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粮食及
农业组织

Food
and
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Organization
of
the
United
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Organisation
des
Nations
Unies
pour
l'alimentation
et
l'agriculture

Organización
de las
Naciones
Unidas
para la
Agricultura
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ACTAS TAQUIGRAFICAS DE LAS SESIONES DE LA COMISION III
DE LA CONFERENCIA

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CHAIRMAN

I would like to call to order the first meeting of Commission III, and take this opportunity to remind the delegates of Commission III of the Conference that this Commission deals with matters related to Constitutional, Legal, Administrative and Financial matters. Three meetings have been scheduled. Two are allocated for discussion today, and one for Adoption of the Report on Friday morning, 14 November. At this point I would like to take the opportunity to introduce to you my two Vice-Chairmen, Miss Mariam Kovacs, Permanent Representative of Hungary to FAO and Mr Mansour Mabrouk Al Seghayer, Alternative Permanent Representative of the Libyan Arab Jamahiriya to FAO. I would also like to introduce members of staff from the Secretariat, Mr Bombin from the Legal Office, Mr Flood from the Finance Division and the Legal Counsel, Mr Moore.

I would like to draw the attention of the delegates to document C 97/12, which sets out the arrangements for the Twenty-ninth Session of the Conference. This document, taken together with the Conference arrangements, deals with Conference Resolutions. I would like to remind the distinguished delegates that the Council has recommended that the number of Resolutions be kept to an absolute minimum and that they should deal only with the matters requiring a formal decision by the Conference. For criteria, for the formulation of Resolutions, please refer to Appendix C of that same document C 97/12, so that you may acquaint yourselves with the requirements.

A tentative timetable for Commission III is also given in Appendix A of that same document C 97/12. The Report of the Resolutions Committee on matters pertaining to this Commission are documents C 97/LIM/34 and C 97/LIM/35. However, in general, the Order of the Day indicates the up-dated version of the timetable, including the items to be discussed and the relevant documents for each item.

Our working hours will still remain 9.30 to 12.30 hrs and 14.30 to 17.30 hrs. As I have already mentioned, we have made provisions for a total of three meetings. This will require your full cooperation in being on time to enable the work to be finished on time. Any delays from our side will obviously cause delays to the Conference.

Finally, and after consultations with other regional groups, I suggest that instead of having a Drafting Committee, since we are only meeting for one day, we have a Rapporteur. If this is acceptable to the delegates, if there is no objection to having a Rapporteur, then I have the pleasure of announcing the nomination of Mr Brouwers, who is the Deputy Permanent Representative of the Netherlands, and who will be our Rapporteur for this Commission.

With those few remarks we will go straight on to the Agenda items, but before doing so, one announcement from the Legal Counsel.

LEGAL COUNSEL

A short announcement of an informal nature. Yesterday, you will recall that I announced informal consultations on a possible Explanatory Statement on the Revision of the International Plant Protection Convention. We met yesterday, a number of interested countries and I, and there is now a draft of another possible Explanatory Statement which will be circulated. This is a non-document, but it may be useful for this afternoon's discussion. It will be circulated to you in the hall this morning. I should also say that some countries have indicated that they wish to look at some very minor modifications to that Explanatory Statement, in which case I would like to announce a further short round of informal consultations on the possible Explanatory Statement on the Revision of the IPPC, which will take place immediately after this meeting in the Queen Juliana Room, which is on the third floor of Building B. So immediately after this meeting in the Queen Juliana Room, there will be a further round of informal consultations. I hope it will not take more than half an hour.

III. CONSTITUTIONAL AND ADMINISTRATIVE MATTERS
III. QUESTIONS CONSTITUTIONNELLES ET JURIDIQUES
III. ASUNTOS CONSTITUCIONALES Y ADMINISTRATIVOS

A. Constitutional and Legal Matters

A. Questions constitutionnelles et juridiques

A. Asuntos constitucionales y jurídicos

16. Amendments to the Basic Texts of the Organization

16. Amendements aux Textes fondamentaux de l'Organisation

16. Enmiendas a los Textos Fundamentales de la Organización

16.1 Amendments to Rule XXXIII GRO (Committee on World Food Security)

(C 97/LIM/17; C 97/LIM/31)

16.1 Amendements à l'Article XXXIII du RGO (Comité de la sécurité alimentaire mondiale)

(C 97/LIM/17; C 97/LIM/31)

16.1 Enmiendas al Artículo XXXIII del RGO (Comité de Seguridad Alimentaria Mundial)

(C 97/LIM/17; C 97/LIM/31)

LEGAL COUNSEL

The amendments to Rule XXXIII of the General Rules of the Organization dealing with the terms of reference of the Committee on World Food Security are set out in document C 97/LIM/17, and you also have document C 97/LIM/31 dealing with the reporting out of this Resolution from the Resolutions Committee. The amendments were adopted by the Committee on World Food Security at its 23rd Session in April 1997. They were endorsed by the CCLM at its 66th Session in May 1997, and by the Council at its Hundred and Twelfth Session in June 1997.

The purpose of the amendments is first to reflect the role accorded to the Committee on World Food Security in Commitment 7 of the Plan of Action of the World Food Summit in the monitoring of the implementation of the Plan of Action. It is secondly to reflect the new responsibilities falling upon FAO as a result of the abolition of the World Food Council by the UN General Assembly in 1996, that is, by General Assembly Resolution 50/227. Thirdly, further amendments were required in order to reflect changes in the institutional organization within the UN System, such as the replacement of the Committee on Food Aid Policies and Programmes by the Executive Board of the World Food Programme, and the need to rationalize and modernize the terms of reference of the Committee in line with recent practice. The amendments are set out in the text in front of you. The words which it is proposed to delete are shown as being struck out, and those which it is proposed to insert are set out in shading. The footnote set out on page 4 of the English text at the end of the new paragraph will form an integral part of Rule XXXIII to be included in the next edition of the Basic Texts.

If the Commission is in agreement with the amendments proposed, the Resolution presenting the amendments, which you have in the document, will be forwarded in the Report of the Commission to the Plenary on next Tuesday for approval. It will be necessary for it to be adopted by a two-thirds majority vote, since it is an amendment to the General Rules of the Organization.

CHAIRMAN

We now open the debate on this Agenda Item.

E.J.N. BROUWERS(Netherlands)

On behalf of the European Community and its Member States, I can refrain at this juncture from remarks on the substance of the proposal, since it has been discussed extensively at earlier occasions. The European Community and its Member States would like to go on record as being in full agreement with the proposed amendments in the Draft Resolution.

Moussa Bocar LY (Sénégal)

Monsieur Le Président, c'est un plaisir de vous voir présider cette Commission; recevez les félicitations du Groupe africain, ainsi que les autres membres du bureau qui vous secondent dans votre tâche. C'est simplement pour vous dire que ces projets qui ont été difficilement négociés constituent un consensus auquel le Groupe africain est content de se rallier. Nous pensons que cela permettrait de rendre le travail du Comité de la sécurité alimentaire mondiale plus efficace et de répondre au nouvel objectif que lui a assigné le Sommet mondial pour l'alimentation.

Pedro Alfonso MEDRANO ROJAS (Chile)

Muy brevemente quisiéramos expresar nuestro total acuerdo al Proyecto de resolución que aquí se nos presenta. Como se ha señalado, éste es un tema que ha sido discutido con mucha profundidad tanto en el propio Comité de Seguridad Alimentaria Mundial, como en los órganos del Consejo, y corresponde a nuestro juicio, que esta Conferencia, pueda ratificar o aprobar esta propuesta, toda vez, que de esa forma le haría al Comité de Seguridad Alimentaria Mundial, término de referencias actualizado, conforme a los acuerdos adoptados en la Cumbre Mundial de la Alimentación.

CHAIRMAN

Any other comments? It is all consensus.

Adopted

Adopté

Aprobado

16.2 Amendments to the General Rules of the Organization and Financial Regulations on the Programme Budget Process (C 97/LIM/20; C 97/LIM/34)

16.2 Amendements au Règlement général de l'Organisation et au Règlement financier relatif au processus d'établissement du budget-programme (C 97/LIM/20; C 97/LIM/34)

16.2 Enmiendas al Reglamento General de la Organización y al Reglamento Financiero sobre la presupuestación por programas (C 97/LIM/20; C 97/LIM/34)

LEGAL COUNSEL

The amendments to the General Rules of the Organization and Financial Regulations on the Programme Budget Process are set out in documents C 97/LIM/20 and C 97/LIM/34, which is the Report of the Resolutions Committee and, as with the previous Item, includes a few observations on the actual drafting and typographical errors which of course will be taken into account in the final amendments and Resolution. The amendments are to eliminate the Outline Programme of Work and Budget, and consequently the Joint Meeting of the Programme and Finance Committees in January of the Conference year. These are provided for in Rules XXVI, XXVIII and XXXVII of the General Rules of the Organization and in Financial Regulation 3.5.

The Commission will note that the Council, on the recommendation of the Joint Meeting of the Programme and Finance Committees, has recommended the phased implementation of a new Programme Budget Process on a trial basis to be approved by the Committees and the Council in due course. The experimental period would allow for practical adjustments to be made to the current Programme of Work and Budget process, thus responding to the need for flexibility and for a step-by-step implementation of the proposed changes to existing practices. The full-scale application of the new Programme Budget Process, once endorsed by the Council and Conference next biennium, will imply the amendment of a number of provisions of the Basic Texts of the Organization.

At present, however, the only amendment suggested is the elimination of the Outline Programme of Work and Budget. The Conference will be asked to authorize the necessary flexibility in respect of the process set out in the Basic Texts to allow for a phased implementation of the new process on a trial basis during this coming biennium. But at the moment, as I say, the only

question before you is do you approve these amendments, eliminating the Outline Programme of Work and Budget and the Joint Meeting that considers it in January of the Conference year. This is a matter that has been considered by the Finance and Programme Committees and the Council, and they are all in agreement with this step.

If the Commission is in agreement with the amendments proposed, the Resolution presenting the amendments will be forwarded in the Report of the Commission to the Plenary next Tuesday for approval and adoption, again by a two-thirds majority vote, since this is an amendment to the General Rules of the Organization and Financial Regulations.

CHAIRMAN

Again this is an Item which has been exhaustively discussed. Recommendations have been effectively made by the Joint Meeting of the Programme and Finance Committees, recommended also by Council. So I now invite discussions, comments and observations from the floor.

It is all agreed on, and the proposed amendments are accepted.

Adopted

Adopté

Aprobado

16.3 Amendments to Financial Regulations 6.9 and 7.1 (C 97/LIM/22; C 97/LIM/34)

16.3 Amendements aux articles 6.9 et 7.1 du Règlement financier (C 97/LIM/22; C 97/LIM/34)

16.3 Enmiendas a los Artículos 6.9 y 7.1 del Reglamento Financiero (C 97/LIM/22; C 97/LIM/34)

LEGAL COUNSEL

The amendments to Financial Regulations 6.9 and 7.1 are set out in document C 97/LIM/22, which is an extract from the Report of the Hundred and Thirteenth Session of the Council, and, of course, you also again have the Report of the Resolutions Committee on this Resolution, which is C 97/LIM/34. The amendments were prepared in response to the recommendation of the Finance Committee at its 87th Session earlier this year, which invited the Secretariat to prepare detailed proposals for the reformulation of Financial Rule 6.9 to allow for more flexible utilization of the income from the sale of publications and other information materials.

The purpose of the amendments is first to allow FAO to reinvest income from information products into the development of new products and new sales activities, as well as to cover the relevant costs, including those for human resources. To this end, it is proposed that the proceeds credited to the Publications Revolving Fund, established under Financial Regulation 6.9, which will now be called the Information Products Revolving Fund in line with the development of technology in this area, should be used not only for reproducing those information products for the sale of which there is a demand, but also for producing new products and for covering costs, including costs of human resources and equipment not covered by the Programme of Work and Budget, required for the sale and marketing of such information products.

Second, the amendments would allow for some portion (up to 20 percent) of the proceeds credited to the Publications Revolving Fund to be allocated to the originating departments as an incentive to make publishing activities more cost-effective and attractive. This is in line with the practice in other UN organizations.

Third, the amendments would allow for the carrying over at the end of each biennium of sufficient funds to allow for forward planning of sales and marketing activities and for the continuity of the programme. Any balance in excess of the necessary amounts approved by the Finance Committee to cover such commitments will be transferred to Miscellaneous Income. The amendments were approved by the CCLM at its 67th Session and by the Council at its Hundred

and Thirteenth Session last week. So, again, these are amendments which have been considered fully in the Governing Bodies mechanism of the Organization.

If the Commission is in agreement with the amendments proposed, the Resolution, presenting the amendments, like the other two Resolutions, will be forwarded in the Report of the Commission to the Plenary next Tuesday for approval and adoption again by a two-thirds majority vote.

CHAIRMAN

Thank you Legal Counsel for that very detailed introduction to the Agenda Item. Again this is an Item which has been exhaustively discussed by both the CCLM and Council and now forwarded for your final recommendations. Any comments/observations from the floor are invited now. Thank you for your understanding. Since it is straight forward, the Item is adopted.

Adopted

Adopté

Aprobado

19. Cooperation Agreement between FAO and the Regional Centre on Agrarian Reform and Rural Development for the Near East (CARDNE) (C 97/LIM/21)

19. Accord de coopération entre le Centre régional sur la réforme agraire et le développement rural pour le Proche-Orient (CARDNE) et la FAO (C 97/LIM/21)

19. Acuerdo de Cooperación entre la FAO y el Centro Regional de Reforma Agraria y Desarrollo Rural para el Cercano Oriente (CARDNE) (C 97/LIM/21)

LEGAL COUNSEL

The next three items (I will not list the documents because you have them listed there) deal with the confirmation of cooperation agreements between the Organization and various other international organizations set up outside the constitutional frame of FAO, but under agreements that have been deposited with the Director-General. Therefore, my introduction to this will deal generally with all three of them and then specifically with each of them, where I will give the details for each agreement.

In this connection, Article XIII.1 of the FAO Constitution provides that “in order to provide for close cooperation between the Organization and other international organizations with the related responsibility, the Conference may enter into agreements with the competent authorities of such organizations defining the distribution of responsibility and methods of cooperation”. All of the three agreements which you have before you under this Agenda Item and the next two Agenda Items have already been considered by the CCLM, and have been endorsed by the Council.

The first of these agreements, under Agenda Item 19, is the Cooperation Agreement between FAO and the Regional Centre on Agrarian Reform and Rural Development for the Near East (CARDNE), which was drawn up at the request of the Governing Council of CARDNE. CARDNE itself is an organization which was set up in 1989 with the assistance of FAO to provide for the implementation in the Near East of the objectives and strategies contained in the Declaration of Principles and Programme of Action adopted by the World Conference on Agrarian Reform and Rural Development.

The parties to the agreement establishing CARDNE are Jordan, Tunisia, Egypt, Iraq, Pakistan and Syria. The Draft Cooperation Agreement is concise, and has the objective of establishing and maintaining close relationships between CARDNE and FAO. Provision is made for participation of FAO as an Observer at the meetings of the Governing Council and the Executive Committee of CARDNE.

Both organizations may agree to convene joint meetings, set up joint committees or working groups and decide upon joint action. FAO will as far as possible and in conformity with its constitutional instruments and decisions of its competent bodies give due consideration to requests for technical assistance made by CARDNE.

The focal point for liaison between CARDNE and FAO is the Regional Office for the Near East, in collaboration with the Rural Development Division. The Cooperation Agreement between FAO and CARDNE, endorsed by the Council at its Hundred and Twelfth Session, is now before the Conference for confirmation.

CHAIRMAN

Thank you Legal Counsel for introducing this agenda item. As has been mentioned there are three Agreements covered under Items 19, 20 and 21, but for purposes of formality we will take Item by Item and approve Item by Item as we go along. Any comments on Agenda Item 19?

Adopted

Adopté

Aprobado

20. Cooperation Agreement between FAO and the Centre for Marketing Information and Advisory Services for Fishery Products in the Arab Region (INFOSAMAK) (C 97/LIM/23)

20. Accord de coopération entre le Centre pour les services d'information et de consultation sur la commercialisation des produits de la pêche pour les pays arabes (INFOSAMAK) et la FAO (C 97/LIM/23)

20. Acuerdo de Cooperación entre la FAO y el Centro para los Servicios de Información y Asesoramiento sobre la Comercialización de los Productos Pesqueros en la Región Árabe (INFOSAMAK) (C 97/LIM/23)

LEGAL COUNSEL

Having already given the general introduction, I will just deal with the specific aspects of this cooperation agreement, which is the Cooperation Agreement between FAO and INFOSAMAK. This cooperation agreement follows very much the lines of the cooperation agreement with CARDNE. The Centre for Marketing Information and Advisory Services for Fishery Products in the Arab Region (INFOSAMAK) was originally established as a UNDP-funded project executed by FAO in order to provide fish marketing and information and advisory services for fishery products in the Arab Region. The Centre was set up in June 1993, and the parties to the Agreement are Algeria, Bahrain, Mauritania, Morocco, Sudan, Syria, Tunisia and Yemen. The FAO focal point for liaison with INFOSAMAK will be the Fisheries Industries Division and GLOBEFISH at FAO Headquarters, in collaboration with the Regional Office for the Near East, Cairo, following the present practice.

The cooperation Agreement was endorsed by the FAO Council at its Hundred and Thirteenth Session, that is, last week, and is before the Conference for confirmation.

CHAIRMAN

Thank you Legal Counsel for introducing Agenda Item 20 which is the Cooperation Agreement between FAO and the Centre for Marketing Information and Advisory Services for Fishery Products in the Arab Region (INFOSAMAK). Any comments on this Agenda Item?

Adopted

Adopté

Aprobado

21. Cooperation Agreement between FAO and the Intergovernmental Organization for Marketing Information and Technical Advisory Services for Fishery Products in the Asia and Pacific Region (INFOFISH) (C 97/LIM/16)

21. Accord de coopération entre l'Organisation intergouvernementale d'information et de consultation technique sur la commercialisation des produits de la pêche en Asie et dans le Pacifique (INFOFISH) et la FAO (C 97/LIM/16)

21. Acuerdo de Cooperación entre la FAO y la Organización Intergubernamental de Información y Asesoramiento Técnico para la Comercialización de Productos Pesqueros en la Región de Asia y el Pacífico (INFOFISH) (C 97/LIM/16)

LEGAL COUNSEL

I must admit at the speed we are going it is difficult to keep up. But I wish all the Commissions could go at this speed.

This Cooperation Agreement follows very much the lines of the previous two Cooperation Agreements. The Intergovernmental Organization for Marketing Information and technical Advisory Services for Fish Products in the Asia and Pacific Region (INFOFISH) was originally established as an FAO-executed project funded by Norway and UNDP in order to provide fish marketing and information and advisory services in the Asia and Pacific Region. The Organization was set up in 1987 and at present there are nine states parties to the agreement establishing INFOFISH. They are Bangladesh, Democratic People's Republic of Korea, India, Indonesia, Malaysia, Maldives, Solomon Islands, Sri Lanka and Thailand. The focal point for liaison between INFOFISH and FAO will be the Fisheries Industries Division at FAO Headquarters, following the present practice.

The cooperation agreement was endorsed by the Council at its Hundred and Twelfth Session last June, and is before the Conference for its confirmation.

CHAIRMAN

Thank you Legal Counsel for introducing Agenda Item 21. I would now invite any comments from the floor. That means total agreement, therefore, Agenda Item 21 is adopted.

Adopted

Adopté

Aprobado

B. Administrative and Financial Matters

B. Questions administratives et financières

B. Asuntos administrativos y financieros

23. Audited Accounts 1994-95 And Report on Actions Taken on the External Auditor's Recommendations (C 97/5; C 97/LIM/12; C 97/LIM/31)

23. Comptes vérifiés 1994-95 et rapport sur la suite donnée aux recommandations du Commissaire aux comptes (C 97/5; C 97/LIM/12; C 97/LIM/31)

23. Cuentas comprobadas de 1994-95 e Informe sobre las medidas adoptadas en relación con las recomendaciones del Auditor Externo (C 97/5; C 97/LIM/12; C 97/LIM/31)

CHAIRMAN

Under Agenda Item 22 there are no issues, so we will move to Agenda Item 23.

This item deals with the Audited Accounts for 1994-95, and reports on action taken on the External Auditor's recommendation. The document for this item is C 97/5. You may also wish to refer to document C 97/LIM/12, which provides the report of the Hundred and Eleventh Session of Council on this matter, and the recommended Draft Resolution.

It is worth noting that the opinion of the External Auditor has been represented without qualification. At this stage in order to introduce the subject, I would like to call upon Mr Mehboob, the Assistant Director-General for Administration and Finance, to introduce this particular Agenda Item and also request him to provide a progress report on the action which has been taken on the External Auditor's recommendations.

Khaled MEHBOOB (Assistant Director-General, Administration and Finance Department)

As you have noted the External Auditor has certified the Organization's accounts without any qualification. As is normal practice, the External Auditor also comments and makes recommendations on administrative and financial matters. In his Report, there were about twelve recommendations. We have been reporting in writing to the Finance Committee, in fact, we reported progress to the Finance Committee at its 87th Session in April 1997 and at its 88th Session in September 1997.

Out of the twelve recommendations, eight are in the areas of Support Cost Harmonization, the accounting for support costs, policy and procedure, unliquidated obligations, accounting for field operations and the procedures thereof, and the accounts receivable. Eight have been implemented. With regard to the balance, four of them, some of the recommendations are an ongoing process, such as the recommendation to reduce the number of the Organization's bank accounts. This for the most part has been implemented, but it is an ongoing process. The Organization is constantly reviewing this, taking into account the exigency of the field requirements.

There is another recommendation on travel procedure which is being implemented in conjunction with the new computerized system which the Organization is, at the moment, installing and the one related to personnel-related liabilities. One of the recommendations which deals with the biennial account could be implemented when we close the biennium at the end of this year, and the issues related to accrued liabilities and containment of costs are being handled in accordance with the guidance given by the Finance Committee.

I will stop here. If there are any questions I will be very happy to supply further information.

CHAIRMAN

Thank you very much Assistant Director-General, for introducing this Agenda Item and for the details which you have provided to the distinguished delegates. I now invite discussion from the floor on this Agenda Item. Since there seems to be total agreement with the Report and the recommendations, and with the Progress Report given, the Agenda Item is adopted.

Adopted

Adopté

Aprobado

The meeting rose at 12.00 hours.

La séance est levée à 12 h 00.

Se levanta la sesión a las 12.00 horas.

III. CONSTITUTIONAL AND ADMINISTRATIVE MATTERS (continued)
III. QUESTIONS CONSTITUTIONNELLES ET JURIDIQUES (suite)
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. Revision of the General Regulations of WFP (C 97/16; C 97/LIM/31)
17. Révision des Règles générales du PAM (C 97/16; C 97/LIM/31)
17. Revisión de las Normas Generales del PMA (C 97/16; C 97/LIM/31)

Jean Jacques GRAISSE (Assistant Executive Director, World Food Programme)

I thank you very much, Mr Chairman and distinguished delegates. The Conference has before it for approval the proposed WFP General Regulations. The text that you will now examine has been the subject of extensive and detailed examination by the Open-ended Working Group set up by the Executive Board in 1996. Following intensive deliberations, the Board at its Second Regular Session of 1997 endorsed the final version as set out in the present document. The proposed texts for the General Regulations are brief and general in nature, as they will constitute the basis for all future basic texts for WFP. It is important to note that the document also contains the proposed General Rules, which although within the purview of the Executive Board are submitted to you for information.

The Board and the Secretariat of WFP would like to express their appreciation for the invaluable contribution of the FAO Legal Counsel during the deliberations of the proposed General Regulations. The text of the revised General Regulations has been thoroughly examined by both the United Nations and the FAO Secretariats, and have been found to be fully acceptable from their points of view.

The revised General Regulations of the World Food Programme were endorsed by the FAO Council at its Hundred and Twelfth Session on 7 June 1997, and by the Economic and Social Council of the United Nations at its Session on 8 July 1997. If approved both by the FAO Conference and the United Nations General Assembly, the proposed General Regulations will enter into force on 1 January 1998.

Mr Chairman, with your permission, I believe the Legal Counsel would like to add some comments to this presentation.

LEGAL COUNSEL

I would confirm the acceptability from a legal point of view of the proposed revision of the General Regulations both from the point of view of FAO and from the point of view of the United Nations legal offices.

Since WFP is a joint programme of both the United Nations and FAO, parallel joint resolutions are currently before the United Nations General Assembly, as well as this Conference, and I gather that they will be discussing these joint parallel resolutions very shortly.

The present revision of the General Regulations represents quite a substantial restructuring of the basic documents of WFP. The major constitutional and policy directives are now set out in the General Regulations to be approved by the United Nations General Assembly and your Conference. Matters of a policy nature which do not affect the constitutional status of WFP and which may need to be varied from time to time are now set out in the General Rules which may be adopted and amended by the Executive Board of the World Food Programme provided, of

course, that they are consistent with the General Regulations. A copy of the proposed General Rules is also set out in the document, not for your decision but for your information.

Some matters more relevant to the financial operations of the Programme have also been moved from the General Regulations to the Financial Regulations, also to be adopted by the Executive Board. The Conference is asked to adopt the Resolutions set out in the document and to approve the revised General Regulations of WFP.

Moussa Bocar LY (Sénégal)

Je voudrais apporter le soutien du Groupe africain à cette révision. Nous avons participé, nous, le Groupe africain, au Groupe de travail à conclusion non limitée du Conseil d'administration du PAM, et nous ne voulons pas laisser passer cette occasion sans féliciter le Groupe tout entier de son travail de révision. Cela n'a pas été facile, mais je crois que le Groupe est arrivé à un texte équilibré qui tient compte de toutes les préoccupations. Nous voulons par la même occasion remercier le Conseil juridique, qui a beaucoup apporté dans le cadre de cette révision, et également le Secrétaire du PAM, pour ce processus long mais méritoire, et nous espérons que cela ouvre la voie à une révision fondamentale en accord avec l'Assemblée générale des Nations Unies.

E.J.N. BROUWERS (Netherlands)

On behalf of the European Community and its Member States, I would like to express our full support for the revised General Regulations of the World Food Programme as contained in document C 97/16. The European Community and its Member States have participated constructively in the lengthy process of the redrafting negotiations in the framework of the Open-ended Working Group and subsequently in the Executive Board of WFP. The outcome of this process contains a number of points which are of main importance to us and indeed to the international community at large. We, therefore, propose that the Conference approve the revised General Regulations as submitted. Accordingly, we fully support the adoption of the Draft Resolution contained in the document.

Although the General Rules are not up for decision by this Conference, permit me to make a brief remark in this regard. The European Community and its Member States feel that the General Rules, as proposed, could be considerably improved and sharpened. This is, for instance, the case in the proposed General Rule VII.2 on Reporting. We would like to revert to the reporting issue within the framework of the Executive Board of WFP which, by the way, has already started to consider this issue.

In our view, WFP Reports are generally made available far too late which prevents Members of the Board to communicate duly with their policy and budgetary authorities in the capitals. This also relates to bilaterally-funded WFP operations. The Executive Director should provide those Reports to donors in due time, so as to allow them to submit the appropriate justifications to their budgetary authorities.

CHAIRMAN

I thank the distinguished delegate from the Netherlands for your comment, especially on behalf of the European Union. I also take note of the various issues that you would like to address to the World Food Programme. Those observations will be taken into consideration.

K. Ukinu DANIEL (Angola)

Monsieur le Président, ma délégation intervient pour la première fois. Elle est satisfaite de vous voir diriger les débats de la Commission III. C'est pourquoi elle joint sa voix à celles qui l'ont précédé pour vous présenter ses vives félicitations. Elle voudrait également par la même occasion étendre ses félicitations aux autres membres du Bureau qui vont vous épauler dans cette lourde tâche.

C'est avec beaucoup d'intérêt que nous avons étudié la révision des règles générales du PAM. A cet égard nous félicitons le Secrétariat pour la brillante présentation du document, un document clair et concis.

Mon pays est Membre du Conseil d'administration du PAM et a participé activement aux travaux du Groupe de travail à composition non limitée créé par le Conseil d'administration. Pour arriver à ce texte définitif, le Groupe de travail s'est réuni durant plusieurs sessions.

Lors de l'examen de ce point pendant les sessions de l'organe de politique du PAM, nous avons cité le Conseil d'administration, ma délégation a toujours considéré que ce document permettait au PAM de travailler sur des nouvelles bases, des bases solides, malgré le constat de la réduction de l'aide alimentaire au développement en faveur des urgences. C'est pourquoi ma délégation se félicite de l'excellent travail accompli par le groupe de travail à composition non limitée grâce à la précieuse contribution du Conseiller juridique de la FAO et du Secrétariat du PAM.

Ma délégation, Monsieur le Président, soutient les règles générales révisées et approuve le projet de résolution sur la révision des règles générales du Programme alimentaire mondial.

Adek Triana YUDHASWARI (Indonesia)

After having studied the contents of the document before us, it is my delegation's opinion to request all the delegations to accept and endorse the revised text of the General Regulations of the World Food Programme. The Indonesian delegation believes that the World Food Programme can work more effectively and efficiently in carrying out this mandate in line with the restructuring and reformatting of the United Nations and the Food and Agriculture Organization, respectively. WFP can also provide more assistance to the needy countries, such as the LIFDCs, in attaining food security, as the follow-up of the 1996 World Food Summit.¹

CHAIRMAN

Any other comments? Thank you very much delegates for your support. This Agenda Item is adopted.

Adopted

Adopté

Aprobado

B. Administrative And Financial Matters

B. Questions administratives et financières

B. Asuntos administrativos y financieros

26. Financial Position of the Organization, including Status of Contributions (C 97/LIM/5)

26. Situation financière de l'Organisation, notamment état des contributions (C 97/LIM/5)

26. Situación financiera de la Organización, incluido el estado de las cuotas (C 97/LIM/5)

CHAIRMAN

We now move to Agenda Item 26, Financial Position of the Organization, including Status of Contributions. The document for this item is C 97/LIM/5 which provides an update of the situation as of yesterday, 11 November 1997. I will now ask Mr Mehboob one more time to introduce this Agenda Item and he may, perhaps, wish to provide additional information to the distinguished delegates.

¹ Statement inserted in the Verbatim Records on request.

Khaled MEHBOOB (Assistant Director-General, Administration and Finance Department)

Just two brief comments. The paper is self-explanatory. I would just highlight that at 11 November 1997, the Organization has received just over US\$ 256 million in respect of the 1997 assessments. This represents 75.12 percent of the total and is higher than last year and the preceding year. However, it is still disappointing to note that 78 Member Nations have not made any payments towards their 1997 assessments, and that 73 still have arrears outstanding from previous years.

CHAIRMAN

Thank you, Mr Meboob, for that additional information. As I said earlier, this document is for information only, but I will welcome any comments, or observations from the floor on this agenda item 26.

Since we have no observations, Agenda Item 26 is noted.

27. Other Administrative And Financial Matters**27. Autres questions administratives et financières****27. Otros Asuntos administrativos y financieros**

27.1 Approval of the Commissary Accounts by the Finance Committee (C 97/LIM/6; C 97/LIM/34)

27.1 Approbation des comptes du Groupement d'achats du personnel par le Comité financier (C 97/LIM/6; C 97/LIM/34)

27.1 Aprobación de las cuentas del Economato por el Comité de Finanzas (C 97/LIM/6; C 97/LIM/34)

CHAIRMAN

We have two items under this Agenda Item 27.1 - Approval of the Commissary Accounts by the Finance Committee -. Documents for this agenda item are C 97/LIM/6 and C 97/LIM/34. The document which we are discussing includes a Draft Resolution for adoption by the Conference. I would like to mention that the Resolution has been examined by the Resolutions Committee and has been cleared for this Commission. It is noted that this proposal results also from the recommendations by the External Auditor and that the document is now presented for discussion. Before I open the floor, I will just ask Mr Mehboob one more time to introduce the Agenda Item formally.

Khaled MEHBOOB (Assistant Director-General, Administration and Finance Department)

I think that the document is self-explanatory, so I do not have to make any comments or introduction.

CHAIRMAN

The agenda item is self-explanatory. Any comments from the floor for Agenda Item 27.1 - Approval of the Commissary Accounts by the Finance Committee -. The Item is adopted.

Adopted

Adopté

Aprobado

27.2 *Incentive Scheme to Encourage Prompt Payment of Contributions* (C 97/LIM/32)

27.2 *Plan d'incitation au paiement rapide des contributions* (C 97/LIM/32)

27.2 *Plan de Incentivos para formentar el pago puntual de las Cuotas* (C 97/LIM/32)

CHAIRMAN

Agenda Item 27.2 - Incentive Scheme to Encourage Prompt Payment of Contributions -. The document for this item is C 97/LIM/32 which contains a proposal from the Secretariat which would retain the basic principle of the Incentive Scheme, that a distinction be made between those Member Nations which make their contributions regularly and on time and those that do not, while at the same time reducing the overall costs of the Organization. So, there are two aspects to this Agenda Item, and I would like to invite Mr Mehboob one more time to introduce the agenda item.

Khaled MEHBOOB (Assistant Director-General, Administration and Finance Department)

Perhaps I could go back in time somewhat and give some background information for concentration of this Item, which is the Incentive Scheme, or the Discount Scheme as sometimes it is referred to. As you know, this Item has been monitored at various sessions by the Finance Committee, the Council and the Conference. The Conference will recall that Financial Regulations 5.4 and 5.5 of the Organization determine the date on which contributions to the Regular Budget are due for payment.

I would briefly recapitulate these regulations. Financial Regulation 5.4 states *inter alia* that at the beginning of each calendar year the Director-General shall inform Member Nations of their obligations in respect of annual contributions to the budget and request them to remit all contributions due. Financial Regulation 5.5 states that contributions and advances shall be due and payable in full within 30 days of the receipt of the communication of the Director-General or as of the first day of the calendar year to which they relate, whichever is the later.

Because significant arrears were being built up through non-payment of contributions, this Scheme was introduced in order to encourage those Member Nations that did not already do so to adhere to the requirements of the Financial Regulations. Consequently, it was considered appropriate to offer a financial incentive to pay on time in preference to any form of financial or administrative penalty other than those sanctions already envisaged in the Constitution and General Rules of the Organization with regard to Voting Rights and membership of the Council.

I may add that the implementation of the present Scheme to Encourage the Prompt Payment of Contributions was agreed to by the Conference on an experimental basis. The Finance Committee defined the rules under which the Scheme has been operating. The methodology approved for determining the discount to be credited to the Member Nations who so qualify has consisted in allocating one-fourth of the average annual rate of the Eurodollar interest rates for the first three months of the year of assessment.

It is important to note that the review of the results of the Scheme since its inception shows that no improvement is reflected in financial terms. In fact, in none of the four years in which the Scheme has been in effect does the rate of receipt of current contributions equal or exceed that of the preceding three years. This trend would indicate that the Scheme is not a contributing factor in the timing of receipts of contributions and, consequently, does not have the desired beneficial effects on the cash flow of the Organization. The cost of the Scheme to the Organization is, on the other hand, substantial in terms of reduced Miscellaneous Income causing assessments to rise accordingly.

While appreciating the need to show a difference in treatment of those Member Nations that honour their financial obligations to FAO in accordance with the Financial Regulations, the fact that the Incentive Scheme has not been successful in improving the cash flow of FAO also needs to be taken into consideration. Hence, the proposal of the Director-General to revise the operation

of the Scheme, and here I must emphasize that the Director-General's proposal is not suggesting the abolition of the Scheme. It is only proposing to refine the basis for the calculation of the discount so that the contributions received on the first day of the period would receive 100 percent of the discount, whereas contributions received on the last day of the period would receive only one-nintieth of the discount. As the document states, the Finance Committee endorsed the Director-General's proposal following an in-depth review of the issues based on a detailed document which was submitted to it. The Council reviewed the report of the Finance Committee and because there was no consensus in the Council, it decided to forward the matter to the Conference for its decision.

CHAIRMAN

I wish to thank Mr Mehboob for that very detailed explanation on this particular Agenda Item on the Incentives Scheme. Having given the origin of the Scheme, and having also expounded on the *pros and cons* of this Scheme and the recommendation which is now before this Commission, I now invite any comments or any observations from the floor.

E.J.N. BROUWERS (Netherlands)

Thank you, Mr Chairman. On behalf of the European Union, I would like to express our views on the work of the Finance Committee regarding the Incentive Scheme to Encourage Prompt Payment of Contributions. We are reluctant to change the system, as it was originally devised and approved. For that reason, we cannot concur with the endorsement of the Finance Committee in paragraph 27 of document CL113/4 given on the proposal of the Director-General. In our opinion, three months seems like a reasonable period to allow for some anomalies in any clearance process for payments by Member States after the date the assessments have become due. The Organization should avoid taking decisions inspired by short-term gains or incidental factors.

Per Harald GRUE (Norway)

The practices of the private sector are increasingly being referred to as an example to be followed also by public and international bodies. Now, what happens in a market-based system is that those who do nothing more than pay on time do not get any gratification, while late-payers are sanctioned in the form of a severe interest rate. Applied to the issue under discussion now, this practice seems to indicate that what we need is a Disincentive Scheme for late payment, rather than an Incentive Scheme for prompt payment. Indeed, the Incentive Scheme has the negative effect of reducing the resources available for the Organization. Inversely, a Scheme which punishes those who do not accept the rules of the game, which they have approved themselves, would at least compensate the Organization for the damage caused by late payments. We have no illusion as to the possibility of seeing such a rational Scheme being adopted in the foreseeable future in view of the need to mark a difference between good, or rather, correct, payers and bad payers, while at the same time minimizing the costs to the Organization. We support the proposal of the Secretariat to introduce a Graduated Discount Scheme. We have noted that this proposal was unanimously endorsed by the Finance Committee, where all the seven regions are represented, at its last meeting.

Sang-Guon BAE (Korea, Republic of)

I would like to make a brief comment on this Agenda Item. In principle, my delegation feels that there is a need to modify current methodology for the efficiency of the Incentive Scheme. As can be seen, however, the Annex to Conference document C 97/LIM/32 shows us that this Incentive Scheme has been playing its role positively in encouraging early payment of the assessed contributions of Member Nations. Therefore, my delegation is of the view that it is not desirable to change the Incentive Scheme, as originally approved, in view of near-term and incidental factors.

Lastly, my delegation wishes that besides the FAO Secretariat's proposal, a more appropriate methodology could be found which would not only encourage prompt payment of assessed contributions, but would also be reasonable for practical payments of assessed contributions.

Moussa Bocar LY (Sénégal)

Je crois que depuis que nous commençons à discuter le problème de ce Plan d'incitation, on n'a pas vraiment les idées claires, car je me souviens que lors de la dernière Conférence également, il y avait eu des doutes de part et d'autre. Je crois que ces doutes continuent aujourd'hui de s'exprimer. Je pense que nous avons fait confiance au Comité financier, qui est le comité technique qui a peut-être le plus de compétence pour examiner ces questions, et qui devrait voir l'intérêt de l'Organisation et donc de ses Etats Membres. Le Comité financier est parvenu à une conclusion, comme l'a dit le représentant de la Norvège, conclusion qui n'avait pas été contestée, du moins dans ce Comité, et je crois qu'il est juste de s'en remettre à la sagesse de ce Comité qui a eu tous les éléments, comme le montre l'annexe au document C 97/LIM/32. Et c'est pourquoi, en ce qui concerne ma délégation, nous voudrions appuyer les recommandations du Comité financier qui a pu trancher de façon équitable et dans l'intérêt, pensons-nous, des Etats Membres. Voilà donc pourquoi nous souscrivons aux conclusions du Comité financier.

CHAIRMAN

I thank the distinguished delegate from Senegal. Any other observations? Any other comments? I take the view raised by the four speakers and the observations raised will be documented and will be noted for the Conference, especially the comments from the distinguished delegate from the Netherlands. We'll have all of those observations noted.

Moussa Bocar LY (Sénégal)

Je crois que j'ai mal entendu l'interprétation, mais j'ai cru comprendre que vous allez transmettre les interventions de tous à la Conférence et j'ai cru entendre dans l'interprétation qu'on a dit "en particulier celle des Pays-Bas". Je crois que c'est plutôt l'ensemble des observations, car c'est une question qui a été débattue ici. Je crois qu'il y a eu la Norvège, le Sénégal, la Corée et les Pays-Bas, et que c'est l'ensemble des observations qui doit être transmis à la Conférence. C'est ainsi que je l'ai compris du moins.

CHAIRMAN

I wish to confirm to the distinguished delegate from Senegal that all comments will be recorded and all comments will be put in our final Report. Thank you for your observation.

27.3 Address by Staff Representative Bodies

27.3 Déclaration des associations du personnel

27.3 Declaración de los Representates del personal

CHAIRMAN

We now move to Agenda Item 27.3, Address by the Staff Representative. We have no document on this Agenda Item, but I have been told that it is a standard practice to allow Staff Representatives an opportunity to address the Conference. We have the Information Officer, Mr Nachtergaele, of the Field Staff Association, who will speak on behalf of the three staff associations, that is the FSA, the Association of Professional Staff, and the Union of the General Service Staff.

F. NACHTERGAELE (FAO Staff)

It is both an honour and a privilege to speak to you on behalf of the three Staff Bodies of FAO and WFP: the Field Staff Association, the Association of Professional Staff, and the Union of General Service Staff. We are grateful to the Director-General and to the Chairman for permitting us to address this Conference. At the outset, I would like to state clearly that the Staff Associations embrace the concept of reform in the UN System, but would like to ensure that the goal of all such initiatives is to strengthen and improve the structures in which we work. We are, however, concerned that the term "Reform" has become an euphemism for budget reductions, where only superficial attention is paid to the effective delivery of our services.

Many FAO employees work under difficult field conditions and are routinely exposed to serious disease and epidemics. We often work in areas of conflict, without the benefit of protection or security. It is no wonder that all the staff is in favour of reform. The staff of FAO has experienced many substantial changes in the last four years. In particular, those caused by budget cuts, executed in the name of reform. We would therefore like to express our concern about the lasting effects that these changes will have on the outputs of the Organization. We state this, not as civil servants who see their career prospects reduced, but primarily as staff members who are committed to the mandate of the Organization and who, regretfully, see its efficiency, its effectiveness and its credibility diminished.

With the limited resources available and a constant drive to cut costs, we are constantly forced to make short-term adaptations in a continual crisis environment, rather than focus on longer-term goals. Indeed, staff members are concerned whether long-term programmes can still be developed today, given that they may be cut because of limited resources tomorrow. The decline that we see as a result of the budget cuts is particularly alarming at a time when FAO has focused the world's attention on the enduring problems of hunger and poverty.

Since 1994, a total of more than 500 staff in FAO Headquarters have left. Compared to the situation in 1994, 371, representing 20 percent of the General Service Staff, 150, representing 17 percent of the Professional Officers, and 21 Officers, representing 40 percent of the Director-level staff are gone. To reduce costs further, a downgrading of vacant posts was undertaken and non-staff budget resources have been reduced to a bare minimum. The result is that the Organization now has serious functional gaps in terms of specific experience and skill, which will clearly affect the quantity and quality of our technical outputs. Career development prospects for staff have become greatly reduced as a direct result of the downgrading of posts and inadequate retraining budgets.

Pensioners, whose primary income is supported by the staff, have been hired as consultants for interim posts in order to save on costs, rather than selecting experienced internal staff members. While in the short-term, the Organization may encounter savings, it sacrifices the development of a cadre of trained professionals. To avoid this harmful situation, the World Bank has actually been given substantial additional resources to undertake similar reforms to the ones that FAO is experiencing.

At Headquarters, the General Service category has suffered heavily in terms of staff reductions as a result of decentralization and, of course, for savings in administrative and public information costs. In the last three years, nearly 400 General Service staff have left the Organization, yet the calls for reductions continue and attention is focused, for example, on statistics on the General Service to be reissued and comparisons are made with other UN Organizations. The reduction of the ratio of General Service to Professionals may look attractive to make savings, but an understanding of our work cannot be captured by statistics. It is a false indicator of improvements in efficiency.

The Union of General Service Staff feels that if the cutting of these posts goes too far, it will actually increase costs since all of the work currently carried out by General Service Staff will

still have to be done, but by Professional Staff whose time is more expensive. Sometimes it appears to the General Services that their contribution to the work of the Organization is poorly understood. Indeed, the range of functions carried out by General Service Staff, is much wider than the term, "administrative". It ranges from the essential services required for the security of the Organization to highly skilled computer operators and research assistants whose input is essential to the normative and operational function of the Organization. Without a doubt, with the introduction of new technologies, the nature of the General Service function is rapidly changing and the Staff are keen to keep abreast of such changes. The General Services have noted with appreciation the emphasis many Member Nations have placed on an effective human resource development policy, and hope that adequate resources will be made available for this purpose.

The cooperation between management and staff associations in the process of staff redeployment and transfers has been very effective and the Redeployment Task Force has achieved good results. However, further cuts in staff costs may not be easily resolved through redeployment which may, instead, lead to the forced elimination of staff at costs of many millions of dollars and leave even greater gaps in the Organization's expertise since there will be no time for succession planning. The UN System does not provide any social security safety net for its redundant staff, and those staff members may not be eligible for assistance under National Schemes to which they have not contributed.

While FAO Professional Staff representatives are not opposed to broadening the horizon of the Organization by bringing in new staff members, highly experienced and field-proven Professional Officers currently serving in the field or in Headquarters could be considered as preferred candidates for the internal vacancies, rather than being forced to leave the Organization. This would benefit the staff, the Organization and all of the developing country members.

The reduced outputs of FAO are perhaps most clearly illustrated by the decline of the FAO Field Programme, which over the last seven years has experienced a reduction from over US\$ 400 million annually in 1990 to US\$ 238 million at present. The number of FAO Field Staff has been reduced from over 1 500 international Professionals in 1990 to barely 500 today. The latter figure includes the staff which in the decentralization effort have moved from Headquarters to the regional and subregional offices. The actual number of Field Project Staff has declined even more dramatically.

Although certain structural changes have contributed to this trend, there is no doubt that the budget cuts have effected FAO's capacities and reduced substantially the technical assistance provided to Member Nations. While the staff supports and understands the motivation behind the decentralization effort, as it will bring resources and technical expertise closer to where it is directly needed, considerable investment will be required to transfer effectively the field operations to the Regional and Subregional Offices. Unfortunately, the budget cuts imposed on the decentralization process render the efficient administration of this ongoing process more difficult.

The staff of FAO is proud of what has been accomplished by the Organization in the more than 50 years of its existence, but they are gravely concerned about its future. It's your opportunity and responsibility to ensure that the Food and Agriculture Organization will be given the resources necessary to meet the challenges and need of agricultural and rural development in order to address world famine and poverty and meet the target your countries have defined in the World Food Summit off 1996. We hope that you will give our concerns due consideration.

CHAIRMAN

I thank the Staff Representative for this address. It is more for information than adoption. Any comment from the floor? Thank you to the Staff representative.

III. CONSTITUTIONAL AND ADMINISTRATIVE MATTERS (continued)**III. QUESTIONS CONSTITUTIONNELLES ET JURIDIQUES** (suite)**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 International Plant Protection Convention (continued) (C 97/17; C 97/LIM/19; C 97/LIM/35)

18. Amendements à la Convention internationale pour la protection des végétaux (suite) (C 97/17; C 97/LIM/19; C 97/LIM/35)

18. Enmiendas a la Convención Internacional de Protección Fitosanitaria (continuación) (C 97/17; C 97/LIM/19; C 97/LIM/35)

CHAIRMAN

The next Agenda Item 18 is on Amendments to the International Plant Protection Convention. We do not seem to have the document C 97/LIM/35 at this stage, but I have been assured that it is going to be ready shortly, and this document is required for both Agenda Item 18 and Agenda Item 24. In view of this, I am proposing an adjournment.

The meeting was suspended from 15.40 to 17.45 hours.

La séance est suspendue de 15 h 40 à 17 h 45.

Se suspende la sesión de las 15.40 horas a las 17.45 horas.

CHAIRMAN

Delegates, we will now resume the second part of the second meeting of Commission III and we will straight away go to Agenda Item 18 which deals with the Amendments to the International Plant Protection Convention. The documents which are required are C 97/17, C 97/LIM/19 and C 97/LIM/35. This Agenda Item will be introduced by the Legal Counsel, and the aim of the revision to the IPPC Convention is to bring it in line with the SPS Agreement which was concluded as a result of the Uruguay Round negotiations. So at this stage, I call upon the Legal Counsel to introduce the Agenda Item.

LEGAL COUNSEL

The proposed amendments to the International Plant Protection Convention as modified by the CCLM at its 67th Session in October 1997 and approved by the Hundred and Thirteenth Session of the Council for transmission to the Conference are set out in document C 97/LIM/19. This document indicates in full all the proposed amendments. You also have before you document C 97/17, which is a clean version of the revised text but which does not incorporate the modifications introduced by the CCLM.

Mr Chairman, the present revision of the IPPC is a comprehensive wide-ranging revision, the objective of which is to bring the Convention up-to-date with modern phytosanitary practices and technologies, to bring it into line with the new concepts introduced by the WTO Agreement on the Application of Sanitary and Phytosanitary Measures, the so-called SPS Agreement, and indeed, to bring it in line with the SPS Agreement, and to establish a machinery, the Commission on Phytosanitary Measures for the formal setting of phytosanitary standards which will be recognised under the SPS Agreement, as well as to establish a formal IPPC Secretariat.

The revision was set in motion by the Conference in 1995, and the text was negotiated over a period of almost two years starting in March 1996. The revised text was unanimously endorsed by the Council at its Hundred and Twelfth Session in June 1997. The modifications introduced by the CCLM cover some small changes to the wording of Article IX, the addition of a reference to "other related articles" in Article III and the model certificates to bring them into line with the wording in Article IV, a small correction to the wording of Article II bis and some minor editorial modifications to the text.

The CCLM was asked to make its recommendations as to whether the amendments would involve new obligations for Contracting Parties. If the amendments do not involve additional obligations, then the amendments would enter into force, after their acceptance by two-thirds of the Contracting Parties. If they are found to involve new obligations, then the amendments would enter into force after their acceptance by two-thirds of the Contracting Parties, for each Contracting Party only on its acceptance thereof. Having considered the criteria established by the CCLM and applied by the Council and the Conference in the past, the CCLM recommended that the present amendments did not involve new obligations. This view was generally endorsed by the Council at its Hundred and Thirteenth Session last week. However, the final decision on this matter lies within the competence of the Conference. I should merely point out, as did the CCLM, the implications of finding that new obligations are involved. This would mean in practice that once the amendments come into force, there would be two versions of the IPPC in force, one for the two-thirds of the Parties that have accepted the amendments and the old version of the IPPC for the one-third that still has to accept them. It was partly for this reason and partly from having reviewed the entire text of the CCLM, that the Council found that the present amendments did not involve new obligations.

The CCLM was also asked to look into the location of Article II bis which deals with the relationship between the IPPC and other international agreements such as the WTO SPS Agreement. The article provides that the rights and obligations of parties under such agreements would not be affected by the revised IPPC. The CCLM found this provision to be particularly important and recommended that it should be located where it is, right at the beginning of the Convention, since its provisions apply to and colour the entire text.

This issue of the relationship between the IPPC and other agreements such as the SPS Agreement has caused some concern on the part of some countries. You will recall that at the Council Session last week, I proposed a possible draft of an Explanatory Statement that would clarify the intent and impact of Article II bis, and which delegations might find useful in their discussions. Since then, there have been further informal consultations on the wording of a possible Explanatory Statement, and a wording has been circulated, I think, to all members of this Commission. As it has been circulated, I think I do not need to read it out but I would draw your attention to this informal draft of a possible Explanatory Statement which you may need to take into consideration. Can I confirm that it has been circulated? Yes.

Finally, I should point out that we have presented the text in order to show the insertions and deletions to the old text. These will eventually be suppressed, and the cleared text of the revised Convention will be shown in the report of the Conference. We shall also at that time incorporate Article II bis into the revised text as Article III and renumber the rest of the articles sequentially.

As I also informed the last Session of the Council, and today also, there are still some discrepancies in the various language versions of the revisions of the IPPC, and in particular in the Spanish version. We have noted these discrepancies, and we will ensure that a corrected text is available for you at the time of your vote on these amendments next week and if possible, before. If the Commission is in agreement with the amendments proposed, the Resolution presenting the amendments will be forwarded in the Report of the Commission to the Plenary next Tuesday for approval and adoption by a two-thirds majority vote.

Finally to conclude, may I just return once more to the possible draft of an Explanatory Statement. While we have had informal consultations on a possible draft, we understand that it is

impossible for all of your Governments, many of whom do not have technical experts here today, to give your final approval to this draft at this particular meeting today. I know that there are consultations still going on with capitals on it. So I would suggest, if I may, that you consider the IPPC revisions today and leave your agreement on this particular aspect of the draft Explanatory Statement open, or leave this aspect open until tomorrow or Friday. You could then signify your views and hopefully your consensus with the Explanatory Statement to the Rapporteur tomorrow. This consensus may be expressed when you consider the Report of the Commission on Friday. This is just to indicate one possible way of going ahead with this. However, it will depend on your discussion now.

Thank you Mr Chairman, I am sorry for the length of this introduction.

CHAIRMAN

Thank you very much Mr Moore for that lengthy but extremely useful introduction to this agenda item. Before I invite comments from the floor, I would like to give the opportunity to the Chairman of the Sanitary and Phytosanitary Conference, Mr Alex Thiermann, to say a few words.

Alex THIERMANN (World Trade Organization)

You may recall that Mr Cary Berkholme, past chairman of the WTO SPS Committee, attended the country consultations on the revision of IPPC last January. In his statements at that time, Mr Berkholme made two important points: first that the SPS Agreement is favourably dependent on this IPPC Convention and second, that although the SPS Secretariat has great interest and high expectations for the revision process, the SPS Secretariat has no formal position. These comments continue to be pertinent as I speak to you today in my capacity as observer and current Chair of the SPS Committee.

Both the WTO SPS Committee and the SPS Secretariat have followed and supported the revision process. We have noted the dedicated effort on the part of FAO and particularly the IPPC Secretariat in the commitment of the members to negotiate in good faith towards mutually satisfactory amendments to this convention. Through hard work and a series of difficult discussions, we have seen the IPPC develop this critical stage in its evolution and we are supportive of these results. As recently as during our last SPS Committee meeting, the Committee strongly commended the IPPC Secretariat for its significant progress in the revision of its Convention.

It has been pointed out that the revised text that was agreed upon in June is a result of a careful and deliberate negotiation resulting in the delicate balance of compromises. This is, of course, the nature of negotiations as anyone involved in international agreements would quickly point out. I, like many others who have been following the revision process, note the inclusion of important SPS terms and concepts in the revision of this Convention. While I understand that one of the primary objectives of this Convention process was to ensure that the Convention adequately addressed the role envisioned for it under the WTO SPS Agreement, I believe that we must also recognise that the IPPC is a distinct agreement with a different scope and objectives. There should not, in my opinion, be any expectation that the Convention be identical to the SPS Agreement. As I see it, the SPS Agreement transformed the GATT into a trade agreement with provisions for sanitary protection. Similarly, the revision of the IPPC allows a convention to more clearly reflect in a protection agreement complimentary provisions for trade. They are distinct agreements overlapping conceptually in the application of phytosanitary measures affecting trade. It is in this area, in particular, where the WTO and in, particularly the Air Space Committee, will look to the IPPC for guidance in disciplines for the applicational measures to protect plant health for life.

I find that the term phytosanitary measures, as defined in the Convention, is consistent with the same usage in the SPS. These are measures that are aimed at protecting plant health and/or life. Furthermore, I find that the scope of phytosanitary protection permitted under the IPPC is

consistent with the scope of phytosanitary coverage provided under the SPS Agreement. In this regard, I note that under the IPPC the definition of plant is broad, including cultivated and non-cultivated species. This is consistent with the SPS Agreement which includes wild flora and forests in its definition of plants. Therefore, I see consistency between these two agreements in terms of permitting the use of phytosanitary measures to safeguard commercial, as well as non-commercial plants.

I understand that the revised IPPC limits the application of phytosanitary measures to regulated pests. I also note that well-elaborated disciplines exist in the revised Convention to guide the application of phytosanitary measures. These disciplines include the requirements that measures be based on phytosanitary conditions, technical justification and pest risk analysis. The sum of these terms, in concept, is intended to ensure that phytosanitary measures are not arbitrary or unjustified, especially as they relate to trade. This, in my opinion, is entirely consistent with the SPS Agreement. The need to have a scientific basis for imposing measures is balanced with the solemn right of governments in the ability of National Plant Protection Organizations to impose emergency or provisional measures against a potential threat to plant cartels. However, this is also tied to obligations for further evaluation to justify maintaining such measures when taken on the basis of incomplete information in the face of new information. These provisions of the IPPC Convention appear to be consistent with the WTO SPS Agreement, especially in light of Article II bis which clearly states that “the Convention does not affect the rights and obligations members may have under other relevant international agreements such as the WTO SPS”.

In summary Mr Chairman, I wish to recognise, on behalf of the WTO SPS Committee, the thoughtful and dedicated effort put forth in the development of this revision, which when adopted and implemented will be of great assistance to the application of the WTO SPS principles and objectives.

CHAIRMAN

Thank you, Mr Thiermann, for that detailed supplementary information. I will give the floor to the Legal Counsel just to make a small clarification on this draft proposal for the Explanatory Statement.

LEGAL COUNSEL

In the draft Explanatory Statement that you have before you, I should point out that the words that are struck out should be deleted, and the words which are underlined are part of the new text. In fact we had reproduced it in this form only for the purpose of showing the translators where the new text was because we had already circulated an earlier version. However, they jumped the gun and printed this one. So just ignore everything that is struck out. The actual text reads “The Conference adopted the following Explanatory Statement ...” and then go down. Everything that is underlined is in, and everything that is struck out is out.

Ms Laurie J. TRACY (United States of America)

Let me first convey our appreciation to the Secretariat, to the translators and Legal Counsel, and to other delegations who have worked with us over the past couple of days on the text that Mr Moore has just described.

As many of you know we have been a long-time member and supporter of IPPC. We worked hard with many of you on the revisions and we hope that we can join a consensus in getting this adopted by this Conference. In that respect, in order to further this process, we have obtained agreement from our capital in response to concerns raised by many of the delegations which attended today’s informal session to review the possible Explanatory Statement. We have obtained approval from our capital to delete the paragraph 2, which many delegations had expressed concern about in terms of taking the IPPC revisions into areas which the negotiators perhaps had not intended. So we have obtained Washington’s approval to delete that, and we

hope that will help the spirit of obtaining the clarification that we seek to this and that will permit us to join a consensus. In that respect, turning to the process that the Legal Counsel raised, we note that many other delegations have not had the opportunity to obtain the opinions of their capitals, and we would very much prefer to leave this Agenda Item open. In fact it is not possible for us to join a consensus at this time to approve the revision until the question of the Explanatory or Clarifying Statement is resolved.

Fernando José MARRONI de ABREU (Brasil)

En primer lugar quería agradecer a la delegación de los Estados Unidos por demostrar su buena voluntad en estar de acuerdo que se elimine este segundo párrafo en esta nota explicativa. Quisiera también expresar mi acuerdo con la propuesta de los Estados Unidos de no iniciar la discusión sobre este tema. Creo que es importante que continúen las negociaciones pero, por otro lado, también quisiera llegar a una conclusión lo antes posible, porque me imagino que otras delegaciones están exactamente en nuestras mismas condiciones. Ya envié varios faxes, varios cables, llamé varias veces a mi capital, y todos los días tengo novedades en este proceso. Por lo tanto, corremos el riesgo de llegar al día de la votación del informe, y basta que uno, o dos, o tres no tengan el apoyo de su capital, para que todo el proceso esté en peligro. Entonces estoy dispuesto a participar y quisiera también hacer un llamamiento a que todas las delegaciones hagan un esfuerzo para llegar a un consenso lo más pronto posible. Me arriesgo a sugerir que sea mañana. También quisiera que llegáramos a un consenso sobre la forma exacta que tendrá ese texto. A mi parecer sería más adecuado que fuera parte del informe, según lo sugirió el consultor jurídico en su explicación. No voy a hacer ningún comentario de substancia. Creo que estamos aún discutiendo y tal vez no sea el foro adecuado porque sino se tomaría mucho más tiempo. Pero, repito, me gustaría inmensamente que mañana tuviéramos una versión final para esta nota.

Takashi SEKIGUCHI (Japan)

My delegation is of the view that the revised IPPC text is appropriate. Therefore we can support it.

My delegation would like to express gratitude for the enormous efforts by the Secretariat and participants from Member Nations to reach the final agreed text we now have in front of us. Having said that, we have some questions. Can we interpret that the amendments to the IPPC will not involve new obligations to the Contracting Parties? Our interpretation is that the amendment to the IPPC will involve new obligations to the Contracting Parties to this Convention. The reason is that the new responsibilities attached to the offshore plant protection organization of the Contracting Parties will clearly result in new obligations to the contracting parties. Japan strongly hopes that whether or not a newly-revised IPPC entails a new obligation should be decided in this Conference, and Japan is ready to follow the consensus regardless of our views.

The second point Japan would like to raise regards the consistency of the term “international standards”. We would like to confirm that the International Standards for Phytosanitary Measures adopted by the Commission on Phytosanitary Measures established by the revised IPPC corresponds to the international standards set out in Article III, paragraph 2 of the SPS Agreement. My delegation asks to record this point in the final adopted report.

Regarding the new draft of a possible Explanatory Statement, this statement is very important to us, therefore we welcome the suggestion to discuss it tomorrow.

Tang ZHENGPING (China) (Original language Chinese)

The Chinese delegation has carefully scrutinized the revised text of the International Plant Protection Convention. This text has been reviewed and revised by several expert panel meetings and then endorsed by COAG and the Council at the Hundred and Twelfth Session of FAO. This, on the whole, reflects the position and opinions of various countries. It is a balanced text in our view. The delegation of China therefore endorses the approval of the revised text of IPPC by the present Session of the FAO Conference.

With respect to the Explanatory Statement proposed by the United States delegation and the Legal Counsel, we are of the view that the IPPC is a Convention with very strong technical characteristics and it should not overstress trade agreements. After the revision, this Explanatory Statement has been simplified somewhat. Even so, it covers many related international agreements which should be studied by experts of various Member Nations. Our delegation does not have such experts, and the authorities at home do not have sufficient time to study this statement, therefore we think that the revised text should not have any Explanatory Statement and that the Conference should not adopt any Explanatory Statement and Resolution. Of course, we feel that we should first adopt the revised text.

Dieter OBST (European Community)

The European Community and its Member States congratulate both FAO and its relevant bodies for the important work done and the results achieved in respect of revision of the current International Plant Protection Convention. They confirm their support for the revised text as presented in document C 97/LIM/19. As already stated in the Hundred and Twelfth and Hundred and Thirteenth Sessions of the Council, they believe that it will be used by contracting parties as an important tool in securing common and effective international action to prevent the spread and introduction of pests of plants and plant products and to promote appropriate measures for the control of these pests, while seeking to minimize interference with international trade, in accordance with internationally-approved principles.

The Community and its Member States welcome the possibility for the Community as a Member Organization of FAO to become a Contracting Party to the revised IPPC.

The Community and its Member States support, moreover, the recommendations made by the Council, in its Hundred and Thirteenth Session, for the Resolution for the Conference in respect of the amendments to the International Plant Protection Convention, including the establishment of an Interim Commission on Phytosanitary Measures under Article VI.1 of the FAO Constitution, with the Terms of Reference contained in Appendix B. This will facilitate the adoption of further international phytosanitary standards in the interim period until the coming into force of the revised IPPC.

We propose to state in the report of this Conference that these further standards should also include topics which are not covered by the current IPPC, but which will become relevant under the revised text.

With reference to the draft explanatory statement, I would like to stress that we are very interested to see the revised IPPC adopted by this Conference, preferably by general support.

If the proposed statement helps to contribute to this objective we can accept the principle of an Explanatory Statement for inclusion in the report of the Twenty-ninth Session of the Conference.

I would like to add one minor point of which the Secretariat has already been informed. There is a spelling error in Appendix C of the Draft Resolution. I do not want to indicate the precise area now. The expression "European Commission" should be replaced by "European Community".

Moussa Bocar LY (Sénégal)

Le Groupe africain a déjà, au sein du Conseil de la FAO, traduit sa position qui était et qui demande que ce projet soit négocié de façon complexe, délicate et que finalement l'on est parvenu au consensus de toutes les parties prenantes avec la présence d'ailleurs des experts africains qui ont pu apporter leur contribution au résultat final que nous avons tous salué. Je souligne bien tous, et donc au niveau de la 113^{ème} session du Conseil, le Groupe africain que le Sénégal a l'honneur de présider a fait savoir que n'ayant pas d'experts au sein des délégations africaines au Conseil et ne pensant pas en avoir à la Conférence. Le Groupe africain ne voyait pas la nécessité d'ouvrir encore la discussion ne serait-ce que par une déclaration explicative. A cette Conférence-ci, les Ministres africains se sont réunis et ont à nouveau examiné la question pour

conclure que nous n'avions pas non plus d'experts à cette Conférence sur cette question délicate de la protection des végétaux et donc que l'Afrique ne pouvait être partie prenante à la réouverture sous quelque forme que ce fut de cet équilibre difficilement négocié.

Malgré cela et compte tenu de notre volonté de voir cette révision intervenir le plus tôt possible, et en tous cas à cette Conférence, nous avons suivi les discussions sur la Déclaration explicative. Nous devons féliciter et remercier le Secrétariat de la FAO et en particulier le Conseiller juridique, pour tous les efforts qu'il a fournis pour parvenir à un texte. Nous devons également prendre acte de la bonne volonté manifestée par la seule délégation qui avait jugé opportun d'avoir une Déclaration explicative, à savoir la Délégation américaine. Toutefois, le Groupe africain se trouve dans la même situation qu'avant, dans la mesure où nous ne pouvons pas à l'heure actuelle nous prononcer sur la validité d'une Déclaration explicative pour les mêmes raisons, n'ayant pas d'experts au sein de nos différentes délégations, et également devant conduire un processus de consultations internes aux différentes Délégations africaines qui, par ailleurs, sont occupées à des questions également importantes qui doivent être tranchées lors de cette Conférence et qui exigent l'attention de nos Ministres eux-mêmes.

Le Groupe africain doit également dire que sa préoccupation n'a pas été levée lors de la discussion sur la Déclaration explicative, au contraire elle aurait même été renforcée par cette discussion. En effet, comme le délégué du Brésil, nous ne voulions pas entrer dans des discussions mais nous pouvons déjà dire qu'au niveau du paragraphe premier nous sentons d'ores et déjà une difficulté d'ordre juridique dans la mesure où dans le texte anglais on nous dit "its requirements of sanitary measures" et dans le texte français c'est traduit par "des mesures sanitaires requises". Je crois que ce n'est pas nécessairement la même chose, du moins sur le plan juridique.

De plus, et surtout, la Délégation américaine vient de nous dire qu'elle renonçait au paragraphe 2 or on sait que c'est le paragraphe 2 qui nous a empêché aujourd'hui d'aller manger et donc d'appliquer notre droit à la nourriture. Et nous sommes donc assez circonspects, après avoir employé autant de temps et d'énergie à ce paragraphe, la délégation américaine vient de nous dire: "écoutez, oubliez ce paragraphe". Alors cela renforce notre suspicion, entre guillemets si j'ose dire, et cela renforce le fait que n'ayant pas d'experts nous devons être très prudents et nous poser beaucoup de questions sur la rétomarche qui a été opérée après tant d'efforts et donc cela complique plus que ça ne facilite notre situation.

Et donc, le Groupe africain voudrait dire pour finir ceci: que nous sommes prêts à adopter la révision qui a été faite et à la faire adopter à la Conférence, mardi mais que pour la Déclaration explicative nous réservons notre position jusqu'à ce que nous puissions y voir plus clair, et en tout cas jusqu'à mardi. Nous ne sommes pas en mesure à l'heure actuelle, et c'est là le mandat que j'ai reçu du Groupe africain, de donner notre accord à un quelconque texte de Déclaration explicative d'ici vendredi comme semblait le souhaiter le Conseiller juridique.

Voilà en substance la position du Groupe africain telle que je voulais l'exposer et j'espère bénéficier de votre compréhension quant aux difficultés que j'ai mentionnées.

Vladimir V. POPOVITCH (Observer for the Russian Federation)

First of all let me say that the Russian delegation welcomes you as the Chairman of this Commission. So, it was a long and hard road for the revision of the new text of this International Plant Protection Convention. The text which is before us was born as a result of detailed discussions and consultations on every Article and each paragraph within the framework of FAO, as well as in the Regional Plant Protection Organization. For example, the last consultation in the European Plant Protection Organization was held two months ago. At last, as a result of hard compromising and the understanding by all of us of the necessity for this document, we now have it.

As stated by the United States delegation, some of the Articles, for example Articles V and VI, can partly be understood or interpreted in a different manner. It is natural that every party can interpret this according to its understanding of the text. In this case, we can also mention Article IV. The Russian Federation understands it in the way that the certification or quarantine commodity is introduced if the sanitary certificate is issued only by the sanitary officials of the National Plant Protection Organization or its signatory party.

Other organizations that are working under its authority may prepare the initial date for this certification but the original certificate must be confirmed by the Official National Plant Protection Organization. But, nevertheless, a great job has been done by all. Thank you for your attention.

K. UKINU DANIEL (Angola)

Ma délégation est satisfaite de vous voir diriger les débats de la Commission III. C'est pourquoi elle joint sa voix à celles qui l'ont précédée pour vous présenter ses vives félicitations. Elle voudrait également par la même occasion étendre ses félicitations aux autres membres du bureau qui vont vous épauler dans cette lourde tâche.

C'est avec beaucoup d'intérêt que nous avons étudié la révision du texte portant sur la Convention pour la protection des végétaux. Vous n'êtes pas sans ignorer que le processus des négociations, ayant abouti à ce texte révisé, a été délicat et difficile. Au vu des observations faites par la délégation américaine tendant à réouvrir les négociations sur cette question, ma délégation se trouve dans l'impossibilité matérielle de participer à toute réouverture des négociations de ce document dans la mesure où les experts qui nous avaient aidés à mieux comprendre ces textes, donc à donner par la suite notre aval, ne sont pas ici, n'intègrent pas notre délégation. Par conséquent, nous souscrivons à la proposition formulée par la délégation du Sénégal, au nom du Groupe africain, et approuvons le projet de résolution sur la révision de la Convention internationale pour la protection des végétaux.

CHAIRMAN

Thank you very much distinguished delegate from Angola. We fully welcome you to Commission III, and thank you also for the kind words that you addressed to me as the Chairman.

Roberto VILLAMBROSA (Argentina)

Creo que todos queremos que esta Convención sea aprobada. Todas las delegaciones aquí presentes tenemos bien claro que este texto no puede ser demorado, que hemos trabajado mucho en él y que tenemos que darle un punto final, también en todos los trabajos que hemos realizado durante largo tiempo. Creo, que algunos hemos tenido el beneficio de que vinieran expertos, que en este caso somos pocos, yo he tenido esa suerte y aquí está el experto de mi país que ha venido y ha trabajado mucho con mi delegación.

Con respecto al nuevo papel que nos presentó la delegación de los Estados Unidos y con la cual hemos estado trabajando en distintas consultas, todos saben el esfuerzo que hemos hecho, el esfuerzo que está haciendo mi delegación, y el esfuerzo que vamos a continuar haciendo. Hemos consultado a nuestra capital, y estamos completamente de acuerdo con la propuesta que hizo el señor Moore en el sentido de dejar abierto este tema de la Nota explicativa para ver cuál es la respuesta de las capitales.

Con respecto a la intervención de la Unión Europea, y al trabajo que propone durante el período de transición, - no crean que soy un experto, simplemente el experto me ha ayudado en esto - en el análisis de riesgos en este período de transición nosotros hemos aprobado en la Convención actual un análisis de riesgos sólo sobre plagas cuarentenarias. El Consejo de Sanidad Vegetal del Cono Sur, del cual tenemos la suerte y el honor de formar parte, trabaja con plagas reglamentadas, cuarentenarias y no cuarentenarias. En consecuencia, en este período de transición debería permitirse el trabajo, si es que he entendido bien a la Unión Europea, para que

podamos avanzar desde que adoptemos la Convención hasta el momento en que la Convención quede aprobada por haber tenido los dos tercios de los países signatarios.

Espero que podamos llegar a un buen entendimiento y a un acuerdo sobre esta Convención.

LEGAL COUNSEL

I would just like to deal with two points in particular. First the question raised by Japan regarding whether or not there are new obligations and Japan's wish to see a statement to this effect in the report. It is my understanding from this debate and the previous debate in the Council that it is the opinion of the Commission, if I understand correctly, that there are no new obligations for Contracting Parties. Consequently the amendments will come into force for all Parties on their acceptance by two-thirds of the Contracting Parties. I believe, unless you correct me, this is what would appear in the Report in a succinct statement. Maybe that is what Japan wished to see.

Secondly, on whether the international standards adopted under the IPPC and in the interim period of the FAO Conference would correspond to the international standards set out in the SPS Agreement. Perhaps this is a question for the SPS people, but I would just quote what it says regarding International Standards, Guidelines and Recommendations in the SPS Agreement: "For plant health, the international standards, guidelines and recommendations developed under the auspices of the Secretariat of the International Plant Protection Convention in cooperation with regional organizations operating within the framework of the International Plant Protection Convention". It is my understanding that the standards being developed now by the FAO Conference or to be developed under the Interim Commission established under Article VI and those that would be developed by the Commission on Phytosanitary Measures under the revised IPPC when it comes into force, would be indeed the International Standards referred to in Annex A, paragraph 3(c) of the SPS Agreement.

Finally, we have noted some of the errors which will be taken up in the revised version which will be presented on Friday. I understand that you are in agreement with the Resolution. Maybe I could pass to my colleague, Mr Van Der Graaff, on one technical point raised by the EC.

N.A. VAN DER GRAAFF (FAO Staff)

The EC suggests that it may be useful to state in the report of this Conference that its standards should also include topics which are not covered by the current IPPC. It will become relevant in the revised text. I assume that the EC refers there to standards for regulated non-quarantine plants, which was also the issue referred to by Argentina. Now, in the Draft Resolution the Secretariat is requested to commence work on international standards for non-quarantine regulated pests. I would assume that it also includes that the Interim Secretariat will then adopt such standards. I would not believe that it would be useful to start such work without an adoption by the Interim Commission.

CHAIRMAN

I also wish to take this opportunity to thank all those who have contributed to this very important agenda item which has been negotiated for a period of over two years to reach this comprehensive revision that experts have looked into. I would like to suggest that as the Adoption of the Report adoption will be on Friday morning, the one or two small items which still remain could be thrashed out by tomorrow also with the Legal Counsel, as I am seeing total agreement on this Agenda Item except for those small issues. I suggest that this be thrashed out sometime tomorrow, so that we can have the Report adopted on Friday together with those few comments/ recommendations adopted at this stage.

Fernando José MARRONI DE ABREU (Brasil)

Confieso que tengo dudas. He oído atentamente todas las intervenciones que hicieron varias delegaciones y hay un Grupo regional que no acepta la Nota explicativa, además de otra delegación. Quisiera que el Presidente pudiera dar un consejo, una nota de realismo, porque veo que hay algunas delegaciones que están, informalmente, tentando negociar, definir un texto que ya desde un principio no tendrá el apoyo de otras delegaciones. Entonces me permito sugerir de poder contar con más tiempo para discutir sobre el derecho a la alimentación, en los próximos días, como dijo el delegado del Senegal y otras delegaciones.

Repito, quisiera tener en claro una posición clara de la Comisión. Si vamos a hacer algún intento adicional de una Nota explicativa que sería parte del Informe, o si ya hay una posición definida de varias delegaciones que no aceptarán esta tentativa. Entonces vamos a ahorrar el tiempo y utilizarlo de modo más eficaz para discutir otros temas tan importantes también que están en las otras Comisiones de esta Conferencia.

Ms Laurie J. TRACY (United States of America)

Now, if I understand the Brazilian delegate's question or request correctly, I think it related to the wrap-up that was provided at the end of this Agenda Item when we attempted to wrap it up and I think I share the same concern. Frankly, we are not ready to join a consensus in accepting these revisions, unless we can come to some kind of closure on this Explanatory Statement. I think that so long as there is active discussion going on with respect to the contents of the Explanatory Statement which we are trying our very best to pare down to its essential elements to provide the greatest acceptability possible, it seems to me that it would not be that useful to close off discussion on this Item or to formally close this in terms of the Agenda.

LEGAL COUNSEL

I know there are formidable problems, and I know a lot of countries and regions feel very concerned about the situation. For example, Africa as well as China, do not have their experts here. I fully understand this problem. On the other hand, we have to come to some conclusion sooner or later even if the conclusion is not entirely what we would all want.

Perhaps the best idea is that Members continue their consultations with their capitals on the basis of this new Explanatory Statement insofar as possible. Perhaps tomorrow we can hold some sessions in order to brief delegations on certain aspects, possibly with the help of the Chairman of the SPS, and maybe with the help of the technicians from the FAO Secretariat. I am thinking in particular of the African Group. I know it is not the most perfect thing, but maybe it is the best that can be done at the moment just to give you some assistance insofar as we can. Then I would suggest that perhaps we could have a cut-off date of tomorrow night, and by Friday morning when you meet to adopt your Report, maybe we can keep this Agenda Item open and discuss the outcome before we actually adopt the Report. Meanwhile we would report to the Rapporteur, and try to have a Report reflecting all of these things. If we are still in a situation where some people have reservations, then we will have to include them in the Report on Friday morning.

CHAIRMAN

The FAO Legal Counsel will invite active consultations between now and tomorrow between regional groups, between individual delegations with Legal Counsel, active consultations. I am positive that we should be able to get to some compromise by the time we reconvene on Friday. Legal Counsel will be available throughout tomorrow for consultation because we just cannot leave the item open-ended. I will leave it open and when we meet on Friday, we will hear the outcome of the consultations.

Moussa Bocar LY (Sénégal)

Monsieur le Président, nous faisons confiance en votre sagesse mais, je pense qu'il ne faudrait pas qu'on change la physionomie des choses. Je crois que la situation est simple. En effet, à l'exception d'une délégation, nous sommes en mesure, nous, je dis la Commission et par conséquent la Conférence, d'adopter le texte révisé de la CIPV. Maintenant, s'il y a une délégation qui a un problème, un problème matérialisé par ce qu'on a appelé "Déclaration explicative", je crois qu'il faut bien replacer les choses telles qu'elles sont. Le Groupe africain a toujours participé de façon ouverte à ces discussions, à ces négociations, et je crois qu'il faudrait quand-même rendre justice aux réalités, telles qu'elles sont. Je crois qu'il faut replacer les choses dans leur propre contexte. Voilà simplement ce que je souhaitais qui soit bien compris, étant entendu que, comme je l'ai dit, notre groupe ne peut que réserver sa position. Elle n'est pas liée par le vendredi, elle est liée par la fin de la Conférence qui intervient, me semble-t-il, le mardi.

CHAIRMAN

Thank you for that observation and as I have said before, we will not just restrict the consultation to the one delegation but Legal Counsel will be available for open consultation between tomorrow and Friday. We will have to adopt the Report on Friday before we present it to the Conference on Tuesday. That clearly remains the position between now and tomorrow evening.

B. Administrative and Financial Matters**B. Questions administratives et financières****B. Asuntos administrativos y financieros**

24. Scale of Contributions 1998-99 (C 97/LIM/4; C 97/LIM/35)

24. Barème des contributions 1998-99 (C 97/LIM/4; C 97/LIM/35)

24. Escala de cuotas para 1998-99 (C 97/LIM/4; C 97/LIM/35)

CHAIRMAN

We will now move to Agenda Item 24 - Scale of Contributions 1998-99 -. The document for this item is C 97/LIM/4, which includes the proposed Scale of Contributions based on the 1997 UN Scale of Assessments. The text of the resolution is contained in document C 97/LIM/35. I will now invite Legal Counsel to introduce this Agenda Item.

DEPUTY DIRECTOR-GENERAL

Legal Counsel feels that he has been speaking too much lately, so he has requested me to introduce this item. I am not sure that there is need for a long introduction. The document has been referenced. It is C 97/LIM/4. It points out in paragraph 2, first sentence that "the practice of the Organization has been to derive the Scale of Contributions directly from the United Nations Scale of Assessments". This practice has a long history. That is what it says, and it says that in the normal circumstance, the Scale of Assessment is based on the Scale that is in effect in the United Nations at the time when the FAO budget is adopted.

In paragraph 4 there is reference to the use of the Scale in force during the calendar year of the Conference session. It also points out that the Conference is sovereign and is not legally-bound by that Resolution. There is an experience recorded here, when an alternative approach was used,

i.e. to adopt a Scale of Assessments for the year for which the Assessments are being made, rather than the year for which it is not being made.

There is also a brief summary in two paragraphs of the activities that are under way at the United Nations in New York on the revised Scale which has to be approved before the United Nations sends out its call letters. That debate has been under way for some time and is continuing these days. They have looked at eight different proposals, and tried to formulate a ninth proposal. We were told yesterday that that has not gone very well, and that they are still struggling and searching for an approach.

There has been some agreement, however, in New York. They have agreed on a six-year base period. Things that they have not agreed upon that are of significance for the Members is the proposal to modify the floor. All of the discussion tends to be around the proposal to modify the ceiling, but there are proposals to modify the floor and to make the minimum contribution not .01 but .0001. Should a Scale like that be adopted - it has not been agreed - then many of the Member Nations of this Organization or of the United Nations would experience a reduction in their assessed percentage. So, nothing has happened there. What you do have in front of you is a Resolution that has come through the Resolutions Committee. This document is contained in C 97/LIM/35. The Resolution has been presented by the United States of America. It is before you. What it would do is follow current procedures in operative paragraph 1 in that it would adopt for 1998 the Scale as set out in the Appendix, which is derived directly from the United Nations Scale of Assessments in force during 1997. But in paragraph 2, it decides that if a new Scale is adopted before 31 December, the Director-General would prepare the modified Scale, so that the new Scale would actually be in effect for 1998 and 1999.

Also, in paragraph 3, there is a provision that refers to a situation where the new Scale of Assessments is agreed after 31 December 1997, but before 31 December 1998. Then the Director-General shall prepare a modified Scale of Contributions for the year 1999 to reflect the Scale of Assessments for 1998-2000 fixed by the United Nations General Assembly, again applying the established principles for adjustment.

So you have three operative paragraphs for your consideration. I believe I have gone on too long.

Ms Laurie J. TRACY (United States of America)

The United States this year is launching a major effort aimed at stabilizing the finances of the United Nations, FAO and other international organizations. As many are aware, we are seeking to reduce the UN regular budget Scale of Assessment ceiling to 22 percent by 1998, and 20 percent by the year 2000. Our aim is to ensure that the Agencies are stronger, more effective and better equipped to meet the immense global challenges of the Twenty-first century.

Legislation is now pending in our Congress to make available over a period of three years virtually all of the arrears we plan to pay to international organizations. We expect this legislation to be adopted soon. In the case of FAO, US\$ 105 million would be made available. We believe the legislation is critical to achieving reform and effective management throughout the UN System. In our view, one of the most important steps to be taken in this regard is to negotiate a new ceiling for the United Nations Scale of Assessments - one that restores financial viability, broadens the base of shareholder participation in the international system and spreads the responsibility for payments in a more rational manner. We expect that the discussions in New York on the Scale of Contributions will be completed by the end of December. Just as a new United Nations Scale would be applied beginning in January 1998, we believe that FAO's revised Scale, modelled on the new United Nations Scale, also should be implemented in January 1998. Bearing this in mind, the United States has tabled a Resolution on the Scale of Assessments that contains several elements.

First, in accordance with established practice, our Resolution calls upon FAO to follow the United Nations Scale of Assessments. I think this is a principle upon which we can all agree.

Secondly, since this Conference is taking place before the discussions in New York on the Scale of Assessments are completed, we are proposing in our resolution that for 1998 and for 1999 FAO adopt now the Scale in force in 1997.

Third, provided that the United Nations adopts a new Scale of Assessments by 31 December 1997, the text of our Resolution proposes that the Director-General prepares a modified Scale for 1998-99 to reflect the United Nations Scale for those years.

Fourth, if the United Nations Scale of Assessments is adopted after 31 December 1997, but before 31 December 1998, we propose that the Director-General would prepare a modified Scale to reflect the United Nations Scale for those years.

As we have stated on numerous occasions, the position we are taking on the Scale of Assessments at FAO differs from the position we took at ILO and WHO for the following fundamental reason. The legislative bodies of ILO and WHO meet on an annual basis. We recall that the Resolution on the Scale of Assessments adopted by those two Agencies in 1997 provides for another look at this issue by their legislative bodies in 1998. But, FAO will not have this opportunity next year, since the Conference does not meet again until 1999.

Once a revised United Nations Scale is adopted, ILO and WHO are in a position to take a decision on the 1999 Scale parallel with the United Nations Scale. Let us be clear about this critically important issue. We are not asking FAO to move independently of decisions in New York. If changes in the assessment rates ceiling are not adopted in New York, changes will not take place in the FAO Scale. We are merely proposing that the two organizations operate in sync. As FAO's Legal Counsel explained during the September session of the Programme and Finance Committees, there is no legal impediment to our taking this decision.

Finally, with respect to the wording of the Draft Resolution in document C 97/LIM/35, we propose one slight change in operative paragraph 1. In particular, after the words, "in 1998", we propose that the following two words be added, "and 1999". Thus, the first part of this operative paragraph would read, "adopts for use in 1998 and 1999 the Scale as set out in the Appendix", etc. With the addition of these two words, the Resolution would make it clear that the Scale in force during 1997 would apply with respect to both 1998 and 1999 if no decision in the UN General Assembly is reached by the end of 1998.

E.J.N. BROUWERS (Netherlands)

On behalf of the European Union, I would like to comment on paragraphs 55, 56 and 57 of the Council document CL 113/4 regarding the implications of the Scale of Contributions for the 1998-99 biennium. The present session of the Conference will according to the Financial Regulations of the Organization, make its sovereign decision regarding assessments for the 1998-99 biennium.

We are in favour of sticking to the existing guidelines of the Eighth Session of the Conference stating that the Scale derives directly from that of the United Nations. For that reason, the Conference has to utilize the United Nations scale which is in force at the time of its decision. A newly-agreed Scale cannot enter into force unless the Conference itself decides to do so.

With reference to the document which has been made available late this afternoon, the European Union completely concurs that the Draft Resolution presented by the United States of America was indeed received by the Resolutions Committee and that it could be transmitted henceforth to Commission III. In view of the lateness of the availability of the text, I would like to request on behalf of the European Union that the consideration of this Draft Resolution would be postponed until later during this Conference so that we, the European Union, can have the opportunity to discuss the matter internally.

Tang ZHENGPING (China) (Original language Chinese)

The Chinese delegation agrees that we follow normal practice in our Organization, that is for the exercise 1998-99 following the United Nations Scale in force in 1997. This is already defined in document C 97/LIM/4. This practice goes back to the Resolution adopted by the FAO Conference at its Eighth Session in November 1955, where it was decided that the Scale of Contributions for the biennium would derive directly from the last scale of the United Nations in force during the period when the Conference was held. This decision was confirmed once again by the Conference in 1975. So, that is habitual practice in this Organization over the last decades. Although the United Nations Scale has been changed on a number of occasions, no country has asked the Organization to change this practice just because a change might be advantageous to it.

Other international organizations which have adopted a similar practice setting their Scale in accordance with the United Nations scale, have not abandoned their normal practice and the principle which has obtained so far.

In order to stick to this traditional practice which is still accepted by the Members of our Organization and to avoid useless arguments about this matter, we support the Secretariat which will determine the Scale of Contributions for our Organization for the period 1998-99 in accordance with the United Nations Scale in force, and we are against any change in this practice.

Sra María E. JIMENEZ DE MOCHI ONORI (El Salvador)

Con relación al Proyecto de Resolución relativo a la Escala de Cuotas, la delegación de El Salvador comparte lo que acaba de indicar hace un momento el delegado que nos precedió en el uso de la palabra. Nosotros compartimos y respaldamos el hecho de que la Escala de Cuotas de la FAO se base directamente en las Escala de Cuotas de las Naciones Unidas vigente al momento. Como la delegación de los Países Bajos que habla en nombre de la Comunidad Europea, nosotros quisiéramos poder contar con un poco más de tiempo, para poder examinar este Proyecto de Resolución. En todo caso, creemos que quizás sería más conveniente que primero aprobáramos el Programa de Labores y Presupuesto (PLP), y el Plan de Trabajo de la Organización antes de examinar este asunto.

Ya que estoy en el uso de la palabra, quisiera manifestar algunas dudas que genera este Proyecto de resolución a mi delegación. El párrafo tercero, nos llama la atención, ya que parecería entenderse que estamos aplicando una medida con carácter retroactivo, si las Naciones Unidas aprueba la Escala de Cuotas en noviembre de 1998, nosotros aplicaríamos una cuota para nuestros países para el año de 1998 con carácter retroactivo, por lo menos esa es la impresión que dá a mi delegación, y quisiera alguna indicación sobre esto, para contar con mayores elementos de juicio al momento de discutir en nuestro Grupo este Proyecto de Resolución.

CHAIRMAN

Thank you very much, distinguished delegate from El Salvador. That particular issue will be responded to when we summarize.

Sang-Guon BAE (Korea, Republic of)

I would like to express the view on this Agenda Item 24, regarding the Scale of Contributions for the 1998-99 biennium. As is noted in paragraphs 1 and 2 of document C 97/LIM/4, this Conference has the authority to adopt the Scale of Contributions to be applied during the next biennium in accordance with the regulations of the Organization. Also, it is the established practice that the FAO Scale of Contributions should be based on the current United Nations Scale of Assessments, as enforced during the calendar year of the Conference session since 1995. As you are well aware, this practice was established in the 1975 Conference. For these reasons, my delegation would like to express strong endorsement on the proposed Scale of Contributions for the 1998-99 biennium, as is shown in the annex to the document C 97/LIM/4.

LEGAL COUNSEL

It was in response to the question raised by the distinguished delegate of El Salvador. It is my understanding in paragraph 3 that the reference should be as follows: Maybe I should read the whole thing and then it will be clear “....decides that if the United Nations General Assembly adopts a new United Nations Scale of Assessments for the years 1998 to 2000 after 31 December 1997, but before 31 December 1998” (that is next year) “....the Director-General should prepare a modified Scale of Contributions for the year 1999” (strike the words 1998) “....to reflect the Scale of Assessments for that year, fixed by the United Nations General Assembly, applying established principles for adjusting the FAO Scale of Assessments to take into account differences in Membership in the United Nations and FAO.” In that case, it is not a retroactive application of the 1998 Scale, but it would only be from 1 January 1999. I wonder whether I can ask through you, Mr Chairman, whether this is in fact a correct understanding of what was intended in paragraph 3?

CHAIRMAN

I will give the floor to the delegate from the United States to give clarification before we can proceed on this, paragraph 3 of the Resolution.

Ms Laurie J. TRACY (United States of America)

Thank you. Yes, that's exactly right. Sorry about that. Mr Moore is correct.

Adek Triana YUDHASWARI (Indonesia)

In view of the clarification with Mr Moore, I do not want to say anything, but to support what Mr Moore said.

Sra Rita CLAVERIE DE SCIOLLI (Guatemala)

Agradezco también al señor Moore que nos haya hecho esta aclaración, porque era verdaderamente peligroso hablar de una retroactividad en la aplicación de la Escala de Cuotas para 1998-99, y quería solamente apoyar a las delegaciones que me han precedido en el uso de la palabra, en que se mantenga el estado de cuotas vigentes.

Hyosuke YASUI (Japan)

Thank you very much, Mr Chairman. And thank you for the clarification. But even so, as a matter of principle, we, Japan, are not in a position to accept the United States proposal. At the moment, the new Scale of Assessments of the United Nations is not available to us, and we don't know the Scale of Assessments exactly. In addition to this, we consider that there is no rational reason to change the established practice in FAO, in which the Scale of Contributions of FAO for the next biennium would be decided based on the latest available United Nations Scale of Assessments, and applied to the current budget of FAO in 1997.

Dr Melanie Anne O'FLYNN (Australia)

I would just like to support the previous delegation, who have spoken in favour of retaining the current Scale of Contributions. We would have great difficulty, given that the Scale of Contributions is not yet known, to agree to a new Scale, without knowing the implications for our own budgetary processes.

DEPUTY DIRECTOR-GENERAL

I simply wanted to note, that if you adopt this Resolution (please note paragraph 1), you will be adopting the Scale that is in force during 1997. That is not being questioned. When this budget is adopted, you will be adopting the Scale that is in force during 1997. The other two paragraphs give the Conference and the Director-General guidance. They give the Conference the option of, instead of using a Scale here that differs from the one in the United Nations, deciding that FAO would use the same Scale as would be in effect at the United Nations. Is it clear what I am saying? Paragraph 2 or 3. There will be a new Scale adopted in New York. We don't know when. We know it's extremely unlikely that it will be adopted in the next 48 hours and therefore in time to be used here, but a Scale will be adopted. Paragraph 2 considers the possibility of a Scale being adopted before 31 December 1997, and paragraph 3 refers to a situation where a Scale is adopted after 31 December 1997.

But the United Nations will have to adopt a new Scale. It is having a lot of difficulty, but it will adopt one. It is extremely unlikely that your assessed contributions to the United Nations are going to be based on the 1997 Scale. I might add that it is a real question whether one should be using a Scale that differs from the one that is in effect in the United Nations, or not. But again, I want to stress that you will be adopting the Scale for 1997. The other two paragraphs give you the option of catching up with the United Nations and the Common System under one of two alternative scenarios: either, that the new Scale is adopted before 31 December, or after. I know that those of your governments that have spoken know what these alternatives are, and the ones that have spoken, mainly, are ones for whom the new Scale that will be adopted is going to increase their assessed contribution, even if the United States stays at 25 percent, because of economic factors, a change in the base. But very likely more Members here will experience a reduction, if the new Scale is used, than will experience an increase.

CHAIRMAN

Thank you very much, Mr Hjort, for that clarification. Any other comments after that? Any other observations after that clarification?

I take it that we will take all of your observations and all the comments in our Report for adoption on Friday, and maybe be able to move this discussion forward after the Conference. That seems to be the feeling that I am getting from the Members. But I'm hopeful that by that time we will have reached some compromise.

That brings us to the end of today's second meeting of Commission III.

The meeting rose at 19.30 hours.

La séance est levée à 19 h 30.

Se levanta la sesión a las 19.30 horas.

**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**

CHAIRMAN

I call the meeting to order. This is the third meeting of Commission III which is to adopt the draft report and without taking much time I call upon the Rapporteur to give us his report.

E.J.N. BROUWERS (Rapporteur)

Thank you Mr Chairman for allowing me to present the Draft Report of the Third Commission, on its proceedings for Wednesday 12 November. The Report covers all issues dealt with last Wednesday, and the format is similar to that produced on previous occasions, at previous conferences. The Report is quite simple, although it looks complicated. It reflects all the actions taken by the Third Commission. I would like to observe that on two issues, that is on Item 18, the Revision of the International Plant Protection Convention and Item 23, the Scale of Contributions, the Report is incomplete and therefore provisional, since the consideration of these two items was not concluded by Commission III on Wednesday. I would like to propose that we just go through the Report and adopt it section by section, that is to say, according to the Agenda Items covered in the Report.

CHAIRMAN

I wish to take this opportunity to thank the Rapporteur for a job well done, and as proposed, we will take item by item the paragraphs within the items, but we will go to the substantive paragraphs as we go along.

16. Amendments to the Basic Texts of the Organization (paras 1-6)

16. Amendements aux Textes fondamentaux de l'Organisation (par 1-6)

16. Enmiendas a los Textos Fundamentales de la Organización (párrs 1-6)

16.1 Amendments to Rule XXXIII GRO (Committee on World Food Security) (paras 1-2)

16.1 Amendements à l'Article XXXIII du RGO (Comité de la sécurité alimentaire mondiale (par 1-2)

16.1 Enmiendas al Artículo XXXIII del RGO (Comité de Seguridad Alimentaria Mundial) (párrs 1-2)

16.2 Amendments to the General Rules of the Organization and Financial Regulations on the Programme Budget Process (paras 3-4)

16.2 Amendements au Règlement général de l'Organisation et au Règlement financier relatif au processus d'établissement du budget-programme (par 3-4)

16.2 Enmiendas al Reglamento General de la Organización y al Reglamento Financiero sobre la presupuestación por programas (párrs 3-4)

16.3 Amendments to Financial Regulations 6.9 and 7.1 (paras 5-6)

16.3 Amendements aux articles 6.9 et 7.1 du Règlement financier (par 5-6)

16.3 Enmiendas a los Artículos 6.9 y 7.1 del Reglamento Financiero (párrs 5-6)

17. Revision of the General Regulations of WFP (paras 7-10)

17. Révision des Règles générales du PAM (par 7-10)

17. Revisión de las Normas Generales del PMA (párrs 7-10)

Paragraphs 1 to 10 approved

Les paragraphes 1 à 10 sont approuvés

Los párrafos 1 a 10 son aprobados

CHAIRMAN

We will skip Item 18 for the time being.

19. Cooperation Agreement between FAO and the Regional Centre on Agrarian Reform and Rural Development for the Near East (CARDNE) (paras 22-23)

19. Accord de coopération entre le Centre régional sur la réforme agraire et le développement rural pour le Proche-Orient (CARDNE) et la FAO (par 22-23)

19. Acuerdo de Cooperación entre la FAO y el Centro Regional de Reforma Agraria y Desarrollo Rural para el Cercano Oriente (CARDNE) (párrs 22-23)

20. Cooperation Agreement between FAO and the Centre for Marketing Information and Advisory Services for Fishery Products in the Arab Region (INFOSAMAK) (paras 24-25)

20. Accord de coopération entre le Centre pour les services d'information et de consultation sur la commercialisation des produits de la pêche pour les pays arabes (INFOSAMAK) et la FAO (par 24-25)

20. Acuerdo de Cooperación entre la FAO y el Centro para los Servicios de Información y Asesoramiento sobre la Comercialización de los Productos Pesqueros en la Región Árabe (INFOSAMAK) (párrs 24-25)

21. Cooperation Agreement between FAO and the Intergovernmental Organization for Marketing Information and Technical Advisory Services for Fishery Products in the Asia and Pacific Region (INFOFISH) (paras 26-27)

21. Accord de coopération entre l'Organisation intergouvernementale d'information et de consultation technique sur la commercialisation des produits de la pêche en Asie et dans le Pacifique (INFOFISH) et la FAO (par 26-27)

21. Acuerdo de Cooperación entre la FAO y la Organización Intergubernamental de Información y Asesoramiento Técnico para la Comercialización de Productos Pesqueros en la Región de Asia y el Pacífico (INFOFISH) (párrs 26-27)

23. Audited Accounts 1994-95 and Report on Actions Taken on the External Auditor's Recommendations (para 28)

23. Comptes vérifiés 1994-95 et rapport sur la suite donnée aux recommandations du Commissaire aux comptes (par 28)

23. Cuentas Comprobadas de 1994-95 e Informes sobre las Medidas adoptadas en relación con las Recomendaciones del Auditor Externo (párr 28)

Paragraphs 22 to 28 approved

Les paragraphes 22 à 28 sont approuvés

Los párrafos 22 a 28 son aprobados

CHAIRMAN

We will skip Item 24, paragraphs 29, 30 and 31 for the time being.

26. Financial Position of the Organization including Status of Contributions (para 32)

26. Situation financière de l'Organisation, notamment état des contributions (par 32)

26. Situación Financiera de la Organización, incluido el estado de las cuotas (párr 32)

27. Other Administrative and Financial Matters (paras 33-35)

27. Autres questions administratives et financières (par 33-35)

27. Otros asuntos administrativos y financieros (párrs 33-35)

27.1 Approval of the Commissary Accounts by the Finance Committee (para 33)

27.1 Approbation des comptes du Groupement d'achats du personnel par le Comité financier (par 33)

27.1 Aprobación de las cuentas del Economato por el Comité de Finanzas (párr 33)

27.2 Incentive Scheme to encourage the Prompt Payment of Contributions (para 34)

27.2 Plan d'incitation au paiement rapide des contributions (par 34)

27.2 Plan de Incentivos para fomentar el Pago Puntual de las Cuotas (párr 34)

27.3 Address by Staff Representative Bodies (para 35)

27.3 Déclaration des associations du personnel (par 35)

27.3 Declaración de los Representantes del Personal (párr 35)

Paragraphs 32 to 35 approved

Les paragraphes 32 à 35 sont approuvés

Los párrafos 32 a 35 son aprobados

CHAIRMAN

We will go back to Item 18.

18. Amendments to the International Plant Protection Convention (paras 11-14)

18. Amendements à la Convention internationale pour la protection des végétaux
(par 11-14)

18. Enmiendas a la Convención Internacional de Protección Fitosanitaria (párrs 11-14)

Paragraphs 11 to 14 approved

Les paragraphes 11 à 14 sont approuvés

Los párrafos 11 a 14 son aprobados

Paragraph 15

Paragraphe 15

Párrafo 15

CHAIRMAN

There is a revision to paragraph 15 and I will read the revision - it has already been distributed. I will read out the revised text of paragraph 15 "The Conference agreed that international standards for phytosanitary measures as adopted" - I notice a point of order by Senegal - Senegal you have the floor.

Point of Order

Point d'ordre

Punto de orden

Moussa Bocar LY (Sénégal)

Je ne suis pas votre rythme et je voudrais demander un peu de temps. Je dois donner la position africaine, mais je ne peut pas suivre le rythme. Je ne serais donc pas utile à ce rythme-là. Veuillez nous donner un peu plus de temps.

CHAIRMAN

The point raised by the distinguished delegate of Senegal is noted, and gives the delegates some time as we look at Agenda Item 18.

I believe we are ready to proceed now. I was reading the revised text of paragraph 15: “The Conference agreed that international standards for phytosanitary measures, as adopted by the FAO Conference, would constitute international phytosanitary standards, guidelines and recommendations as referred to in Article III of the SPS Agreement. In future, such standards will be adopted by the Interim Commission and once revised, IPPC enters into force by the Commission on Phytosanitary Measures.”

Tang ZHENGPING (China) (Original language Chinese)

With regard to paragraph 15, Sir we have yet to receive a Chinese version of this amended text for paragraph 15.

CHAIRMAN

Just a few minutes so that we can get the Chinese text for you. Thank you for that observation.

Ariel FERNANDEZ (Argentina)

Gracias señor Presidente, con relación al nuevo texto que está circulando del cual la delegación China no lo ha recibido en su idioma original, nosotros en realidad preferiríamos mantener el párrafo 15 original del documento C 97/III/REP/1, con una pequeña modificación que hiciera referencia a la parte dispositiva de lo que dice la Conferencia. Preferiríamos que en lugar de decir “convino” la Conferencia se expresara por “tomó nota” o alguna palabra similar que en inglés podría ser “took note” or “noted” en lugar de “agreed”. Y también sería nuestra preferencia mantener Artículo III párrafo 2 en la parte final de ese párrafo. No obstante ello estamos dispuestos a tener un entendimiento constructivo respecto a toda la parte del Artículo, pero insisto que nuestra principal preferencia sería eliminar la palabra “agreed” y cambiarla por “took note” or “noted”.

K. UKINU DANIEL (Angola)

Je voudrais seulement rappeler que l’honorable délégué du Sénégal, représentant du Groupe africain, avait demandé une Motion d’ordre pour permettre au Groupe africain de se concerter sur le contenu de ce paragraphe. Donc je pense qu’il serait souhaitable, avant de procéder à l’adoption de ce paragraphe, d’attendre les explications et les commentaires que le délégué du Sénégal, représentant du Groupe africain, fera sur ce paragraphe.

CHAIRMAN

Thank you Angola. We will continue with the discussion as we wait for the results of the on-going consultations unless, of course, you have any alternative suggestions to make but, otherwise, I have speakers on the floor who will continue with the debate while the consultations continue among the African delegations.

Nahi SHEIBANI (Syria) (Original language Arabic)

The text of the item has not been presented in Arabic. That is, the revised text. We hope that the revised text will be read at a slow pace so that we can record the translation.

CHAIRMAN

Thank you distinguished delegate from Syria. I will read the revised text again and slowly so that you can have the translation. The revised text of paragraph 15: “The Conference agreed that international standards for phytosanitary measures, as adopted by the FAO Conference, would constitute international phytosanitary standards, guidelines and recommendations as referred to in Article III of the SPS Agreement. In future, such standards will be adopted by the Interim

Commission and, once revised, IPPC enters into force by the Commission on Phytosanitary Measures.”

Fernando José MARRONI DE ABREU (Brazil)

On behalf of GRULAC, I would like to support what was previously stated by Argentina. We would prefer to keep the original paragraph and, if possible, replace “The Conference agreed” by “The Conference took note”. We understand it is important to make a specific reference to the paragraph, where this subject is treated on the SPS which is paragraph 2 of Article III.

CHAIRMAN

Any other comments on this Agenda Item. I notice that the African Group is still consulting and, as soon as you are ready, we will give you the floor.

I would like to clear paragraph 15. I already have counter-proposals from the distinguished delegates of Argentina and Brazil who have made counter-proposals to the revised text. Any other counter-views so that we can make a decision on paragraph 15?

Dieter OBST (European Community)

We have no comments in respect of the alternative proposals tabled by the chair. If, however, the alternative proposal put forward by Argentina becomes a reality, we would suggest that, in this particular part, the text be slightly revised in the second last and the last line on page 14 of the document. It should read “in future by the Interim Commission and once revised, IPPC enters into force by the Commission on Phytosanitary Measures”.

Fernando José MARRONI de ABREU (Brazil)

I am happy that you connected us with Argentina and Chile yesterday, as they are also members of the COSAVE and we have a common position on this subject. I was approached by the Legal Counsel and I think we could have a compromise solution in keeping the original paragraph and deleting the word ‘the’ before ‘international phytosanitary standards’ referred to in Article III, paragraph 2 of the SPS because we cannot forget that we have regional standards and these are not the only standards we are referring to. So, I repeat we would prefer to keep the original paragraph the way it is stated, replacing ‘agreed’ by ‘took note’ and deleting ‘the’ on the line before the last one.

CHAIRMAN

Thank you Brazil. We are getting somewhere. European Union, with that combination and slight amendments, it sort of ties up with the proposal that you have just made so that we can see how far we can go. Any further comment from the European Union?

Dieter OBST (European Community)

I would not comment on the proposals made by Brazil yet. I would just like to explain the purpose of the proposal we made. It just means that the current text, “phytosanitary measures once the revised IPPC enters into force” could be interpreted as referring to both parts by the Interim Commission, as well as by the Commission on Phytosanitary Measures and, in order to avoid such a misleading interpretation, we proposed to put the text “once the revised IPPC enters into force” at a different place and, if you permit, I can repeat again the proposal, “by the Interim Commission and, once the revised IPPC enters into force, by the Commission on Phytosanitary Measures”.

Fernando José MARRONI DE ABREU (Brazil)

We accept the proposal concerning this specific point, but we think that we have to make a specific reference to paragraph 2, and not only to Article III.

CHAIRMAN

I request the Legal Counsel to give that clarification because I think it is in the original draft.

LEGAL COUNSEL

As I understand it, we are dealing with the original draft and we are making amendments to the original draft and, therefore, the words “Article III, paragraph 2” stand as at the end of the original draft. You then have your change to the words “eventually by the Commission on Phytosanitary Standards” and you have the change from “agreed” to “noted”, if that is all agreed to by everybody and then the proposal to drop “the” before “phytosanitary standards”.

CHAIRMAN

I will request whether the distinguished delegate from Senegal wishes to make some observations or comments at this stage.

Moussa Bocar LY (Sénégal)

Je crois que vous pouvez continuer la discussion. Nous sommes présents, nous participons, vous pouvez continuer la discussion.

CHAIRMAN

I would like to clear paragraph 15 as amended. I will request the Legal Counsel to read out the amended text of paragraph 15 so that we can finalize the issue.

LEGAL COUNSEL

As I have it, the text of paragraph 15 would read as follows, with all of the suggested amendments included. “The Conference took note that the International Standards for Phytosanitary Measures as adopted by the FAO Conference and, in future, by the Interim Commission and, once the revised IPPC enters force, by the Commission on Phytosanitary Measures, would constitute international phytosanitary standards referred to in Article III, paragraph 2 of the SPS Agreement”. I think you need the word “Agreement” there.

CHAIRMAN

Thank you Legal Counsel. With those revisions, are there any other comments on the revised text to paragraph 15? Thank you. Paragraph 15 is adopted as amended.

Paragraph 15, as amended, approved

Le paragraphe 15, ainsi amendé, est approuvé

El párrafo 15, así enmendado, es aprobado

Paragraph 16

Paragraphe 16

Párrafo 16

CHAIRMAN

There is a small correction to paragraph 16. The Conference agreed that the Secretariat of the IPPC should commence work on further standards that would include topics not covered by the current IPPC but would become relevant under the revised text and that such standards would be,

and this is where there is an addition, “would be considered for adoption by the Interim Commission”. Any comments on this paragraph?

Ariel FERNANDEZ (Argentina)

Gracias señor Presidente, tal como quedaría redactado nos surge una duda relacionando 15 con 16 con esta modificación, si se hace esta modificación, ¿quién adoptaría efectivamente estas disposiciones? Si decimos que tales estándares se considerarían para adopción por la Comisión Interina, no le estarían dando un mandato efectivo a la Comisión Interina para adoptar.

CHAIRMAN

Thank you Argentina for that observation. I will give the floor to the Legal Counsel for clarification.

LEGAL COUNSEL

As I understand it, the purpose of the amendment would be to avoid prejudging whether those draft standards would actually be adopted or not, so that they would go forward to the Interim Commission which would then consider them and decide whether it wished to adopt them or not. The powers of the Interim Commission to adopt standards would be set out in the terms of reference of the Interim Commission established under Article VI.1 of the FAO Constitution. Does that answer your query?

CHAIRMAN

Argentina - does that explanation satisfy the query that you raised?

Ariel FERNANDEZ (Argentina)

Para ser breve, sí.

Paragraph 16, as amended, approved
Le paragraphe 16, ainsi amendé, est approuvé
El párrafo 16, así enmendado, es aprobado

Paragraphs 17 and 18 approved
Les paragraphes 17 et 18 sont approuvés
Los párrafos 17 y 18 son aprobados

Paragraphs 19 and 20
Paragraphes 19 et 20
Párrafos 19 y 20

Tang ZHENG PING (China) (Original language Chinese)

For these two paragraphs we have consulted with our authorities at home. However, we have not yet obtained a clear reply, so we still need some time.

Ariel FERNANDEZ (Argentina)

Simplemente una cuestión de traducción en la versión española del párrafo número 20. Estamos de acuerdo con la versión inglesa, sin embargo, se ha deslizado algún error en la traducción a la versión española: en la segunda línea, cuando hace referencia, en la versión inglesa a los Artículos VI o VII, en la versión española, hace referencia a a los artículos V o VII.

El segundo defecto que tiene la versión española, es que en la tercera línea, cuando dice “se interpretará de modo que limite los derechos o afecte las obligaciones”, en las consultas previas que hemos tenido, la palabra “afecte” había sido eliminada y en la versión inglesa así ha sido recogido, por lo tanto, simplemente habría que borrar en la versión española la palabra “afecte”.

Por último, en la versión española, la última parte del párrafo 20 dice: “incluidos los requisitos relativos a las medidas sanitarias”. Nuevamente, no se corresponde con la versión inglesa, que no tiene esta frase final y nosotros entendemos que, en la versión española también habría que recoger o eliminar esta última parte: “incluidos los requisitos relativos a las medidas sanitarias”, con un full stop después de “acuerdos SP”.

Moussa Bocar LY (Sénégál)

Effectivement le délégué de l'Argentine a raison, il faut aligner les textes dans toutes les langues. Maintenant, s'agissant de la question précise de la Déclaration explicative, je dois confirmer que nous nous trouvons, au niveau des gouvernements africains, toujours dans la même situation, dans la mesure où, comme nous l'avons dit, nous avons été pris de court par ces nouvelles propositions et au sein de ce groupe nous étions en consultation, n'ayant pas nos experts ici avec nous.

Je dois dire que, pour certains pays de notre Groupe, les experts qui ont pu consulter dans les capitales les documents (du moins dans les premières versions qu'on a reçues - parce que comme vous le savez il y a eu plusieurs versions -), donc un nombre limité d'experts ont peut-être pu examiner les premières versions, mais nous attendons de pouvoir définir une position commune. Je dois dire sur ce point d'ailleurs que l'un des experts, qui a eu à étudier les différentes propositions américaines ensuite amendées, s'est demandé en fait quels étaient les objectifs visés par ces différentes propositions. Et j'avoue que nous-mêmes nous avons posé la question lors du dernier examen de la déclaration explicative par cette Commission.

Donc, en tant que porte-parole du Groupe africain, je suis dans la même situation que la délégation de la Chine qui avait demandé un peu plus de temps pour nous permettre de définir la position du Groupe africain. Et je dois en vérité remercier le Conseiller juridique car il aura beaucoup contribué à clarifier les choses et à faciliter une prise de position par notre Groupe qui, en tous cas, se réjouit de pouvoir adopter les textes révisés de la CIPV. Nous espérons que d'ici la fin de la Conférence nous aurons pu faire le tour de la question pour pouvoir vous donner une réponse définitive car nous voulons savoir sur quoi nous allons nous engager, compte tenu du fait que nous avons déjà négocié avec nos experts les textes de la Convention. Voilà, Monsieur le Président, ce que je voulais dire au nom du Groupe africain.

CHAIRMAN

Thank you very much distinguished delegate from Senegal. Any other comment on these two paragraphs - 19 and 20? Meanwhile I will also request the Secretariat to get for us a proper Spanish version, as we proceed because there seems to be a problem with the Spanish translation. I give the floor to the distinguished delegate from Angola.

K. UKINU DANIEL (Angola)

Ma délégation souscrit à la position émise par le Sénégal qui est le représentant du Groupe africain.

Ronald ROSE (Canada)

Simply a word of clarification. In the text that you read out, the very last letter of the paragraph, is it agreement or agreements?

CHAIRMAN

Thank you for your observation. The last item on paragraph 20 should be SPS agreement - singular. If delegates could kindly delete the 's' so that it is 'SPS agreement'.

Moussa Bocar LY (Sénégal)

Je crois que je m'étais associé à la déclaration de l'Argentine concernant l'alignement sur les langues. Je crois que vous avez simplement parlé de l'espagnol mais je crois que c'est également valable pour la langue dans laquelle je travaille, c'est-à-dire le français, dans la mesure où, dans le texte français, on a toujours "comme limitant les droits ou affectant les obligations". Je crois qu'il n'en est pas ainsi dans le texte anglais puisqu'on nous dit "limiting the rights or the obligations". C'est pourquoi je vous disais qu'il faudrait un alignement sur langues, et la langue française est également concernée, d'autant plus que le Sommet francophone se réunit actuellement.

CHAIRMAN

Any further observations on these two paragraphs - 19 and 20? The Secretariat has taken note of the various translations especially those raised in the Spanish and French texts. Any other observations on these paragraphs? I would like to thank all the delegates who have contributed to these two paragraphs, and for all the points which have been raised, and would like to propose that we bracket these two paragraphs and push them through to Plenary. If that is acceptable we will push the two paragraphs to Plenary and all the other observations, the problems with the versions - Uruguay also raised a problem with the text - so all these will be taken into consideration. So we will push two paragraphs to Plenary.

Paragraphs 19 and 20 not concluded

Les paragraphes 19 et 20 sont en suspens

Los párrafos 19 y 20 quedan pendientes

Dieter OBST (European Community)

I just want to understand whether paragraph 21 is not yet under consideration in this Commission?

CHAIRMAN

Well, based on what I have just said, the events of paragraphs 19 and 20 take preference over paragraph 21.

Dieter OBST (European Community)

I just would like to reiterate a spelling mistake which was already recorded earlier in this Commission. It refers to point no. 21 page 52, this is Appendix C of the Draft resolution Article XVII, the expression "European Commission" should be replaced by "European Community".

CHAIRMAN

On page 52 Article XVII the word "Commission" is replaced by the word "Community".

24. Scale of Contributions 1998-99 (paras 29-31)

24. Barème des contributions 1998-99 (par 29-31)

24. Escala de cuotas para 1998-99 (párr 29-31)

Paragraph 29 approved

Paragraphe 29 approuvé

Párrafo 29 aprobado

Paragraph 30

Paragraphe 30

Párrafo 30

Ms Laurie J. TRACY (United States of America)

Actually I am very sympathetic with the delegate from Senegal. I think I am actually addressing paragraph 29 but I had not actually caught up with you quite yet. Anyway, this is a proposal that the United States would like to make with respect to paragraph 29 on page 65 of the English text of C 97/III/REP/1, the Draft Report of Commission III.

During the discussions we had here in Commission III on Wednesday some of the delegates spoke out against the Resolution on the Scale of Contributions contained in pages 66 and 67 of the Report that we are discussing now. Rather than using the Scale of Contributions which we expect will be adopted by the United Nations General Assembly before the end of this year, these delegates express support for using the Scale that is currently in force, and we note that other delegates as well opposed the language used in the United States Resolution that would have called for billings to be applied retroactively. In a spirit of compromise the United States withdrew that proposal.

In view of the importance of this particular Resolution we are prepared to go a step further in an effort to achieve consensus here at the Conference. Thus we are proposing the following amendments to the Resolution that we hope all Member Nations will find acceptable. The text of the preambular paragraphs, that is the one contained in page 65 of the English text, would remain the same. In the second operative paragraph, and that is on page 66 of the English text, the words and I quote "at its 52nd Session" unquote would be deleted. Further on in the second operative paragraph, the date 31 December 1997 should be replaced with the date 31 December 1998 and the phrase "years 1998" and should be replaced with the word "year". The words "those years" in the second operative paragraph should be replaced with "that year". Thus if I could read the second operative paragraph in our proposed compromise it would read as follows "decides that if the United Nations General Assembly adopts a new United Nations Scale of Assessments for the years 1998 to 2000 before 31 December 1998, the Director-General shall prepare a modified Scale of Contributions for the year 1999 to reflect the Scale of Assessments for that year fixed by the United Nations General Assembly applying established principles for adjusting the FAO Scale of Assessment to take into account differences in membership between the United Nations and FAO". And then we propose to drop from our previous Resolution on pages 66 and 67 paragraphs 3 and 4; they would be dropped.

So, let me summarize what these changes mean in our compromise proposal. With respect to 1998 billings FAO would apply the Scale in force during 1997. This would remove a great deal of uncertainty and would enable FAO to bill Member Nations shortly after this Conference. Our action here addresses some of the concerns raised during the last Council Session regarding the possibility of late billings for 1998. While this change means that FAO's Scale would not be completely synchronized with the United Nations Scale which is, as we had stated, our strong preference, we are nevertheless offering this in the spirit of compromise. Our desire is to achieve consensus on this Resolution. It would help assure the adoption of a 1998-99 budget that meets the full support of all Member Nations. Failure to adopt an acceptable Resolution would have grave consequences, not only for FAO but for other United Nations organizations as well. We would urge delegates to consider favourably our proposal to enable us to move forward and ensure financial stability to the FAO and to allow both the FAO and its Member Nations to focus our energies on the important substantive work of this Organization.

CHAIRMAN

Thank you, delegate from the United States for that detailed presentation and the proposed amendments to the Resolution.

J.P. HOOGEVEEN (Netherlands)

Thank you Mr Chairman. And I thank my colleague from the United States for bringing forward this issue and trying to find consensus.

On behalf of the European Community and its Member States, I can say that it is fairly important for this Organization, but I think for the whole United Nations System, to find a compromise on this issue. We think that it will be useful to have a little more time to study this proposal and to see if we can find consensus. So I would now like to propose, Mr Chairman, that we have more time to study it and have bilateral consultations before bringing up the issue again.

Sra María E. JIMENEZ DE MOCHI ONORI (El Salvador)

Gracias señor Presidente. También nosotros quisiéramos agradecer la propuesta hecha por la delegada de los Estados Unidos y, compartimos la propuesta que acaba de hacer el delegado de la Comunidad Económica Europea. Yo creo que esto lo podríamos resolver hoy por la tarde, si nos diera un poco de tiempo para poder consultar con nuestro Grupo la nueva propuesta.

CHAIRMAN

I thank the distinguished delegate from El Salvador and for the observations which have been made, but I would like to advise delegates that failure to resolve this issue effectively means that we cannot solve the issue of the budget, because the two are closely related. I would like to appeal to the delegates to study the proposed amendment by the United States over lunch, so when we resume in the afternoon we can resolve this issue. We cannot leave it open-ended. The budget depends on this. Commission II cannot finalize their work until we resolve this issue of contributions, so I would like to appeal to delegates to seriously consider this issue. It is Friday today, we are approaching the week-end, we have to go into Plenary on Monday, so I would really like to make this very special appeal to all delegates to seriously consider this when we meet this afternoon at 2.30 p.m.

Ernst ZIMMERL (Austria)

Thank you, Mr. Chairman. Allow me a question to the Legal Counsel. I would like to refer to Rule XX of the Organization where it is stated, and I quote now "The Conference shall, at each regular session, on the recommendation of the Council, or at the request of a Member Nation transmitted to the Director-General not later than 120 days before the opening of the session, re-examine the Scale of Contributions of Member Nations. Do we have a recommendation, or do we have a request of a Member Nation? I would like to refer also to another Rule with regard to the Council, that is Rule XXIV 3(e), "The Council shall consider the Scale of Contributions and recommend any modification to the Conference." If we modify the Scale for 1999, do we need to suspend these Rules, according to Rule LXXXIII of our Regulations. I would like to have clarification of the legal situation.

LEGAL COUNSEL

Thank you Mr. Chairman. I have noted the observation of the distinguished delegate of Austria and the question raised. It is true that Rule XX of the General Rules of the Organization says "On the recommendation of the Council at the request of a Member Nation, transmitted to the Director-General not later than 120 days before the opening of the session, re-examine the Scale of Contributions of Member Nations." It is also true that Article XVIII. 2 of the Constitution and the Financial Regulations require that the Conference adopt the Scale of Contributions. That Scale of Contributions is normally derived from the United Nations Scale. I do not think it is the intention in any way of Rule XX to prevent the Conference from performing its responsibility and duty under the Constitution, of adopting a Scale of Contributions. It has also been decided before by the Conference, that this Scale of Contributions will be derived from the United Nations Scale. We are now considering the question of exactly how it should be derived from the

United Nations Scale: the United Nations Scale in force now, or the United Nations Scale in force at this point in time, plus a modification. I do not find in any way that that is contradictory to the Rules of the Organization. I think here we are dealing under Rule XX with a special case of when an individual country says "I want to have a different Scale for my particular country," and then the Conference looks into that request. But basically the Conference in the past has adopted a policy of following the United Nations Scale of Contributions, and we have had no request to open up and have a new Scale of Contributions adopted by the Conference. We have had no request from one single Member Nations to re-examine the Scale of Contributions and adopt a Scale different from that of the United Nations. Thank you. Does that answer your question?

CHAIRMAN

Thank you, Legal Counsel. This brings us to the end of this meeting and we resume at 14.30 hours so that we can resolve this issue. Just one announcement. The Plenary is now voting for Council for the period January 1999 until the year 2001. If any delegates need to vote, please proceed to the Plenary.

Draft Report of Commission III, Part I not concluded

Le projet de Rapport de la Commission III, première partie est en suspens

El proyecto de Informe de la Comisión III, Parte I, queda pendiente

The meeting rose at 12.30 hours.

La séance est levée à 12 h 30.

Se levanta la sesión a las 12.30 horas.

ADOPTION OF REPORT (continued)
ADOPTION DU RAPPORT (suite)
APROBACION DEL REPORTE (continuación)

DRAFT REPORT OF COMMISSION III - PART 1 (continued)
PROJET DE RAPPORT DE LA COMMISSION III - PREMIERE PARTIE (suite)
PROYECTO DE INFORME DE LA COMISION III - PARTE 1 (continuación)

24. Scale of Contributions 1998-99 (paras 29-31) (continued)
24. Barème des contributions 1998-99 (par 29-31) (suite)
24. Escala de cuotas para 1998-99 (párrs 29-31) (continuación)

Paragraphs 29 to 31
Paragraphes 29 à 31
Párrafos 29 a 31

CHAIRMAN

Welcome to the Fourth Meeting of Commission III. When we adjourned for lunch, we were discussing Agenda Item 24, which deals with Scale of Contributions for 1998-99. We were in particular looking at the Resolution with the proposed amendments by the United States. A few Members had requested a little more time to look at the amendments and to be able to return this afternoon so that we could resolve this issue.

As I mentioned, the Resolution of this Agenda Item will assist Commission II in finalizing their work on the budget and, unless we resolve this issue, we cannot resolve the budget. I, therefore, open this Agenda Item for debate, and would like to appeal to you that we need to have this issue resolved. I am confident and positive that we will resolve it.

I now invite further comments from the floor. Will I take it that the silence means that the amendments are now acceptable? I have on my list Japan, Netherlands, China and the Republic of Korea. I will give the floor to the distinguished delegate of Japan.

Hyosuke YASUI (Japan)

I would like to make some comments on the report of C 97/III/REP/1, including the Resolution on the Scale of Contributions 1998-99.

First of all, it is regrettable to say that this Report does not reflect the comments or the discussions during the session, including those of Japan. Secondly, there was a similar situation six years ago in 1991. At that time the Conference in 1991 decided that the FAO Scale of Contributions for 1992-93 should be derived directly from the UN Scale of Assessments in force in 1991. I think that the practice to decide the Scale of Contributions of the FAO has been established. It is derived directly from the UN Scale of Assessments currently in force during the Conference.

With regard to the Resolution, it is very hard for us to find justified action or legal reasons to change this established practice. Lastly, I would like to mention a legal point supported by the Austrian delegation. There is no reason to change the practice already established and there is no legal reason to justify the resolution.

J.B. PIETERS (Netherlands)

I speak on behalf of the European Community and its Member States. We have taken note of the re-draft of the Resolution on Scale of Contributions and, within our Group, we have studied it very carefully and have discussed it thoroughly. We have taken note of the remarks of the United States' representatives that are related to the budget.

After our discussion, we came to the conclusion that this Draft Resolution is acceptable for the, European Community and its Member States.

Tang ZHENGPING (China) (Original language Chinese)

The Chinese delegation cannot accept the resolution on this Agenda Item. Not only does this Resolution go against the usual practice of this Organization, but it also goes against Article XVIII.2 of the Constitution and Article 5.1 of the Financial Regulations of this Organization which say, respectively, that each Member Nation and Associate Member undertakes to contribute annually to the Organization its share of the budget, as apportioned by the Conference. When determining the contributions to be paid by Member Nations and Associate Members, the Conference should take into account the difference in status between Member Nations and Associate Members. Contributions from Member Nations will be assessed in accordance with the Scale of Contributions determined by the Conference. It clearly stipulates that only the Conference has the right to determine the Scale of Contributions from Member Nations, and the Conference should adopt a specific Scale of Contributions that Member Nations can follow.

According to point 2 of the Resolution, this Conference is going to adopt a Resolution which does not contain any specific Scale of Contributions. This surely goes against the Financial Regulations and the usual practice of this Organization, which means we are adopting an empty Resolution. For this reason, we strongly oppose the adoption of this Resolution. We would like to see the removal of point 2 and point 3 from the Resolution.

Moussa Bocar LY (Sénégal)

Nous sommes reconnaissants des efforts que vous faites depuis hier pour parvenir à un accord sur cette question délicate et, au passage, nous relevons que vous avez dit que nous ralentissons les travaux de la Commission II.

Je crois que le Conseil juridique a répondu à la question en disant que rien n'empêchait la Conférence d'adopter ce qui nous est proposé ici après révision.

A présent le Secrétariat pourrait continuer à nous aider en essayant peut-être de nous renseigner sur des précédents existant éventuellement dans d'autres organisations du système des Nations Unies. Est-ce que ce que nous sommes en train d'étudier ici n'a pas été accepté dans d'autres organisations du système des Nations Unies?

Je suis conscient de la situation à laquelle nous faisons face, et je crois que nous devons tout faire pour terminer à bon escient nos travaux, de façon à permettre à la Commission II et à la Plénière de se prononcer sur cette importante question.

Sra María E. JIMENEZ DE MOCHI ONORI (El Salvador)

Como indicó mi delegación esta mañana, hemos hecho algunas consultas a nivel de los países de América Latina y el Caribe. En general, los países de América Latina y el Caribe no tendrían mayores inconvenientes en aprobar la Resolución modificada, como nos lo ha propuesto esta mañana la delegada de los Estados Unidos. Sin embargo, quiero llamar la atención a lo que acaba de indicar el delegado de Senegal, en el sentido de que estemos seguros que lo que vamos a aprobar reúna todos los requisitos legales necesarios para que pueda ser aplicado en forma correcta. En todo caso, le reitero, nosotros no tendríamos mayores inconvenientes en que esta Resolución fuera aprobada.

CHAIRMAN

Thank you distinguished delegate from El Salvador. This issue of the legality or the constitutionality of this was dealt with just before we adjourned for lunch, but there will be no harm done giving the floor to the Legal Counsel to explain the legality of this resolution one more time.

LEGAL COUNSEL

There are several questions which need to be answered and entered into the record. The first is the query raised by the distinguished delegate of Japan and that is, what is the impact of the FAO Resolution adopted in 1955 which said that the Scale should be derived from the UN Scale of Assessments in force for the calendar year in which the Conference takes place. What is the impact of that on your present Conference this year? Is the Conference bound by a Conference Resolution adopted in 1955?

The answer to that is clearly no. The Conference is not bound by that Conference Resolution of 1955. In fact, the Conference is sovereign, and it can take its own decision in setting the Scale of Contributions. There was an indication given by the Conference in 1955 that the Secretariat and the Finance Committee and Council should prepare Scales based on the Scale in force in the calendar year of the Conference, which in the present case is 1997. However, it is open for the Conference, in the exercise of its sovereign powers, to adopt a Scale different from that, reflecting the United Nations Scale of Assessments in the corresponding years of the biennium. In fact, that is what the Conference did in 1995. In 1995, the Conference adopted a Scale of Contributions which was derived from the Scale of Assessments in the United Nations for the years 1996-97. It did not adopt the Scale which was in force in 1995. The Conference is sovereign. It is not bound by the Conference Resolution of 1955 and, in fact, for the present biennium it adopted a Scale which was derived from the UN Scale of Assessments for the corresponding years of 1996-97. That is the first question.

The second question is: Is the current Draft Resolution put forward by the United States consonant and consistent with Article XVIII.2 of the Constitution? Article XVIII.2 of the Constitution says that each Member Nation and Associate Member undertakes to contribute annually to the Organization its share of the budget as apportioned by the Conference. What the Conference is doing now is adopting a Scale of Contributions for 1998-99 which is set out in an Annex to the Resolution. This is perfectly consistent with Article XVIII.2. The only difference between this year and other years is that the Scale for 1999 would have a condition attached to it. You would be adopting a Scale for 1999 which would be based on the scale presently in force for 1997 with a condition: if something happens, then there are clear instructions as to what should be done with that Scale and how it should be modified. The question is: Is that condition itself consonant and consistent with Article XVIII.2? Is this a correct exercise of the sovereign power of the Conference, in apportioning the budget amongst the Members? I think the answer is clearly yes.

It is clearly yes because the Conference is taking a clear and detailed decision as to how the budget should be apportioned among its Member Nations for the year 1999. It is not leaving any doubt about it. There is no uncertainty. It is saying you must use a Scale which is set out in the Annex to the Resolution. If a certain event happens before 31 December 1998, then you must insert the modifications necessary to bring it into line with the scale adopted by the United Nations for 1999. It is a mechanical operation to do that. It is not something that requires the discretion of the Director-General or a delegation of power to the Director-General to do this. It is a purely mechanical application and it is done by Mr. Hillery of the Finance Division, who actually presses the button and out come the answers. As long as the decision is taken here by the Conference as to exactly how it should be done and that is set out in the resolution, then it is a purely mechanical operation to perform the calculation. It is not an exercise of discretion in any way by the Director-General. Of course, that is merely the legal point of view. The political point as to whether you wish to adopt that is not for me to comment upon.

I was asked whether there was any precedent in the United Nations System for this. The answer is yes. In Unesco, a Resolution has been adopted which resolves that "the Scale of Assessments for Member States of Unesco for each of the years 1998-99 should be calculated on the basis of the Scale or Scales of Assessment adopted by the United Nations General Assembly at its 52nd and/or 53rd Sessions. The Unesco Scale or Scales should be established with the same minimum

rate and the same maximum rate, all the other rates being adjusted to take into account the difference in membership between the two Organizations in order to derive a Unesco Scale of 100 percent. If the United Nations General Assembly approves a Scale for 1999 different from that for 1998, the relevant provisions of Articles V.3 and V.4 of these Financial Regulations shall not be applied.”

In WHO and ILO, the situation is a little different because WHO and ILO have annual assemblies. The issue was considered earlier this year in WHO and ILO and the assemblies then indicated the Scales of Assessments for the years 1998-99; they adopted the Scale which was in force in 1997. However, the World Health Assembly requested the Director-General to report to the 51st World Health Assembly on changes, if any, to the Scale of Assessments adopted by the United Nations General Assembly at its 52nd Session and all the implications for WHO, including its earliest comparable application, taking into account the deliberations of the 50th World Health Assembly and in accordance with the Constitution and Financial Regulations of the World Health Organization and relevant World Health Assembly resolutions. As I understand it, that means that the Scale is normally adopted on a biennial basis, but it will be discussed at the next Session of the World Health Assembly next year in order to consider the introduction of a new Scale in line with the United Nations Scale of Assessments for 1999.

Basically the same resolution was adopted in the ILO General Conference.

I think that answers the questions which were raised. To sum up, I believe that the Resolution put forward by the United States and, in particular, paragraph 2 of that Resolution is fully consistent with the provisions of Article XVIII.2 of the Constitution and Regulation 5.1 of the Financial Regulations.

CHAIRMAN

I thank the Legal Counsel for that elaborate discussion and for responding to the issues which were raised.

Tang ZHENGPING (China) (Original language Chinese)

Mr. Chairman, I just listened carefully to what the Legal Counsel had to say about Article XVIII.2 of the Constitution. However, I understood that according to this Constitution, the Conference should adopt a Resolution containing a specific Scale of Assessments. Then he continued to say that in 1999 the Scale of Assessments could derive from the UN Scale of Assessments at that time, which means we have to modify our Scale of Assessments. If we modify that Scale, it means what we are adopting now for 1999 and it will not be valid at that time. I think this is not in line with the Constitution of this Organization.

Harald HILDEBRAND (Germany)

My delegation would like to add another question to the Legal Counsel. It refers to paragraph 2 of the Resolution presented - the Draft Resolution presented by the United States of America. Would it be required for the competent body of the Organization - in that case the Council - next year to approve this modified Scale of Contributions for 1999, to be prepared by the Director-General.

Dr Melanie Anne O'FLYNN (Australia)

Australia has some difficulty in accepting the adoption of the Scale of Assessments based on the UN Scale that has not yet been fixed. Nevertheless, in the interest of achieving consensus, we can reluctantly agree to the Resolution as amended.

LEGAL COUNSEL

The question, as I understand it, is basically the same question. Is it required under Article XVIII.2 that an actual Scale of Contributions be adopted and is it allowed for the Conference to express its decision in any other way than a simple numerical Scale of Contributions? I think that's the best way of putting it.

I think the answer is that the Conference is required by the Basic Texts to take a clear and unambiguous decision with respect to the apportionment. It is not required to take that only in the form of setting out a series of figures, as you have seen from the Unesco resolution - but it must give clear and unambiguous directions on how the Scale should be calculated. It is not necessary that it be only in the form of figures. In this case, it is in the form of figures, subject to a condition that if the UN Assembly adopts a new Scale, those figures will be modified accordingly. As long as the decision of the Conference is clear and unambiguous and there is no doubt about what the Conference is saying and how it wishes that budget to be apportioned among the Members, that to my mind, in my opinion, constitutes a proper exercise of its sovereign authority under Article XVIII.2.

The second question from the distinguished delegate of Germany is the following: "Would it not be more appropriate to ask the Council next year to modify the Scale?" In a way this is a question for you and not for me as Legal Counsel. I believe the only question here is whether the Conference in the exercise of its sovereign authority can decide to adopt a decision with the kind of wording that you have set out in the Resolution, in particular paragraph 2. I have no legal difficulty with that wording; it is fully consistent with Article XVIII.2. I hope that answers your question.

Ronald ROSE (Canada)

This is a very brief intervention to indicate that Canada as well will be very pleased to support the Resolution that we have on the table, as amended by the intervention this morning of the United States.

Tang ZHENGPING (China) (Original language Chinese)

I listened once again to the Legal Counsel. However, according to our understanding, each Member Nation and Associate Member promised to pay their contributions according to the Scale of Assessments determined by the Conference. We cannot make any commitment to the Resolution without saying anything about the Scale of Assessments. We cannot promise to do anything which is not yet decided now.

CHAIRMAN

Thank you very much distinguished delegate from China. Just let me read to the members that particular Article of the Constitution. It is very brief. It is Article XVIII.2 and it says "Each Member Nation and Associate Member undertakes to contribute annually to the Organization its share of the budget as apportioned by the Conference". That is what the Constitution says - and the Resolution says the Conference decides - I just wanted to make those two clarifications before we can proceed.

Moussa Bocar LY (Sénégal)

Notre préoccupation c'est, comme vous l'avez dit au début, que nous sommes en train de retarder les travaux de la Commission II qui ne peuvent se poursuivre tant que l'on n'a pas achevé ce point précis.

Je crois que, comme l'a dit le représentant d'El Salvador, nous avons des problèmes de droit et des problèmes de précédent. Pour ce qui est des problèmes de droit, nous faisons confiance au Conseil juridique dans ce domaine, comme dans d'autres du reste. Je crois que nous sommes

pleinement satisfaits des arguments donnés et repris, complétés et affinés qu'il a bien voulu nous fournir.

Pour les précédents, je crois qu'il a répondu également à la question que nous nous sommes posée et, en fonction de cela et de ce que j'ai entendu, je crois que vous pouvez nous aider à atteindre le consensus.

CHAIRMAN

I have carefully listened to the very constructive discussion on this subject until we adjourned for lunch and back again, and the mood is that we have not reached a consensus. There are views for and views against the Resolution as amended. This leaves me, as your Chairman, with two options: we can vote for the Resolution here in Commission III, or we can bracket the item and move straight into Plenary and discuss the issue in Plenary, vote on it in Plenary, and resolve it in Plenary, so that the work of Commission II can proceed. That is the communication from the Chair, two options, and I invite comments from the floor on those two proposals.

Ms Laurie J. TRACY (United States of America)

This seems to be a question of practicalities. Here, as you pointed out this morning, we need to facilitate the work of Commission II. It would seem that we would need to take this vote sooner, rather than later and, therefore, I would ask where it is most practical to take this vote the earliest. Is that here or in the Plenary, and where are we most likely to get the greatest number of delegations present, in view of the voting that is going on in the Plenary now.

Ronald ROSE (Canada)

We appreciate the very clear outlining of the options that you have presented to us. It seems to me that throughout the debate in Commission II and in Commission III, the two items which have caused a great deal of difficulty, if not the most difficult, have been within Commission II the question of the level of the budget and within Commission III the question of the Scale of Assessments. It seems to our delegation the two are really quite linked and it may be the most appropriate procedure to deal with both of them in Plenary, so that they can be dealt with together - so that all delegations would be there considering both of them. The timing - this would not come up during the voting that is currently going on - I think that would have to proceed, but I would strongly suggest that you bracket the text and forward it to Plenary and see whether this Item can be dealt with at the same time or as close as possible to the Item of the budget and perhaps by looking at the two more closely together we can help speed the work of the Conference along.

Amadou OUATTARA (Côte d'Ivoire)

Je m'apprêtais à faire la même proposition, à savoir qu'il serait bon de mettre la difficulté à laquelle nous nous heurtons actuellement entre crochets et la soumettre en plénière.

Nul n'ignore ici les appels répétés que vous avez lancés pour qu'il y ait un quorum afin que les débats dans notre Commission puissent se poursuivre.

Il me semble qu'il serait aberrant d'essayer de passer au vote alors que nous ne sommes pas sûrs d'avoir le quorum et que nous n'avons pas encore pu résoudre ces difficultés. C'est pourquoi ma délégation appuie la proposition que vous avez faite vous-même et qu'a appuyée le Canada, à savoir que nous mettions cela entre crochets et soumettions cette difficulté à la plénière où nous pensons pouvoir résoudre le problème.

J.B. PIETERS (Netherlands)

The European Member States associate themselves with the position of Canada, as well as Côte d'Ivoire and we are of the opinion that this Draft Resolution, as well as the budget issue, should be dealt with in the Plenary.

Moussa Bocar LY (Sénégal)

Merci Monsieur le Président, nous sommes sur la même longueur d'ondes que le délégué de la Côte d'Ivoire mais, toutefois, nous avons compris que les délégations qui ne pouvaient pas s'allier à la proposition révisée américaine avaient posé plutôt des problèmes juridiques. Nous pensions que, le Conseil juridique ayant apporté les clarifications juridiques requises, la voie du consensus était toute ouverte. C'est pourquoi nous pensions que vous alliez vous engouffrer dans cette voie, mais nous voyons que nous nous sommes trompés. En tout état de cause, si décision finale il doit y avoir, nous préférons que cela se fasse, comme l'ont dit ceux qui m'ont précédé, au niveau de la plénière.

Hyosuke YASUI (Japan)

I would like to join the previous delegations to support the decision that will be made at the Plenary.

CHAIRMAN

Thank you very much, distinguished delegate from Japan. Any other observations? I would like to respond to one or two issues raised about the quorum and where this decision would be best made. Right now in Commission III we have the quorum. If we had to vote here and now - we have the necessary quorum. At the same time, that perhaps will require double the votes, or voting twice, because we would vote in here and at the same time we would be able to take the Resolution to Plenary anyway, where perhaps a second vote would be taken, although the other delegates still feel that there may be time for consensus which is really what I would appreciate and all of us would appreciate. But perhaps to avoid voting in Commission III, then voting again in Plenary, the best would perhaps be to bracket the agenda item - then we would close business for Commission III and move in to Plenary, where a specific decision will be taken on the Agenda Item. If that is the consensus, then we will bracket this Agenda Item 24 which deals with the Scale of Contributions for 1998-99 and we will move to Plenary, most likely some time today. We are just trying to make arrangements to see whether we can get time in the Plenary. Before I conclude, I give the floor to the Deputy Director-General to say a few words.

DEPUTY DIRECTOR-GENERAL

Just to say that, as you know, in Plenary they are at the present time conducting the elections for the Independent Chairman of the Council. Immediately upon conclusion of that matter it is my understanding the Plenary will be ready to take this particular matter, the Scale of Contributions. Immediately following that, they would be ready, as soon as others are ready, for the vote on the budget. I have asked what the estimated time is they believe they can complete the voting on the Independent Chairman of the Council. I don't have the answer, but it is clear that that will be the next item of business after the election of the Independent Chairman of the Council and the formality of the matter. It has to be today.

CHAIRMAN

Thank you very much, Deputy Director-General, for that clarification. I'd like to take this opportunity in concluding the work of Commission III, to sincerely thank all the delegates for your cooperation and especially for your understanding, which has made the work of the Chair extremely comfortable and enjoyable. I'd also like to thank the members of Commission III who have worked with me tirelessly during the last few days. I'd also like to thank the Secretariat for

their assistance, as well as those from the Secretariat who have participated in our discussion. I thank you all for your participation. This brings us to the end of Commission III.

Paragraphs 29 to 31 not concluded

Les paragraphes 29 à 31 sont en suspens

Los párrafos 29 a 31 quedan pendientes

Draft Report of Commission III, Part I not concluded

Le projet de Rapport de la Commission III, première partie, est en suspens

El proyecto de Informe de la Comisión III, Parte III, queda pendiente

The meeting rose at 16.10 hours.

La séance est levée à 16 h 10.

Se levanta la sesión a las 16.10 horas.