

	منظمة الأغذية والزراعة للأمم المتحدة	联合国 粮食及 农业组织	Food and Agriculture Organization of the United Nations	Organisation des Nations Unies pour l'alimentation et l'agriculture	Продовольственная и сельскохозяйственная организация Объединенных Наций	Organización de las Naciones Unidas para la Agricultura y la Alimentación
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COUNCIL

Hundred and Fortieth Session

Rome, 29 November - 3 December 2010

Report of the 91st Session of the Committee on Constitutional and Legal Matters (Rome, 20 – 22 September, 2010)

I. INTRODUCTION

1. The Ninety-first Session of the Committee on Constitutional and Legal Matters (CCLM) was held from 20 to 22 September 2010.
2. The Session, open to silent observers, was chaired by Mr Purnomo Ahmad Chandra (Indonesia), Chairperson of the CCLM. The following members were present:
 - Mr Gerard Limburg, Vice-Chairperson (Netherlands)
 - Ms Mónica Martínez Mendiño (Ecuador)
 - Mr Yohannes Tensue (Eritrea)
 - H.E. Hassan Janabi (Iraq)
 - Mr Khalid Mehboob (Pakistan)
 - Mr Lawrence Kuna Kalinoe (Papua New Guinea)
 - Mr Michael V. Michener (United States of America)
3. The CCLM noted that Mr Michael Michener had replaced Ms Suzanne E. Heinen under Rule XXXIV, paragraph 4(a) of the General Rules of the Organization (GRO). The CCLM also noted that Mr Ilaf Hadi, Permanent Representation of Iraq, had been designated to replace H.E. Hassan Janabi for part of the session.

II. STATUS AND RULES OF PROCEDURE OF THE REGIONAL CONFERENCES

4. The CCLM examined document CCLM 91/2 entitled “*Status and Rules of Procedure of the Regional Conferences*”. The CCLM noted that, as a result of the Immediate Plan of Action (IPA) for FAO Renewal approved by the Conference at its Thirty-fifth (Special) Session and the amendments to the Basic Texts adopted by the Conference at its Thirty-sixth Session, with particular reference to Article IV, paragraph 6 of the Constitution and Rule XXXV of the GRO, the Regional Conferences had been entrusted with an important role and had become a full part of the governance structure of the Organization. The CCLM noted the extensive background information contained in the document, as well as the fact that the document had been the subject of consultation with the Regional Offices. The CCLM observed that Regional Conferences had developed operating practices which varied from region to region, but underlined there was a need to ensure as far as possible that they should operate under a common set of rules.
5. In the review of document CCLM 91/2, the CCLM highlighted, *inter alia*, a number of considerations.
6. The CCLM underlined that the issue of the Member Nations entitled to participate as Members in Regional Conferences was important, but in view of its dimensions, it could not be addressed in the Rules of Procedure.
7. The CCLM also noted that, insofar as the Chairperson or in his or her absence, the Vice-Chairperson of the Regional Conference was called upon to exercise functions during the inter-session period, including presenting the report of the Regional Conferences to the Conference and the Council, practical issues regarding the replacement of these officers and the timing of their election was important. The CCLM noted that the proposed Rules of Procedure included options to address these issues for review by the concerned Regional Conferences. The CCLM considered that the question of whether there should be a bureau and, if so, what should be its composition and functions, should be examined further. The CCLM recommended that the Regional Groups and the Regional Conferences should review the matter further in light of their own functional requirements. In this context, references were made to the possibility of establishing a technical committee for the preparation of sessions of the Regional Conferences.
8. The CCLM noted that the question of the preparation of the provisional agenda was a complex one which had been extensively discussed in 2008 and 2009 by the Conference Committee for the Follow-up to the Independent External Evaluation of FAO and the CCLM. The CCLM underscored that the current framework regarding the preparation of the provisional agenda of Regional Conferences was set out in Rule XXXV of the GRO and the Rules of Procedure could not change the substance of that overriding Rule.
9. The CCLM decided to propose to the Council that the Rules of Procedure, set out in Appendix I to this report, including a number of options and observations in this report and in footnotes to the proposed Rules, be referred to the concerned regional groups and Regional Conferences for further consideration, in view of the fact that a number of decisions regarding the *modus operandi* of the Regional Conferences still had to be made by the Regional Conferences themselves.
10. The CCLM noted that the Regional Conferences had authority to consider and make adjustments to the proposed Rules of Procedure in the light of their own functional requirements and the characteristics of the regions, subject to a requirement of consistency in the status of the

Regional Conferences and to an overriding requirement of conformity of the Rules of Procedure with the hierarchy of rules, as provided in Rule XXXV, paragraph 5 of the GRO. The CCLM also underlined that, in keeping with past practice whereby the Rules of Procedure of the Governing Bodies of FAO had been referred to it for review, the draft Rules of Procedure proposed eventually by each Regional Conference would be referred to the CCLM for review prior to adoption.

11. The CCLM noted that there might be a need to supplement the Rules of Procedure by a document on working methods for Regional Conferences or a revised Manual on Regional Conferences. Such documents could, as appropriate, reflect a need for regional differentiation in the *modus operandi* of the Regional Conferences.

III. TERMS OF REFERENCE AND COMPOSITION OF THE ETHICS COMMITTEE

12. The CCLM reviewed document CCLM 91/4 entitled "*Terms of Reference and Composition of the Ethics Committee*", in light of information provided by the Secretariat, the Ethics Officer and the Office of the Inspector-General.

13. The CCLM noted that the proposals contained in document CCLM 91/4 had taken into account preliminary conclusions on the matter by Ernst & Young, as part of a broader study commissioned by management to better define the relationship between the ethics function, and *inter alia* the activities of the Office of the Inspector-General, the financial disclosure programme, the functions of the Ombudsman and FAO's mediation policy, which was still under review. The CCLM decided to defer consideration of the matter pending the submission of the conclusions of the study and review of the proposals by the Finance Committee.

14. CCLM members requested that the Ernst & Young study be circulated for additional consideration in light of coming discussions in the Finance Committee on issues related to the integrity framework of the Organization. The Secretariat indicated that the format of the presentation of the study was still under discussion.

IV. RULES OF PROCEDURE OF THE COMMITTEE ON CONSTITUTIONAL AND LEGAL MATTERS

15. The CCLM recalled that at its Ninetieth Session in April 2010 it had taken note of a brief on the *modus operandi* of the CCLM based on document CCLM 88/Inf. 2 "*Fifty-One Years of Activity of the Committee on Constitutional and Legal Matters*". On that occasion, the CCLM noted that it had operated effectively since its establishment without Rules of Procedure, within the framework set forth by the GRO, as well as any relevant decisions of the Governing Bodies. However, for reasons of consistency with other committees, the CCLM concurred with a proposal that the secretariat should prepare draft Rules of Procedure for review at its next session.

16. The CCLM reviewed proposed Rules of Procedure set out in the Appendix to document CCLM 91/5 and agreed on a number of amendments thereto.

17. The CCLM approved the Rules of Procedure set out in Appendix II to this report, which will be included in Volume I of the Basic Texts.

18. In approving the Rules of Procedure, the CCLM underlined that any matters not covered by these Rules shall be dealt with by the General Rules of the Organization and other relevant provisions of the Basic Texts of FAO.

V. REVISED NOTE ON THE METHODS OF WORK OF THE COUNCIL

19. The CCLM noted that working methods of the Council were still under discussion within the “*Open Ended Working Group on measures designed to improve the efficiency of Governing Bodies, including representation*” and decided to postpone consideration of document CCLM 91/6 “*Revised Note on the Methods of Work of the Council*”.

VI. CORRECTION OF ERRORS AND EDITORIAL ADJUSTMENTS TO THE BASIC TEXTS AND THEIR STRUCTURE

20. The CCLM examined document CCLM 91/7 “*Correction of Errors and Editorial Adjustments to the Basic Texts and their Structure*”.

21. The CCLM recommended to the Council that a number of corrections be made to the GRO, as set out in Appendix III to this report. Following endorsement by the Council, the corrections would be made and reflected in a revised version of the Basic Texts.

22. Regarding the proposed correction to Rule XXIV, paragraph 1(b) of the GRO regarding review by the Council of any urgent issues pertaining to, or arising out of the world food and agriculture situation and related matters, the CCLM considered that the proposal could involve questions of substance and deserved further consultation. Pending such consultation, the CCLM decided to defer consideration of the proposal.

23. The CCLM noted that revised Rules of Procedure of the Committee on World Food Security would be incorporated in due course in Volume I of the Basic Texts.

24. The CCLM noted that, in accordance with Conference Resolution 14/2009, document CFS/2009 rev. 1 “*Reform of the Committee on World Food Security*” is to be added to Volume II of the Basic Texts and authorized the Secretariat to add a new section to that volume of the Basic Texts.

25. The CCLM also noted that Rules of Procedure of the Regional Conferences were to be incorporated in Volume I of the Basic Texts, after approval, and authorized the secretariat to add new sections to that volume of the Basic Texts, as required.

26. The CCLM also noted that the Charter of the FAO Office of Evaluation would be added to Section H of Volume II of the Basic Texts.

27. Finally, the CCLM noted that a process had been initiated to amend Sections L (Cooperation with International Non-Governmental Organizations), M (FAO Policy Concerning Relations with International Non-Governmental Organizations) and N (Granting of Observer Status in Respect of International Governmental and Non-Governmental Organizations) of Volume II of the Basic Texts. This would require, in due course, amendments to these Sections of the Basic Texts.

VII. MULTI-YEAR PROGRAMME OF WORK FOR THE COMMITTEE ON CONSTITUTIONAL AND LEGAL MATTERS

28. The CCLM examined document CCLM 91/8 “*Draft Multi-Year Programme of Work for the Committee on Constitutional and Legal Matters*”. The CCLM noted that the proposed multi-year work programme had been prepared in response to IPA actions 2.70, 2.71 and 2.72, whereby the Council, the Programme and Finance Committees, the CCLM, the Technical Committees and the Regional Conferences had been required to prepare multi-year programmes of work of at least four years duration, once per biennium, which would be reviewed by the Council and to prepare reports of progress against those programmes of work every two years.

29. The CCLM was of the view that the implementation of the above actions must be seen in light of a number of distinct features of the functions of the Committee as set out in Rule XXXIV, paragraph 7 of the GRO, insofar as the Committee held sessions to consider items which were referred to it as necessary and, in general, there were no standing or recurrent items on its agenda which the CCLM would examine at pre-established dates. Therefore, the CCLM considered that, as a general rule, it would not be possible for it to establish a multi-year programme of work as the other committees.

30. The CCLM also noted that under Rule XXXIV, paragraph 7 (l) of the GRO it was required to consider a statutory report on the status of conventions and agreements deposited with the Director-General. While the format of this report had undergone changes over the years, its presentation might require further review; therefore CCLM considered that it could examine this matter regularly. The CCLM also considered that in the next few years it would be called upon to review matters such as Rules of Procedure of the Technical Committees and the Regional Conferences.

31. The CCLM decided to keep the issue of its multi-year programme of work under review, but recommended to the Council that the distinctive features of its *modus operandi* be duly taken into account.

VIII. AMENDMENTS TO RULE XII, PARAGRAPH 11 OF THE GENERAL RULES OF THE ORGANIZATION

32. The CCLM examined document CCLM 91/9 “*Amendment to Rule XII, paragraph 11 of the General Rules of the Organization*”. The CCLM noted that Rule XII, paragraph 11 of the GRO provides that in an election for one elective place¹, if a candidate fails to obtain the required majority of the votes cast (i.e. more than half of the votes cast), successive ballots are taken until a candidate obtains such a majority. In situations where there were more than two candidates for an elective place and where none of the candidates obtained the required majority and none of them withdrew, this provision could lead to a series of inconclusive votes. Being aware of this risk, the Conference approved on various occasions, on the basis of a recommendation of the General Committee, a procedure whereby if no candidate obtained the required majority on the first ballot, successive ballots were held and the candidate with the lowest number of votes in each ballot was eliminated. However, situations could arise where this procedure might not be foreseen by the General Committee, as was the case at the Conference of 2009. Therefore, the CCLM concurred with the proposal that Rule XII, paragraph 11 of the GRO be amended.

¹ The election of the Director-General is governed by detailed procedures set out in Rule XXXVII, paragraph 2 of the GRO.

33. The CCLM endorsed the draft Conference Resolution entitled “*Amendment to the General Rules of the Organization*” set out in Appendix IV of this report, and agreed to forward it to the Council for subsequent transmission to Conference for approval under Rule XLIX of the GRO.

IX. CHANGES IN THE TERMS OF REFERENCE OF THE COMMISSION FOR INLAND FISHERIES AND AQUACULTURE OF LATIN AMERICA AND THE CARIBBEAN

34. The CCLM examined document CCLM 91/10 “*Changes in the Terms of Reference of the Commission for Inland Fisheries and Aquaculture of Latin America and the Caribbean*”, a commission established by the Council, at its Seventieth Session in 1976, under Article VI, paragraph 1 of the Constitution of FAO. The CCLM noted that, at its Ninetieth Session, it had reviewed a document containing proposed amendments to the name and Statutes of the Commission which had been proposed by the Commission at its Eleventh Session, held in Manaus, Brazil, in September 2009. At its Ninetieth Session, the CCLM endorsed the change of name into “*Commission for Inland Fisheries and Aquaculture in Latin America and the Caribbean*” (COPESCAALC), which was subsequently approved by the Council at its Hundred and fortieth Session in May 2010. However, following a debate arising out of references to the FAO Code of Conduct on Responsible Fisheries in the revised Statutes, the CCLM concurred with a proposal that the Secretariat should prepare a study on the legal implications of these references for its Ninety-first Session. Meanwhile, the CCLM decided to defer consideration of the matter.

35. The CCLM reviewed the study on legal implications of the references in the revised Statutes of COPESCAALC to the Code of Conduct on Responsible Fisheries. The study recalled first that, as stated in the Code of Conduct, the Code was an instrument of a voluntary nature, of soft-law, which was not legally binding for FAO Members. In addition, the study underlined that COPESCAALC was an advisory body established under Article VI of the FAO Constitution which performed only advisory functions. In this connection, the study recalled that while discussions had taken place as to the future status of the Commission and the possibility of reestablishing it by treaty under Article XIV of the Constitution the membership had decided that it should retain the status of an advisory body. The CCLM agreed with the clear conclusion of the study that any references to the Code in the revised Statutes of COPESCAALC, a commission performing advisory functions, did not create any legal obligations for Members, nor did they change the advisory nature of COPESCAALC. Such references would only serve the purpose of clarifying the interpretation of some provisions in the non-binding, soft-law context of the Code of Conduct.

36. Having noticed the urgency that the COPESCAALC attached to the revision of its Statutes, the CCLM decided to forward to the Council, for approval, the draft Council Resolution set out in Appendix V to this report.

37. Without prejudice to the foregoing, the CCLM recommended that the study be made available to COPESCAALC.

X. AMENDMENTS TO THE AGREEMENT FOR THE ESTABLISHMENT OF A REGIONAL ANIMAL PRODUCTION AND HEALTH COMMISSION FOR ASIA AND THE PACIFIC

38. The CCLM examined document CCLM 91/11 "*Amendment to the Agreement for the Establishment of a Regional Animal Production and Health Commission for Asia and the Pacific (APHCA)*" established by agreement under Article XIV of the FAO Constitution. The CCLM noted that at its Thirty-third Session (Pokhara, Nepal, 26-28 October 2009), the Commission had proposed an amendment to Article X of the Agreement aimed at deleting the sentence whereby the Secretary of the Commission had to be a veterinarian. Pursuant to paragraph 2 of Article XVII of the Agreement, the Director-General circulated the proposed amendment to all Members of the Commission on 30 June 2010. On the substance, the proposed amendment was intended to broaden the possibilities of selecting a qualified candidate for the position of Secretary, taking into account the ample range of functions to be performed by the incumbent, which did not require him or her to be a veterinarian, also in consideration of the fact that such expertise could be secured otherwise within the Organization. The Commission is to consider the proposal for adoption at its Thirty-third Session scheduled for 25 to 27 October 2010. Once approved by the Commission, the amendment should be approved by the Council. The amendment would enter into force on the date of approval by the Council.

39. The CCLM was informed that the amendment was of a consensual nature and should be approved at the Thirty-fourth Session of the Commission in October 2010. Therefore, in order not to delay the process of amendment of the agreement by the Council, the CCLM concurred with a proposal that it should review it now on the understanding that, should the Commission decide to modify the proposed amendment, the revised proposal would be submitted again to the CCLM.

40. Subject to the above understanding, the CCLM found the proposed amendment set out in the draft Council Resolution contained in Appendix VI to this report in proper legal form and decided to forward it to the Council for approval.

XI. AMENDMENTS TO THE STATUTES OF THE EUROPEAN INLAND FISHERIES ADVISORY COMMISSION (EIFAC)

41. The CCLM examined document CCLM 91/12 "*Amendments to the Statutes of the European Inland Fisheries Advisory Commission (EIFAC)*". The CCLM noted that the issue of the amendment of the Statutes of the Commission, involving important changes to the mandate and *modus operandi* of the Commission, had been under review for a number of years and that proposed amendments to the name and Statutes of the Commission had been approved at its Twenty-sixth Session held in Zagreb from 17 to 20 May 2010.

42. The CCLM enquired whether the approval of the amendments had been made at the Twenty-sixth Session of the Commission in accordance with established procedures. The CCLM was informed that, at that session, EIFAC considered a set of amendments to its Statutes and to its Rules of Procedure. The Commission approved the proposed amendments to its Statutes, by a majority of its Members, but was not in a position to approve new Rules of Procedure, as the latter would have implied a quorum of two-thirds of the membership. The CCLM noted that the decision on the amendment of its Statutes had been validly taken.

43. The CCLM endorsed the proposed change in name of the Commission into European Inland Fisheries and Aquaculture Advisory Commission and reviewed the draft Council

Resolution amending its Statutes, set out in Appendix VII to this report, which it decided to forward to the Council for approval.

XII. ANY OTHER MATTERS

XII.1. Information on Past Deliberations Regarding Proposed Access by Members to Reports of the Office of the Inspector-General

44. The CCLM reviewed document CCLM 91/Inf. 1 "*Information on past deliberations regarding proposed access by Members to reports of the Office of the Inspector-General*" which had been prepared at the request of the Permanent Representative of the United States of America to FAO.

45. The CCLM requested that a policy on the matter be referred to the CCLM at its Session in the Spring of 2011 and to the Finance Committee. The policy could reflect, *inter alia*, previous work and inter-agency consultation.

46. The CCLM requested that the set of "*Draft Governance and Oversight Principles and Practices*" prepared by Price Waterhouse Coopers for the High Level Committee on Management of the Chief Executives Board for Coordination and the position paper prepared by the Finance and Budget Network of the High Level Committee on Management, in consultation with the Heads of Internal Oversight of the organizations, the External Auditors and the Institute of Internal Auditors, be made available to the CCLM at its Session of the Spring 2011 and to the Finance Committee.

XII.2. Whistleblower Protection Policy

47. The CCLM took note of the proposed adoption of a Whistleblower Protection Policy by the end of the year, and requested review and endorsement of the matter at its forthcoming Session in the Spring of 2011.

XII.3. Recent Developments on Matters Regarding the Responsibility of International Organizations

48. The CCLM was informed of a number of developments on the issue of responsibility of international organizations, including on the work of the International Law Commission concerning "*Draft Articles on Responsibility of International Organizations*". The CCLM noted that this was related to a number of topics that it might have to examine in the near future.

49. The CCLM adopted its report on 22 September 2010.

APPENDIX I

PROPOSED RULES OF PROCEDURE FOR REGIONAL CONFERENCES

Rule I Officers

1. During the session, the Regional Conference shall elect a Chairperson, a [first] Vice-Chairperson [and (number) Vice-Chairpersons]² and a Rapporteur from among the representatives of its Members, who shall remain in office until the election of a new Chairperson, a new Vice-Chairperson and a new Rapporteur³.

First option:

2. The Chairperson, or in his or her absence [the/a/first] Vice-Chairperson, shall preside at meetings of the Regional Conference and exercise such other functions as may be required to facilitate its work. In the event that the Chairperson should not be able to exercise functions foreseen under these Rules of Procedure, a high ranking official of his or her country may be designated to take the chair and perform such functions related thereto as required.

Second option:

2. The Chairperson, or in his or her absence [the/a/first] Vice-Chairperson, shall preside at meetings of the Regional Conference and exercise such other functions as may be required to facilitate its work. In the event that the Chairperson should not be able to exercise functions foreseen under these Rules of Procedure, the [first/a/first] Vice-Chairperson shall take the chair and perform such functions related thereto as required. In the event that neither the Chairperson, nor the first Vice-Chairperson should be able to exercise these functions, a high ranking official of the country of the Chairperson may be designated to take the chair and perform such functions related thereto as required.

3. The Regional Representative of the Organization in the concerned region shall appoint a Secretary, and such other support officers as may be required, who shall perform such duties as the functioning and work of the Regional Conference may require, including the preparation of the records of its proceedings. The secretary shall service the Regional Conference.

² The distinction between a first Vice-Chairperson and other Vice-Chairpersons in a number to be defined, seeks to go some way towards the recognition of the practice whereby two Regional Conferences elect one Chairperson and many other Vice-Chairpersons and at times all heads of delegation are considered to be Vice-Chairpersons. However, while this approach could have some merit from a policy viewpoint, it is legally questionable. In addition, the functioning of the new operating model of the Regional Conferences implies that there should be a restricted number of officers to constitute a "bureau". A "bureau" consisting of all heads of delegation would defeat the purpose of the institution.

³ The Regional Conferences might have to determine whether there should be a bureau, and if so what would be its composition and functions or a preparatory committee for their sessions.

**Rule II
Sessions**

1. The sessions of the Regional Conference shall be held in the territory of one of its Members in pursuance of a decision taken by the Regional Conference in consultation with the Director-General.
2. The Regional Conference shall hold sessions normally once every biennium, as provided for in paragraph 1 of Rule XXXV of the General Rules of the Organization. The date of the sessions shall conform to the schedule of sessions of the Governing Bodies as set out in the annex to Conference Resolution 10/2009 for the implementation of the new programming, budgeting and results-based monitoring system and, in particular, the Programme of Work and Budget.
3. Any number of separate meetings may be held during each session of the Regional Conference. Arrangements may be made by the Regional Conference to ensure technical preparations for its sessions, which may include a technical segment as well as a policy segment, under such conditions as the Regional Conference may establish.
4. Formal notice of the date and place of each session shall be communicated at least sixty days in advance of the session to all Members of the Regional Conference.
5. The presence of representatives of more than half of the Members of the Regional Conference shall constitute a quorum for any formal action by the Regional Conference.

**Rule III
Attendance**

1. The Regional Conference shall be composed of representatives of Members and Associate Members of the Organization of the concerned region.
2. Representatives of other Members and Associate Members of the Organization may be provisionally invited to participate as observers in sessions of the Regional Conference, upon request, subject to approval or non-objection by the Regional Conference.
3. Participation of international organizations and nongovernmental organizations in an observer capacity in the work of the Regional Conference shall be governed by the relevant provisions of the Constitution and the General Rules of the Organization⁴, as well as by the relevant resolutions of the Conference.
4. Attendance by non-member States of the Organization at sessions of the Regional Conference shall be governed by the relevant principles relating to the granting of observer status to nations adopted by the Conference.
5.
 - a. Meetings of the Regional Conference shall be held in public, unless the Regional Conference decides to meet in private for discussion of any items on its agenda. Rule V,

⁴ It is understood that in this context the terms "Constitution" and "the General Rules of the Organization" are to be taken to include all general rules and policy statements formally adopted by the Conference and intended to supplement the Constitution and the Rules, such as the "Statement of principles relating to the granting of observer status to nations", and the general rules regarding relationships between the Organization and governmental and non-governmental organizations.

paragraph 3 of the General Rules of the Organization applies *mutatis mutandis* to meetings of the Regional Conference.

- b. Subject to the provisions of subparagraph (c) below, any Member not represented on the Regional Conference, any Associate Member or any non-member State invited to attend in an observer capacity of a session of the Regional Conference may submit memoranda and participate without a vote in any discussion at a public or private meeting of the Regional Conference.
- c. In exceptional circumstances, the Regional Conference may decide to restrict attendance at private meetings to the representative or observer of each Member of the Organization.

Rule IV

Agenda and Documents

1. At least six months prior to the proposed date for the Regional Conference, the Regional Representative of the Organization in the concerned region, after consultation with the Chairperson, shall send a communication to the Members of the Regional Conference. The communication shall contain a brief outline of the programmes of the Organization of interest to the region and of the outcome of the previous session of the Regional Conference and invite Members to review suggestions made concerning the organization of the next session of the Regional Conference, with particular reference to the agenda of the session.

2. The Director-General shall, in consultation with the Chairperson of the Regional Conference, and taking into account the process mentioned in paragraph 1 above, prepare a provisional agenda and despatch it to Members, under cover of a formal invitation letter, not less than 60 days in advance of the session.

3. Any Member of the Regional Conference may request the Director-General, not less than 30 days before the date of a session, to insert an item in the provisional agenda. The Director-General shall thereupon, if necessary, circulate a revised provisional agenda to all Members and to other participants as may have been invited to attend the session together with any necessary papers.

4. The first item on the provisional agenda shall be the adoption of the agenda. After approval of the agenda, the Regional Conference in session may, by clear general consent, amend the agenda by the deletion, addition or modification of any item, provided however that no matter referred expressly to it by the Council or on the request of the Conference shall be omitted from the agenda.

5. Documents not already circulated shall be dispatched with the provisional agenda, or as soon as possible thereafter.

Rule V

Voting

1. Each Member of the Regional Conference shall have one vote.

2. The decisions of the Regional Conference shall be ascertained by the Chairperson, who shall resort, upon the request of one or more Members, to a vote, in which case the pertinent provisions of Rule XII of the General Rules of the Organization shall apply *mutatis mutandis*.

Rule VI

Reports and Records

1. At each session, the Regional Conference shall approve a report embodying its conclusions, recommendations and decisions including, when requested, a statement of minority views⁵.
2. The Regional Conference shall make every effort to ensure that its recommendations and decisions are precise and can be implemented. The Regional Conference shall report to the Council, through the Programme and Finance Committees, in the areas of their respective mandates, on programme and budget matters, and to the Conference on policy and regulatory matters. These reporting requirements shall be, as far as practicable, reflected in the structure of the reports of the Regional Conference.
3. The presentation of the report of the Regional Conference, as per paragraph 3 of Rule XXXV of the General Rules of the Organization, shall be made by the Chairperson. In the event that the Chairperson should not be available Rule I, paragraph 2 of these Rules shall apply.
4. Reports of sessions shall be made available to all Member Nations and Associate Members of the Organization of the concerned region, as well as to observers, non-member States invited to attend the session, and the organizations that participated in the session
5. The Regional Conference may establish applicable procedures in regard to press communiqués concerning its activities.

Rule VII

Suspension of Rules

The Regional Conference may, by a two-thirds majority of the votes cast, decide to suspend any of the foregoing Rules of Procedure, provided that a 24 hours notice of the proposal for the suspension has been given and that the action contemplated is consistent with the Constitution and the General Rules of the Organization⁶. Such notice may be waived if no Member objects⁷.

Rule VIII

Amendment of Rules

The Regional Conference may, by a two-thirds majority of the votes cast, on the proposal of a Member, amend its Rules of Procedure, provided that such amendment is consistent with the Constitution and the General Rules of the Organization. No proposal for the amendment of these Rules shall be included in the agenda of any session of the Regional Conference unless notice

⁵ Some discussion surrounded the question of whether specific provision should be made for a drafting committee, consisting of a number of Members of the Regional Conference and placed under the chairmanship of the Rapporteur. It was noted that drafting committees in FAO are never explicitly foreseen in any Rules of Procedure, even where they correspond to a well established practice. Taking into account these considerations, it is proposed that the Rules of Procedure should not refer specifically to drafting committees. It is considered that the matter should be addressed in the Manual on Regional Conferences, or a document on working practices and methods.

⁶ See footnote to Rule III, paragraph 3.

⁷ There might be a need to identify specific Rules which may not be suspended. In any case, the suspension of Rules must be consistent with the Constitution and the General Rules of the Organization.

thereof has been dispatched by the Director-General to Members of the Regional Conference, at least 30 days before the opening of the session.

APPENDIX II

RULES OF PROCEDURE OF THE COMMITTEE ON CONSTITUTIONAL AND LEGAL MATTERS

Rule I Officers

1. At its first session held after the election of the Chairperson and the Members by the Council, the Committee shall elect a Vice-Chairperson from among the representatives of its Members, who shall remain in office until the election of a new Vice-Chairperson. The Vice-Chairperson's term of office shall terminate at the end of the Committee's term of office. If the Vice-Chairperson is prevented from exercising functions for the remainder of the term of office, due to resignation, disability, death, or for any other reason, the Committee shall elect a new Vice-Chairperson from among the representatives of its Members for the remainder of the vacated term of office.

2. The Chairperson or, in his or her absence, the Vice-Chairperson shall preside at meetings of the Committee and exercise such other functions as may be required to facilitate its work. In the absence from any meeting of the Chairperson and the Vice-Chairperson, the Committee shall elect one of the representatives of its Members to take the chair.

3. If the Chairperson of the Committee is prevented from exercising functions for the remainder of the term of office, due to resignation, disability, death, or for any other reason, those functions shall be assumed by the Vice-Chairperson until the election by the Council, at its first session following the occurrence of the vacancy, of a new Chairperson. The new Chairperson shall be elected for the remainder of the vacated term of office.

Rule II Sessions and Meetings

1. The Committee shall hold sessions as provided in Rule XXXIV, paragraph 7 of the General Rules of the Organization.

2. Any number of separate meetings may be held during each session of the Committee.

3. The meetings of the Committee shall be open to silent observers, unless otherwise decided by the Committee. Silent observers shall not take part in any debates.

4. The sessions of the Committee shall be held at the seat of the Organization, or at another place in pursuance of a decision of the Council. Before the date and place of a session are determined, the representatives of the Members will be consulted to the extent possible.

5. Notice of the date and place of each session shall be communicated to all representatives of Members of the Committee as early as possible in advance of the session.

6. If the representative of a Member of the Committee is expected to be unable to attend a session, or if due to incapacity, death or any other reason that representative is prevented from exercising functions for the remainder of the term for which the Member that he or she represents has been elected, that Member shall inform the Director-General and the Chairperson as soon as possible, and may designate a substitute representative who shall have the qualifications and experience referred to in paragraph 1 of Rule XXXIV of the General Rules of the Organization.

7. Presence of representatives of a majority of the Members of the Committee shall constitute a quorum for any formal action by the Committee.

Rule III Agenda

1. The Director-General, in consultation with the Chairperson of the Committee, shall prepare a provisional agenda for any session of the Committee. Every effort shall be made to circulate to all representatives of Members of the Committee, as early as possible in advance of that session, the provisional agenda and the documents to be considered by the Committee at the session.

2. Any representative of a Member of the Committee may, up to 14 days before the start of a session, request the Director-General to insert an item in the provisional agenda. The Director-General shall thereupon circulate the proposed item, together with any necessary papers, to all representatives of the Members of the Committee.

3. The first item on the provisional agenda shall be the adoption of the agenda.

4. The Committee in session may amend the agenda by the deletion, addition, or modification of any item, provided that no matter referred to it by the Council, or on the request of the Conference, shall be omitted from the agenda as adopted.

Rule IV Voting and Proceedings

1. Each representative of a Member of the Committee shall have one vote.

2. Decisions of the Committee shall be taken by consensus. Where efforts to reach consensus have failed, the Committee shall decide by a majority of the votes cast.

3. The Chairperson of the Committee does not represent a region or a country and shall not vote. A Vice-Chairperson acting as Chairperson or the representative of a Member who takes the chair in accordance with Rule I, paragraph 2 of these Rules may continue to represent a region or a country. When a Vice-Chairperson acts as Chairperson or the representative of a Member takes the chair in accordance with Rule I, paragraph 2 of these Rules, decisions of the Committee shall be taken by consensus.

4. Upon the request of any representative of a Member, voting shall be by roll call, in which case the vote of each representative shall be recorded.

5. When the Committee so decides, voting shall be by secret ballot.

6. The provisions of Rule XII of the General Rules of the Organization shall apply *mutatis mutandis* to all matters which are not specifically dealt with under this Rule.

Rule V Records and Reports

1. At each session, the Committee shall approve a report embodying its conclusions, recommendations and decisions, including, when requested, a statement of minority views. Such other records for its own use as the Committee may on occasion decide shall also be maintained.

2. Where necessary, appropriate arrangements will be made for safeguarding the confidential nature of documents used by the Committee.

Rule VI
Expenses

1. The travelling expenses of the Chairperson and the representative of each Member of the Committee properly incurred in travelling, by the most direct route, from the Chairperson's or representative's duty station, to the site of the Committee session and return to the duty station, shall be borne by the Organization.

2. Travelling expenses and subsistence allowances shall be payable in accordance with the travel regulations of the Organization.

Rule VII
Suspension of Rules

Any Rule of Procedure of the Committee may be suspended by the Committee, provided that 24 hours' notice of the proposal for the suspension has been given, and that the suspension is not incompatible with the Constitution and the General Rules of the Organization. The notice period may be waived if no representative of a Member objects.

APPENDIX III

CORRECTION OF ERRORS AND EDITORIAL ADJUSTMENT TO THE GENERAL RULES OF THE ORGANIZATION (GRO)

Rule XXV, paragraph 3 (a) of the GRO

“3. At its session held immediately after a regular session of the Conference, the Council shall:

(a) *elect the Chairpersons and Members of the Programme Committee, ~~and the Finance Committee, and the Members of the Committee on Constitutional and Legal Matters;~~*

(...)”.⁸

Paragraph 10 of Rules XXVI and XXVII of the GRO

“10. *The Chairperson and the representatives of Members of the Committee shall be reimbursed for the cost of their travel expenses, properly incurred in travelling, by the most direct route, from their duty station to the site of the Committee session and return to their duty station. They shall also be paid a subsistence allowance while attending sessions of the Committee, in accordance with the travel regulations of the Organization.*”⁹

Rule XXIX, paragraph 10 of the GRO

“Rule XXIX
Committee on Commodity Problems
(...)”

10. *The Committee may, when necessary, establish subcommittees, intergovernmental commodity groups and ad hoc subsidiary bodies, subject to the necessary funds being available in the relevant chapter of the approved budget of the Organization. It may include in the membership of such subcommittees and ad hoc subsidiary bodies Member Nations which are not Members of the Committee and Associate Members. Membership of intergovernmental commodity groups established by the Committee shall be open to all Member Nations and Associate Members of the Organization, and the Council may admit to membership of such groups States which, while not Member Nations or Associate Members of the Organization, are members of the United Nations, any of its specialized agencies or the International Atomic Energy Agency. ~~It may authorize the Director-General to invite at their request States which, while not Member Nations or Associate Members of the Organization, are members of the United Nations, any of its specialized agencies or the International Atomic Energy Agency, to attend consultations, convened under paragraph 1 (d) of Rule XXIV of the General Rules of the Organization, on individual commodities and participate in the discussions, with the right to vote and to hold office. Former Member Nations of the~~*

⁸ Proposals regarding insertions are indicated using underlined italics and deletions are indicated using ~~struck out text~~.

⁹ Proposals regarding insertions are indicated using underlined italics.

Organization which have withdrawn leaving arrears of contributions shall not be admitted to membership in intergovernmental commodity groups ~~or attend consultations on individual commodities~~ until such time as they have paid up all such arrears or the Conference has approved an arrangement for the settlement thereof, or unless the Council, in special circumstances, decides otherwise with respect to such admission.”

Rule XXXVI, paragraph 2 of the GRO

“Rule XXXVI

Commissions, Committees and Working Parties

1. Commissions, committees and working parties set up in pursuance of Article VI of the Constitution may establish subcommissions, subcommittees or subsidiary working parties either to perform a substantive part of their functions or to carry out a specific task. Associate Members may participate in the deliberations of such subcommissions, subcommittees or subsidiary working parties but shall not hold office or have the right to vote.

~~2. The first paragraph of this Rule shall be interpreted in conformity with the provisions of Rule XXIV, paragraph 1 (d) (v) of these Rules.~~

(following paragraphs to be renumbered)”

Rule XXXII, paragraph 6 (d) of the GRO

“d) review specific matters relating to agriculture and livestock, food and nutrition referred to the Committee by the Conference, the Council or the Director-General, or placed by the Committee on its agenda at the request of a Member Nation in accordance with the Rules of Procedure of the Committee, and make recommendations as may be appropriate.”

Rule XXXIV paragraph 9 of the GRO

“9. In considering items referred to it under paragraphs 6 7 and 7 8, the Committee may make recommendations and give advisory opinion, as appropriate.”

Rule XXXVIII paragraph 2 (g) of the GRO

“Rule XXXVIII

Functions of the Director-General

(...)

2. In particular, the Director-General shall, in accordance with these Rules and the Financial Regulations, and provided that he reports to the Council or Conference as appropriate on all matters involving policy issues:

(...)

g) prepare:

i) in the light of guidance given by the Conference and Council at previous sessions and by regional and technical conferences, commissions or committees, ~~a summary~~ the Strategic Framework, the Medium-Term Plan and the Programme of Work and Budget for consideration by the Programme and Finance Committees, other appropriate organs of the Organization, and the Council; and

ii) in the light of the observations by the aforementioned Committees and organs and by the Council, ~~a draft~~ the Strategic Framework, the Medium-Term Plan and the Programme of Work and Budget for submission to the Conference.”

APPENDIX IV

CONFERENCE RESOLUTION /2011

AMENDMENT TO THE GENERAL RULES OF THE ORGANIZATION

THE CONFERENCE,

Recalling that the Committee on Constitutional and Legal Matters (CCLM), at its Ninety-first Session, after having examined some inconveniences arising out of the procedures set out in Rule XII, paragraph 11 of the General Rules of the Organization whereby “*in any election for one elective place, other than that of the Director-General, if a candidate fails on the first ballot to obtain a majority of the votes cast, successive ballots shall be taken at such time or times as the Conference or Council shall decide, until a candidate obtains such a majority*”, insofar as they could lead to an inconclusive number of ballots, proposed an amendment to the General Rules of the Organization for approval by the Conference at its session in 2011;

Noting that the Council, at its Hundred and Fortieth Session, endorsed the substance of the amendment proposed by the CCLM and recommended that Rule XII, paragraph 11 of the General Rules of the Organization be amended in order to ensure that in an election for one elective place in which there are more than two candidates, the candidate having obtained the lowest number of votes at each ballot be eliminated;

Having considered the text of the amendment to the General Rules of the Organization proposed by the Council at its Hundred and Fortieth Session;

1. **Decides** to adopt the following amendment to Rule XII, paragraph 11 of the General Rules of the Organization:

“11. In an election for one elective place, other than that of the Director-General, if a candidate fails on the first ballot to obtain a majority of the votes cast, successive ballots shall be taken until a candidate obtains such a majority, provided that in an election for one elective place in which there are more than two candidates, the candidate having received the lowest number of votes at each ballot shall be eliminated”.

(Adopted on __ June 2011)

APPENDIX V

COUNCIL RESOLUTION .../..

COMMISSION FOR INLAND FISHERIES AND AQUACULTURE OF LATIN AMERICA AND THE CARIBBEAN (COPESCAALC)

THE COUNCIL,,

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

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

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

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

1. Approves, under Article VI, paragraph 1 of the Constitution, the change of the name of COPESCAL to "*Commission for Inland Fisheries and Aquaculture of Latin America and the Caribbean – COPESCAALC*", hereinafter "the Commission", and
2. Approves its revised Statutes, set out in the Annex to this Resolution.

ANNEX TO RESOLUTION .../..

STATUTES OF THE COMMISSION FOR INLAND FISHERIES AND AQUACULTURE OF LATIN AMERICA AND THE CARIBBEAN (COPESCAALC)

1. Purpose

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

In addition, the Commission shall:

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

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

2. Membership

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

3. Functions

The functions of the Commission are:

- a) to support the formulation of national and regional policies and plans for the management and development of inland fisheries and aquaculture, with due consideration of the social, economic, cultural and environmental aspects of the Member Nations;
- b) to promote and coordinate studies for the management and sustainable development of inland fisheries and aquaculture, as well as national and regional programmes of research and development related to such activities;
- c) to foster the sustainable development of subsistence inland fisheries and small-scale aquaculture;
- d) to promote, at regional level, activities aimed at protecting ecosystems related to inland fisheries and aquaculture, including, as the case may be, appropriate restocking actions;
- e) to promote application of the ecosystems approach and implementation of adequate certification and biosafety measures in inland fisheries and aquaculture;
- f) to identify the social, institutional and economic factors that hold back the development of inland fisheries and aquaculture, and recommend measures that will contribute to improving the quality of life of stakeholders;
- g) to collaborate in the management and the economic and social assessment of recreational inland fishing and its development;
- h) to promote the implementation of good management practices and sustainable technologies in inland fisheries and aquaculture, in accordance with the Code of Conduct for Responsible Fisheries;
- i) to promote good post-catch and post-harvest practices, and good marketing practices for products of inland fisheries and aquaculture, in accordance with internationally accepted sanitary and food safety standards;
- j) to contribute to the building of institutional capacity and to the development of human resources through training, extension and technology transfer in areas of competence of the Commission, in collaboration with national and regional institutions;
- k) to assist in the generation, dissemination and exchange of data, information and statistics on inland fisheries and aquaculture;
- l) to help Member Nations, upon their request, with the management and sustainable use of transboundary stocks under their respective national jurisdictions;
- m) to collaborate with Member Nations in the formulation of national and regional plans and projects to be executed in cooperation with those Member Nations, and with other sources of international cooperation, in order to attain the objectives set out in the previous paragraphs;

- n) to promote the updating and harmonization of national legislations on inland fisheries and aquaculture;
- o) to mobilize monetary and non-monetary resources to facilitate the activities of the Commission and to create, if necessary, one or more trust funds to receive voluntary contributions for that purpose;
- p) to foster collaboration among Member Nations of the Commission, and between the latter and international bodies;
- q) to draw up the Commission's plan of work; and
- r) to perform any other functions related to the management and sustainable development of inland fisheries and aquaculture in the region.

4. Subsidiary bodies

- a) The Commission may establish an Executive Committee and such other subsidiary bodies as may be required for the effective discharge of its functions.
- b) The establishment of any subsidiary body shall be subject to the determination by the Director-General that the necessary funds are available in the relevant chapter of the budget of the Organization. Before taking any decision involving expenditure in connection with the establishment of subsidiary bodies, the Commission must have before it a report from the Director-General on the administrative and financial implications thereof.

5. Reports

The Commission shall submit to the Director-General reports on its activities and recommendations at appropriate intervals so as to enable the Director-General to take them into consideration when preparing the draft Programme of Work and Budget of the Organization or other submissions to the Organization's Governing Bodies. The Director-General shall bring to the attention of the Conference through the Council any recommendations adopted by the Commission which have policy implications or which affect the programme or finances of the Organization. Copies of each report of the Commission will be circulated to Member Nations and Associate Members of the Organization and international organizations for their information as soon as they become available.

6. Secretariat and expenses

- a) The Secretary of the Commission shall be appointed by the Director-General and shall be administratively responsible to him. The expenses of the Secretariat of the Commission shall be determined and paid by the Organization within the limits of the relevant appropriations in the approved budget of the Organization.
- b) With a view to promoting the development of inland fisheries and aquaculture, the Organization may also establish trust funds comprising voluntary contributions from the Members of the Commission or from private or public sources, and the Commission may advise on the use of such funds which shall be administered by the Director-General in accordance with the Financial Regulations of the Organization.
- c) Expenses incurred by representatives of Members of the Commission, their alternates or advisers, when attending sessions of the Commission or its subsidiary bodies, as well as the expenses of observers at sessions, shall be borne by the respective governments or organizations.

7. Observers

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

8. Participation of international organizations

Participation of international organizations in the work of the Commission and relations between the Commission and such organizations shall be governed by the relevant provisions of the Constitution and the General Rules of the Organization, as well as the rules on relations with international organizations adopted by the Conference or Council of the Organization.

9. Rules of Procedure

The Commission may adopt and amend its own rules of procedure which shall be in conformity with the Constitution and the General Rules of the Organization and with the Statement of Principles Governing Commissions and Committees adopted by the Conference. The rules of procedure and amendments thereto shall come into force upon approval by the Director-General.

APPENDIX VI

COUNCIL RESOLUTION /

**AMENDMENT TO THE AGREEMENT FOR THE ESTABLISHMENT OF A
REGIONAL ANIMAL PRODUCTION AND HEALTH COMMISSION FOR ASIA
AND THE PACIFIC**

THE COUNCIL,

Considering the proposal made by the Regional Animal Production and Health Commission for Asia and the Pacific at its Thirty-third Session (Pokhara, Nepal, 26-28 October 2009) to amend Article X of the Agreement;

Having considered the advice of the Committee on Constitutional and Legal Matters during its Ninetieth-first Session (Rome, 21-22 September 2010);

Noting that the Regional Animal Production and Health Commission for Asia and the Pacific at its Thirty-fourth Session held in Phuket, Thailand, from 25 to 27 October 2010 adopted an amendment to the Agreement under which it had been established;

Considering further that, under Article XVII, paragraph 3 of the Agreement, amendments to the Agreement require the approval of the Council;

Approves the the following amendment to the Agreement for the Establishment of a Regional Animal Production and Health Commission for Asia and the Pacific:

ARTICLE X

Secretariat

The Director-General of the Organization shall provide the Secretary and Staff of the Commission, who, for administrative purposes shall be responsible to him. They shall be appointed under the same terms and conditions as the staff of the Organization. ~~The Secretary of the Commission shall be a veterinarian.~~¹⁰

¹⁰ Deletions are indicated using ~~struck out text~~.

APPENDIX VII

RESOLUTION .../..

EUROPEAN INLAND FISHERIES AND AQUACULTURE ADVISORY COMMISSION (EIFAAC)

THE COUNCIL,

Recalling Resolution 2/26 of 1957 which established the European Inland Fisheries Advisory Commission (EIFAC) under Article VI, paragraph 1 of the FAO Constitution;

Recognizing that during more than half a century, the Commission has done a valuable work, being the only management-orientated, knowledge-based and officially recognized forum for European inland fisheries and aquaculture;

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

Bearing in mind that despite external political, social, economic, financial and environmental factors, no change has been introduced to the mandate of the Commission since its establishment and only marginal alterations to its institutional structure and processes have been performed;

Taking into consideration that the European Inland Fisheries Advisory Commission at its Twenty-Sixth Session (Zagreb, Croatia, May 2010) unanimously agreed on a revised text of its constituent instrument and invited the Council to approve it with a view to strengthening EIFAC to promote the effective long-term sustainable development, utilization, restoration and responsible management of European inland fisheries and aquaculture;

Taking note that the Twenty Fifth Session of EIFAC, held in Antalya, Turkey, from 21 to 28 May 2008 had agreed to change the name of EIFAC, introducing aquaculture in order to recognize the importance of aquaculture to the countries in Europe and to properly reflect the activities of EIFAC;

Decides to approve the revised Statutes of the European Inland Fisheries and Aquaculture Advisory Commission (EIFAAC) as follows:

STATUTES OF THE EUROPEAN INLAND FISHERIES AND AQUACULTURE ADVISORY COMMISSION (EIFAAC)

1. General objective of the Commission

Without prejudice to the sovereignty of its members, the Commission shall:

- a) promote the sustainable development, utilization, conservation, management, protection and restoration of European inland fisheries and aquaculture resources, including commercial and recreational fisheries and aquaculture, based on the best available scientific advice and the application of an ecosystem approach, the precautionary approach and the need to safeguard biodiversity;

- b) identify and address strategic issues for European inland fisheries and aquaculture and provide advice and recommendations on future policies, measures and related actions needed to address the issues in a rapid and accountable manner as requested by Members;
- c) provide advice to managers/decision makers of inland fisheries and aquaculture as requested based on scientific, social, economic, legal and other factors;
- d) serve as a forward-looking international platform for the collation, validation, dissemination and consideration of information on common challenges and opportunities to European inland fisheries and aquaculture, and to this end, *inter alia*, proactively identify:
 - relevant scientific, social, economic, legal, statistical and other information and make recommendations for decision makers, taking into account the need to protect and preserve the aquatic ecosystems; and
 - common problems and solutions, and harmonized approaches as appropriate.

2. General principles

The Commission shall have due regard for and promote the application of the objectives and principles stated in the 1995 FAO Code of Conduct for Responsible Fisheries, including the precautionary and ecosystem approaches, and in its related technical guidelines on inland fisheries and aquaculture development, and other relevant international instruments.

3. Area of competence

The area of competence of the Commission shall extend to the inland waters and areas within the territorial boundaries of its Members and transboundary water basins bordering those areas.

4. Focus of competence

The mandate of the Commission shall extend to all aquatic organisms and their related environment.

5. Members

Membership in the Commission shall be open to all European Members of the Organization.

6. Functions of the Commission

The functions of the Commission shall be to:

- a) promote and advise its Members and FAO on the sustainable utilization, conservation, management protection and restoration of European inland fisheries and aquaculture resources based on the best available scientific advice and the application of an ecosystem approach, the precautionary approach and the need to safeguard biodiversity;
- b) identify and address strategic issues for European inland fisheries and aquaculture and provide advice and recommendations on future policies, measures and related actions needed to address the issues as requested by Members and FAO;
- c) promote, coordinate and, as appropriate, undertake the collation, validation, exchange and dissemination of scientific, biological, socio-economic, legal and environmental data and information, including information on common challenges and solutions to European inland fisheries and aquaculture, as well as their analysis or study;

- d) initiate and/or carry out programmes or projects aimed at:
 - i) increasing the efficiency and sustainable productivity of fisheries and aquaculture;
 - ii) advising on the conservation and management of inland fisheries and aquaculture resources;
 - iii) protecting resources from pollution and habitat degradation;
 - iv) facilitating the restoration of degraded habitats and depleted resources;
- e) keep under review the state of the inland fisheries and aquaculture resources of its Members;
- f) encourage education and training including as appropriate by the promotion and the organization of seminars, workshops and other fora;
- g) promote liaison and cooperation among its Members;
- h) enhance communication and consultation with civil society organizations concerned with inland commercial and recreational fisheries and aquaculture;
- i) seek funds and other resources for possible projects outside the Organization's Regular budget and establish, as appropriate, a trust fund for voluntary contributions; and
- j) carry out such other activities as may be necessary for the Commission to achieve its objectives and functions.

7. Institutions

1. Meetings of the Commission shall be held at least once every two years. Intersessional decisions may be taken regarding specific projects through a written procedure.
2. The Commission shall consist of the following Committees:
 - a) a Management Committee with authority to address organizational, financial, administrative and strategic issues, facilitate the approval of project proposals by the Commission and initiate and monitor the implementation of a long-term strategy; and
 - b) a Technical and Scientific Committee with authority to make, evaluate and recommend project proposals to the Management Committee, develop terms of reference for projects and monitor project implementation against the terms of reference,

which shall have such membership, additional functions and Rules of Procedure that the Commission may define.

3. The establishment of any subsidiary body shall be subject to the determination by the Director-General that the necessary funds are available in the relevant chapter of the budget of the Organization. Before taking any decision involving expenditure in connection with the establishment of subsidiary bodies the Commission must have before it a report from the Director-General on the administrative and financial implications thereof.

4. The Secretary of the Commission shall be appointed by the Director-General and shall be administratively responsible to him.

8. Reporting

Copies of reports of the Commission shall be circulated to Members of the Commission and to other Member Nations and Associate Members of the Organization and international organizations for their information as soon as they become available. The activities of the Commission shall be reported to COFI as appropriate. The Commission shall submit to the Director-General reports on its activities and recommendations at such appropriate intervals as to enable the Director-General to take them into consideration when preparing the Programme of Work and Budget and other submissions to the Governing Bodies. Recommendations of the Commission having policy or programme and budgetary implications shall be reported to the Conference or Council, as the case may be, through COFI.

9. Observers

1. Any Member Nation or Associate Member of the Organization that is not a member of the Commission may, upon its request, be represented in an observer capacity at meetings of the Commission.

2. States which, while not Members of the Organization, are members of the United Nations, any of its Specialized Agencies or the International Atomic Energy Agency may, upon their request, and with the approval of the Commission be represented in an observer capacity in accordance with the provisions adopted by the Conference of the Organization relating to the granting of observer status to Nations.

3. The Commission shall provide for the participation of intergovernmental and, on request, international non-governmental organizations having special competence in the field of activity of the Commission in its meetings as observers in accordance with its Rules of Procedure.

4. Participation of international organizations in the work of the Commission and relations between the Commission and such organizations shall be governed by the relevant provisions of the Constitution and General Rules of the Organization as well as the rules on relations with international organizations adopted by the Conference and Council of the Organization.

5. Rules for the participation of observers shall be established in the Rules of Procedure.

10. Rules of Procedure

The Commission may adopt and amend its own rules of procedure which shall be in conformity with the Constitution and General Rules of the Organization and with the Statement of Principles Governing Commissions and Committees adopted by the Conference. The rules of procedure and amendments thereto shall come into force upon approval by the Director-General.

11. Cooperation with International Organizations

The Commission shall coordinate and cooperate closely with other relevant international organizations on matters of common interest, and such coordination and cooperation shall be carried out in accordance with the relevant rules and procedures of the Organization.

12. Performance assessment and review

Three years after the approval by Council of this Resolution an evaluation shall be made of the work undertaken against the objectives and functions of EIFAAC, including appropriate recommendations.