." Sub-paragraph (c) further states that "if a contracting government prohibits, under the provisions of its plant protection legislation, the importation of any plants or plant products, it shall publish its decision with reasons..." which means if there is a prohibition it will not be one as a trade barrier or for economic reasons, but because of sound phytosanitary or biological considerations. That should be borne in mind.

That is the spirit of the Convention as it is presently written, which means that countries do, in their regulatory process, prohibit, for example, the importation of corn because of the presence of corn borer or other such diseases or insects, and this is something which is found in the current regulations. For anyone who doubts that, they can come to my office and look at about three drawers of file cabinets. So much for the imports.

Exports are provided for by the use of the Phytosanitary Certificate. With increased trade and increased traffic of goods, including fruits and vegetables as well as plants, this Convention addresses itself not only to propagative plant material but also to fruits and vegetables and other such items. Because of this it was felt there was a need to go over this Phytosanitary Certificate as far back as 1969. This was reinforced by the FAO Conferences of 1969 and 1971. A Consultation met in 1973 and another met in 1976, consisting of for the most part plant quarantine experts. Some countries chose to utilise their Permanent Representatives instead of their plant quarantine representatives, but there were some 49 countries represented with some 68 people at that Consultation.

At that Consultation, I might mention we spent most of two afternoons in Plenary Session and the better part of two late afternoons and evenings discussing how to go about making this certifying statement.

When the certifying statement was finally decided upon, there was only one dissenting vote. This is the statement as found in these various documents. The Phytosanitary Certificate provides eventually for the exporting countries to look at the goods before they are sent, which in turn actually avoids the rejection of a shipment if the inspection is done correctly. That I should point out.

I would also like to draw attention to the fact that the Certificate, regardless of whether the old or new one is used, has two conditions. One is inspection, and that inspection is done by someone who is technically qualified and duly authorised. That is point one of the Certificate, and the certifying statement, regardless of whether you look at the old or the new one.

The second part of it which some people forget is that the shipment conforms to the current phytosanitary regulations of the importing country, and unfortunately that particular second portion is sometimes also overlooked by the exporting country in the discussions on the merits and demerits of the Certificate, but it is there - even in the old version.

The Consultation decided that they did not like that portion which spoke about the consignment being looked at or representative samples examined, for two reasons. One, it was felt that the requirements for inspection are by and large dictated by the importing country regardless of whether the exporting country likes it or not. The importing country makes the regulations and requirements and if you are going to export to that country you have to conform to those requirements.

The other point is, if the importing country did not specify the exact requirements of how the inspection was to be conducted, then it would be done basically in the manner in which the exporting country normally does it. The question regarding inspection came up at the Consultation in a definition. It was decided not to have it as a definition in the Convention itself because it was felt that one should keep definitions to a minimum, but it was printed in the report, and the definition of "inspection" or "inspected" as decided by the Consultation states it is "an officially authorised examination either in whole or in part to fulfil the requirements of the Phytosanitary Certificate".

So: "whole" - 100 percent; "in part" - meaning less than 100 percent; "sampling" - however you want it, but again, to fulfil the requirements of the Certificate. In other words, whatever is required by that country.

The Consultation was against any additional declarations because of this. The importing country states what the requirements are, either in the regulations or the import permit. The Certificate states that it conforms to the phytosanitary requirements of the importing country. Again, please bear that in mind, it is a very important factor which is unfortunately overlooked.

With respect to additional declarations, the Consultation felt burdened when one had to state all sorts of reasons which were actually contained in the import permit or that country's phytosanitary regulations, and therefore it felt very strongly that additional declarations should be kept to a minimum.

To go over some of the questions which were raised concerning Article II paragraph 1 concerning plant products, I should go into the background a little bit more. The reason for this particular question was not necessarily to have additional phytosanitary certificates for these types of goods, but to provide for countries in a better sense, to give the right outlook on certain goods.

Actually, when you come down to it, these countries do look at whatever they would like to look at, but they wanted some international reinforcement. They were particularly concerned about a stored product pest of grains known as "khapra beetle" or *Trogoderma granarium* which is quite a bad pest in certain tropical lands inasmuch as it will eat grains. This particular pest can even survive in cold conditions for a great length of time. So these were the primary concerns for the extension of the term "plant products".

Concerning the re-export certificate and its possibility of adding any new obligations, I think it is the other way round. If you issue the present phytosanitary certificate you have to carry out an inspection and also determine that it conforms to the regulations. The re-export certificate, on the other hand, allows you to state that it has been in a situation where it is not subject to infestation. So that means less work. The obligation of inspection has been removed. So for those countries that re-export, and there are not that many of them, it means less work. I was an inspector for some eleven years. So if I were back as an inspector it would mean less work looking at some of the things that are looked at.

On the questions concerning Article IX, I would like to mention one point about the settlement of disputes. As I read it, and perhaps Legal Counsel will reinforce this, it says that the governments may request, which means that they do not have to do it, they are not obligated to do it. In paragraph 3 it says whatever decision is made by the experts that FAO may select, the decision is not binding. But that is beside the point. The point is that Article IX has never been used at all in the history of the Convention. If countries have disagreed with each other they have discussed it with each other. If country A has something which is infested with pests it says, "What is the matter with your inspectors. This is full of bugs." This is the way to solve it. If a country finds an infested shipment it says, "This shipment came on such-and-such a boat and had certificate number such-and-such. We found pest X and pest Y." The chances are that the exporting country can do something about it. But countries must be specific and provide details.

I hope I have answered the questions raised by the delegates. If not, I am still here.

CHAIRMAN: This matter will have to be continued this afternoon because there are certain points on which the Legal Counsel would like to give clarification. It looks as if there is general agreement on the proposed text except on one or two minor points, for instance on Article I, clause 2 and on the model to be adopted regarding the phytosanitary certificate. I think we will have to give some attention to it and try to see if we can come to a consensus before submitting the whole thing to the Conference.

The meeting rose at 12.50 hours

La séance est levée à 12 h 50

Se levanta la-sesión a las 12.50 horas

council

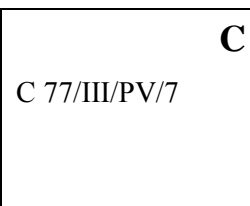
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Nineteenth Session
COMMISSION III

Dix-neuvième session
COMMISSION III

19° periodo de sesiones
COMISIÓN III

SEVENTH MEETING
SEPTIEME SÉANCE
SEPTIMA SESION

(25 November 1977)

The Seventh Meeting was opened at 15.50 hours

S. Boolell, Chairman of Commission III, presiding

La septième saanee est ouverte à 15 h 50, sous la présidence

de S. Boolell, Président de la Commission III

Se abre la séptima sesión a las 15.50 horas, bajo la presidencia

de S. Boolell, Presidente de la Comisión III

PART III - CONSTITUTIONAL AND ADMINISTRATIVE MATTERS

(continued)

TROISIÈME PARTIE - QUESTIONS CONSTITUTIONNELLES ET

ADMINISTRATIVES (suite)

PARTE III - ASUNTOS CONSTITUCIONALES Y ADMINISTRATIVOS

(continuación)

- A. Constitutional and Legal Matters (continued)
- A. Questions constitutionnelles et juridiques (suite)
- A. Asuntos constitucionales y jurídicos (continuación)
- 20. Other Constitutional and Legal Questions (continued)
- 20. Autres questions constitutionnelles et juridiques (suite)
- 20. Otras cuestiones constitucionales y jurídicas (continuación)
- 20.4 Amendments to Conventions concluded under Article XIV of the FAO Constitution (continued)
- 20.4 Amendements aux conventions conclues en vertu de l'Article XIV de l'Acte constitutif de la FAO (suite)
- 20.4 Enmiendas a los Convenios concluidos en virtud del Artículo XIV de la Constitución de la FAO (continuación)
- International Plant Protection Convention (continued)
- Convention internationale pour la protection des végétaux (suite)
- Convención Internacional de Protección Fitosanitaria (continuación)

CHAIRMAN: I will give the floor to the Legal Counsel to make certain points.

LEGAL COUNSEL: During the lunch hour we have tried to get a somewhat synthetic picture of the debate this morning and to see whether what I might call a rescue operation could be attempted at the present stage.

There have been a number of delegations who said they were entirely satisfied with the amendments proposed by the International Plant Protection Convention Government Consultation, as reviewed by the CCLM who felt it would be preferable to accept them in the form in which they were presented.

Certain other delegations have expressed misgivings and reservations on particular provisions and on the Phytosanitary Certificate. The reservations were addressed mainly to the second part of Article II, paragraph 2, namely the definition, and in a way the introduction of the new concept, of "quarantine pests" which also appears in the Phytosanitary Certificate.

The other criticisms were addressed to the proposed *nevi* Phytosanitary Certificate itself. After having given some thought to this, we reached the conclusion that it might be possible to accommodate both the delegations who were in favour of maintaining the provisions or the amendments which were proposed, and those who had doubts as to whether they would be acceptable.

During the Government Consultation, the question of quarantine pests gave rise to some difficulties, as Mr. Chock has explained this morning, and at one time it was proposed that since the definition almost stood by itself in Article II it was not really necessary to have it, or else it could be transferred to the Phytosanitary Certificate itself, where it appeared to have some significance. It could be inserted there in the form of a footnote.

We have noted that in the Phytosanitary Certificate - and this point was made this morning during the debate - there appears to be some inconsistency between the English and French versions, in that the French does not refer to quarantine pests but refers to plants which "ont été insoectés et trouvés indemnes d'ennemis visés par la réglementation phytosanitaire".

If the English text were aligned to the French, that would dispose of the use of the term "quarantine pests" in the Phytosanitary Certificate.

Moreover the only other place in the whole Convention, as far as we could ascertain, where this term is used is paragraph 4 of Article II. If you read this paragraph you will see that the provision itself indicates a general orientation of emphasis for the Convention. It does not by itself

constitute a mandatory provision involving any kind of obligation. We therefore felt it would probably not do any harm to the balance of the provisions if it were decided to revert, as far as Article II, paragraph 4 is concerned, to the original version, only deleting the term "and diseases" in the first line since the reference to diseases has been deleted throughout the Convention, as you will see if you look at Article I, paragraph 1 and other provisions. These, then, would be the main changes as far as the reference to quarantine pests is concerned.

Some reservations were expressed also with respect to the declaration contained in the Model Phytosanitary Certificate as devised by the Government Consultation, in particular, with regard to the somewhat peremptory statement that "the plants and plants products have been inspected and found free" from pests. It was also felt that the whole consignment would not necessarily have to be inspected in all cases, but only a sample thereof. That depends partly on the regulations of the importing country, partly on the size of the consignment, and partly on the type of plant or plant products that are to be exported. The problem could be solved, perhaps, by inserting after "plant products described above" in the first line, the words "or representative samples thereof".

Reverting to something I have said before, in the next line it would read "and found free from pests covered by phytosanitary regulations."

The last amendment is more in the sense of a corrigendum. "Substantially free from other injurious pests" should be simply "substantially free from other pests" - delete "injurious" because the term "pest" has been defined in Article II, paragraph 2, and there the definition refers to "injurious or potentially injurious to plants"; it would therefore seem preferable just to refer to "free from other pests" in the Phytosanitary Certificate.

I propose, if I may, to revert at a later stage to the question of new obligations which also has given rise to a number of interventions, but you may perhaps wish first to ascertain the reactions of the Commission to the minor modifications that I have suggested.

CHAIRMAN: Thank you very much; it is now open to the Floor to give its reaction to the changes proposed, by the Legal Counsel.

J.W. CURRIE (Canada): I would like to thank the Legal Counsel for the work that he has done during the lunch hour in trying to reach a compromise. He has satisfactorily addressed himself to the problem we raised this morning, and I must state we are satisfied with his proposals.

A.A.W. LANDYMORE (United Kingdom): Speaking as a representative of an importing country on a substantial scale, where we have considerable sensitivities on the subject and considerable vulnerability, I wish to say on behalf of my delegation that we can go along with the proposals which have been put forward by the Legal Counsel and I should like to associate my delegation with Canada's expression of thanks to him.

E.D. LETTS (Australia): May I also express my thanks to the Legal Counsel and those helping him, also to Mr. Chock, for the work they have put in and the efforts that they have been making. Before addressing myself directly to the Legal Counsel's suggestion perhaps I could make two brief references to earlier interventions. The first was the Legal Counsel's intervention, where I understood him to say that Australia's proposals were for the deletion of the quarantine pest definition and for a re-wording of the proposed phytosanitary certificate. The second point was not our proposal. I have been trying to obtain the original of my notes which the secretary borrowed from me some hours ago and I have not got in front of me. But I think you will find that I pointed out that whereas a re-wording might be possible it was fraught with pitfalls and it was certainly not our proposal. Our proposal was and is two simple things - first, the deletion of the quarantine pest definition, and second, the retention of the existing model phytosanitary certificate.

The second point concerns the intervention of Mr. Chock. I would like to make a point of clarification there. As I followed him he made the point very strongly that the certificate already states that it is certified that the sample conformed to the phytosanitary regulations of the country of destination.

If I heard him correctly, I am sure that was just a momentary elision of one or two words, but as he stressed that member countries should take note of this point as a very significant one I think I must put the record, straight and say that the existing certificate does not state that the exporting country certifies that the plant and plant products conform to the phytosanitary regulations: it states that plants are believed to conform to those regulations, and that is a very significant difference.

I have heard most of the Legal Counsel's suggestions. Unfortunately again while he was making them there were some messengers speaking to me and I was not able to get every word. But in reaction to them I would ask to come back on the question of quarantine pests. I am not sure whether he agreed with the proposal of the half sentence in Article II that removed quarantine pests as a definition. I take it that is so. I see him nodding and I thank him.

On the other question, that of the certificate, my country's preference is that we retain the existing one. Of course I do not wish to attempt to steamroll anybody or to set down something which is not agreeable to other delegations. So I can see that there may be a possibility for re-drafting if the re-drafting were able to meet the very real problems that people have. As I understood the re-drafting that he suggested, it would not meet the problems. It is very gratifying to hear the proposal that a provision similar to the existing one for sampling procedure to continue is being suggested. But there is another major problem in that sentence which relates to the fact that, as I understood the words he suggests, a certifying officer would still be expected to certify that those plants or plant products are free from the pests concerned. It is being said by some speakers here that the problem is that any certifying officer would have to certify that something is free in circumstances where he can say that they appeared to him to be free or that the sample is substantially free. But I do not think that anyone can even say that the sample is free, given that there are pests that may emerge at a later time as having been present. So in simple words the sort of amendment which I would imagine would go a long way towards meeting the problem is one which allows the samples and which says that the plants or plant products were found to be substantially free or, if you like, that it is considered that they were free, but not flatly to state that the plants were free or were found to be free of those pests. That is my initial reaction. I hope I heard sufficient of the Legal Counsel's proposals, to have read them accurately.

A.K. CHOCK (FAO Staff): The point that I was making was with respect to conforming to phytosanitary regulations and I did make that point strongly. The old version says "are believed", the new version says "are considered". The government consultation of 1976 with no dissenting votes indicated their preference for the current wording. They felt that the word "believed" was quite inappropriate. As a former inspector I would say that the way the new certificate is arranged places the emphasis on two different levels. One is the pests which are covered by phytosanitary regulations and the other is those which are common cosmopolitan pests, such as flour beetles, and the intent at least of the draftsmen in the consultation was to place the emphasis on the quarantine pests and secondary emphasis on the other types of pests. I can recall that when I inspected products and was told that such-and-such a country did not want this particular pest in potatoes I would then go to the laboratory and look up the specimens concerned; then I knew what I was looking for. Having done this inspection before I would have no hesitation in signing it as it has just been revised, or even the other one.

There was a question raised concerning whether plant products applies to rubber, palm oil, tea and coffee. Here again, it is dependent upon what the importing country places as phytosanitary requirements. Let me give an example. I can recall inspecting rubber wrapped in burlap bags. The object that we were looking at was not rubber, it was the burlap bags. In the seams of the burlap bags there was this pest that I have mentioned previously, the khapra beetle. In that sense, yes. In the other sense, probably coffee or tea or palm oil would not be considered to be a plant product in the strict sense of the meaning of the convention.

A. LØCHEN (Norway): My question to Dr. Chock is, does this rescue operation give justice to the long work done by our experts in the government consultations and the other bodies which have been working on it? I wonder whether this is the time or the place to make such modifications. But before I say anything more I would like to have Dr. Chock's confirmation that this does justice to the preparatory work done.

A.K. CHOCK (FAO Staff): I do not think that this takes away from what was done at the consultations, because it incorporates the general thoughts, the general meanings, the general consensus of the group. On the other hand, I think it clarifies for the people who object to certain points which they felt were a bit on the cloudy side and on which they were uncertain.

Mrs. P.P.M. van der TOGT (Netherlands): My government is prepared to accept the amendments to the Plant Protection Convention and the new certificates as they are presented in document C 77/IJK/26. Like some other delegations have done, I want to draw your attention to the fact that after years of hard work and full and elaborate discussion this text has been agreed upon by the consultation of government experts.

Commission III being a Commission for legal questions and not a Commission of experts, I have my doubts about having technical discussions here. My delegation does not think it right to alter the intentions of technical parts such as Article II-2 or the intentions of the proposals for certificates. If Mr. Chock says that the intentions are not changed by the proposals of the Legal Adviser, we can go along but in general we should like to call upon the delegates to approve this amended text of the Convention and request the Director-General to transmit it to the contracting parties for acceptance.

M.R. LEAR (New Zealand): My main point is that I would like to associate the New Zealand delegation with the remarks made a few minutes ago by Australia. We, too, are principally concerned that the existing phytosanitary certificate model be retained; that is our basic position. However, Dr. Chock did comment that the Intergovernmental Consultation of 1976 were unanimous. A whole year has passed since then and there has been further time to examine the new model and the existing situation.

M. GUERRAOU (Maroc): Je voudrais faire une proposition qui pourrait concilier les points de vue et qui s'inspire de la réalité de la pratique sur le terrain, car il est impossible de procéder à des inspections systématiques de la totalité des lots de produits végétaux. Ma proposition consisterait à introduire la mention des échantillons proposés par le Conseiller juridique, au début de la phrase qui se trouve au bas du modèle du certificat phytosanitaire. Le début de la phrase se lirait comme suit: "Il est certifié que des échantillons représentatifs des végétaux ou produits végétaux décrits ci-dessus ont été inspectés et trouvés indemnes..." etc., le reste sans changement.

G. LIEBER (Germany, Fed. Rep. of) (interpretation from German): I would like to thank our Legal Adviser and Dr. Chock for the efforts they have made to reach a compromise solution. The results that have been attained seem quite logical and equitable. However, in view of the fact that I am a permanent member of my delegation here in Rome, I am not an expert in the field of plant protection and I would have to discuss these matters with the experts that have taken part in these Governmental Consultations. I hope that you will understand me if under these circumstances I feel compelled to reserve the position of my Government.

O. LUCO ECHEVERRÍA (Chile): En el año 1976 se celebró una reunión de expertos sobre esta materia, en cuya oportunidad a mí me correspondió representar a mi país.

Recuerdo perfectamente que fueron motivo de largo y cuidadoso debate los diferentes puntos de vista que se pusieron de manifiesto durante esa reunión, y al final de la misma, los expertos pudieron manifestar una opinión que revelaba un cierto consenso.

Creo que es arriesgado volver a abrir el debate sobre el particular tratándose en este momento de una reunión a la cual estamos asistiendo delegados de gobiernos que no somos expertos sobre la materia; por lo menos, todos no somos expertos sobre la materia.

Por consiguiente, mi delegación estima, en beneficio de los pasos que para el futuro hay que dar y de que no es conveniente dilatar esta situación, que sería oportuno apoyar la propuesta presentada por la Secretaría. Por lo menos, mi delegación así lo considera por creerlo lo más práctico.

CHAIRMAN: I think we have discussed this matter sufficiently and I will give the floor to one or two more speakers and then we have to summarize and conclude this item. We must do so within the next fifteen minutes because we have some other very important items coming up for discussion.

A. LØCHEN (Norway): I would like to thank Dr. Chock for the answer he gave to my question. I wonder whether it would not be best and serve all interests if we took a little more time on this, so that we now get the new text with the rescue operation written down, so that we can look at it and ask our governments for instructions. We have time; there is the whole week left of the Conference and if we had the weekend to look at it we could then take this up again and finish it very quickly early next week.

CHAIRMAN: I do not know whether this feeling is shared by the other delegates, because some of them have to leave by next week, but nevertheless we will give thought to it.

E.D. LETTS (Australia): There is an old saying that war is too serious a business to be left to the generals. I am not suggesting that because phytosanitary experts drafted a resolution or a text it should automatically not be acceptable and that other people should do something else. But I do wish to point to the major economic implications that something which on the surface may appear to be a phytosanitary document has for most countries.

Let me put it another way. If a legal counsel or a legal section were asked to draft something and they suggested a modus operandi for some aspect of international trade - and we are talking about trade in plant products - and the people doing the trading found it quite unacceptable, the legal counsel would be asked to go back to the drawing board, or the traders would find their own way of doing it.

Now, let us not take this too far. There is a group of European, mainly European developed countries which appears to wish to see the amendments go through in toto. One of those delegates pointed out that less than half of the countries who are contracting parties were at the Consultation in 1976. That is one important aspect of how general the acceptance of these amendments can be considered to be, and some people in this meeting have told us that as there was general acceptance, it should go forward in toto.

Another point is that now those people with responsibility for the areas affected by the Convention, outside the narrow phytosanitary one, have a chance to comment. From Australia - if I can try to summarize the point we have reached - supported by a number of other countries, we have a proposal to accept the amendments to the Convention with only two changes. From some countries we have a desire expressed to see them accepted as they are. From the Secretariat we have a proposal for a somewhat different change. I do not know whether it is in order but I think we have to realize that whatever may be said about the group of experts, the fact is that the group of experts and the Council require the Conference to take decisions. The Conference by definition is not a group of phytosanitary experts: it is a group of people some of whom know something about phytosanitary matters and others who know something about other things. But I think we are all concerned with making bread, with supplying sufficient quantities of that bread to countries that need it and, where possible, at prices that are attainable and costs that can be managed.

Could I suggest, if it is in order, Mr. Chairman, that you may wish to name a small working group to discuss with the Secretariat experts the proposals that it is making in the light of the further discussion that has been taking place here and that, as quickly as possible, we see in front of us what the Secretariat is proposing so that we can try and arrive at something which may have a consensus, with a view to not delaying the matter any more if we can possibly avoid it.

CHAIRMAN: If we cannot dispose of this item we will have to postpone it to some later hour and probably that will give time for further consultation.

B.E. MATAMOROS HUECK (Nicaragua): Como han dicho varios de los colegas que me han precedido en el uso de la palabra, muchas delegaciones que estamos aquí presentes no somos expertos en cuestiones fitosanitarias; sin embargo, las observaciones hechas por algunas delegaciones, entre las cuales se encuentran Australia y Nueva Zelandia y otras, además de mi delegación, han/ formado los elementos que han contribuido a expresar nuestro criterio, que no coincide en aprobar el nuevo texto del modelo de certificado fitosanitario que se nos presenta. Creemos que es una cuestión que, si bien fue indicada no en una forma total con el consenso unánime de parte del grupo de expertos, el Consejo y esta misma reunion nos dieron la responsabilidad a la Conferencia de que decidiéramos sobre esta materia.

Creemos que el procedimiento, un procedimiento sumario, no vendría a favorecer los intereses de todos los países y mucho menos la implementación y la vigencia de esta Convención.

En cuanto a las reservas expresadas por la delegación de Australia y que se referían específicamente al Artículo 12, nosotros las compartimos y creemos, que el modelo original o antiguo, como se ha llamado, debería ser conservado.

En cuanto a las otras disposiciones de la Convención, mi delegación y otras delegaciones en el curso del debate consideramos que el Artículo 9, en cuanto se refiere a la resolución de controversias, debería tener algunas integraciones en las que se definieran en forma clara las atribuciones y responsabilidades de los gobiernos y los procedimientos a seguirse, en cuanto a solicitar pareceres técnicos de parte de la Organización y la línea de vinculación que este tipo de pareceres podría tener en relación a los Estados. Creo que ha sido una omisión involuntaria en base al recargo de trabajo que ha tenido que llevarse el que no se haya incluido este comentario que sobre la materia se plantea en el Artículo 9, y que debería haberse presentado esta mañana.

Mi delegación tiene propuestas concretas en relación al Artículo 9, y sus tres párrafos, y creo que esta es la Sede y el momento oportunos de presentarlos. Si usted no tiene ningún inconveniente, mi delegación procedería a formularlos en este momento, para así abreviar el tiempo de nuestras discusiones y usted pueda tomar una decisión definitiva sobre el procedimiento a seguirse en la discusión general de este texto.

CHAIRMAN: May I call the attention to the fact that the article to which we have just referred does not contain any proposed amendment. It is the old text. I am speaking on the instigation of the Legal Counsel and I believe this point is not so relevant because we are not discussing here proposed amendments. I allow him to speak but we must confine our debate to the subject matter in front of us. There seems to be some confusion in the minds of one or two delegates.

LEGAL COUNSEL: Indeed, I can confirm what you have just stated. What is before the Conference are amendments which were proposed by governments through government consultation. Article IX merely contains some slight editorial modification to bring it into line with the use of language, such as "government" or "contracting party", which has been introduced in all the other provisions. Therefore, no amendment has been proposed to this Article by the government consultation or any individual government before.

CHAIRMAN: Does that satisfy the delegate of Nicaragua?

B.E. MATAMOROS HUECK (Nicaragua): Mi delegación desea hacer un comentario a lo expresado por el señor asesor jurídico. Primeramente desearía saber cuándo termina el tiempo hábil en relación a la posibilidad de presentar enmiendas al texto de este convenio; segundo, desearía hacer una aclaración a lo dicho anteriormente, en el sentido de que si este Convenio ha sido aprobado en su totalidad, y el caso es que no es así, y esto es lo que a mí me parece, creo que es facultar a uno de los Estados el poder formular enmiendas de carácter formal o sustantivo al texto del mismo Convenio.

LEGAL COUNSEL: I believe that the question that the delegate of Nicaragua has asked finds its answer in Article XIII, paragraph 13. It reads as follows: "Notice of any proposed amendment of this Convention shall be transmitted to the contracting parties by the Director-General not later than the time when the agenda of the session of the Conference at which the matter is to be considered is dispatched." The proposed amendments were contained in the report of the Government Consultation which was distributed quite some time ago since the consultation was held in 1976 and the minor modifications of an editorial nature which were made by the CCLM were contained in the CCLM report which is before you.

CHAIRMAN: I think that disposed of any problem in the point raised by the delegate of Nicaragua.

J.L. TOFFIN (France): Je voudrais simplement dire que ma Délégation se trouve dans une situation embarrassante car elle avait pour instruction de voter les propositions d'amendements qui ont été présentées par la Consultation gouvernementale de l'an dernier à la Convention sur la protection des

yégétaux; nous nous trouvons un peu embarrassés par la présentation d'amendements nouveaux. Le Conseiller juridique et le Secrétariat nous ont proposé quelques modifications aux amendements déjà présentés par la consultation gouvernementale et, comme l'ont rappelé d'ailleurs certaines délégations, notre Délégation ne dispose pas d'expert pour se prononcer *a* leur sujet. Une consultation de notre gouvernement est indispensable si, selon l'évolution du débat, on doit être amené à prendre position sur ces nouveaux amendements. C'est pourquoi je souhaiterais qu'on ne soit pas obligé de prendre position immédiatement mais qu'on nous laisse le temps de consulter notre gouvernement s'il y a lieu. A cet égard, il nous serait utile de disposer des amendements qui ont été proposés par le Conseiller juridique au cours de sa récente intervention.

B. Administrative and Financial Matters (continued)

B. Questions administratives et financières (suite)

B. Asuntos administrativos y financieros (continuación)

22. Scale of Contributions

22. Barème des contributions

22. Escala de cuotas

- Scale of Contributions 1978-79

- Barème des contributions, 1978-79

- Escala de Cuotas para 1978-79

P. SKOUFIS (Assistant Director-General, Administration and Finance Department): The first document to which we refer, C 77/LIM/9, contains an extract from the report of the Seventy-First Session of the Council and contains the Council's recommendation that the FAO scale for the coming biennium be derived directly from the UN scale of assessment enforced in 1977.

Document C 77/LIM/15-Rev.2 updates the scale recommended by the Council since it includes assessment rates for the eight countries admitted to membership in the Organization at this session of the Conference. The document also contains in the second paragraph the appropriate draft Conference resolution. It has to be noted that in the English version the word "directly" has inadvertently been dropped from the second line of the operative paragraph of the resolution. That paragraph should read "Decides to adopt for use in 1978-79 the scale of contributions set out in the appendix which is derived directly from the United Nations scale of assessments as enforced in 1977". A footnote should also be added to the Resolution regarding the assessment rate of Viet Nam which, with your permission, I shall ask Mr. Smith to explain. Mr. Smith is from our Office of Finance.

In summary the scales set out in C 77/LIM/15-Rev.2 are drawn up on the recommendations of the Seventy-First Session of the Council.

W.A. SMITH (FAO Staff): I should also mention that the Resolution in question also appears as a third item C 77/LIM/34, which is the fourth report of the Resolutions Committee. There are two other additions, however, which affect all languages; firstly a footnote 1/ should be entered at the end of the "Having noted" sentence. That is to say at the end of the sentence reading "Having noted the recommendations of the Seventy-First Session of the Council 1/" that footnote is merely a cross reference to the paragraphs of the Seventy-First Session of the Council report.

A second change would be the addition of a footnote 2/ at the very end of the Resolution, that is to say after the words "as enforced in 1977. 2/" This footnote refers to the fact that the United Nations had not established an assessment rate for Viet Nam for 1977 and that is referred to in paragraph 4 of the LIM/15 document.

CHAIRMAN: Can I ask Mr. Smith to read again this amendment slowly so that all delegates could take it down in writing.

W.A. SMITH (FAO Staff): Certainly. Add the footnote symbol 1 at the end of the noted sentence. Footnote read "CL 71/REP para. 183. At the very end of the resolution, again insert a footnote symbol', footnote 2. Footnote 2 would read " since no UN rate of assessment for Viet Nam has been established for 1977, that member is included in the FAO scale at 0.02 percent.

B. de AZEVEDO BRITO (Brazil): Thank you Mr. Chairman. My delegation would like to make some very brief observations on the proposal of the scale of contributions. We understand that the Council, at its June session, had acted upon the basis of the scale of contributions adopted in the United Nations for the current year, 1977. That means a scale of contributions approved by the General Assembly at the end of 1976. We wonder, however, if it is really an appropriate procedure. Perhaps the Secretariat could help us by clarifying the situation since we have a Conference which meets, only every two years approve a scale that will affect the years 1978-79. I wonder if it would not be more appropriate to operate on the basis of the scale of contributions which has been approved, right now, by the United Nations General Assembly. I make this comment first in terms of adjusting this Organization as close as possible to the United Nations on this matter, which we understand to be the procedure. I say so with a certain observation, also, to the fact that already in the scale approved by the United Nations our contribution has very largely increased by an amount on which we are not really in full agreement, but as it is approved by the United Nations General Assembly we, therefore, respect it.

Coming back to what I was saying, I wonder, sir, if it would not be more in line for our Conference to act on the basis of the scale of contributions just in process of being approved right now in the General Assembly. If my information is correct this meeting has already acted on the matter and, therefore, we have already started a basis of possible action. I make this point specially taking into account the situation of the least developed countries. If I understand correctly all of them having in the new assessment halved their percentages. If my information is correct - and I would like again to ask the Secretariat to confirm - from the scale of contributions approved by the General Assembly at the end of 1976. In the process of being approved right now, in 1977, the least developed go from 0.02 percent they start to have just half, 0.01 percent, and that is an important fact. I think it is not the final argument but I think it is a very important argument that perhaps this Conference should take into account.

I also go back to my first words when I started speaking that since the Conference meets only every two years it would be a little surprising that we skip last year's decision of the General Assembly in favour of one of a year before. Perhaps the Secretariat could enlighten us on that. Probably there is a point the possibility of using the scale of 1977, and I understand the Secretariat could enlighten us again. That means picking up the scale of contributions just approved by the General Assembly. That, perhaps, is another point that could be clarified, if at all possible. Of course, my delegation would like to refer to this item later on in case of need. As far as Brazil is concerned, I would just repeat that in both scales we figure with precisely the same level so I am not speaking in any way as an interested party, we have been harmed by both because both represent a very large increase - practically fifty percent increase - which we do not feel, by the way, is fully justified, but we all understand that it is not to be discussed here.

E. DOUEK (Israël): Ma Délégation voudrait se référer au barème de contributions 1978/79 tel qu'il figure dans le document C 77/LIM/15-Rev.2. La quote-part de mon pays a été portée à 0,30 pour cent au lieu de 0,27 pour cent précédemment. En tenant compte du fait que le budget global de la FAO pour le prochain biennium a été porté à plus de 211 millions de dollars, cela signifie que mon pays devra assumer désormais une charge budgétaire supplémentaire d'environ 182 000 dollars, c'est-à-dire une augmentation de près de 40 pour cent. Mon pays pourra difficilement supporter cette augmentation étant donné les difficultés économiques auxquelles il doit faire face.

Récemment, mon Gouvernement a instauré une nouvelle politique économique et la livre israélienne a été dévaluée d'environ 45 pour cent par rapport au dollar; cela signifie que le revenu per capita exprimé en termes de dollars se trouve ainsi diminué de façon substantielle et en même temps que la participation budgétaire de mon pays au budget de la FAO exprimée en termes de livres israéliennes se trouve plus que doublée.

Je saisis cette occasion pour rappeler que le Comité de contributions des Nations Unies a ramené récemment, et indépendamment de cette dernière importante dévaluation, la participation d'Israël au budget des Nations Unies de 0,24 pour cent à 0,23 pour cent pour 1978/79.

Nous sommes évidemment conscients que la proposition du Conseil pour 1978/79 est basée sur le barème de répartition des Nations Unies pour 1977. Ma Délégation tient cependant à souligner les difficultés que signifie pour son pays la présente procédure et désire marquer sa réserve à ce sujet.

W.A. SMITH (FAO Staff): The question put to the Secretariat was whether it would be appropriate for the Conference to adopt a scale of the next two years based on an earlier United Nations scale when, in fact, a new United Nations scale is about to be adopted.

I think it would probably be inappropriate for me to comment on that for it is indeed up to the Conference to determine the basis on which it wants to adopt its scale. I would mention in passing that the Eighth Session of the Conference in 1955 determined that in future the FAO scale would be based on the scale of the United Nations in force during the calendar year of the Conference session. However, on four occasions since that debate the Conference has seen fit to base the new FAO scale on a forthcoming United Nations scale. This information was set out in the Report of the Finance Committee to the Seventy-First Session of the Council and as has been indicated the Council made the determination as to which basis the scale should be presented to the Conference. The question was asked: "Where does the new United Nations scale stand in New York?". It has been approved by the Fifth Committee on the 24th October but it is not expected to be before the General Assembly itself until the 14th December. That new United Nations scale, as proposed, does reflect the decision of the General Assembly to reduce the minimum assessment rate from 0.2 percent to 0.1 percent. As regards whether the Conference should use that as a basis, or the 1977 United Nations scale, is of course for the Conference to decide.

A. BEN KHAYAL (Libya)(interpretation from Arabic): This is the scale in C 77/LIM/9. There is a difference in our contribution, despite the fact this was based on the United Nations scale. I would like to say our contribution to the United Nations is 0.16 percent for 1978/79, and here we read that it is 0.21 percent. Our contribution to the United Nations in 1976/77 was 0.17 percent, and this year it is down to 0.16.

I would therefore like to correct the figure in the document I quoted, namely C 77/LIM/9.

W.A. SMITH (FAO Staff): The figures in C 77/LIM/9 are superseded of course by those in C 77/LIM/15/Rev.2 which reflects the admission of new Member Nations. However, I should point out to the delegate of Libya that the assessment rates in the United Nations are not the same as those in the FAO, although we base our assessment rates on the UN. The assessment rates are higher in the FAO because we do not have the same membership as the United Nations.

There is a difference in membership which requires the FAO members to pay a higher rate in the FAO in order to allow the scales to come to 100 percent. United Nations rates are increased by approximately 25 percent in order to arrive at the FAO scale. This is true of all members of FAO except the minimum and the maximum contributor. That would explain the difference between the 0.16 percent as referred to in United Nations and 0.21 percent in FAO, It is a 25 percent increase which is borne by all other members.

CHAIRMAN: Do I take it the explanation given by Mr. Smith satisfies the delegates who took the floor, and that in the light of the silence this scale is approved by the Commission?

B. de AZEVEDO BRITO (Brazil): I made my question rather mild as I wanted to have the chance to hear the explanation. What the Secretariat has explained to us is clear.

There was, it seems, a decision by Conference. There is nothing sacrosanct which has not been followed on the two occasions, therefore the Conference can choose to move to the other scale if it so decides. There is nothing to prevent it doing this.

Undoubtedly there is the fact that although in the records of the votes in the Fifth Committee in Plenary the scale has not been passed, there is no doubt that it will be approved. There may be some changes of votes - in the usual way the negative votes may change to assents or something like that, but the scale will be approved, so it is up to the Conference to see what is the best approach.

In our case we did not change our scales in precisely the same way as other countries, as some will have their contribution halved, and in our view that would be a very strong argument in favour of adopting the new scale. I do not know if you feel that the Commission should take a little more time to talk it over? Perhaps we should take some time and refer to it later in the afternoon if you wish to be better informed. I would agree to that; but I would not like to dispose so quickly and easily of something which has a lot of significance for Member States.

P.A. MORALES CARBALLO (Cuba): Esta delegación participa del mismo criterio. Pensamos que se trata de un asunto muy serio sobre el cual las delegaciones necesitan tiempo para reflexionar.

Hay que tener presente que si decidimos aplicar, como en las cuatro ocasiones anteriores, la escala que han de decidir este año las Naciones Unidas, podrían verse afectados ni más ni menos que unos ochenta países, en su mayoría países subdesarrollados.

Queremos también hacer el ruego de que se vea si este tema es posible tratarlo en otra ocasión posterior para que las delegaciones mediten sobre el mismo.

En el caso de mi delegación, tenemos una declaración preparada, pero no pensamos hacerla en este momento,

Tal vez pudiera la Secretaría darnos alguna sugerencia al respecto y facilitarnos posiblemente el documento de la Quinta Comisión de las Naciones Unidas. Si este documento se pudiera distribuir a las delegaciones serviría para que todos tuviéramos una idea más exacta de qué es lo que podrá suceder.

En este momento no se plantea nada nuevo. En cuatro ocasiones anteriores, como ya se ha dicho por el Sr. Smith - en el 55, en el 57, en el 61 y en el 73 -, estuvimos en una situación igual, exactamente igual a la de ahora, y entonces se tomó una nueva decisión. Esta nueva decisión que pretendemos tomar es una decisión que había de cumplir un mandato de la propia Asamblea cuando se dijo que se debía tratar de que el mínimo de los países subdesarrollados pasara del 0,02 al 0,01.

Tal vez nosotros pudiéramos aplicar esta decisión, que es una decisión justa, en el ámbito de la FAO para el próximo bienio.

Estas son las ideas que sobre este punto tiene esta delegación. Nosotros nos asociamos a la propuesta de Brasil en el sentido de que se dé más tiempo para estudiar este tema, y agradeceríamos al señor Presidente, para el caso de que fuese necesario, que nos permitiera nuevamente hacer uso de la palabra.

B.E. MATAMOROS HUECK (Nicaragua): Intervengo únicamente para apoyar la propuesta presentada por las delegaciones de Brasil y de Cuba.

Las informaciones preliminares que sobre el asunto nos han dado, por algunos no las estimamos suficientes; consideramos que algunas delegaciones desean tener mayores elementos de juicio.

Por lo tanto, señor Presidente, dado que es una cuestión sobre la cual ya existen antecedentes y que no hay tampoco una urgencia inmediata de decidir sobre ella, esta delegación estima que sería conveniente aceptar la sugerencia hecha por las delegaciones de Brasil y de Cuba.

KIM KWANG HEE (Republic of Korea): I would like the Secretariat to give some clarification concerning footnote d/ on page 5. This footnote states that the contribution rates of those members which are not members of the United Nations are derived from the percentage rate at which they contribute to certain UN activities.

My question is, whether the percentage rates at which we contribute to certain UN activities are the same or different. I hope the Secretariat understands me.

A. BEN KHAYAL (Libya) (interpretation from Arabic): The reply that I have just heard has not convinced me. Yesterday I received a telex from our delegation in New York regarding Libya's contribution. Here at the bottom of the page you say this contribution was based on the United Nations scale, and I really cannot understand this. There is a difference here between what you have told us and what is contained in the United Nations scale.

W. A. SMITH (FAO staff): With regard to the question of the delegate of the Republic of Korea, the report of the United Nations Contributions Committee to the Fifth Committee contains not only a scale of assessments for United Nations members, but assessment rates for other states which are not members of the United Nations but which participate in certain United Nations activities. We use these rates

just as we use the United Nations scale rates. They are considered equivalent, but have the 125 percent factor added on to arrive at the 100 percent FAO scale. We take the rates out of the book as approved by the General Assembly and as for other FAO members, we apply the differences in the grants of membership - and I repeat for the delegate of Libya, one cannot expect to see the same assessment rate in FAO for a country as one sees in the United Nations, as FAO has a smaller membership. In FAO we do not have Russia, for example.

As a consequence, in order to have a scale which adds up to 100 percent, and because we do not have Russia, we have to increase the rates for everybody. That amounts to approximately 23 percent, and I will explain further to the delegate of Libya if he wishes, now or at the end of the meeting. I have the figures in front of me.

CHAIRMAN: Distinguished delegates, we have a request from Brazil seconded by the delegates from Cuba and Nicaragua, for time to consider in order to get the United Nations scale circulated. It will take about an hour or a little more for the document to be ready to be circulated. After consulting with the Secretariat, we feel it can be done. Once this is agreed, we feel it will be easy for us to come to a decision, and I would very much like to dispose of this item tonight. In the meantime we can go back to the Plant Protection item which we have not yet concluded.

P.A. MORALES CARBALLO (Cuba): Pido excusas por hacer uso nuevamente de la palabra.

Parece que vamos llegando a un acuerdo; pero esta delegación se pregunta si una hora solamente será suficiente, tratándose como se trata de un asunto de tanta importancia.

Sería preferible, a nuestro juicio, que esta cuestión la pudiéramos tratar tal vez el lunes por la mañana .

Las delegaciones, recibiendo hoy ese documento, tendrían la posibilidad de analizar el problema y de llegar a una conclusión como, por ejemplo, a la que ha llegado nuestra delegación, que ha tenido la oportunidad de conocer el documento de la Quinta Comisión.

Creo que no es un problema de horas; que una hora es muy poco tiempo y que tal vez sería más útil que tratáramos de esto el lunes por la mañana, porque es un problema trascendente que afecta a muchos países. Esa sería nuestra propuesta.

Rogamos a la Secretaría que reconsidere la situación y reiteramos que sería preferible que lo dejáramos para el lunes por ser un asunto de vital importancia, y que puede redundar en beneficio de un sinnúmero de países.

W.A. SMITH (FAO Staff): We think we can have in your hands within an hour a document demonstrating what the FAO scale would be if it were to be based on the new United Nations scale of assessment. On the other hand, we have a problem on our side, which is that only when the Commission decides on the scale can we proceed with other work which has to be available for part of the budget regulation for adoption by the Plenary meeting at the beginning of the week. Perhaps if we are still in session when this document becomes available you can make your decision whether to deal with it then or next week, but we do have a small problem on the Secretariat side.

CHAIRMAN: I am just trying to get the views of the delegates. If the document is made available within one hour and if we do not come to a decision this evening is it possible for us to meet tomorrow morning at 10 o'clock? Will this give you sufficient time?

P.A. MORALES CARBALLO (Cuba): He de decir con toda franqueza que nuestra delegación piensa que si nosotros dejamos esto para mañana a las 10, tampoco vamos a lograr nada. Mañana es sábado. Posiblemente muchos delegados ya han hecho sus planes para visitar Roma, a la que vienen cada dos años. Creo que mañana por la mañana sería muy difícil que pudiéramos contar con quorum suficiente para tratar un asunto tan importante. A mi parecer, lo más sensato sería aplazar el tema para el lunes por la mañana.

Aprovecho la ocasión para hacer una observación. No sé si será porque no lo haya entendido bien, pero estoy confundido respecto al documento que nos va a presentar la Secretaría: no sé si se trata de una copia de la resolución adoptada por la Quinta Comisión o si se trata de un nuevo documento que propone la Secretaría, o bien si serían los dos. A mi juicio, lo más oportuno sería que se nos entregaran los dos documentos.

W.A. SMITH (FAO Staff): I had envisaged circulating a paper similar to C 77/LIM/15-Rev.2 with a third column added to it showing the other alternative of basing the FAO scale on the new UN scale. The report of the Contributions Committee as considered by the General Assembly is a very big document. I do not know if the resolution on its own would be of help. We could perhaps have that produced within an hour, but it will merely cite UN rates of assessment and I believe what you are involved in are FAO rates of assessment ensuing from those UN rates of assessment.

H.L. CLAVERIE RODRIGUEZ (Venezuela): Definitivamente mi delegación piensa que no sería operante de ninguna manera el volver a estudiar el punto en el día de hoy, ni quizá en el de mañana.

Agradezco muchísimo a la Secretaría su esfuerzo por entregarnos el documento que desea preparar, pero la materia parece de tal importancia, incide en un número tan considerable de países en desarrollo que mi delegación se permite proponer a la Secretaría que estudiara la posibilidad de volver sobre este punto el lunes. Entonces los países tendrían una idea más clara y habrían tenido oportunidad de celebrar consultas.

Nosotros estimamos que se trata de una cuestión muy seria y participamos de los criterios expuestos por las delegaciones de Brasil y Cuba.

Reitero el ruego a la Mesa en el sentido de que si es posible se deje este tema para el lunes por la mañana, pues no creo que de aquí a mañana se pueda adelantar mucho, pese al interés de la Secretaría en preparar el documento que nos ha explicado.

CHAIRMAN: It will not be possible to have a meeting on this on Monday morning. We have to be ready with the report of this Commission on Tuesday to submit for adoption by the Plenary meeting. So the only alternative is to have a meeting tomorrow morning. Perhaps after you have seen the document it will be easy for you to come to a conclusion.

B. de AZEVEDO BRITO (Brazil): I think it is very important to take a decision here. The scale of FAO being an adaptation for reasons we all know, it is very good that we have before us, as suggested by the Secretariat, the three columns - what we pay now, what we would have paid according to the first proposal and the alternative. I do not know how long the Secretariat will take to make the calculations, I think they are very fast. My comments were just on the timing. I fully agree that it might not be very easy for many people to be here tomorrow, but anyway I am flexible.

CHAIRMAN: I understand that the document could be made available within an hour so we still have time. We will see your reaction after we have received the document but I must again stress that it will not be possible to have a meeting on Monday morning. If there is to be a meeting it must be tomorrow morning.

J. GARCIA E. (El Salvador): Nosotros hemos escuchado con gran atención los comentarios vertidos sobre el tema, y somos de la opinión de que, dado el gran interés que representa para muchos países, debe ser analizado en profundidad. No podemos opinar acerca de algo sobre lo cual realmente, de momento, no disponemos de información.

Queda claro con estas palabras que me muestro partidario de lo que han propuesto las delegaciones de Cuba y Venezuela en el sentido de que se nos deje meditar sobre el tema para discutirlo posteriormente.

El señor Presidente ha manifestado que el proximo lunes hay problemas que impedirían discutir este asunto por la mañana; pero estos son problemas técnicos que la Secretaría con la Presidencia puede tratar de resolver.

Tenemos gran interés en el tema y nos mostramos de acuerdo con la nueva escala de cuotas, pero creemos necesario disponer de nueva información; es necesario que todos estemos en el mismo nivel de información.

CHAIRMAN: I take it that the document will be circulated as soon as it is ready, that in the meantime we postpone discussion on this subject until we have received the document, and we resume discussion on plant protection. After that we have the report, Part II.

O. LUCO ECHEVERRÍA (Chile): Yo me permitiría rogar al señor Presidente - no sé si sería posible - que accediera a levantar la sesión por diez minutos a fin de que las delegaciones podamos intercambiar opiniones.

CHAIRMAN: I have no objection if this is the wish of the Commission. We will have a break and we will resume in about 10 minutes.

The meeting was suspended from 17.25 hours to 17.40 hours

La séance est suspendue de 17 h 25 à 17 h 40

Se suspende la sesión desde las 17.25 a las 17.40 horas

ADOPTION OF REPORT

ADOPTION DU RAPPORT

APROBACION DEL INFORME

DRAFT REPORT OF COMMISSION III - PART 2

PROJET DE RAPPORT DE LA COMMISSION III - DEUXIEME PARTIE

PROYECTO DE INFORME DE LA COMISIÓN III - PARTE 2

P. MASUD (Chairman, Drafting Committee): You have before you document C 77/III/REP/2 which contains the Commission's draft report for three of the sub-items under Item 18 of the agenda. The first part relates to the composition of the Programme Committee and the Finance Committee. In this draft I have attempted - and I would like to repeat the word attempted - to take into consideration all of the viewpoints expressed during our discussions. I was considerably aided in my task by the clear summary given by the Chairman of our Commission at the beginning of our meeting on Wednesday on the points on which agreement or a consensus had been reached.

I would like to draw the attention of the Commission to the Draft Conference Resolution which has been approved by the Resolutions Committee. The draft amendments contained in the Resolution reflect the points of substance on which there seemed to be agreement in the Commission.

The next part of the report deals with the sub-items dealing with the authentic Chinese text of the Constitution and with the status and use of languages in FAO. Both items received unanimous support from delegates. With this introduction I present part 2 of the report of Commission III.

CHAIRMAN: I hope you have the report in front of you and that your comments will be as brief as possible, as we do not have much time.

A.A.W. LANDYMORE (United Kingdom): Mr. Chairman, could I just enquire - I do have three points, they are very short and small - whether you are inviting comments on the whole or paragraph by paragraph?

CHAIRMAN: I think that we can take it paragraph by paragraph if this is more convenient to the Commission.

PARAGRAPHS 1 TO 8, INCLUDING RESOLUTION

LES PARAGRAPHES 1 A 8, Y-COPRIS LÀ RESOLUTION

LOS PÁRRAFOS 1 A 8, INCLUIDA LA RESOLUCION

A.A.W. LANDYMORE (United Kingdom): I should like to preface my remarks by congratulating Mr. Masud on the excellent job he has done on this. There is, however, just one little point of clarification which I think is required as regards the last sentence of paragraph 5, comparing it with paragraph 2 of the Draft Resolution to which it relates, on page 5 of the draft as we have it. The last sentence of paragraph 5 says: "The Conference decided that the latter procedure", etc. I think "latter procedure" entails three main things: one is supplying the name of the country; the second is supplying a curriculum vitae of the proposed candidate; and the third thing is doing those two things in good time, that is to say with a particular time limit.

In paragraph 2 of the Draft Resolution we waive only the time limit. Is it the intention - and I think Mr. Masud can answer this for us - also to waive the requirement of the curriculum vitae? The United Kingdom does not mind, but we do think that we ought to be clear about this.

P. MASUD (Chairman, Drafting Committee): The point raised by the delegate of the United Kingdom is valid. I think that the intention is to relax all three provisions because-relaxing just one would be meaningless. Therefore both the time and the curriculum vitae, as well as the name in this case - if I am not mistaken - would not be necessary, particularly for this meeting because after this the ten days rule would apply.

LEGAL COUNSEL: Where there is a narrative section and a draft resolution, the draft resolution is generally more precise than the narrative and I am afraid that the Secretariat has to take the blame for having misled the rapporteur. The term "the latter procedure" is, somewhat vague but what was intended to refer to is the last element of the procedure that was mentioned, namely the ten-day limit, as is stated in the Draft Conference Resolution.

Perhaps it might be an idea to clarify this ambiguity, which very rightly has been pointed out by the United Kingdom delegate, by substituting the words "the aforementioned time limit" for the words "the latter procedure."

A. GOMEZ ORBANEJA (España): La delegación española anunció, cuando la discusión de este tema, que se presentaría por escrito una enmienda al apéndice de esta resolución, es decir a la redacción del artículo veintiséis del reglamento. Así lo hizo. La Presidencia ha tenido a bien no circular esta enmienda. Lo lamentamos. Y como presentar una enmienda ahora complicaría y alargaría el tiempo de que disponemos, decidimos no presentarla. Lo lamentamos porque lo hemos hecho honradamente, creyendo que el procedimiento que se presenta así es equivocado y confuso. Y lo decimos claramente porque España no tiene la intención ni de presentarse al Consejo ni a ninguno de los Comités. De manera que nuestra contribución fue honrada. Queríamos aclarar la situación. Lo lamentamos y nada más.

Paragraphs 1 to 7, as amended, adopted

Les paragraphes 1 à 7, ainsi amendés, adopté

Los párrafos 1 a 7, así enmendados, son aprobados

Paragraph 8, including Resolution, approved

Le paragraphe 8, y compris la résolution, est approuvé

El párrafo 87 incluida la Resolución, es aprobado

PARAGRAPHS 9 TO 12, INCLUDING RESOLUTION

LES PARAGRAPHES 9 A 12, Y COMPRIS LA RESOLUTION

LOS PÁRRAFOS 9 A 12, INCLUIDA LA RESOLUCIÓN

A.A.W. LANDYMORE (United Kingdom): This is a very small matter on paragraph 11. I refer to the words "all delegates who took the floor". In the interest of cutting down on time my delegation did not take the floor and if we include the words "who took the floor" the implication might tend to be that those who did not take the floor did not support the proposed amendment. Now, as a matter of fact I did not take the floor but I do, and did, support the proposed amendment so I should like to move the deletion of the words "who took the floor". Since my last point is exactly the same one in relation to paragraph 19 perhaps you would allow me to anticipate by saying I have exactly the same proposal there.

CHAIRMAN: I think that is a valid point. No objection.

P. MASUD (Chairman, Drafting Committee): The point is well taken and I totally agree with the delegate of the United Kingdom who has had more experience than I have in drafting such reports and it is true that there was absolute unanimity on this and in fact we could report that very easily.

Paragraphs 9 to 11, as amended, adopted

Les paragraphes 9 à 11, ainsi amendés, adopté

Los párrafos 9 a 11, así enmendados, son aprobados

Paragraph 12, including Resolution, adopted

Le paragraphe 12, y compris la résolution, adopté

El párrafo 12, incluida la Resolución, es aprobado

PARAGRAPHS 13 TO 20, INCLUDING RESOLUTION

LES PARAGRAPHES 13 A 20, Y COMPRIS LA RESOLUTION

LOS PÁRRAFOS 13 A 20, INCLUIDA LA RESOLUCIÓN

A. LØCHEN (Norway): Just a small amendment to the amendment proposed and accepted by the house. I wonder if it would not be right, both in paragraph 19 and paragraph 11 on page 6 in the English text to say "the Conference fully supported".

P. MASUD (Chairman, Drafting Committee): I think this suggestion is also an extremely good one. I have absolutely no objection. This would be reflecting exactly what went on.

P.J. BYRNES (United States of America): I fully support the changes proposed by the United Kingdom Norway but we are in the habit here, and I have just used it now in my introduction, of saying "full support". Elsewhere in our report we were saying "the Conference supported" and in paragraph 19 are saying "fully supported". So that we do not draw a distinction could we just say "the Conference supported?"

Paragraph 13 to 19, as amended, adopted

Les paragraphes 13 à 19, ainsi amendés, adopté

Los párrafos 13 a 19, así enmendados, son aprobados

Paragraph 20, including Resolution, approved

Le paragraphe 20, y compris la résolution, est approuvé

El párrafo 20, incluida la Resolución, es aprobado

Draft Report of Commission III - Part 2, as amended, was adopted

Le projet de rapport de la Commission III, deuxième partie, ainsi amendé, est approuvé

El proyecto de informe - Parte 2, así enmendado, es aprobado

PART III - CONSTITUTIONAL AND ADMINISTRATIVE MATTERS

(continued)

TROISIEME PARTIE - QUESTIONS CONSTITUTIONNELLES ET

ADMINISTRATIVES (suite)

PARTE III - ASUNTOS CONSTITUCIONALES Y ADMINISTRATIVOS

(continuación)

A. Constitutional and Legal Matters (continued)

A. Questions constitutionnelles et juridiques (suite)

A. Asuntos constitucionales y jurídicos (continuación)

20. Other Constitutional and Legal Questions (continued)

20. Autres questions constitutionnelles et juridiques (suite)

20. Otras cuestiones constitucionales y jurídicas (continuación)

20.4 Amendments to Conventions concluded under Article XIV of the FAO Constitution (continued)

20.4 Amendements aux conventions conclues en vertu de l'Article XIV de l'Acte constitutif de la FAO (suite)

20.4 Enmiendas a los Convenios concluidos en virtud del Artículo XIV de la Constitución de la FAO (continuación)

- International Plant Protection Convention (continued)

- Convention internationale-pour la protection des végétaux (suite)

- Convención Internacional de Protección Fitosanitaria (continuación)

CHAIRMAN: We now resume our discussion on the item 20.4 International Plant Protection Convention.

LEGAL COUNSEL: As suggested previously, some preliminary consultations were held to find out, whether a consensus might be possible on the modifications which we proposed earlier this afternoon. We were faced with two difficulties. The first was one of substance, namely at least one delegation was in doubt as to whether in the phytosanitary certificate it would not go too far to adopt the phrase proposed by the government consultation to the effect that the plants or plant products had been inspected and found free from pests covered by phytosanitary regulations. I believe that our colleagues in the Secretariat have been able to explain that "found free" is not necessarily an assertion that such plants or plant products are free but simply that they were found free by the inspector. The consultation had not quite been completed when the Commission came back to this point.

The second difficulty that we met was that at least one delegation pointed out that the text that had been read out by the Secretariat was not quite clear or that some delegations may not have been in a position to take exact note of it; moreover certain delegations felt that they ought to contact their governments to ascertain whether the modifications proposed today would be acceptable. This problem has not yet been resolved.

CHAIRMAN: Well, we are in the hands of the Commission now. We thought that matter could be resolved and we could reach a consensus but it looks as though one or two countries are still having difficulties. Probably if I ask the Secretariat to read out slowly the proposed modification in the text, this might help you to make up your minds whether the modification proposed by the Legal Counsel meets the difficulties raised by Australia and New Zealand, and will also be acceptable to the other delegations who have reserved their position on this point. The best thing would be to ask Legal Counsel himself to read at dictation speed.

LEGAL COUNSEL: In the text of the proposed revised version, Appendix J in Document C 77/LIM/26, Article II para. 2, no change up to the semi-colon. After the words "or plant products", replace the semi-colon by a full stop. Delete the remainder of the paragraph 2 starting with "and the term 'quarantine pest'".

The second change concerns Article II para. 4 on page J2 of the English text. Delete what is underlined, delete the square brackets and in the bracketed phrase, the words "and diseases". So that paragraph 4 would read "This Convention shall have particular reference to pests of importance to international trade full-stop".

In the Phytosanitary Certificate proposed by the Government Consultation, reproduced in the Annex document, page J9 of the English text, in the middle of the page there is a single-spaced statement "This is to certify that the plants or plant products described above.,," and at this point insert the following words: "comma or representative samples thereof comma". The text as it stands now continues "have been inspected and found free from..." delete the words "quarantine pests" and insert "pests covered by phytosanitary regulations", and the present text goes on "and substantially free from other" delete "injurious" and leave "pests semi-colon". There is no change to the last phrase.

These are the changes, Mr. Chairman.

M. GUEKRAOUI (Maroc): Monsieur le Président, pouvez-vous demander au Conseiller juridique de bien vouloir lire, comme il l'a fait en ce qui concerne le paragraphe 4 de l'article 2, le nouveau paragraphe 2 tel qu'il est proposé.

LEGAL COUNSEL: Thank you, Mr. Chairman. I believe the delegate from Morocco wanted me to repeat how Article II, para.2 should read. I said, Mr. Chairman, there is no change in the first sentence. I will read it. "for the purposes of this Convention, the term 'pest' means any form of plant or animal life comma or any pathogenic agent comma injurious or potentially injurious to plants or plant products". That is the end of the paragraph.

M. GUEKRAOUI (Maroc): Je voudrais également que le Conseiller juridique signale que j'avais fait une proposition en ce qui concerne le texte qui figure en bas de la page 11 du texte français "modèle de certificat phytosanitaire" et j'avais proposé que la mention des échantillons figure en début de la phrase et le texte se lirait de la façon suivante:

"Il est certifié que des échantillons représentés de végétaux ou produits végétaux décrits ci-dessus ont été inspectés",

le reste sans changement.

A.K. CHOCK (FAO Staff): I would say that that statement would not be completely acceptable to all peoples concerned from the technical point of view in that you are deleting that portion which says that everything has been inspected. There will be cases where some things might be inspected one hundred percent, and by just having representative samples then you remove that choice. Thank you, Mr. Chairman.

B.E. MATAMOROS HUECK (Nicaragua): No voy a pronunciarme en relación con la propuesta hecha por el Asesor Legal; solamente deseo una aclaración desde el punto de vista del procedimiento.

Desearía saber, señor Presidente, si estas enmiendas o modificaciones que se nos están presentando son de carácter semántico o sustantivo.

Señor Presidente, estoy bastante confundido con relación al procedimiento que estamos siguiendo, puesto que no se nos ha informado respecto a los criterios en que debemos pronunciarnos.

Agradecerla que antes de que continuáramos examinando estas propuestas, semánticas o sustantivas, se aclarara este punto.

LEGAL COUNSEL: Mr, Chairman, while admitting that in some cases the borderline between the two concepts is floating, I should say that, taking as a starting point the Phytosanitary Certificate where the term "quarantine pests" in English has been rendered by the term "vise par la réglementation phytosanitaire", the alignment of the English text with the French text would seem to eliminate the need for an explicit definition of "quarantine pests". It is from this point that most of the other modifications seem to flow, insofar as in Article II, paragraph 2 the definition of "quarantine pests" should be dispensed with since it would not be used any more in the Phytosanitary Certificate after it has been aligned to the French version. Likewise, in the only other provision where reference is made to "quarantine pests", namely in Article II paragraph 4, we have merely reverted to the version which did not contain a reference to "quarantine pests". Subject to anything that my colleagues who are technically more versed on this than I am may have to say, I believe that the changes made are predominantly of a drafting nature without any significant substantive implications.

B.E. MATAMOROS HUECK (Nicaragua): Tenemos la impresión de que el contexto, en el aspecto formal y sustantivo del Artículo II, ha sufrido una modificación sustantiva.

La interpretación que nos da la Asesoría Jurídica creemos que es muy optimista. No sabemos si a un individuo al cual se le han amputado las dos piernas se le considera una persona hábil para correr o un inválido. Quizá se nos de una nueva definición sobre esto, y nosotros estaríamos dispuestos a compartir lo que diga la Secretaría.

Desearía llamar la atención sobre lo que dice el párrafo 137. Dice así: "El Consejo decidió transmitir a la Conferencia las enmiendas propuestas para su consideración y decisión, según proceda."

Esto considero que da el suficiente margen jurídico para que esta Comisión pueda aportar enmiendas de carácter formal o sustantivo a este texto.

Creo que se está adoptando un procedimiento - no sabría como definirlo - con el cual se trata de limitar algunas modificaciones que, a criterio nuestro, perfeccionarían el texto.

Las enmiendas que ha presentado la Secretaría las consideramos ortodoxas y consecuentes con lo dispuesto en este párrafo, pero también estimamos que es atribución de las delegaciones pronunciarse en este mismo sentido; es decir, que cuando crean pertinente los países pueden perfeccionar el texto del Convenio.

CHAIRMAN: Before I give the floor to Brazil and Morocco, I invite Dr. Chock to clarify this point.

A.K. CHOCK (FAO staff): From my point of view, if this were to be considered substantive, instead of amputating both legs of the person, possibly one millimetre of his heel - and I repeat, one millimetre of his heel - has been removed.

B. de AZEVEDO BRITO (Brazil): I thank Dr. Chock because we are near to orthopaedics, but we were dealing with this subject in my delegation some time before today and I just want to make one observation - that we are inclined to believe, and I underline these words, that the proposals in fact represent new obligations. Because of the simple fact that the scope of the Convention was being substantially amplified, of necessity new obligations would be involved.

In Article XIII, paragraph 4 the procedure for entering into new obligations would be relevant. We have heard the debate so far, and as far as this goes my delegation feels there is additional and substantial reason for thinking that this matter is not yet fully ripe for consideration.

We have an important Convention involving a number of implications, including economic implications. A number of amendments have been formulated which are very important and probably well-founded. Arguments of a very valid nature have been advanced, but since we are not a technical conference and have not come here prepared for that I wonder if the wisest thing to do at this stage is simply to defer action to the next Conference.

The arguments involved in defining suggestions call for a lot more reflection rather than just waiting a couple of hours here. I ask if there is a quorum. We are going to change a Convention, with the CCLM's ruling, and if two-thirds acceptance is reached it would be valid for those who have not

accepted. Here is an empty room, some of us have attended two meetings, and we did not come here prepared to debate a Plant Convention, and I do not feel we would be doing the right thing to proceed to act at this stage. What would happen if amendments or changes that might be necessary are put into force in two years' time? It is not quite clear to me, and perhaps some of my colleagues here who have larger delegations could elucidate that for me.

CHAIRMAN: I should like to inform the distinguished delegate of Brazil that we have a quorum.

E. HITAYEZU (Rwanda): Oui, le Rwanda a demandé la parole et constate que lorsque l'on est placé derrière, on n'est, pas facilement vu. Nous pensons que les amendements que nous sommes en train d'apporter amputent le fond. Je voudrais revenir sur le paragraphe 2 de l'Article II. En effet, dans ce paragraphe nous définissons les "ennemis" qui sont visés par la Convention, Nous supprimons cela mais nous y revenons dans la formule qui est proposée.

Dans le modèle de ces certificats phytosanitaires on dit que "les ennemis ont été inspectés". Il faudrait trouver un terme visé par la réglementation phytosanitaire. Nous y faisons allusion alors qu'on l'a supprimée dans notre texte.

T. HAYAKAWA (Japon): Je tiens tout simplement à dire que je partage entièrement le point de vue exprimé par le délégué du Brésil. J'ai déjà indiqué ce matin devant cette Commission, que l'Article V, qui prévoit le certificat d'exportation affectera notre système juridique et notre Gouvernement devra apporter les modifications nécessaires au règlement interne du Japon sur la production des végétaux. Je prescrirais que l'Article XIII paragraphe 4 soit appliqué de la même manière que les procédures en ce qui concerne l'entrée en vigueur de ces amendements. Quant aux nouveaux amendements qui ont été proposés par le Conseiller juridique, étant donné qu'il n'y a pas d'expert au sein de notre délégation, je ne suis pas en mesure d'adopter une position valable et il me faut donc référer ces nouveaux amendements à ma capitale.

B.E. MATAMOROS HUECK (Nicaragua): Con particular atención ha escuchado esta delegación las intervenciones de los distinguidos delegados del Brasil y de Rwanda.

Al igual que estas dos delegaciones citadas, nosotros estimamos las propuestas de enmiendas al certificado fitosanitario con un criterio muy amplio; las consideramos muy sustantivas. Y digo amplio, señor Presidente, porque estamos en el mismo caso que Brasil y Rwanda: nosotros no tenemos un experto que pudiera evaluar el exacto alcance de las enmiendas propuestas por la Secretaría. Y sería un acto de irresponsabilidad por mi parte avalar el alcance de estas enmiendas sin conocer exactamente su contenido.

En cuanto al artículo IX de esta Convención, en su párrafo 1, a juicio nuestro no está definida en forma expresa la función de los gobiernos en el caso de que se presente controversia. Se refiere en una forma muy marginal, y creemos que, salvo los casos contractuales, debería figurar de una forma clara y estricta.

También pensamos que el procedimiento que se establece respecto a la función que va a desarrollar la FAO en estas circunstancias, no les deja a los Estados la facultad de en qué forma deberían presentarlo o plantearlo, sino que prácticamente se presenta una especie de procedimiento casi automático.

Por consiguiente, señor Presidente, yo creo que el abandono de la decisión de este tema quizá sería la medida más oportuna y conveniente para todos los países.

Una decisión apresurada sobre un asunto tan grave quizá llevaría a producir más efectos negativos que todos los efectos positivos que pudiéramos esperar de una aplicación de esta Convención, en la cual participa gran número de Estados con la específica voluntad política de adherirse a ella.

P.A. MORALES CARBALLO (Cuba): Es la tercera vez que hacemos uso de la palabra, pero no queremos dejar de expresar nuestra opinión con respecto a las observaciones que se han emitido, ya que en nuestra

intervención inicial habíamos señalado que en líneas generales estábamos de acuerdo con el documento y expresamos nuestra posición con respecto a dos de los párrafos.

Se han expuesto aquí una serie de opiniones con respecto a cambios o modificaciones en este documento que realmente requieren ser consultadas con nuestro Gobierno. Por eso nosotros opinamos como otras delegaciones que no se debe tomar una decisión en este momento, que debe posponerse la decisión al respecto.

E.D. LETTS (Australia): I have two main impressions of the debate we have heard so far. My main impression on the positive matters we have discussed and the matters we have been able to look at in the improving of the Convention is that there is something of a consensus on what we have suggested.

However, the other impression is that possibly the only element on which we have a real consensus is the point made by the Brazilian delegate - that the matter is not yet ripe for final resolution. My own inclination, based on my own first positive impression, would be that in the spirit of trying to be cooperative and to meet the parties on both sides, I would agree with the idea of giving ourselves some time to think and check and meet again during this Conference.

I have two doubts there. One is whether delegations can meet that sort of deadline. The other is that I understand that there may be no place, no time, to put us in for further meetings in any case. I imagine that was the implication of the Brazilian delegate's intervention. If we cannot find another place and we cannot take time for further consideration during this Conference I would have no alternative but to incline also to the view that the only course we are left with is to defer the matter for further review.

G. LIEBER (Germany, Fed. Rep. of)(interpretation from German): I apologise for speaking once again but in view of the course of the discussion so far I want to take advantage of this opportunity once again to sum up the position of my delegation. As I said before, my government is prepared to accept the Convention as it now stands and I would be agreeable to its adoption by the Conference. We heard with interest the proposals of the Legal Counsel. However, my delegation is unfortunately not in a position to make a technical statement on the subject, but we are prepared to turn to the competent authorities in my country within a very short period concerning technical consultations. We agree with the procedure that Commission III should adopt this document. However, if that were done we would have to make that reservation but we could state that within a very brief period of time we would either make this reservation specific or we would withdraw it.

J.O. ALABI (Nigeria): From the way this debate is going it would appear that we will have to postpone a decision on this amendment. I agree with delegates who expressed their inability to commit their governments to a document which had been prepared by experts. In the event of postponement may I ask how we want further action on the documents. Do we have to summon all the experts to Rome again with all the costs involved or will we have to circulate this and ask governments to comment?

CHAIRMAN: May I inform delegates that we can have a meeting on Monday for one and a half hours, from nine o'clock to half past ten, if we have not disposed of this item, and I see that we cannot dispose of it, so we can take it on Monday morning. But it depends how fast we can go on the item that still remains on the Agenda - that is, Scale of Contributions. A document is being circulated giving the third column derived from the UN scale. We shall be able to dispose of both items on Monday morning. But for the time being I think we have no choice but to postpone. Before doing that I give the floor to Norway, and after that to New Zealand.

A. LØCHEN (Norway): My delegation thinks that it would be unfortunate if the Conference could not finalize the amendments to the International Plant Protection Convention at this Session. I would like to propose that the Commission stops the discussion on this issue, that a report is made on what we have been doing under this item and that the final decision is taken in the Plenary meeting. As far as I remember this has been done on issues before where for some reason a decision could not be reached in this Commission.

M.R. LEAR (New Zealand): The New Zealand delegation has studied with interest the appendix to the new model phytosanitary certificate and we have listened carefully to the comments of the delegates who have just spoken. To be frank, the instructions of my government do not permit the New Zealand delegation to support the new model certificate as amended. Further, my delegation is not able to obtain instructions from its government by Monday. However, we do agree with the views of the delegates of Japan, Australia and what appears to be the majority of other speakers that the proposals of Brazil to defer the item to the next session of the Conference might well be an interim solution of benefit to us all.

CHAIRMAN: I will give the floor to the Legal Counsel. I have to inform you that we cannot take a decision as to whether we will postpone it or not. We will meet on Monday morning and then we will see what is the feeling of the delegations.

LEGAL COUNSEL: I will not start on a new rescue operation, since the first one was obviously not very successful. If the Commission and then the Plenary of the Conference were to postpone the consideration and approval of the amendments before you, Mr. Chairman, obviously that would mean postponement for two years. One of the arguments adduced in favour of this solution was that delegations were not accompanied by experts, that the Conference could not act as a drafting organ, that this had to be left to consultations of experts. I wonder whether the Conference will not be in exactly the same situation two years from now and whether some delegations might not find themselves unable to approve the text or any modifications thereto, exactly as it was with the text proposed by the government consultation. Perhaps a similar proposal of postponement for another two years might again be made. This observation should in no way be construed as an attempt of the Secretariat to force the hands of any delegations, let alone the Conference as a whole.

I would like to end with just one small observation regarding the comment made by the delegate of Japan. He finds that the re-export certificates would be difficult to accept because they might involve new obligations inasmuch as they would have to be reflected in national legislation. Subject to anything that my colleagues from the technical division may say, I believe that the re-export certificate is intended to facilitate the work of the plant protection organizations of exporting countries. Nothing would prevent them from continuing to issue full phytosanitary certificates, if they so desire, in cases where re-export certificates would be insufficient.

CHAIRMAN: As I indicated, we will have to postpone any further discussion on this item. We will meet on Monday morning and then we will take a decision whether we are going to postpone consideration or submit it to the Conference, as proposed by the delegate of Norway. We will decide on the procedure to follow.

PART III - CONSTITUTIONAL AND ADMINISTRATIVE MATTERS

(continued)

TROISIEME PARTIE - QUESTIONS CONSTITUTIONNELLES ET ADMINISTRATIVES (suite)

PARTE III - ASUNTOS CONSTITUCIONALES Y ADMINISTRATIVOS

(continuación)

- B. Administrative and Financial Matters (continued)
- B. Questions administratives et financières (suite)
- B. Asuntos administrativos y financieros (continuación)
- 22. Scale of Contributions (continued)
- 22. Barème des contributions (suite)
- 22. Escala de cuotas (continuación)
- Scale of Contributions 1978-79 (continued)
- Barème des contributions, 1978-79 (suite)
- Escala de cuotas para 1978-79 (continuación)

CHAIRMAN: I will ask delegates to inform me whether they have gone through the documents on Scale of Contributions under Item 22 and whether we can reach agreement now before we adjourn this meeting, because I believe there is some urgency regarding this matter. Does any delegate wish to take the floor and make any comments now that you have the middle column derived from the UN scale?

We will give you about five minutes to read the document.

I hope delegates have had time to go through all the figures and are in a position now to offer some comments. It would be much appreciated if we could dispose of this item within the next five or ten minutes. This is an urgent matter because it concerns the budget. You have in front of you two scales and you have to choose one of them. There is the first column a/ and there is a note which explains: "Derived directly from the United Nations Scale of Assessments as in force in 1977 as recommended by the Seventy-First Session of the Council", etc. So this is a recommendation of the Council and derives from the United Nations Scale as in force in 1977.

Column b/ is derived directly from the United Nations Scale of Assessments for 1978-79 as recommended by the Fifth Committee of the General Assembly of the United Nations, plus Viet Nam at minimum rate of 0.01 percent.

So I think that you have to make up your minds whether you accept this scale in a/ or the scale in b/. I understand that many members expressed the wish to have the scale in b/ in order to compare, and now that you have all of the figures in front of you you have been able to look at it and compare it and I do not think there will be any difficulty in coming to any conclusion. So it is now up to the Commission to decide and to offer comments.

B. SAMANEZ CONCHA (Perú): Pienso que este es un asunto bastante delicado y posiblemente todos los aquí presentes habrán informado a sus gobiernos, tal como hemos hecho nosotros, sobre la escala de cuotas que nos ha sido propuesta por la Organización. Tomar un acuerdo en nombre de los gobiernos, con modificaciones que aparecen en esta nueva escala prevista, yo creo que no es una atribución nuestra y deberíamos tener el tiempo necesario para hacer la consulta a nuestros ministerios de Economía y Finanzas. En segundo término, vemos que la sala está totalmente rala, y yo pido que se conmute el quorum para ver si es posible seguir esta sesión, porque un asunto como este creo que de ninguna manera puede ser discutido y llevarse adelante para tomar una decisión sin el quorum reglamentario.

CHAIRMAN: Since the question of a quorum has been raised we will let the Secretary count whether we have the required number.

M.A. BENDJENNA (Algérie): La préférence de la Délégation algérienne va à la colonne b/, pour la simple raison que la question des contributions à l'ONU a fait l'objet d'un examen approfondi par le Comité des contributions aussi bien que par la 5e Commission, et que le résultat de cet examen a été que la plupart, pour ne pas dire tous les pays les plus gravement touchés ont vu leurs contributions baisser, certes c'est une baisse minime, mais qui quand même était très importante étant donné que ce sont des pays très pauvres et qui se débattent dans des difficultés financières considérables devant le peu de rentrées de devises.

C'est pour cela que nous estimons que dans un élan de solidarité internationale, il est souhaitable d'approuver ce barème b/ conformément aux décisions de l'Assemblée générale; je comprends les préoccupations de certaines délégations qui voudraient durant le week-end consulter leur gouvernement, mais quant à nous, nous ne voyons aucun inconvénient à approuver la partie b/, nous estimons qu'elle va dans le sens de l'intérêt de la majorité des pays en voie de développement.

P. SKOUFIS (Assistant Director-General, Administration and Finance Department): I wanted to be sure that the delegate for Peru understood that neither column a/ nor column b/ represents the Secretariat's recommendation. These are the recommendations of the Council at its last session and also of the Fifth Committee in the General Assembly.

The meeting rose at 19.05 hours

La séance est levée à 19 h 05

Se levanta la sesión a las 19.05 horas

council

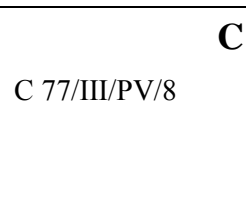
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Nineteenth Session
COMMISSION III

Dix-neuvième session
COMMISSION III

19° periodo de sesiones
COMISIÓN III

EIGHTH MEETING
HUITIEME SEANCE
OCTAVA SESION

(28 November 1977)

The Eighth Meeting was opened at 09.45 hours

A.A.W. Landymore, Vice-Chairman of Commission III, presiding

La huitième séance est ouverte à 9 h 45 sous la présidence de

A.A.W. Landymore, Vice-President de la Commission III

Se abre la octava sesión a las 9.45 horas bajo la presidencia de

A.A.W. Landymore, Vicepresidente de la Comisión III

PART III - CONSTITUTIONAL AND ADMINISTRATIVE MATTERS (continued)
TROISIEME PARTIE - QUESTIONS CONSTITUTIONNELLES ET
ADMINISTRATIVES (suite)

PARTE III - ASUNTOS CONSTITUCIONALES Y ADMINISTRATIVOS
(continuación)

- B. Administrative and Financial Matters (continued)
- B. Questions administratives et financières (suite)
- B. Asuntos administrativos y financieros (continuación)
- 22. Scale of Contributions (continued)
- 22. Barème des contributions (suite)
- 22. Escala de cuotas (continuación)
- Scale of Contributions 1978-79 (continued)
- Barème des contributions 1978-79 (suite)
- Escala de Cuotas para 1978-79 (continuación)

CHAIRMAN: I would like to take first the question of the Scale of Contributions 1978-79. There are a number of papers on this but you will recall that on Friday afternoon we had distributed to us Document C 77/LIM/47. That document lists three scales of contributions.

The first column of Appendix A of that paper sets out the percentages which each Member Government would contribute, supposing we decided to use the United Nations scale as a basis for the FAO scale, using the United Nations scale as it stands at present.

The second column sets out the percentages that would apply to each Member Nation if this Conference were to decide now to bring into effect for the next biennium a scale based on the United Nations scale as it is likely to be voted by the end of this year.

The third column just shows the existing 1976-77 scale *for* purposes of comparison. The decision that we have to take - and I hope we shall be able to do so quickly - is between two alternatives. Alternative A is to bring in a scale for the next biennium based on the United Nations scale as it will be brought into effect by the end of this year at New York. Alternative B is to bring into use the scale as it is reflected in the first column which is to apply a scale based on the United Nations scale as it exists at the moment.

I must just utter a word of caution in formulating that as A and B, A applies to the second column, B applies to the first column. This is a decision that I hope we can approach very quickly, and since we have had some discussion about this on Friday, and since we have even had quite some advocacy of applying alternative A, that is, the second column, could I call first of all for speakers who are of the opposite view; that is to say, speakers who would find it difficult or impossible to accept Alternative A, that is, the scale 1978-79, column B.

P.A. MORALES CARBALLO (Cuba): En aras de la necesidad de ahorrar tiempo, vamos a ser muy breves y no repetiremos la exposición que hicimos el viernes.

Hemos analizado cuidadosamente el documento que nos ha presentado la Secretaría, y para ser consecuentes con lo que nosotros manifestamos el viernes, he de decir que estamos de acuerdo en la aplicación de la escala central, la B, porque esa escala responde a una decisión reciente tomada por la Quinta Comisión de la Organización de las Naciones Unidas, resolución que fue aprobada por una mayoría muy grande y que, con toda seguridad, como el señor Presidente indicaba, esperamos que tendrá el voto favorable de la plenaria.

Por consiguiente, nuestro país está de acuerdo en adoptar la escala que aparece en la columna central, porque, examinando esa columna, se aprecia que 73 países pobres, la mayoría de ellos las más pobres del mundo, se verán beneficiados con la aplicación de una escala mínima que les permitirá con toda seguridad afrontar sus compromisos financieros con la Organización.

Reitero, pues, que, estimando como razón de justicia la aplicación de esa escala que va a favorecer a un sinnúmero de países pobres, estamos de acuerdo en votar a favor de la columna del centro.

No quisiéramos terminar nuestra intervención de este momento sin agradecer a la Secretaría el trabajo realizado - que ha llevado a efecto de una manera tan eficiente y rápida - que le pedimos a última hora del viernes y que en pocos minutos nos brindó esta información muy útil, que nos permite a todos saber qué decisión habremos de tomar.

Z. SZEDLACSKO (Hungary): After considering the relevant documents, the delegation of Hungary has come to the following standpoint. Since the FAO Conference at its Eighth Session in 1955 decided by Resolution 42/55 that the FAO scale of contributions would be derived directly from the United Nations scale of assessments in most cases the FAO scales of contributions were in line with the United Nations scales; and furthermore the periods covered by the United Nations scales were in conformity with the periods covered by the FAO scales. The draft resolution proposed in document C 77/LIM/15-Rev.2 is not completely in line with the purposes and spirit of the above-mentioned practice and resolution.

My delegation believes that the FAO scale of contributions for the years 1978-79 should be derived from the United Nations scale recommended by the Fifth Committee of the General Assembly in December, and not from a United Nations scale which was proposed before the present General Assembly Session.

The delegation of Hungary, bearing in mind the advantages of the new United Nations scale for the least developed countries, too, supports the adoption of a draft resolution in which the FAO scale of contributions for the years of 1978-79 is based on the United Nations scale recommended by the Fifth Committee of the General Assembly of 24 October 1977 and as it is in the document C 77/LIM/47 Appendix A in the centre column.

CHAIRMAN: Before I call on the next speaker may I remind you that I have also called for speakers who will be taking different views from those which we have just heard; both speakers hitherto have spoken for the centre column.

J, GARCIA E,(El Salvador): Nuestra delegación apoya la escala propuesta en la columna central, B, para el período 1978-79, según lo recomendado por la Quinta comisión de la Asamblea General de las Naciones Unidas.

Contamos con los antecedentes de lo ocurrido en los años 55, 57, 61 y 73 para el establecimiento de la escala de cuotas en que la Conferencia decidió que la misma, para los bienios sucesivos, se basaba en la escala de cuotas de las Naciones Unidas para los años civiles siguientes a los períodos de sesiones de la Conferencia: 1956, 58, 62 y 74.

Esto permitiría incorporar a la escala de cuotas actuales los cambios importantes que se reflejan en las nuevas escalas de las Naciones Unidas.

La analogía que se presenta en el caso de hoy es convincente y por ello damos nuestro apoyo para la escala de cuotas que ha de regir durante 1978-79 a la figurada en la columna central B.

CHAIRMAN: Could I appeal to delegates: we want as wide an expression of opinion as possible. Could I appeal to you to use the utmost brevity in expressing your views. We do not need a lot of advocacy any more; we need to move towards a decision.

M.A. BENDJENNA (Algerie): La délégation algérienne joint sa voix à celle des délégations qui l'ont précédée pour considérer qu'il serait utile, à ce stade, de tenir compte du barème recommandé par la cinquième Commission des Nations Unies, En conséquence, ma délégation appuie l'application du barème figurant dans la colonne du milieu du document C 77/LIM/47.

I. MOSKOVITS (Malta): I thank the delegation of Cuba very much for their speech which I fully support.

T. HAYAKAWA (Japan): Briefly, the delegation of Japan prefers the figures appearing in the first column, column A.

B. SAMANEZ CONCHA (Perú): Se propone que la escala de cuotas a aplicar para el próximo bienio en la Organización sea la recomendada y aprobada por la quinta comisión de las Naciones Unidas, por la que se establecen cuotas mínimas para los países más pobres y cuotas tope para algunos países desarrollados, y la diferencia sea prorrateada entre los demás países, tanto desarrollados como en vías de desarrollo.

Al hacer un análisis del documento C 77/LIM/47, vemos que, aplicando la nueva escala de cuotas propuesta por la Comisión de las Naciones Unidas, y que sería aprobada en diciembre por la Comisión Plenaria de las Naciones Unidas, cinco países pobres o en vías de desarrollo, como son Argentina, Brasil, México, Perú y Yugoslavia, incrementarían su aportación con relación a si la cuota fuera calculada con la escala actualmente vigente.

Si nosotros, para el caso concreto de Perú, aplicamos el coeficiente que ha servido de cálculo, vemos que la escala de cuotas sería 0,0742 y no 0,08.

Mi país, como es conocido, atraviesa por un momento difícil en su balanza de pagos y va a ser muy difícil que pueda cumplir con este incremento, si calculamos que cada punto de la escala representa aproximadamente 21 000 dólares con la nueva escala de cuotas propuesta. Quisiera que constara esto en el acta y sobre todo la dificultad que va a tener que afrontar mi país para cubrir su cuota, caso de que la mayoría se pronuncie, como lo viene haciendo, por la aplicación de la cuota en base a la recomendación de la V Comisión de las Naciones Unidas.

J. DE LA CRUZ HERNANDES R. (Honduras): Mi delegación apoya firmemente la escala que aparece en el documento C 77/LIM/47, punto(b), y que fue propuesta por la delegación de Cuba.

J.L. TOFFIN (France): Ma délégation aimerait faire des réserves en ce qui concerne la modification du barème de référence et l'application du barème recommandé par la cinquième Commission. Ce changement allège peut-être la charge de certains pays, mais il aurait pour effet d'en pénaliser certains autres, dont la France, dont la contribution au lieu d'être réduite à 6,98 pour cent, comme il est prévu selon le calcul de l'Assemblée générale des Nations Unies en 1975, serait relevée à 7,20. Je suis donc obligé de dire que si la majorité se prononce en faveur d'une modification du barème prévu et de l'adoption du barème proposé par la cinquième Commission, je ne pourrai pas m'associer au consensus qui se dégagerait dans ce sens.

A. LOUCA (Cyprus): We have studied the document C 77/LIM/47 and for the reasons which have been expressed by the delegate of Cuba, mainly because more than 70 countries will benefit from the new scale, my delegation supports that the scale of contributions should be based upon the United Nations revised scale of assessment for 1978/79 as recommended by the Fifth Committee of the General Assembly of the United Nations. Therefore my delegation supports the view that the scale of contribution for FAO for 1978/79 should be based on the central column of document C 77/LIM/47.

RAMADHAR (India): My delegation supports the central column of appendix A of document C 77/LIM/47 as recommended by the Fifth Committee of the General Assembly of the United Nations.

E. SAENZ (Colombia): Nuestra delegación ha hecho un análisis completo del documento C 77/LIM/47 y estamos de acuerdo que se tome como cuota la escala(b) para el bienio 1978/79. Hemos apreciado que con esta escala son 73 países pobres los que se benefician y un total de 84. A pesar de que en nuestro país, Colombia, no tiene ninguna alteración en ninguna de las cuotas, queremos que esto tenga su importancia y que se determine y que sea esta escala la que se tenga en cuenta.

CHAIRMAN: Before I call the next speaker I would like to draw the attention of the Commission to the fact that as the discussion is going at present we seem to be moving very fast towards a consensus or at least a strong majority view that column B, the centre column in appendix A of C 77/LIM/47 should be adopted. Now if possible I want to move as quickly forward to a consensus if I can, if there is a consensus to be established. So what I would like to do once again is urge those who have reservations to express on a proposal which seems to be reflecting a very large majority behind it to come forward soon and express those reservations.

P. MASUD (Pakistan): I would not like to do anything to disturb the consensus that is building up but nonetheless I would like to point out that Pakistan is perhaps one of the very few developing countries which has to pay more, according to the central column, than as compared to the scale given in column A. I would like to know from the Secretariat what are the reasons for this. After all, if we are a developing country we should be treated like the other developing countries and according to this scale all of them have to pay less. Why has Pakistan to pay more?

CHAIRMAN: I take it you will not come down one way or the other as regards to the scale until you have had the explanation and so perhaps with the permission of the Conference I could ask for Mr. Smith to give a reply to that question right away then if desired I will call the delegate of Pakistan once more.

W.A. SMITH (FAO Staff): This scale, of course, is based on the United Nations scales, these scales before you, so I must in response refer to the scales of the United Nations. For the 1974/76 biennium the assessment of Pakistan was 0.14 percent. Based on the scale for 1977 in the United Nations the assessment rate for Pakistan was 0.06. In the scale proposed to the General Assembly by the Fifth Committee the assessment for Pakistan has moved ahead from 0.06 in 1976 to 0.07 in 1977. The underlying statistical reason for this increase is known only to the United Nations committee on contributions but mathematically it derives from the increase there. That is why Pakistan appears to go up.

P. MASUD (Pakistan): According to the document which I have C 77/LIM/47, according to the United Nations scale for 1975 to 1977, United Nations scale 75 Pakistan was to pay 0.18 and according to the scale 1978/79, the United Nations scale 77 Pakistan has to pay 0.07. I wonder where the Secretariat has got the figure 0.06 from?

CHAIRMAN: I hope the Commission can try to avoid discussion of individual quotas, as it were but once again, with the permission of the Commission, I will ask Mr. Smith whether he can respond to this and give the floor once more to the delegate of Pakistan but then we shall have to close the discussion on the position of Pakistan.

W.A. SMITH (FAO Staff): The figure of 0.06 percent that I referred to is the United Nations rate of assessment for Pakistan for the year 1977. As I explained on Friday there is a difference in membership between the two Organizations, a coefficient to allow for that has to be applied and in applying the coefficient to Pakistan on the basis of 0.06 percent that becomes 0.07 percent if the FAO scale were based on UN 77. So the 0.06 is the United Nations rate for Pakistan for 1976. I believe that was the question.

CHAIRMAN: I will call on the delegate of Pakistan once more and then I would be very grateful if he would give an indication now as to whether he comes down in favour of adopting for the whole membership the centre scale or the left-hand scale.

P. MASUD (Pakistan): Since a larger number of countries stand to benefit by the adopting of the centre scale my delegation would also go along with this but nonetheless I would like to take this opportunity of requesting the Secretariat to give a more detailed explanation later on as to how this has been worked out because coefficients are not quite clear to me.

CHAIRMAN: Certainly I am sure the Secretariat will respond to what you wish and if you wish to consider putting something in the report no doubt that will be considered too.

Sra. M. IVANKOVICH de AROSEMENA (Panama): Mi delegación ha estudiado detenidamente el documento sobre las escalas de cuotas presentado por la secretaría. Aunque la nueva escala de cuotas no beneficia particularmente a mi país, pues se mantiene el mismo promedio de 0,02, mi delegación apoya el establecimiento de la escala de cuotas contenida en la columna central del documento C 77/LIM/47 para los años 1978 y 1979, como lo recomienda la V Comisión de las Naciones Unidas, pues beneficia a un sinnúmero de países en vías de desarrollo.

J.O. ALABI (Nigeria): We have examined document C 77/LIM/47. My delegation is in favour of the centre scale shown in the centre column of the said Appendix A.

A. OULD HAMZA (Mauritania): Ma délégation se prononce en faveur de la deuxième colonne, telle qu'elle est recommandée par la cinquième Commission. Cela pourrait en effet aider les pays les plus pauvres se trouvant dans une situation difficile sur le plan agricole dans bien des pays du monde.

J.E.J. RODRIGO (Sri Lanka): You must pardon me if I predict an entirely new line of thought. Sri Lanka would neither gain nor lose by the adoption of the middle scale as indicated in the middle row. But there are to my mind certain other considerations which I think we should consider. In the first place I am very chary and reluctant to accept something which I don't understand. Everybody, or most of us, don't understand this coefficient, and if we don't understand this coefficient I don't know how we are going to accept these schemes. On the other hand, I appreciate that this matter is being considered by the UN General Assembly Fifth Committee. It would appear that they understand the coefficient. It would appear that our delegations working on that Committee do understand this coefficient. May I, therefore, as a middle line predict this line of thought; that we await the decision of the UN General Assembly on the 14th of November and accept their scales of recommendations. Thank you.

CHAIRMAN: Of course one has to bear in mind it is before the General Assembly has made its decision. But I think you have come down on the side of those who think that when the time comes for the General Assembly to accept that new line then the scale for FAO should be based on that new calculation and not on the one that exists at present as approved at the last General Assembly. So Distinguished Delegate of Sri Lanka, I am going to put you down among those in favour of the centre column.

L. LACORTE (Venezuela): La mayoría de las naciones representadas que estuvieron en la V Comisión de las Naciones Unidas estuvieron de acuerdo en recomendar una escala de cuotas para las Naciones Unidas. Entre estas naciones se encontraba Venezuela. Por lo tanto, tanto acá en la FAO como en las Naciones Unidas, manifestamos nuestro apoyo a la escala que es consecuencia de las recomendaciones que se hicieron en las Naciones Unidas.

Mrs. P.F.M. van der TOGT (Netherlands): Mr. Chairman, the normal procedure in FAO is to follow the UN scale of assessment in force at the moment. Although my delegation accepts if the Conference decides to divert from this principle, we have no objection to the scale of assessment based on that proposed and accepted in the Fifth Committee of the United Nations. I want to add, however, that for reasons that I will not mention here the Netherlands were absent when the United Nations scale of assessments were voted upon.

M.S. ZEHNI (Libya) (interpretation from Arabic): My delegation would like to support the adoption of the centre column as regards contributions of Member States to this Organization.

S. AIDARÀ (Sénégal): La délégation sénégalaise a étudié avec beaucoup, d'intérêt le document C 77/LIM/47 et comme beaucoup d'autre pays, compte tenu de certains facteurs que ma délégation a dû considérer, mon pays s'aligne sur le barème 78/79 tel qu'il est recommandé par la cinquième Commission de l'Assemblée générale des Nations Unies.

N. AL-SALEH (Saudi Arabia) (interpretation from Arabic): After studying the document before us and considering that scale b/ would benefit about 73 countries, in spite of the fact that the contribution of Saudi Arabia has substantially increased to about 4 times of what it was. In spite of all these facts we support scale b/ because it is in the interest of all nations and in the interest of all Member Countries.

CHAIRMAN: I think this more or less brings our discussion to an end. We have a decision quorum here, I would estimate that - in fact I know - that 20 speakers have spoken in favour of adopting the centre scale in C 77/LIM/47 Appendix A. Most on the ground that this would benefit those most in need. On the basis of the speakers we have heard I don't think the Commission will disagree with me that we do have a consensus in favour of that solution. Although it will be noted that certain delegations, notably the delegation of France, have found it necessary to make reservations or comments. Those comments, of course, will be suitably noted in the report, and if the Commission is agreed we will record in our Report that the consensus is as I have indicated. Now this means, of course - and here I want to ask the Secretariat to make a brief statement - this means, I think, that we shall need to have a re-draft of the resolution. Would I be right about this, Mr. Scoufis? That re-draft of the resolution, which would be broadly on the same lines as the present draft and will appear in the draft report and you will have an opportunity of looking at it accordingly.

We have no time to take the second item, which you will recall, concerns the item on the Phytosanitary Convention amendments thereto... The Distinguished Delegate of Norway wishes to speak.

A. LØCHEN (Norway): Just a question. Since the centre column is not yet approved by the Plenary of the United Nations we must be very careful how we word our Resolution and the Report. I just want to call attention to that question. I don't know if you can resolve it yourself, Mr. Chairman, you are always very able in solving such questions and I would like to hear your reaction to this.

CHAIRMAN: I think all of us agree, including those responsible in the Secretariat for drafting of resolutions, it will require very great care. I can only add that in the past there have been precedents for drafting that kind of resolution which, in effect, is anticipatory of decisions taken elsewhere. What we do know - at least what we can be reasonably certain of - is that United Nations Plenary will take its decision well in advance of January 1 next. On which basis I think it will be quite easy to follow those previous precedents, which I do recall generally, and to present to the Commission a resolution which will hold water in every respect.

W.A. SMITH (FAO Staff): The Conference may if it wishes determine the scale on the basis of that as approved by the Fifth Committee and if we were to await the General Assembly's decision it would have other ramifications on putting out contribution letters and draft resolutions we had in mind required the Conference adopting the scale as approved by the Committee.

CHAIRMAN: Perhaps the Commission will note an indication of what they can expect to see in the draft report and we can then see if that is the right way to do it when we come to the draft report.

As regards the second item which we were to have dealt with this morning - Phytosanitary Convention item, I am asked to announce that we shall take it up this afternoon in our afternoon session after the adoption of part 3 of the report. Now may I recall two things. The first is that the Commission will meet in the Plenary Hall here this afternoon to take part 3 of the report, and thereafter the amendments to the International Plant Protection Convention. May I please impress on all delegates the need to provide us with a discussion quorum so that we can start our work on time. These things depend on you and we need a discussion quorum, and we shall need a decision quorum for this afternoon, too. I would like to thank you for your very great cooperation this morning in helping us to get through one important item in such a short time.

M.A. BENDJENNA (Algerie): Je m'excuse de reprendre la parole à ce stade de la discussion, mais ma délégation voudrait apporter une contribution en ce qui concerne le projet de Résolution qui doit être soumis à notre Conférence.

Ma délégation estime que la Conférence devrait donner mandat au Directeur général de notre Organisation pour appliquer le barème qui serait décidé par l'Assemblée générale vers la mi-décembre ou la fin décembre.

CHAIRMAN: Thank you very much, delegate for Algeria. I can promise you that will be noted very closely by the drafters.

R. CONTRERAS CORTES'(España): Deseo unicamente apoyar la propuesta que acaba de hacer el distinguido representante de Argelia, ya que en la cotización de mi país existe una diferencia del 50 por ciento respecto de la escala anterior.

Hay que estar, por lo tanto, bien seguros de que vamos a adoptar realmente la escala de las Naciones Unidas.

CHAIRMAN: With those remarks I bring this session of the Third Commission to a close.

The meeting rose at 10.30 hours

La séance est levée à 10 h 30

Se levanta la sesión a las 10.30 horas

council

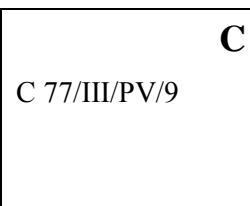
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**Nineteenth Session
COMMISSION III**

**Dix-neuvième session
COMMISSION III**

**19° periodo de sesiones
COMISIÓN III**

NINTH MEETING
NEUVIEME SEANCE
NOVENA SESION

(28 November 1977)

The Ninth Meeting was opened at 15.00 hours

S. Boolell, Chairman of Commission III, presiding

La neuvième seance est ouverte à 15 heures, sous la présidence de

S. Boolell, President de la Commission III

Se abre la novena sesión a las 15.00 horas, bajo la presidencia de

S. Boolell, Presidente de la Comisión II

ADOPTION OF REPORT

ADOPTION DU RAPPORT

APROBACIÓN DEL INFORME

DRAFT REPORT OF COMMISSION III - PART 3

PROJET DE RAPPORT DE LA COMMISSION III - TROISIEME PARTIE

PROYECTO DE INFORME DE LA CÖMISION III - PARTE 3

CHAIRMAN: I am sorry not to have been present this morning, and I thank Mr. Landymore of the United Kingdom delegation who held the fort in my absence this morning. In this afternoon's meeting we have the adoption of the Report, Part III. The relevant document is C 77/III/REP/3. I will give the floor to the Rapporteur to introduce this document.

P. MASUD (Chairman Drafting Committee): In view of the large measure of agreement on the issues under consideration today, the Third Part of the Report of Commission III is short and self-explanatory.

CHAIRMAN: We will take it paragraph by paragraph as we did last time.

PARAGRAPHS 1-4

PARAGRAPHES 1 à 4

PÁRRAFOS 1 à 4

O.O. SOMORIN (Nigeria): I think I have to say something about Paragraph 2. Inasmuch as my delegation agrees with every portion of it, I would just say by way of advice that in paragraph 2 the following should be omitted. The sentence starts with "The Council has accordingly agreed to recommend that the Conference should provide for the eligibility of the Director-General for re-appointment ..." and at that stage it says, "without limitation on number or variation in length of terms". I think that should be expunged and continue thus, "and that the procedure for the nomination and selection of the Director-General in the Conference should remain unchanged".

P. MASUD (Chairman Drafting Committee): This sentence starts with the words "The Council" and what follows is exactly what the Council decided. Therefore I think it would not be right to change it at this **stage**, because the Council did decide this and what is stated has been lifted almost word for word from the proceedings of the Council.

CHAIRMAN: I take it that the reply satisfies the delegation of Nigeria and that everybody agrees that **we** should retain this phrase.

Paragraphs 1 to 4, including Resolution, adopted

Les paragraphes 1 à 4, y compris la résolution, sont adoptés

Los párrafos 1 a 4, incluida la Resolución, son aprobados

Paragraphs 5 to 7, including Resolution, adopted

Les paragraphes 5 à 7, y compris la résolution, sont adoptés

Los párrafos 5 a 7, incluida la Resolución, son aprobados

Paragraphs 8 and 9, including Resolution, adopted

Les paragraphes 8 et 9, y **compris la** résolution, sont adoptés

Los párrafos 8 y 9, incluida la Resolución, son aprobados

Paragraph 10, approved

Le paragraphe 10 est approuvé

El párrafo 10 es aprobado

Paragraphs 11 to 14, approved

Les paragraphes 11 à 14 sont approuvés

Los párrafos 11 a 14, son aprobados

PARAGRAPHS 15 and 16

PARAGRAPHES 15 et 16

PÁRRAFOS 15 y 16

E. DIAZ BUSTABAD (Cuba): Con respecto al párrafo 16, desearía plantear una pequeña cuestión que creo se debe a la traducción al español.

En las dos primeras líneas del párrafo 16, se dice: "Se informo a la Conferencia de que el Acuerdo había de ser aprobado aun por la Junta Ejecutiva del FIDA, una vez que el Fondo empezara a existir," Esta expresión "empezara a existir" nos parece que no es la más apropiada. Consideramos que sería mejor que se dijera: "una vez que el Fondo comenzara a funcionar."

CHAIRMAN: I do not think anyone has any objection. It is accepted. So we adopt paragraph 16 with the amendment suggested by the delegation of Cuba.

Paragraphs 15 and 16, as amended, approved

Les paragraphes 15 et 16, ainsi amendés, sont approuvés

Los párrafos 15 y 16, así enmendados, son aprobados

PARAGRAPHS 17 to 19

PARAGRAPHES 17 à 19

PÁRRAFOS 17 a 19

Ms YU PING (China) (interpretation from Chinese): The Chinese delegation has noted the reference to the Chinese delegation's statement in paragraph 18, Rep 3. But I want to make it clear that the original wording of the statement is "some groups or personnel controlled by the Chiang Kai Shek clique entrenched in Taiwan", not "some groups and individuals controlled by the regime entrenched in Taiwan" as in the present paragraph 18, line 3. Therefore, the Chinese delegation requests that the original wording of the statement be used in paragraph 18, Rep 3.

P. MASUD (Chairman, Drafting Committee): The observation has been noted. The needful will be done and the amendment made according to the original wording of the statement.

CHAIRMAN: I hope that this satisfies the delegation of China.

Paragraphs 17 to 19, as amended, approved

Les paragraphes 17 à 19, ainsi amendés, sont approuvés

Los párrafos 17 a 19, así enmendados, son aprobados

Paragraphs 20 and 21, including resolution, adopted

Les paragraphes 20 et 21, y compris la résolution, sont adoptés

Los párrafos 20 y 21, incluida la resolución, son aprobados

Paragraphs 22 to 28, including resolution, adopted

Les paragraphes 22 à 28, y compris la résolution, sont adoptés

Los párrafos 22 a 28, incluida la resolución, son aprobados

Paragraphs 29 and 30 including resolution, adopted

Les paragraphes 29 à 30, y compris la résolution, sont adoptés

Los párrafos 29 a 30, incluida la resolución, son aprobados

Paragraphs 31 to 33, including resolution, adopted

Les paragraphes 31 à 33, y compris la résolution, sont adoptés

Los párrafos 31 a 33, incluida la resolución, son aprobados

Paragraph 34 is approved

Le paragraphe 34 est approuvé

El párrafo 34 es aprobado

Draft Report of Commission III - Part 3, as amended, was adopted

Le projet de rapport de la Commission III, partie 3, ainsi amendé, est adopté

El proyecto de informe de la Comisión III, Parte 3, así enmendado, es aprobado

PART III - CONSTITUTIONAL AND ADMINISTRATIVE MATTERS (continued)

TROISIEME PARTIE - QUESTIONS CONSTITUTIONNELLES ET

ADMINISTRATIVES (suite)

PÂRT III - ASUNTOS CONSTITUCIONALES Y ADMINISTRATIVOS

(continuación)

A. Constitutional and Legal Matters (continued)

A. Questions constitutionnelles et juridiques (suite)

A. Asuntos constitucionales y jurídicos (continuación)

20. Other Constitutional and Legal Questions (continued)

20. Autres questions constitutionnelles et juridiques (suite)

20. Otras cuestiones constitucionales y jurídicas (continuación)

20.4 Amendments to Conventions concluded under Article XIV of the FAO Constitution (continued)

20.4 Amendements aux conventions conclues en vertu de l'Article XIV de l'Acte constitutif de la FAO (suite)

20.4 Enmiendas a los Convenios concluidos en virtud del Artículo XIV de la Constitución de la FAO (continuación)

- International Plant Protection Convention (continued)

- Convention internationale pour la protection des végétaux (suite)

- Convención Internacional de Protección Fitosanitaria (continuación)

CHAIRMAN: We now turn to item 20.4, We will resume our discussion on that. Before doing so I will summarize the position as it is up to now.

According to the notes which we took - I must say that this may not be quite complete but this is the best we could do - the following summary of the debate may be appropriate and perhaps help to conclude this item. There were two phases in the discussion, Friday morning and Friday afternoon. In the morning ten delegations were in favour of approving the amendments as proposed by government consultation with editorial improvements of the CCLM. About eight delegations expressed reservations on the definition of "quarantine pests" in Article II, second half of paragraph 2; one on the new model certificates, particularly the phytosanitary certificate; and one on the certificate of re-export. Two delegations thought that two provisions which have not been amended should have been amended.

Six delegations did not agree with the CCLM's conclusion that the revised text did not involve new obligations for contracting parties. That is what took place on the morning of Friday.

In the afternoon, as you all remember, the Secretariat submitted some possible modifications to Article II and the phytosanitary certificate, in an attempt to meet reservations expressed by delegations in the morning. Some of these delegations were satisfied while a few did not find the modifications were sufficient. Several delegations who had been willing to approve the amendments as originally submitted were not in a position to accept the modifications submitted by the Secretariat without consulting their governments. Towards the end five or six delegations proposed that the decision on approving the amendment be deferred to the next Session of the Conference. While four were opposed to postponement. According to our notes, 25 delegations participated in the debate; some spoke more than once, which is normal. This is considerably less than the number of countries who participated in the Governmental Consultation and reached, for all practical purposes, a consensus on the proposed revision.

So this was the position until Friday afternoon when we adjourned our work. Now, where do we go from here? What do we do now? As you know, time is very short and we have to reach a decision because it is an issue to which 77 contracting parties certainly attach great importance. There are three courses open to us.

First, the Commission could decide whether it would be desirable to go ahead with the approval of the text or follow the suggestion made by some delegates that a decision on approval be postponed to the next Session; and if so, what action should be taken in the meantime. So the first thing we have to decide is whether we take a decision on the text or we make a recommendation to the Conference that it should be postponed to the next Conference. Secondly, if the Commission feels that a decision on the revised provisions should be taken, we should know what text is to be approved. I am informed that the Secretariat does not wish to pursue the tentative proposals it put forward on Friday afternoon since no consensus has been achieved, with one exception. The clarification in the phytosanitary certificate about the inspection of representative samples of consignments seems to have been welcomed by all delegations who took the floor on the subject. Accordingly, with this minor modification the text submitted for approval should be as submitted in document C 77/LIM/26.

Thirdly, a decision needs to be taken on the question of whether the revision involves new obligations for contracting parties. For the reasons explained by the CCLM it was for the Conference to decide on this, so that the procedure for the coming into force is clear for all contracting parties and for the Director-General who has to exercise depository functions regarding this Convention.

I have tried to summarize the position as briefly as possible as it existed on the afternoon of Friday and then I have raised three courses of action. One is whether to take a decision or to have it postponed to the next Conference; and second, what do we do in the meantime? I also pointed out that one modification about the Phytosanitary Certificate meets with the approval of practically everybody who took the floor. Thirdly, the Secretariat had submitted certain amendments to meet the points raised by some delegations. Now they cease to pursue the matter.

There is also the question of obligations for contracting parties. It is now open - we still have some time - for the floor to express its views and in the light of the views expressed we shall have to take some decision before we part this evening.

B. de AZEVEDO BRITO (Brazil): My delegation is inclined, as we said when we met on Friday, to be rather flexible on this issue. At the same time my delegation is also conscious of the very important considerations raised by a number of delegations during the day. I think your summing up, Sir, is absolutely perfect and reflects the balance of the situation. However, what we have here is not the adoption even of resolution having a recommendatory nature at best. We have here changes of the Convention which is signed by a number of countries, with a number of contracting parties. It is a very substantially different situation from what we usually approve in international meetings. Moreover, this Convention implies, in fact, obligations to States in matters of a very practical nature, whether new or old.

My delegation said- as I mentioned before - on Friday that we were rather flexible on the amendments as they are presented thus far and duly recognize the validity of many of the arguments presented on Friday. At the same time we are very much in favour of considering new obligations, the kind of amendments that have been proposed to us. The simple fact that the scope of the Convention will be substantially enlarged would seem to suggest that there are new obligations. Therefore in the event that we approve the amendments, most probably we will approve also the clause of new obligations. That would mean that once there is entry into force with two-thirds acceptance, you will have most probably a kind of dual system which will be in this case quite confusing and difficult in actual operations of sanitary control.

I did not make a motion on Friday; I do not again make a formal motion today but I am very much inclined to believe - without really taking a position on the amendment, the new suggestion made - that it might be the most prudent and most cautious procedure to allow some time so that governments can review the situation in the light of the comments made. For instance, again, I tried to contact my own authorities this past weekend and it was hopeless for the simple reason that it was the weekend and because of the difference in time. So I have not been able to convey the very important point raised by the delegate of Australia in our deliberations.

We therefore have a feeling in our delegation that perhaps it is not a matter of urgency and I would ask again, as I did on Friday: is there any essential harm done if we delay action, or not? I did not get any reply to that. In the light of that I would be inclined to believe that we should perhaps be very careful and consider before taking a step which we might regret later on. I do not make a formal proposal for postponing decision because it is quite a serious question and we would like to hear what other delegations feel. We are quite open but at the same time we believe in dialogue and we feel that arguments made on Friday were very considerable in nature. The simple fact that the Secretariat put in amendments and withdrew them shows how shaky the situation is. I do not even have the exact words of the amendment to the draft Phytosanitary Certificate so I will be approving, in my case, something that my authorities do not know; and we are obliged to prepare these certificates from time to time. So it is very difficult and perhaps a bit unfair to press at this stage for an approval of the amendments.

To sum up, we are very inclined to believe - without making a formal proposal - that the wisest move at this stage is not to take action. And I repeat: this is not a simple resolution, a simple report; it is amendments to a Convention with a number of contracting parties.

B.E. MATAMOROS HUECK (Nicaragua): Ante todo, deseo felicitarle a usted por el magnífico resumen que hizo de la reunión del viernes. Eso, señor Presidente, es un estímulo para las delegaciones para tra-tar de ver en qué forma podemos responder a los planteamientos que usted nos ha hecho. Usted, señor Presidente, ha sugerido tres posibles alternativas: la primera, la aprobación del texto del Convenio o el rechazo del mismo con carácter temporal para ulteriores reflexiones o discusiones sobre dicho Con-venio; en segundo lugar, qué texto sería posible adoptar, y tercero, como usted dijo, las nuevas obliga-ciones que surgen de parte de este Convenio.

De estas tres hipótesis, mi delegación desea hacer algunos comentarios. Nosotros, en líneas generales, deseáramos que la aprobación de este Convenio fuera pospuesta, ya que mi delegación no tiene los sufi-cientes elementos de juicio ni la base técnica necesaria para pronunciarse en relación con las nuevas obligaciones que, a nuestro criterio, surgen en los aspectos formales del Convenio al adoptar nuevas disposiciones técnicas. En estas circunstancias, creo solamente en la capacidad de formular una opinión o referéndum sujeto a una ulterior disposición que pudiera tomar mi gobierno en relación con lo que yo expresara, pues, como ha dicho la delegación de Brasil, por razones objetivas, consultas pertinentes no pudieran haber sido hechas durante este fin de semana por obvias razones. Creo también que debemos tomar en consideración otros aspectos, ya que se trata de la aprobación de un Convenio al que han de adherirse los Estados, con el deseo de darle vigencia, y me preocuparía que nosotros pudiéramos llegar a tomar una decisión apresurada y que el Convenio en sí mismo fuera una letra muerta, porque podríamos estar tomando medidas de carácter técnico que no podríamos implementar suficientemente, y porque hay disposiciones de carácter formal sobre las que los Estados podrían o desean hacer modificaciones.

El procedimiento a seguir sería que el órgano competente de la FAO, me parece que el Comité de Agricul-tura, en relación a los aspectos que se refieren a este Convenio, podría proceder a un ulterior estudio en su próximo período de sesiones de los problemas de los productos básicos. Posteriormente creo que los Estados ya estarían maduros, pues habrán podido apreciar todas sus explicaciones de carácter técni-co y jurídico para su definitiva aprobación en la próxima Conferencia de la FAO.

E.D. LETTS (Australia): Without going back into any detail, the Australian delegations' concerns would have been largely met if one single page, the form of the existing model certificate which is annexed to the Convention, had been retained. Now in an effort to see whether there was an alternative route out of the impasse we have spoken to other delegations and taken counsel on the home front. Those soundings have led us to conclude that the several approaches which you have outlined, Mr. Chairman, the idea of taking the text in toto and approving it, the one of inserting amendments and any other items, such as the new thoughts that have been put forward on other articles of the Convention, I think Article VI and I think most importantly Article IX by several delegations, are such that they are not simply subtle refinements of a position of general agreement but rather a reflection of certain fundamental differences which appear incapable of resolution here and now in the short period at our disposal.

Let me say that this does not lead us to a pessimistic conclusion. On Friday the Legal Counsel expressed some pessimism on the success of the Secretariat's rescue efforts. In fairness to him and his colleagues I think it emerges from our later discussions with other members that the Secretariat's efforts were much closer to a solution to some of the main problems than the Secretariat itself dared to hope but this is an important matter and something which most would agree cannot be resolved off the cuff. That very fact lead the delegate of Brazil to put the position I think quite succinctly that the time was not right and that the IPPC item might be deferred to allow mature consideration in member countries.

Discussions with a broad cross section of delegations since the Friday meeting have led to some thoughts which I hope will be seen as a positive approach. We want to avoid losing completely the impetus to improve the Convention. Therefore, we put forward two thoughts which may be alternative or they may be both obtainable. The first is that the Secretariat might be able to circulate member countries with a memo that highlights the alternatives and draws to attention the issues raised at this Conference. Instead of the expense of calling a new consultation, which as we saw was rather poorly attended last time, in any case this method might keep the matter alive and kicking and help it to come to the attention of all those government bodies in member countries who need to know. This might stimulate comment which could be invited by a given deadline. The second thought was that rather than wait two years for an opportunity to discuss the Convention in the FAO we would see it as useful if an appropriate committee, I think the previous delegate has mentioned the Committee for Agriculture, there may be other bodies that could be appropriate, some aspects may be of interest to the Committee on Commodity Problems for instance, an appropriate committee could have it as an agenda item for its next meeting.

Now if anyone says to me that those are not expert committees on plant protection that may be so but it has become clear that more than one field of expert knowledge is involved in this problem. At least that way we would have occasion for resolving points in advance of the biennial conference.

Mr. Chairman, if you need a formal motion I would certainly be prepared to move that we report to the Conference Plenary in those terms but that is chiefly for informal consideration and further discussion at an appropriate meeting before the next biennial conference.

A. LØCHEN (Norway): My delegation is very happy with the flexible position taken by the delegate of Brazil in this important matter.

What do we have here? We have a situation where the contracting parties of the International Plant Protection Convention have assembled and drafted a new text and to come into effect it has to be approved by the FAO Conference. This text is long overdue. All the arguments that have been presented in Commission III against the present text, present draft text, which is a compromise text, were also presented in the government consultation. They were evaluated there and, as I said, a compromise was reached.

My delegation would recommend that the draft amendment be approved with the slight amendment which the Legal Counsel, or the Secretariat, I understand still proposes in the certificate and I hope that we can reach an agreement on this in the Commission so that we can make a clear recommendation to the Plenary.

J.W, CURRIE (Canada): In your summing up I am not too certain which side of the fence you place Canada, possibly on the middle. I think it is appropriate at this time that we make our position a little bit more clear. We have been one of the most concerned countries since, I believe, 1969 for having the Convention amended. A lot of work has gone into the proposal before us. A lot of time has been spent; experts have met in inter-governmental consultations; other discussions have been carried out with FAO to try and reach the best possible amendments to the Convention. None of us, or probably none of us, are 100 percent satisfied with what we have in front of us. We have, however, in front of us a compromise document which was approved one year ago by a large number of members of FAO. My instructions are fairly flexible on this subject. We have had our reservations, I mentioned them on Friday. The Secretariat has been able to accommodate our concerns. Consequently we are prepared to accept what is in front of us, with the one change in the certificate. I realize that a large number of countries here find difficulty either with the wordings or with the legal interpretation of new obligations. I realize that I am skating on thin ice, to use Canadian terminology, when I raise the subject of new obligations so I will speak for ourselves only.

I am confident the FAO representatives at the inter-governmental consultations, when they discussed the amendments to the Convention, when they agreed to the new wordings, were prepared to accept the obligations which came with the new wordings. I do not think that our people at least were concerned whether or not these were new obligations or merely old obligations in new words. What they had done was agreed to what was being put forward to this Conference so I think that without going into the legal niceties we would accept those obligations ipso facto, as we have accepted the changed wordings of the Convention.

There have been proposals put forward by a number of delegations that maybe we should postpone the decision. I am not advocating the postponement of a decision out of fear of what might happen. If we have another inter-governmental consultation we will probably end up with the same document as we have now only with a two or possibly four year delay. I mentioned that we have been trying since 1969, or possibly earlier to change the Convention. Another four years from now, maybe another six years before we get around to something that is agreeable or acceptable, not to the inter-governmental consultation but to all the members who are sitting here at the FAO Conference. If we can afford to look forward to a two, a four, or a six year delay should we really treat this matter as being urgent? Does it matter whether or not we get around to changing it? I think that we should be looking at this matter with some degree of urgency. If delegates cannot agree with what is in front of them then I am enamoured with the proposal made by the Australian delegation, that we should look at this maybe in other fora, with the Secretariat putting forward proposals. We do not have to wait years for another meeting. We can use the postal system. We might be able to use COAG or other bodies but certainly I would feel much better if I knew we were not able to accept this proposal, that we had something, some positive indication, that we could put something forward within two years. If we went beyond two years I think that would be a sad mistake.

M.A. MAKKI (Saudi Arabia) (interpretation from Arabic): The summary which you presented to us was an excellent one and it showed to us quite clearly what happened at the earlier meetings. My delegation is of the opinion that we have to study this question thoroughly and since these amendments do not appear to us to be very urgent and since this proposal is not in contradiction with the systems existing in countries at present, we feel that it is better to defer this question until later. We quite agree with what was said by the delegate of Australia when he proposed the Secretariat should contact governments in order to arrive at a draft text which can be accepted by everybody.

T. HAYAKAWA (Japan): J'ai consulté mon Gouvernement durant le week-end, en particulier en ce qui concerne les nouveaux amendements proposés par le Conseiller juridique, amendements que notre gouvernement déclare pouvoir accepter. Nous avons à l'heure actuelle une petite difficulté en ce qui concerne l'article 5 relatif à l'exportation des végétaux: le décret du Ministère de l'agriculture doit être modifié afin de permettre au Japon d'adapter sa législation à la Convention. Cependant, si la majorité de la Commission se déclare en faveur de la Convention, mon gouvernement s'associera à toutes les autres délégations pour l'accepter.

Ainsi que je l'ai dit à plusieurs reprises, cette convention nous impose une nouvelle obligation de caractère juridique. Je pense que l'article 13, par. 4 doit être appliqué avec plus de vigueur par chaque partie contractante.

G. LIEBER (Germany, Fed. Rep. of) (interpretation from German): Our Commission obviously finds itself in a difficult and rather delicate position. My delegation does not have any solution to offer but I do feel that I have to tell you that during the weekend I had the opportunity of discussing this matter with representatives of the Ministry concerned in my country, especially with regard to the attempt at saving the Convention made by the Legal Counsel. My Government, still, is ready to accept the wording as it is presented to us. The improvements proposed by the Legal Counsel would also be acceptable to us. As far as the amendments to the certificate are concerned the Ministry concerned feels that this would represent a true improvement.

E. DIAZ BUSTABAD (Cuba): Solamente referirme a que en la ultima intervención nuestra expresamos que la posición inicial de nuestro gobierno era apoyar el documento tal y como se había presentado. Dada esta circunstancia que se plantea de hacer enmiendas, nosotros nos vemos imposibilitados de poder manifestar-nos con respecto a la aprobación de estas enmiendas, y por esta razón solicitamos se posponga el tema, como ha sido propuesto por otras delegaciones. De lo que sí quisiéramos que se tomara debida nota es de lo que hemos expresado con respecto a los artículos nueve y once, y que se haga constar en el acta de esta Comisión, sobre todo la segunda intervención, en la que manifestamos claramente la posición de nuestro gobierno.

A. CRUIT (United States of America): My delegation was one of those which on Friday expressed some concern about the proposed Convention. Upon reflection we find that our situation is quite similar to that of Canada. I think it is important to remember that the work of this Convention has proceeded for a number of years. There have been a series of meetings and it would be tragic to waste the time that has been spent on this Convention. My delegation can support the text as it has been proposed, with the modification that was suggested for the certificate -which is actually a clarification. Thank you.

M.R. LEAR (New Zealand): I think over the last few days we have had quite a substantial discussion on the Convention and the proposed amendments to it. I think it is fairly obvious, Mr. Chairman, that there are quite a substantial number of countries, covering a fairly wide cross-section of viewpoints - developing countries and developed countries, countries from different- regions, countries which are exporters of plants and plant products and countries which are importers who have some difficulties with the amendments as suggested by the Government Consultation. I think it is obvious that most of the problems have centred around the new model phytosanitary certificate suggested. I think it also has become obvious to us that we cannot tamper with the wording now. We cannot reach agreement, consensus now, on the type of wording that it should have, particularly for the Certificate. It seems to us, therefore, that in the meantime, until we can reach some consensus that it would be preferable to retain the old Certificate which has worked well for a number of years. I would support, therefore, the proposal of the delegate of Brazil, and the motion of Australia to defer a final decision on the Convention and the new Certificate until the next Conference, With the proviso that -as suggested by the delegate of Australia- we have this particular matter as an agenda item for the next COAG meeting, or the next scheduled meeting of the Committee of Commodity Problems, whichever is thought to be the most appropriate body to deal with this, and we can there discuss the problems. This will give governments time to consider in detail all the implications of the proposed amendments and to work on reaching some sort of compromise and consensus. And then for the COAG. or the CCP, whichever body, or both, discusses the Convention, to then refer the Convention with their recommendations to the next Conference for the final decision. I think in this way the impetus is maintained. As a number of countries have stated it would be a shame -and I agree fully- it would be a shame if the good work done at Government Consultation lapsed, if it didn't go any further. I think the suggestion of Australia and Brazil is a good way round the problem. It means that the small problem - there is after all only limited disagreement I think there is broad consensus that at the Convention as modified on Friday, the Convention itself is acceptable now to everyone and the only problem we have now, in effect, is the wording of the model phytosanitary certificate, and this I don't think will prove an insurmountable problem. I think, therefore, at the next session of COAG, or CCP, this can be fairly readily resolved and then referred to the next session of the Conference for final decision. To repeat I do not believe that there is any particular rush. There is no particular urgency to resolve this problem. It should be resolved in the fulness of time with consensus. After all, in the meantime we are not going to be left with a void, a vacuum, we are not going to be left without a Convention. All that is going to happen is that for another year, perhaps, the old Convention, and the old Certificate -which has worked well for many, many years- will be retained. I think, Mr. Chairman, that is all that I wish to say at this time. In effect, I wish to second the proposal of the delegate of Australia that this problem be referred for discussion at the next meeting of COAG or the CCP, and their recommendation be passed on to the next Conference for final decision. Thank you.

M.A. BENDJENNA (Algérie): C'est la première fois que ma délégation prend la parole sur cette question, et ceci pour deux raisons. Tout d'abord, notre pays n'est pas partie à cette Convention. En deuxième lieu, nous n'avons pas participé à la consultation intergouvernementale. Nous tenons cependant à souligner que le gouvernement algérien, lors de son adhésion, envisagera de nombreuses réserves, notamment aux articles 9 et 11.

Enfin, nous estimons qu'une convention, pour être révisée, doit l'être par les Etats parties à cette convention et que les amendements doivent explicitement être acceptés par lesdites parties contractantes ou par une Assemblée plénière des parties.

G.K. GRAHAM (Papua New Guinea): May I congratulate you for your succinct summary of Friday's meeting. Originally my delegation inclined to the acceptance of the Convention, subject to the deletion of paragraph 2 of Article II. We were prepared to accept subsequent amendment to that as suggested by the Secretariat but also we wish to retain the present model phytosanitary certificate. On further reflection my delegation is now inclined to the views expressed by Brazil that no urgency confronts us,

that a deferment of this matter be considered. My delegation would agree with the proposals or the movement made by the delegation of Australia that this matter be considered rather than left for another two years, and be considered by some suitable interim committee which could consider the implications of the new Convention, and that this would then be submitted to the next meeting of the Council for a decision as suggested by the delegate of New Zealand.

H. CURTZ (Denmark): Just a very small comment -we should all bear in mind now what many delegations before me have stated, that we have in front of us a text which is a compromise. It is a compromise which has been reached through very long efforts by specialists and government representatives, and we all know this has been a compromise very difficult to arrive at.

Fundamentally, therefore, it would not seem right to me a general commission like ours should make amendments to a technical document like the one in front of us unless we have reached a consensus, and it seems to me, after our deliberations have been going on for three meetings, there should not be the possibility of them being tried once more.

The world does not stand still, New situations create new viewpoints in member countries, and I therefore have some doubts as to whether we would not, in two years' time, find ourselves in exactly the same position in which we find ourselves today. Therefore, I doubt very much whether we gain anything by referring the matter to the next Conference.

I therefore associate myself with what has been put forward by the delegate for Norway: try to adopt the minimum number of amendments suggested by the Convention at this Conference.

Ms. A. BERQUIST (Sweden): I see a certain danger in postponing further decision in this matter, as discussion has been going on for quite a long time. So our delegation would add our voice to the delegations which want a decision taken now, and we support what has been said by the delegations of Norway and Denmark.

H. MAURIA (Finland): I briefly take the floor in order to announce we would be very much in favour of the proposal made by the delegate of Norway, supported by Denmark and Sweden.

CHAIRMAN: I have no other speaker on my list. So far, the situation that has emerged from the discussion is as follows: 7 delegations have spoken in favour of a postponement until the next Conference, subject to intermediate consultation, as suggested by the delegate of Australia; 7 delegations have spoken in favour of accepting the proposed amendment to the Convention as it is in front of us, subject to the modification to the phytosanitary certificate as proposed by the Legal Counsel. That means a large number of delegations have not spoken, and it is difficult to interpret their silence. So the best thing for us would be to take a vote, as we have to decide this issue once and for all.

So I will put the question. It is a simple one, whether we accept the proposal of Australia -postpone until the next Conference, subject to consultation in the meantime with either the COAG or another body of FAO, or adopt the amendment as proposed by the Government Consultation, subject to the slight amendment of the phytosanitary certificate. I give the floor to Norway at the moment, but we will have to take a vote as it is at present 7 for and 7 against the amendment.

A. LØCHEN (Norway): I would like to ask if the Secretariat could explain to us what the implications would be, legal and otherwise, of the proposal of the delegate of Australia.

E.D. LETTS (Australia): It is only right that we should have the benefit of the answer of the Secretariat to this question before I make my brief comments, if that is in order.

CHAIRMAN: There are two aspects of the question, one legal and the other technical, I give the floor first to the Legal Counsel, and after that to Dr. Chock.

LEGAL COUNSEL: From a legal point of view, Article XIII provides what the procedure would be in the event that amendments are proposed. The one provision which is pertinent is Article XIII, paragraph 2, which specifies that any amendment to this Convention shall be presented to a regular or Special Session of the Conference for approval and, if the amendment involves important technical changes or imposes additional obligations on the contracting parties, it should be preceded by an advisory committee of specialists convened by FAO prior to the Conference. This is a mandatory provision.

The question therefore arises whether, as the conditions set forth in this paragraph have been met, it would be contrary to regular and legal procedures to refer the matter, and in particular the amendments proposed and considered by a government consultation, to other standing subsidiary bodies of FAO. The Convention itself is silent on the subject.

It could be argued that as the Director-General, in view of a number of legal shortcomings of an editorial nature in the text elaborated by the Government Consultation, did refer it to the CCLM, there would be nothing which would prevent the Conference from requiring one or the other standing Committee of the Council to look into the provisions from their point of view. This would, of course, amplify to some extent the original procedure envisaged by Article XIII, paragraph 2, but I cannot for myself see anything that would be unconstitutional. Therefore, I believe this would be acceptable from a legal point of view.

If this is accepted, the question of referral would be primarily a policy question which this Conference is in the best position to decide upon.

A.K. CHOCK (FAO Staff): I would like to go just a little bit into history, if I may, because this is becoming history. The 1969 and the 1971 FAO Conferences recommended that the International Plant Protection Convention be re-examined, especially in connection with the phytosanitary certificate. As a result of these resolutions passed by the FAO Conferences of 1969 and 1971, an ad hoc Consultation was held here in Rome in July, 1973. At that particular consultation, it was pointed out the model phytosanitary certificate presented some difficulties with regard to export and import of large quantities of cereals, fruits and vegetables for consumption, etc., and also that trade and the re-export of certain agricultural commodities was increasing; therefore the need for additional certification for re-exports should be considered.

It was also pointed out by several delegates that in some cases the phytosanitary certificate is being used as a commercial document, a practice which should be discouraged.

A number of delegates considered that over the years a more precise definition of some of the terms such as "plant product", "pests", "disease" was required. Some delegates pointed out that the additional declarations included in the phytosanitary certificates are being abused.

What are the significances of the amendments proposed by the Government Consultation of 1976? I should point out that at the Consultation in 1973, the report was distributed to the countries concerned, who were requested to submit their comments to FAO not later than the 1st April, 1974. These comments were received in April, May, June, July, August and September of 1974. Since the position which I hold was vacant at that time, nothing more was done. In 1975, when I first came to FAO, within the month afterwards we went over the comments with a consultant who was also present here in 1973. We went over the comments, tried to gather a consensus from these comments, and this was presented in a paper which went to the different governments concerned - both to the parties who were contracting parties to the Convention, as well as to non-contracting parties. It went to all FAO Member States.

A Consultation was held here in November 1976, with thirty-eight parties to the Convention and eleven more countries who were not parties to the Convention, as well as representatives from five regional organizations. There were some 75 people here in Rome for that Consultation. As was indicated by one of the delegates, the amendments proposed represented a compromise. They represented much debate and much discussion of things that are urgent in the proposed amendments.

Some of the governments have been concerned about what is sometimes referred to as "miscellaneous cargoes." These are such things which by their nature may carry plant pests, and they wanted a little bit of impetus from the Convention to justify the fact that they should look for certain things which ordinarily they would not look at because they would not fall within the strict definition of plants and plant products, things which might carry the Khapra beetle, which might carry snails and slugs. They wanted a definition of pests which was not necessarily specific but fairly all-inclusive. They wanted a certificate for re-export, which does not exist at the present time. As I said, this certificate for re-export actually does not entail extra work, it presents less work. They also wanted a declaration in the Convention itself that said, "additional declarations in the phytosanitary Certificate should be kept to a minimum", which of course means for the exporting country less work.

There was also concern about the importation of insects and diseases, both for beneficial purposes and other purposes, and concern that the Convention should provide some guidance with respect to this.

There was also concern - and here is a new obligation in a sense, not for the countries concerned but for FAO - FAO had in years past published a "Digest of Plant Quarantine Regulations". This had been more or less dropped to some degree and the Government Consultation wanted FAO to have this obligation placed in the Convention itself. They wanted greater emphasis placed that governments should disseminate information concerning their plant quarantine regulations. So as a result of that we have a revised certificate proposed and also a re-export certificate proposed. This process has now been going on, if my arithmetic is correct, for some eight years. Ordinarily approval of something would probably take another two years. So if this were approved today it would take some 10 years to put into effect from the time it started. You can be the judge of whether you should do it now or wait another two or four or six years.

CHAIRMAN: As I indicated earlier, we have now come to a point where we will have to take the vote, unless there is a shift in position from one side or the other. But so far I have no alternative but to take the vote. So we will have a break of 5 minutes, but I make a special appeal to you not to leave this Commission; otherwise we will have difficulty even in taking the vote because of the quorum. Before we have the break I will give the floor to Australia.

E.P. LETTS (Australia): I would like to say something before a vote is taken. There have been so many contrary views put here that I would like to answer them all. Of course I will not even attempt that, but there are two things that I should say. You have given us the numbers that seven delegations were for pushing the Convention through with the amendments suggested by the Secretariat. I think it is of some importance to point out that four of those seven delegations have a view which needs a word said on it. In the words of the Danish delegation, it was not right for the Conference to reject a specialist text - I am not sure if that includes the idea of deferring it. But I think it should be pointed out that this is precisely the function and obligation of this Conference, to consult and decide what we will do with this text, not simply to accept or reject it. The government consultation itself has pointed out that this Conference must have that role. Please remember that this is the first meeting since the poorly attended government consultation which has had the chance to consider the Convention at all. One delegation said that it would be tragic if we lost more time in this instance. We have a Convention, the Convention is operating. If there are problems with the existing form of certificate I think we should know what the countries which are proposing pushing the Convention through now find as problems. We have heard some history from Mr. Chock, but if history has inadequately taken account of fact and principle and developments I think this Conference must not invoke history to push through a Convention which subsequent inquiry has shown does have bugs in it. Those countries which have difficulties with the new text have told, clearly I hope, the problems that the new Convention would represent. Let us have some input from those who are dissatisfied enough to wish to push a new Convention through. Those delegations have not told this Conference what the difficulties caused. The input they have could be in the form of a memorandum or some other way in which they join in with the suggestions that we have made for further discussion on this point, and their points could be distributed and discussed at the next meeting which has the matter on its agenda.

If this Conference hesitates to refer the matter to other FAO standing bodies which have a vital interest in the effects of the Convention, which are not of course purely phytosanitary effects, it would make a mockery of the role of the Conference and reduce it to a rubber-stamping operation. Let us not take that risk. It would, on the contrary, be irresponsible, in view of the number of reservations entered by countries here, to steamroll a text through. We thought that the intention of the phytosanitary experts was to have the maximum number of countries participating in this inter-national Convention. The Convention has little chance of achieving that if it is going to ignore the problems that have been put forward and which any prospective joining members would feel that they have not had a chance to fully discuss and consider.

I would simply like to make this point and to suggest that in the interests of a sensible treatment of the reservations put forward the motion to defer the matter should be accepted.

H. CURTZ (Denmark): The Australian delegate is certainly right when he points out that the Convention has and should have a possibility of adopting amendments to any text which is put before it. What I meant to say before was just that now that we have a very technical paper in front of us it would be preferable, if we make changes in this document that we find a consensus on these changes.

Finally, could I make a point of order? As you have so rightly pointed out, Mr. Chairman, we have in these recent days had considerable difficulty in getting a quorum on this Commission. I would therefore suggest that we take the vote directly now, instead of having a five-minute pause, which might turn into a thirty-minute pause.

CHAIRMAN: I give the floor to Pakistan, but I retain the suggestion made by the delegate of Denmark.

P. MASUD (Pakistan): Since there is a possibility of the various delegations present being asked to vote, I would like to seek clarification from the Secretariat, particularly from Dr. Chock. He has given a long history of the whole affair. I would like to know whether this delay in making the amendments has in any way contributed to an increase in the pests in plants and plant products and to the prevention of this crossing national boundaries. This is a valid question because if the delay has not contributed in any way to the spread of these diseases we can of course take the other point of view into consideration also and ponder a little more.

G.V.K. RAO (India): We had no intention of intervening, because we thought that a paper prepared by technical experts would automatically get adopted here. Dr. Chock has given us the full history of what has happened in the past and he has indicated that even if we approve this today it would take quite a long time for some of these very desirable things to be implemented. We would therefore take the view that what has been considered in great detail by technical experts and has had a long history does get approved now. There are always provisions, in fact in Appendix A itself there are provisions, for the modification and even denunciation by Member States, not that Member States should denounce an agreement which has been entered into here.

Some of these things have a habit of not getting decided at all, due to some of the differences of opinion coming up now and then.

I would therefore submit that the balance of convenience, advantage and purposeful action would lie in favour of the technical paper now prepared and presented to us being adopted.

CHAIRMAN: Gentlemen, we still need to hear from two or three more delegations in order to be able to proceed to the vote.

B.E. MATAMOROS HUECK (Nicaragua): Mi delegación ha oído algunos comentarios sobre la facultad que tiene la Conferencia de tomar una decisión en relación a este texto sobre el Convenio internacional de protección fitosanitaria. En el párrafo introductorio 137, página seis, se dice expresamente que el Consejo transmite a la Conferencia estas enmiendas para su consideración y decisión, según proceda.

A nuestra vista, es pleno atributo de la Conferencia decidir si aprueba este texto en su totalidad sin aportar enmiendas parciales o totales, o posponer su aprobación. Además, el secretario nos ha dado elementos de información sobre el número de países que atendieron a la consulta especial, y que no se corresponde con el número de miembros de esta organización. Creemos que las enmiendas propuestas sobre este texto no han sido solamente las presentadas por la Secretaría, sino que concretamente varios países presentaron reservas en relación a los artículos de la misma.

Mi delegación hizo algunos comentarios y tiene reservas específicas sobre el artículo nueve, en lo que se refiere a los aspectos jurídicos que de él se desprenden; sin embargo, en relación a los aspectos técnicos que están involucrados en este Convenio, como ya hemos expresado y creo que es la situación de otras delegaciones, no estamos en la capacidad de poder formular una opinión sobre el mismo. Por lo tanto, nosotros creemos que es trágico no aprobar, como dicen algunas otras delegaciones, este texto. A nuestro criterio, sería muy trágico aprobar un texto, un documento, sobre el que no tenemos plenos elementos de juicio.

A. CRUIT (United States of America): I am sorry to intervene again for a second time. However, I should indicate that my delegation shares many of the concerns that the Australian delegate has expressed. In my earlier intervention I said that it would be tragic if we lost the momentum that we have gained but it would be equally tragic if we were to adopt a Convention about which a number of delegations here, who should or would join, have serious reservations.

I think we need to have a clear understanding of what we are about. My concern about the delay is what procedures would be used to review this Convention. I think it would jeopardize things to arbitrarily say that we want to postpone it to the next Conference. We should, when we are voting on this, have a clear idea of what path we will follow in order to seek the clarifications and possible amendments that other delegations require.

B.E. PHIRI (Zambia): Mr. Chock has told us what happened for the past eight or ten years to the Plant Protection Convention amendment, what prompted this, amongst which was an assertion that certain governments - or certain contracting parties were not very happy with the way some of the clauses were interpreted. It was felt that certain governments were using those as an excuse for rejecting to buy commodities from certain other governments, and now we find that in the present text the same sort of thing could be used. This phytosanitary certificate could still be used even in the present context by certain governments to refuse to buy commodities coming out of certain countries.

During the preparation of the present Convention, I take it that there was a consultation of experts who sat, considered and recommended it to this Commission and then to the Conference before it was adopted but, because there were certain reservations, it was decided to have the Convention amended and from the history that has been given, a group of experts - an expert consultation - looked at the Convention and proposed the amendments; and here we are now: there are reservations even to this amendment.

What I cannot understand is: was it justifiable for the whole thing to be reviewed previously when there were reservations to the Convention? There is no need now for reviewing amendments which have been proposed despite the fact that there are certain governments which have reservations about the amendments. I take it we should possibly proceed with caution and not be pushed into a vote where we are going to either adopt the Convention or reject it and regret it only a few moments later. If we adopt it with reservations we may find ourselves having to meet again, possibly in another two years, to change the Convention.

I therefore think we should not be pushed into a vote right away now, if there are reservations.

J.N. KERRIGAN (Ireland): We in this delegation find ourselves in a dilemma, mainly because we would prefer to accept the text of the phytosanitary certificate as contained in document C 77/LIM/26, and not the amendments put forward by the Secretariat. We are now faced with a situation of having to vote on the amendments put forward by the Secretariat. But to make our position clear, we do not favour postponing this whole matter; and in that regard I should point out that according to a Council document issued today the next meeting of the CCP is not being held until January 1979 and the COAG meeting will not be held until March, I think, of that year.

M.A. MAKKI (Saudi Arabia) (interpretation from Arabic): I apologize if I ask for the floor again in this discussion but I would like to clarify a point. There are a large number of countries which are not parties to this Convention, and there are a large number of countries which have only been members of FAO for a short time. I therefore think it would be only fair to those countries to give them an opportunity of expressing their point of view, after the introduction of the amendments. Since the present Convention is still in effect, as well as its Plant Protection Certificate - as was pointed out by the delegate of Australia in his last statement - my delegation feels that there is actually no danger in deferring a decision in order to give an opportunity to everybody to study this Convention.

If, on the other hand, we adopt this Convention with the amendments which have been proposed, we would be able to know exactly what we are talking about.

The Legal Counsel has also provided us with some information which should make it possible for us to reaffirm our conviction that we could defer a decision.

CHAIRMAN: As I said earlier, we find ourselves in a position where we have no choice but to take a vote on this matter. I appreciate very much the difficulty of some delegations who did not participate in the Governmental Consultation but we have to decide this matter today. We could not take the vote earlier because we did not have a quorum. It seems that we have a quorum now.

LEGAL COUNSEL: The first proposal which has been submitted to the Conference consists of a set of draft amendments prepared by the Government Consultation and reviewed by the CCLM. Subsequently, in the course of the debate, a proposal has been made that a decision by the Conference on the draft amendments be deferred or postponed until the next Session of the Conference, subject to interim review by COAG and possibly CCP. The first decision, therefore, which this Commission appears to be called upon to make is the decision on whether a postponement should be proposed to Plenary until the next Session, or whether there should be no such postponement.

That is the first issue on which the Commission is called upon to take a position. If the decision were not to postpone a decision on the substance of the amendments, then and only then, would a decision have to be taken, possibly again by a vote, on the approval of the draft amendments themselves.

Vote

Votation

Votación

Session of the Conference
19 Session de la Conférence (1977)
Período de sesiones de la Conferencia



RESULT SHEET / RESULTATS / RESULTADOS

SHOW OF HANDS VOTING
 VOTE A MAIN LEVEE
VOTACION A MANO ALZADA

ROLL CALL VOTING
 APPEL NOMINAL
VOTACION NOMINAL

Vote on Postponing the decision to a subsequent Conference
Vote sur Renvoi de la décision à une session ultérieure de la Conférence
I Votación para Aplazar la decisión hasta un período posterior de sesiones de la Conferencia

1 Number of votes cast
Nombre de suffrages exprimés 63
Número de votos emitidos

4 Votes against
Voix contre 17
Votos en contra

2 Majority required
Majorité requise 32
Mayoría requerida

5 Abstentions
Abstentions 4
Abstenciones

3 Votes for
Voix pour 46
Votos favorables

6 No reply
Aucune réponse -
Ninguna respuesta

Adopted at Commission level
 Adoptée en Commission
Aceptada en la Comisión

Rejected
 Repoussée
Rechazada

28.11.77
Date
Fecha (17.00 h) Elections Officer
Fonctionnaire électoral
El oficial de elecciones

RULE XII - 13(a) GRO

If a vote is equally divided on a matter other than an election, a second vote shall be taken at a subsequent meeting to be held not less than one hour after the conclusion of the meeting at which the equally divided vote occurred. If the second vote is also equally divided the proposal shall be regarded as rejected.

En cas de partage égal des voix lors d'un vote ne portant pas sur une élection, on procède à un deuxième vote au cours d'une séance ultérieure, qui ne peut avoir lieu moins d'une heure après le fin de celle à laquelle s'est produit le partage égal des voix. Si les voix restent également partagées lors de ce second vote, la proposition est considérée comme repoussée.

Si hubiera empate en un asunto que no sea una elección, se repetirá la votación en una sesión subsecuente la cual no deberá celebrarse hasta que haya transcurrido una hora, por lo menos, desde la conclusión de aquella en que se produjo el empate. Si en la segunda votación hubiera también empate se considerará rechazada la propuesta.

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CHAIRMAN: It should be understood that this decision is at the Commission level, it has still to go to the Conference. The position arrived at is that this must be postponed until the next Conference but in the meantime there has been a suggestion from Australia on which we will not take a vote but I think this is a matter which will be the responsibility of the Secretariat for them to find the best way of dealing with the matter so that a decision could be taken at the next Conference.

V.M. GAETANI (Italie): Je pense que nous avons pris la décision la meilleure. Mon pays a voté contre l'ajournement parce qu'il pensait qu'il valait mieux adopter quelque chose et prendre une décision à la présente session. Il me semblait avoir compris qu'une convention avait été signée à Rome il y a cinquante ans environ. En définitive, je pense qu'il vaut mieux que nous soyons en accord avec la majorité des Etats Membres présents à cette Conférence.

A. CRUIT (United States of America): I assume that the suggestion of the Australian delegation concerning the possible referral of this matter to the COAG or the CCP will be reflected in the report.

B.E. MATAMOROS HUECK (Nicaragua): Mi delegación desearía hacer una petición: que el texto de la Convención, tal como figura, sea circulado a todos los Estados Miembros de la Organización.

CHAIRMAN: There have been one or two points raised by certain delegations, including the USA. I will give the floor to Legal Counsel to explain how we will proceed now that the decision has been taken to postpone consideration of the Convention until the next Conference. What will happen between now and the next Conference in 1979.

LEGAL COUNSEL: Thank you, Mr. Chairman. I believe the proposals which were made by some speakers in favour of postponing consideration of the proposed amendments to the next session of the Conference were fairly clear, and we shall endeavour to reflect them in the Report. If it understood correctly, it was suggested that the Secretariat should circulate to all Member Nations, and to all Contracting Parties to the Plant Protection Convention, the text of the amendments which is contained in the document LIM/26, together with a document that reflects the points made during the Conference. That could be the report of the Conference; it could also include the verbatim records of the debates that took place on this subject during the meetings of Commission III. The Secretariat would then invite these governments to submit their comments and proposals which would, presumably, be gathered in a document to be submitted to the Committee on Agriculture at its next session. I do not know the exact dates of the COAG and CCP sessions but the document might also be submitted for comment to the CCP. It would be expected that if appropriate arrangements could be made to have all contracting parties to the Convention appropriately represented at the discussion of the document, a final paper would then be presented (as a result of the consideration of the Committee on Agriculture and, possibly, the Committee on Commodity Problems), to the Conference at its next session this enabling it to proceed with the amendments - or modified amendments - that may emerge from these further consultations. There is one difficulty which I think I should allude to. If new amendments were proposed that were of a technical nature, the question may arise whether the Committee on Agriculture and the Committee on Commodity Problems, or either of them, could be considered as being a technical consultation within the meaning of Article XIII, paragraph 2. But I assume that with some further reflection a solution could be found to this particular problem. Thank you, Mr. Chairman.

CHAIRMAN: Thank you, Legal Counsel. That concludes our discussion for today. We will have to meet tomorrow morning.

The meeting rose at 17.05 hours

La séance est levée à 17.05

Se levanta la sesión a las 17.05 horas

council

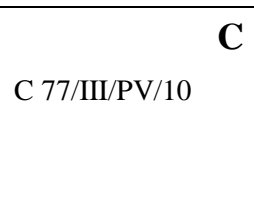
FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS

conseil

ORGANISATION DES NATIONS UNIES POUR L'ALIMENTATION ET L'AGRICULTURE

consejo

ORGANIZACION DE LAS NACIONES UNIDAS PARA LA AGRICULTURA Y LA ALIMENTACION



Nineteenth Session
COMMISSION III

Dix-neuvième session
COMMISSION III

19° periodo de sesiones
COMISIÓN III

TENTH MEETING
DIXIEME SEANCE
10ª SESION

(29 November 1977)

The Tenth Meeting was opened at 09.55 hours

S. Boolell, Chairman of Commission III, presiding

La dixième séance est ouverte à 9 h 55 sous la présidence de

S. Boolell, Président de la Commission III"

Se abre la 10ª sesión a las 09.55 horas, bajo la presidencia de

ST Boolell, Presidentesse la Comisión III

ADOPTION OF REPORT

ADOPTION DU RAPPORT

APROBACIÓN DEL INFORME

DRAFT REPORT OF COMMISSION III - PART 4

PROJET DE RAPPORT DE LA COMMISSION III - QUATRIEME PARTIE

PROYECTO DE INFORME DE LA COMISIÓN III – PARTE 4

CHAIRMAN: Now that we have a quorum we can start our work this morning. We have the adoption of two reports. The documents are C 77/III/REP/4 and C 77/III/REP/5. I will give the floor to the rapporteur to introduce the first report.

P. MASUD (Chairman, Drafting Committee): Since we have very little time I will be brief. I have the honour to present Parts 4 and 5 of the Report of Commission III.

CHAIRMAN: I understand that there are a few minor corrections, not of a substantial nature but just in the translation.

SECRETARY: The correction concerns only the short title of the first item in the Report - International Poplar Convention. On page 2 the short title, which presently reads "International Poplar Commission" should read "International Poplar Convention". In the French, the short title, which presently reads "Commission internationale du peuplier", should read "Convention internationale du peuplier".

CHAIRMAN: We will take the Report, Part 4, and go through, it paragraph by paragraph. We start with page 2, International Poplar Convention.

Paragraphs 1 and 2, approved

Les paragraphes 1 et 2 sont approuvés

Los párrafos 1 y 2 son aprobados

Paragraph 3, including Resolution, adopted

Le paragraphe 3, y compris la résolution, est adopté

El párrafo 3, incluida la Resolución, es aprobado

PARAGRAPHS 4 to 7

PARAGRAPHES 4 à 7

PÁRRAFOS 4 a 7

L. LAPEBY (Gabon): Je voudrais seulement demander une information. Il me semble qu'un mot a été sauté à l'avant-dernière ligne du paragraphe 5 du texte français, après "1978/79, par la cinquième Commission". Ce "par." est mal introduit. Je ne vois pas très bien ce que cela veut dire.

Paragraph 6

Le paragraphe 6

Párrafo 6

SECRETARY: I believe the delegate of Gabon is quite right. In the French version the word "recommended" which appears in the English version has been omitted, so we could introduce in the French version the equivalent of "recommended", that is, "recommandé par".

Paragraphs 4 to 6, as amended, approved

Les paragraphes 4 à 6, ainsi amendés, sont approuvés

Los párrafos 4 a 6, así enmendados, son aprobados

Paragraph 7, including Resolution, adopted

Le paragraphe 7, y compris la résolution, est adopté

El párrafo 7, incluida la Resolución, es aprobado

PARAGRAPHS 8 AND 9, INCLUDING RESOLUTION

PARAGRAPHERS 8 ET 9, Y COMPRIS LA RÉOLUTION

PÁRRAFOS 8 Y 9, INCLUIDA LA RESOLUCIÓN

G. LIEBER (Germany, Fed. Rep. of) (interpretation from German): As far as the resolution is concerned we also feel that the Organization, in carrying out its programme, should be protected against currency fluctuations during the biennium. Such a protection, according to Resolution 35/75 of the Eighteenth Session of the Conference would have been perfectly sufficient. The budgetary proposals for 1978-79 have been calculated very generously from this point of view. Any further protective measures as proposed in the Draft Resolution before us are not acceptable to my Government for reasons of principle, as I have pointed out before. This refers essentially to the utilization and the proposed automatic transfer of surplus funds into a special reserve account. However, if these considerations are not shared by other delegations - and this seems to be the case - we are ready to withdraw our objection.

As far as the Resolution itself is concerned there are two small amendments I would like to propose. They are essentially drafting points. I would like to suggest that in paragraph 1 of the Resolution, the text which starts "Decides to establish a Special Reserve Account" in the third line of the English text, we might add something after the words "unbudgeted extra costs" and say: "as described in paragraph 2", and then we go on with: "that may arise in the 1978-79 biennium" etc.

The second amendment refers to paragraph 7 where my delegation feels that in the second and third line the words "shall not be used for any purpose other than provided for in this resolution" should be deleted.

E.M. WEST (Assistant Director-General, Office of Programme and Budget): This resolution has been drafted almost in every comma, in extensive consultations in small groups and then in larger groups, and whilst it has been understood throughout that certain delegations might find this objectionable, in principle or otherwise, there has also been, as it were, an understanding of a consensus on this principle and on this text. If there were grammatical errors or drafting errors then, of course, they would have to be corrected; or if there were faults in substance in reproducing the consensus on this. But I would strongly urge on behalf of the Director-General and also, if I may say, on behalf of those not present who participated in the extensive consultations, that it would be unfortunate to begin amending this draft because this will lead to reopening the whole subject, especially if there is any feeling that these are more than drafting changes.

In the first amendment just proposed it was suggested that paragraph 1 should be amended to refer to paragraph 2. I do not think there is any substantial problem there except that paragraph 2 describes three purposes, and one of them is not an unbudgeted extra cost. So I am afraid the amendment would be defective in any case.

Furthermore I think it is redundant since the definition is quite obvious:" Decides to establish ... an account" and then it authorizes the Director-General on the purposes for which this account can be used.It follows there are no other purposes for which it can be used. As I say, there are three purposes there and not two, which have been carefully discussed and negotiated.Then the last one would also be legally defective because it would introduce again complications about one of the purposes and it again is redundant, really, to amend this wording since I think the intention of the delegate is fully covered by the last words in any case.But it has been carefully negotiated, including specifically that point.

CHAIRMAN: I hope this satisfies the delegate of the Federal Republic of Germany.

J.S. CAMARA (Guinée): Si le collègue de l'Allemagne fédérale est satisfait de l'explication de M. WEST, je ne prendrai plus la parole.Il me semble qu'il est satisfait?

Paragraph 8 approved

Le paragraphe 8 est approuvé

El párrafo 8 es aprobado

Paragraph 9, including Resolution, adopted

Le paragraphe 9, y compris la résolution, est adopté

El párrafo 97 incluida la Resolución, es aprobado

Draft Report of Commission III - Part 4, as amended, was adopted

Le projet de rapport de la Commission III - quatrième partie, ainsi amendé, est adopté

El proyecto de informe de la Comisión III - Parte 4, así enmendado, es aprobado

DRAFT REPORT OF COMMISSION III - PART 5

PROJET DE RAPPORT DE LA COMMISSION III - CINQUIEME PARTIE

PROYECTO DE INFORME DE LA COMISIÓN III - PARTE 5

Paragraphs 1-4

Les paragraphes 1-4

Los párrafos 1-4

E. DIAZ BUSTABAD (Cuba): No esperábamos que esto sucediera, y nos vemos ahora en la necesidad de hacer uso de la palabra.

En más de una oportunidad, esta delegación se manifestó con respecto a los párrafos 9 y 11, y, sin embargo, no aparece expresado en el documento que se nos presenta.

Esta posición nuestra con relación a los párrafos 9 y 11 fue apoyada por algunas otras delegaciones.

Expresamos que fueran modificados los párrafos o bien que nuestra posición figurara en un párrafo independiente.Y esto lo hicimos en más de una oportunidad.

CHAIRMAN: May I call the attention of the delegates to the last sentence in paragraph 2. Probably that will answer the point he has in mind.

E. DIAZ BUSTABAD (Cuba): En la última frase del texto español se dice:"Algunas delegaciones estimaron que también debieran examinarse de nuevo otras disposiciones respecto de las cuales no se había propuesto ninguna enmienda".

Acerca de esto he de decir que no es que "Algunas delegaciones estimaran", sino que propusieron enmiendas expresando su posición con respecto a los dos artículos IX y XI.

Concretamente con respecto al artículo IX, dijimos que debía ser tratado diplomáticamente a través de los gobiernos. Y por lo que toca al artículo XI, pusimos de manifiesto que estaba en contra de una de las resoluciones de la ONU.

Este asunto lo planteo muy claramente nuestra delegación, y Argelia apoyo nuestra posición manifestando que tenía sus reservas también sobre estos dos párrafos.

Sostuvimos que, si no se rectificaban dichos párrafos, apareciera nuestra posición con un párrafo independiente a fin de que quedara clara la actitud de nuestro gobierno.

P. MASUD (Chairman, Drafting Committee): I think that this would cover the point which is being made by the delegate from Cuba. In case he is not satisfied, perhaps he could present another formulation which would be satisfactory to him and we could consider that.

CHAIRMAN: May I ask the delegate from Cuba whether the mention of the specific provisions, the Articles, will give him satisfaction. He mentioned Article IX and XI, if we add after "provisions", "including Articles IX and XI".

E. DIAZ BUSTABAD (Cuba): Reitero que hicimos la manifestación expresa de que quedara clara la posición de nuestro gobierno. Esta actitud nuestra quedo bien clara. Y que no sería tampoco suficiente hacer referencia a los artículos IX y XI, sino que era necesario expresar el porqué de la posición adoptada con respecto a tales artículos.

Para no alargar más esta pequeña discusión, diré que no tendría dificultad por nuestra parte por cuanto consta en las actas y lo que queremos es que antes de ser sometido al plenario se traiga enmendado el texto y que aparezca nuestra posición tal y como nosotros la expusimos.

CHAIRMAN: May I suggest that the Rapporteur get in touch with the delegation from Cuba to get the text as he stated in his intervention.

P. MASUD (Chairman, Drafting Committee): I have a suggestion to make which I would like to present to the delegation from Cuba in case it is acceptable to them. The sentence would read "a few delegates felt that other provisions, for which no amendments have been proposed," and here my suggestion would come in, it would read "no amendments had been proposed. In particular Article IX and XI should also be re-examined." Would this be sufficient or would the delegation from Cuba like a further mention of what they are saying.

E, DIAZ BUSTABAD (Cuba): El Relator nos dice que algunas delegaciones manifestaron su desacuerdo en relación con estos dos artículos, pero es que eso no basta, porque lo fundamental es conocer el porqué nuestro gobierno no está de acuerdo con estos dos artículos.

P. MASUD (Chairman, Drafting Committee): I would suggest in that case we could say "a few delegations felt that other provisions, for which no amendment had been proposed, in particular Articles IX and XI, should also be re-examined" and this would be followed by a sentence that "the Delegation of Cuba stated as follows" and whatever is stated in the Verbatim, we could mention that. If that would be acceptable I could meet with the Delegation and work out a compromise text.

CHAIRMAN: I hope that there will be no objection to that and Cuba also agrees. I take it that subject to the slight modification, Paragraph 2 is adopted.

M.A. BENDJENNA (Algérie): J'appuie pleinement ce que vient de dire l'honorable délégué de Cuba. Ma délégation voudrait être associée à l'intervention de son pays et d'autre part, elle voudrait elle aussi proposer un amendement au paragraphe 4, si vous voulez tout de suite ou quand on y arrivera.

CHAIRMAN: Can I ask the distinguished delegate of Algeria to dictate his amendment so that we can take it?

M.A. BENDJENNA (Algérie): Je voudrais intervenir, au paragraphe 4, à la septième ligne, et ceci pour mieux refléter les débats qui ont eu lieu au sein de notre Commission et en même temps donner le point de vue de certaines délégations et aussi de délégations qui n'ont pu assister à la consultation inter-gouvernementale, l'amendement qui suit: après "les principales vues", on insérerait ce qui suit sur la version révisée: "ainsi que sur d'autres dispositions de caractère purement juridique", et la phrase continuerait "formulées à cette session...".

P. MASUD (Chairman, Drafting Committee): Thank you sir. I am still having some difficulty in tracing this in the English text, so if you will forgive me for a minute, I can then refer back to the subject.

According to my understanding in the English text - in the seventh or eighth line after "Session" we would insert "revised and other provisions of a purely legal nature". And then read further on "and invite the governments concerned to send to the Secretariat their comments as reported". Will the distinguished delegate from Algeria please confirm this?

M.A. BENDJENNA (Algérie): J'ai fait une proposition et je tiens à ce qu'elle soit insérée dans ce paragraphe. Je laisse au Secrétariat le soin de choisir l'endroit le plus approprié.

CHAIRMAN: I hope that this settles this point and everybody is happy. Any objections?

E.D. LETTS (Australia): I feel that some of the words suggested by the distinguished delegate of Algeria limit too much of the matter on which we want comment. I would simply suggest that the words, 'On the revised version' could be left out since the comments made at this Session have been on the revised and previous and other suggested versions. Therefore those words, 'On the revised version' would limit it too much and I would like to suggest consideration of Algeria's words read something like, this: "highlight the main points made at this Session comma including of a legal nature" - whatever his words were - "comma and invite the governments concerned". Thank you.

M. BENDJENNA (Algérie): Je suis prêt à accepter la proposition du délégué de l'Australie.

A.F. CHOWDHURY (Bangladesh): I have a small suggestion in the wording. I would draw attention to the penultimate line of this paragraph 4, to the specific word "widespread". The last but one word in the penultimate sentence, it reads in the clause, "in order to secure its widespread acceptability". I think the word "widespread" does not convey the meaning intended for it because the revised text, as before this Commission, "secure its widespread acceptability". But nevertheless it could not secure a consensus, or at least a majority for its adoption. So I would suggest that the word "widespread" be substituted by the words "widest possible" so that it will now read "in order to secure its widest possible acceptability". Thank you Mr. Chairman.

CHAIRMAN: At first sight it looks as if the Secretariat has no objection to substitute of "widespread" by "widest possible".

A.A.W. LANDYMORE (United Kingdom): Mr. Chairman, very briefly in view of the introduction of the amendment by the delegate of Algeria may I suggest that the document will then have to be referred to the CCLM as well as the CCP and COAG. I suggest that be put in the final line.

CHAIRMAN: Thank you. So, distinguished delegates I take it that subject to the slight modifications suggested by the distinguished delegates of Australia, the United Kingdom and other delegations, including Bangladesh and Algeria, this paragraph be adopted. So thank you very much. So this concludes the work of Commission III. Distinguished delegates, I have to thank you very much for your cooperation and your understanding. I hope that we have been able to do some good work during the eight or nine sessions that we have met. I also wish to thank the Secretariat, the Legal Counsel and all the staff who have been involved in some manner or other with this Commission. I hope that now that we have concluded our work it will find an easy passage in the report of the Plenary. So the work of Commission III is concluded. Thank you very much.

Paragraphs 1 to 4, as amended, approved

Les paragraphes 1 à 4, ainsi amendés, sont approuvés

Los párrafos 1 a 4, así enmendados, son aprobados

Draft Report of Commission III - Part 5, as amended, was adopted

Le projet de rapport de la Commission III - cinquième partie, ainsi amendé, est adopté

El proyecto de informe de la Comisión III - Parte 5, así enmendado, es aprobado

A. LØCHEN (Norway): Mr. Chairman, I think we cannot conclude this meeting in Commission III before we all thank you for the fine way you have guided us through some very difficult matters. I believe I have all the delegations with me in thanking you and the Secretariat for what you have done and contributed to the success and completion of the work in Commission III, Thank you.

Applause

Applaudissements

Aplausos

E.D. LETTS (Australia): The acclamation has made my intervention unnecessary. As one who may have caused you most difficulty through the Session, may I, apart from apologizing, thank you, Sir, and congratulate you on your conduct of this Commission and congratulate also the Secretariat, including those who, I think, are not with us today, for the fine work they have done. Thank you Mr, Chairman.

CHAIRMAN: Thank you very much. The Commission has concluded its work and let us hope Plenary will do the rest.

Applause

Applaudissements

Aplausos

The meeting rose at 10.40 hours

La séance est levée à 10 h 40

Se levanta la sesión a las 10.40 horas