

REPORT

OF THE COUNCIL OF FAO

Hundred and Thirty-seventh Session
Rome, 28 September – 2 October 2009



COUNCIL
(as from 1 January 2009)

Independent Chairperson of the Council: Mohammed Saeid Noori Naeini

Afghanistan³
Australia³
Bangladesh¹
Belgium²
Bolivia²
Brazil²
Canada²
Chile¹
China¹
Congo²
Cuba²
Egypt³
El Salvador³
Ethiopia¹
France³
Gabon¹
Germany¹

Ghana³
India³
Indonesia³
Iran (Islamic Republic of)¹
Italy³
Japan¹
Kenya²
Kuwait²
Malaysia¹
Mauritania⁴
Mexico²
Morocco²
Niger²
Norway³
Pakistan³

Panama¹
Republic of Korea¹
Republic of Moldova¹
Russian Federation²
Saudi Arabia³
Senegal²
South Africa¹
Sudan²
Thailand¹
Trinidad and Tobago²
Turkey²
Ukraine¹
United Kingdom³
United Republic of Tanzania³
United States of America²
Uruguay¹
Zimbabwe³

¹ Term of office until the conclusion of the Thirty-sixth Session of the Conference, November 2009.

² Term of office until 31 December 2010.

³ Term of office until November 2011.

⁴ Elected for term of office from 1 January 2009 to November 2011, but deemed to have resigned in accordance with Rule XXII.7 GRO.

REPORT

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ISBN 978-92-5-106380-4

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INTRODUCTORY ITEMS

1. The Hundred and Thirty-seventh Session of the Council was held in Rome from 28 September to 2 October 2009 under the Chairpersonship of Mohammad Saeid Noori Naeini, Independent Chairperson of the Council.
2. The Director-General delivered a statement to the Council, which is given in document CL 137/INF/12.

ADOPTION OF THE AGENDA AND TIMETABLE¹

3. The Council noted the Declaration of Competence and Voting Rights presented by the European Community and adopted the Agenda and Timetable for the Session. The Agenda is given in Appendix A to this Report.

ELECTION OF THREE VICE-CHAIRPERSONS, AND DESIGNATION OF THE CHAIRPERSON AND MEMBERS OF THE DRAFTING COMMITTEE

4. The Council elected three Vice Chairpersons for its Session: Pietro Sebastiani (Italy), Mohamed Eltayeb Elfaki Elnor (Sudan) and Ms Mary Margaret Muchada (Zimbabwe).
5. The Council elected Ms Rita Giuliana Mannella (Italy) as Chairperson of the Drafting Committee with the following membership: Afghanistan, Australia, Brazil, Canada, Chile, China, Egypt, Ethiopia, Germany, Indonesia, Italy, Japan, Morocco and Russian Federation.

ACTIVITIES OF FAO

PREPARATIONS FOR THE 36TH SESSION OF THE FAO CONFERENCE²

Nomination of the Chairperson of the Conference and of the Chairpersons of the Commissions of the Conference

6. In accordance with Rule XXIV.5 of the General Rules of the Organization (GRO), the Council agreed to put the following nominations before the Conference:

- Chairperson of the Conference: Kathleen Merrigan (United States of America)
- Chairperson of Commission I: Noel D. De Luna (Philippines)
- Chairperson of Commission II: Agnes van Ardenne-van der Hoeven (Netherlands).

Nomination of three Vice-Chairpersons of the Conference

7. In accordance with Rule XXIV.5 GRO, the Council agreed to put the following nominations before the Conference:

- Bangladesh (name to follow)
- Germany, Hans-Heinrich Wrede
- Zimbabwe (name to follow).

¹ CL 137/1; CL 137/INF/1; CL 137/INF/5; CL 137/PV/1; CL 137/PV/4; CL 137/PV/8.

² CL 137/7; C 2009/12; CL 137/PV/1; CL 137/PV/8.

Nomination of Seven Members of the General Committee

8. In accordance with Rule XXIV.5 GRO, the Council agreed to put the following nominations before the Conference: China, Guatemala, Jordan, New Zealand, Nigeria, Sweden and United States of America.

Nomination of Nine Members of the Credentials Committee

9. In accordance with Rule XXIV.5 GRO, the Council agreed to put the following nominations before the Conference: Austria, Cyprus, El Salvador, Estonia, Nicaragua, Niger, Oman, San Marino and Sri Lanka.

Nomination of Seven Members of the Resolutions Committee

10. The Council noted that there was consensus on the following seven nominees for the Resolutions Committee: Australia, Canada, Ecuador, Indonesia, Iraq, Lesotho and Russian Federation.

Draft Timetable for the Session

11. The Council agreed to submit to the Conference for approval the tentative Timetable, rescheduling item 18, "Report of the CoC-IEE on the Immediate Plan of Action for FAO Renewal" to the morning of Thursday, 19 November in Plenary.

WORLD SUMMIT ON FOOD SECURITY (16-18 NOVEMBER 2009)³

12. The Council took note of the report by the Secretariat on the preparations for the World Summit on Food Security (WSFS), whose main objective is to promote efforts to eradicate world hunger. The delegations thanked the WSFS Secretariat, the Chair and Co-chairs of the Open-Ended Working Group (OEWG) established by the Council to work on the necessary arrangements for the Summit, including its objectives and outcomes. Members recalled the need to also discuss these arrangements, as well as those related to the pre-Summit Special Events in FAO Governing Bodies.

13. Several Members recalled the importance of the Summit in keeping the momentum on food security issues such as a renewed food security governance, the Committee on World Food Security (CFS) reform and the development of a Global Partnership. They acknowledged that the event would be an important platform to highlight the MDG goals, in particular MDG 1.

14. Members welcomed participation of the Rome-based Agencies, WFP and IFAD, in the OEWG.

15. The Council expressed its appreciation for the generous contribution of USD 2.5 million from the Kingdom of Saudi Arabia for the organization of the Summit, and thanked Italy for having decided to contribute to the second Trust Fund to foster the participation of representatives from Least Developed Countries, hoping that other countries would follow.

16. The Council underlined the urgency to have a Member-driven Zero Draft Declaration completed, as soon as possible.

³ CL 137/6; CL 137/PV/4; CL 137/PV/8.

PROGRAMME, BUDGETARY, FINANCIAL AND ADMINISTRATIVE MATTERS

STRATEGIC FRAMEWORK 2010-19, MEDIUM TERM PLAN 2010-13 AND PROGRAMME OF WORK AND BUDGET 2010-11⁴

17. The Council reviewed the draft Strategic Framework 2010-19, and the Director-General's Medium Term Plan 2010-13 and Programme of Work and Budget 2010-11. In doing so, the Council also considered advice provided by the 102nd Session of the Programme Committee⁵, the 128th and 129th Sessions of the Finance Committee⁶, and their Joint Meeting⁷.

18. The Council welcomed the documentation, which represented a critical step in the reform of FAO. The Council emphasized that application of the new results-based programming framework was a work-in-progress and recognized that the full conversion to a system of managing for results was a long-term process.

19. The Council recommended to the Conference the Strategic Framework 2010-19 and the main elements contained therein. It stressed that the document provided a useful, forward-looking context for presentation of the broad principles and specific guidance on the future results-based programmes of the Organization. It underlined the importance of the review of the Strategic Framework every four years. In relation to paragraph 48, concerning the declining trend in the share of agriculture in total Official Development Assistance, the Council noted that an addendum was being prepared and would need to be considered by the Conference.

20. The Council recommended to the Conference the Medium Term Plan 2010-13 and the frameworks for Organizational Results. It looked forward to future improvements in prioritization, the formulation of performance indicators, baselines and targets, and the implementation of results monitoring and reporting through review by the Technical Committees and Regional Conferences, as well as the Programme and Finance Committees.

21. The Council welcomed the integrated planning and presentation of Assessed and Voluntary Contributions in the Programme of Work and Budget 2010-11. It expressed concern about the risk to programme delivery by the extent of dependence on Voluntary Contributions, and requested the Programme and Finance Committees to closely follow the efforts of the Secretariat to manage this risk.

22. The Council noted that refinements to the Headquarters organizational structure, and the ongoing process of effective decentralization, would continue in the next biennium based on consultations between the Secretariat and the Governing Bodies.

23. The Council took note of the planned review of the Shared Services Centre for a possible creation of a global Shared Service Centre hub, as referred to in the PWB 2010-11. It stressed that any decision regarding the closure of the Shared Services Centre in Bangkok and Santiago must be preceded by in-depth study and analysis, taking into account both efficiency and effectiveness concerns. The Council looked forward to a transparent and consultative review and decision-making process based on such detailed information, including consultations with the Regional Conferences as well as the Finance Committee.

⁴ C 2009/3; C 2009/15; CL 137/PV/2; CL 137/PV/3; CL 137/PV/4; CL 137/PV/7; CL 137/PV/8.

⁵ CL 137/3.

⁶ CL 137/4 and CL 137/9.

⁷ CL 137/2.

24. The Council stressed the paramount importance of the reform process and of guaranteed funding of the Immediate Plan of Action for FAO Renewal as a basis for “Reform with Growth”. The Council emphasized the need to maintain the momentum of the reform process.

25. Members provided a range of views on several financial issues in the PWB 2010-11, including anticipated cost increases, efficiency savings, flexibility to effect transfers between budgetary chapters, method of funding the IPA, the level of the Net Appropriation, and measures for improving FAO’s financial health. A group of “Friends of the Chair” held fruitful discussions and received further clarifications from Management on these issues. The Council did not reach consensus on the PWB 2010-11. Therefore, the Council decided that the “Friends of the Chair” should continue discussions of these matters prior to Conference, with the aim of bridging gaps.

**REPORT OF THE JOINT MEETING OF THE 102ND SESSION OF THE
PROGRAMME COMMITTEE AND THE 128TH SESSION OF THE FINANCE
COMMITTEE (29 JULY 2009)⁸**

26. The Council considered matters addressed by the Joint Meeting concerning collaboration among the Rome-based Agencies, and management of the TCP appropriation.

27. The Council concurred with the directions for collaboration among the Rome-based Agencies as jointly prepared by FAO, IFAD and WFP. It underlined the importance of continually improving collaboration and coordination at both Headquarters and in the field, particularly at Country Office level. In the area of collaboration on administrative and processing work, the Council welcomed the foreseen establishment of a joint procurement unit on a pilot basis from 1 January 2010.

28. The Council urged the Secretariat to ensure the smooth management of the TCP appropriation and the maximum utilization of the TCP resources. It welcomed the decentralization of the TCP management from 1 January 2010 as a step towards more strategic use of TCP resources.

**REPORT OF THE 102ND SESSION OF THE PROGRAMME COMMITTEE
(27-31 JULY 2009)⁹**

29. The Council commended the Programme Committee’s continued dialogue with senior managers on areas of programme priorities and follow-up to evaluations. In this regard, the Council appreciated FAO’s work on more effective response to desert locusts and the management of related stocks of pesticides.

30. The Council took note of the JIU Report on the Junior Professional Officer/Associate Expert/Associate Professional Officer Programmes in United Nations System Organizations. The Council recommended that programmes for Junior Professionals be accorded increased visibility in the Organization and highlighted the need to give equal consideration to candidates from developing countries.

31. Regarding the Charter for the Office of Evaluation, the Council agreed that it should not be finalized until the new Director of Evaluation was recruited and could participate in the process. The Council was informed that the new Director of Evaluation had recently been appointed. In response to the concern expressed by a few Members relating to the selection process, the representative of the Legal Counsel confirmed that the appointment of the Director of Evaluation had been made in accordance with the relevant provisions of the Basic Texts and applicable Conference resolutions.

⁸ CL 137/2; CL 137/PV/4; CL 137/PV/8.

⁹ CL 137/3; CL 137/PV/4; CL 137/PV/8.

**REPORTS OF THE 128TH (27-31 JULY 2009) AND 129TH
(18-19 SEPTEMBER 2009) SESSIONS OF THE FINANCE COMMITTEE¹⁰**

Status of Contributions and Arrears¹¹

32. The Council considered the status of contributions, late payments and arrears of the Organization as at 23 September 2009, and noted that over 25 percent of the Membership of the Organization had made no payment towards their USD portion of 2009 assessments, and 32 percent of the Membership had not made any payment towards their EUR portion of 2009 assessments. The Council was informed that the latest cash flow forecast continued to indicate a likely recourse to external borrowing in late 2009 in the absence of significant payments by Members of outstanding current assessments. Concern was expressed at the financial situation of the Organization and the possible recourse to external borrowing towards the end of the year and depletion of reserves.

33. While welcoming the significant receipts of arrears from certain Members during 2009, the Council expressed concern over the fact that fifty Member Nations still had arrears outstanding from 2008 and previous years, and twenty-two owed arrears in such amounts as would prejudice their Right to Vote in accordance with Article III.4 of the Constitution. While appreciating the often difficult financial situations of some countries, emphasis was placed on the importance for all Member Nations to honour their financial obligations towards the Organization. The Council, therefore, urged all Member Nations to pay their contributions in full and on time, in order to enable the Organization to continue to fulfil its mandate.

Other Matters Arising out of the Reports

Programme and Budgetary Transfers in the 2008-09 Biennium

34. The Council took note that the Finance Committee had approved revised adjustments to the Chapter distributions arising from an updated allocation of further savings and efficiency gains of USD 22.1 million.

35. The Council noted that forecasted expenditure for the biennium foresaw full utilization of the appropriation, including Contingencies (*Chapter 6*), and that any year-end surpluses under Capital Expenditure (*Chapter 8*), Security Expenditure (*Chapter 9*) and Technical Cooperation Programme (TCP), would be carried over to the next biennium in accordance with the relevant Financial Regulations¹².

36. The Council took note that the Finance Committee had authorized transfers from budgetary Chapters 3, 4 and 6 in favour of Chapters 1 (USD 0.9 million), 2 (USD 0.6 million) and 5 (USD 1.0 million), and noted that the Director-General would report to the Committee the precise amounts transferred at the Finance Committee session in April 2010.

Measures to Encourage Timely Payment of Contributions

37. The Council took note of the Committee's recommendation that all measures currently in place to encourage timely payment of contributions should be continued. The Council agreed that all Members had an obligation to pay their Assessed Contributions in full and on a timely basis and that measures to encourage timely payment should aim to ensure that all Members pay promptly. While there was support for the measures proposed, certain Members cautioned that the application of these measures for the loss of seats on Council Committees would mainly impact developing countries in difficulty. The Council requested that the Finance Committee continue to explore other means to encourage timely and full payment of contributions.

¹⁰ CL 137/4; CL 137/4-Add.1; CL 137/9; CL 137/9-Add.1; CL 137/PV/4; CL 137/PV/8.

¹¹ CL 137/LIM/1; CL 137/PV/4; CL 137/PV/8.

¹² Financial Regulations 6.11 (Capital Expenditure), 6.12 (Security Expenditure) and 4.3 (TCP).

Incentive Scheme for Prompt Payment of Contributions

38. The Council noted that following discussions concerning the efficacy and appropriateness of the Incentive Scheme and considering the importance of sending a signal to Members regarding the need for timely payment of contributions, the Finance Committee had indicated that for eligible Members (i.e. those who paid contributions in full by 31 March 2009), the discount rate to be used to apply credits towards 2010 contributions should be set at 0.03% for US dollars and 0.43% for Euros.

Medium Term Plan 2010-13 and Programme of Work and Budget 2010-11

39. The Council's conclusions regarding these matters are reflected in the section of the Report dealing with the Strategic Framework, Medium Term Plan 2010-13 and Programme of Work and Budget 2010-11.

IMMEDIATE PLAN OF ACTION IMPLEMENTATION PROGRESS REPORT¹³

40. The Council welcomed the report and commended the Secretariat and the CoC-IEE for their highly successful work despite the shortfall in funding. It noted that the Immediate Plan of Action (IPA) was the top priority for the Organization.

41. The Council expressed appreciation for the Member Nations which had already contributed to the IPA Trust Fund.

42. The Council recognized the improved atmosphere of trust and collaboration between Members and Secretariat as a result of the process of implementing the IPA.

43. The Council noted the importance of issues related to Culture Change and Partnerships, and that Decentralization was an ongoing process which was part way through.

44. The Council requested that future IPA reports include an analysis on impacts of the reform actions.

45. The Council recognized that Member responsibilities would change from hands-on to oversight and monitoring, and that special attention would be given to the risk elements in IPA implementation.

CONSTITUTIONAL AND LEGAL MATTERS

REPORT OF THE 88TH SESSION OF THE COMMITTEE ON CONSTITUTIONAL AND LEGAL MATTERS (ROME, 23-25 SEPTEMBER 2009)¹⁴

Amendments to the Basic Texts required for the implementation of the Immediate Plan of Action for FAO Renewal

46. The Council reviewed the report of the 88th Session (23-25 September 2009) of the Committee on Constitutional and Legal Matters (CCLM), with particular reference to matters pertaining to the implementation of the Immediate Plan of Action (IPA) for FAO Renewal (2009-11), which had been under review by the CCLM throughout the year.

¹³ CL 137/8; CL 137/PV/4; CL 137/PV/8.

¹⁴ CL 137/5, CL 137/PV/6; CL 137/PV/8.

47. The Council endorsed the draft Conference Resolution set out in Appendix D containing the proposed amendments to the Constitution and agreed to forward it to the Conference for approval.
48. The Council endorsed the draft Conference Resolution set out in Appendix E containing proposed amendments to the General Rules of the Organization and to the Financial Regulations and agreed to forward it to the Conference for approval.
49. The Council endorsed the draft Conference Resolutions on the implementation of the IPA actions regarding the Conference, Council, Independent Chairperson of the Council, Reform of Budgeting and Results-Based Monitoring System and Ministerial Meetings, as well as a definition of Governing Bodies set out in Appendix F, and agreed to forward them to the Conference for approval.
50. The Council endorsed the overall future structure of the Basic Texts corresponding to existing Volume I, with the amended instruments, and new Volume II as set out in Appendix G. The Council noted that some Parts of the Basic Texts currently included in Volume II of the Basic Texts would remain under review, that amendments thereto might be required in future, as also shown in Appendix G, and that current Part S of Volume II of the Basic Texts would be deleted. The Council requested the Secretariat to discharge such tasks of an editorial nature as would be required for the organization of the Basic Texts including the renumbering of Rules, paragraphs and sub-paragraphs, as appropriate, and the insertion of footnotes containing references to Conference Resolutions whenever necessary.
51. The Council noted that the proposed amendments to the Constitution and the General Rules of the Organization reflected only the actions of the IPA, and did not incorporate any conclusions of on-going discussions on the reform process of the CFS. The Council noted that the CCLM would devote its 89th Session at the end of October 2009 to the review of proposed amendments to the Constitution and the General Rules of the Organization regarding the CFS reform, which would be forwarded to the Conference, and that the proposed amendments for the implementation of the IPA would have to be adjusted, as required.
52. While noting that the proposed amendments were prepared in response to actions foreseen in the IPA, two Members expressed the view that some amendments required further consideration in the future.
53. The Council noted that the CCLM had examined a preliminary review of Statutory Bodies with a view to allowing them to exercise greater financial and administrative authority while remaining within the framework of FAO. The Council expressed satisfaction at the comprehensive nature of the preliminary review and stressed that its implementation should be seen as an on-going process to be carried out in the course of the next few years. The Council invited the Secretariat to take action in respect of matters within its authority and consult the relevant Governing Bodies with regard to matters which would need to be considered by the Membership. The Council endorsed the recommendation of the CCLM that, in the context of that process, the Membership of relevant Statutory Bodies, with particular reference to bodies under Article XIV or Article VI enjoying substantial functional autonomy, should be invited to consider the preliminary review and offer their views on the issues addressed therein.

Agreement on the Central Asian and Caucasus Fisheries and Aquaculture Commission

54. The Council noted that the CCLM had reviewed the draft Agreement on the Central and Caucasus Fisheries and Aquaculture Commission, drawn up as a result of two Intergovernmental Meetings held in Tajikistan in 2008 and Turkey in 2009, in the course of which participants emphasized that the Agreement should be concluded under Article XIV of the Constitution and placed under the framework of FAO, in order to allow for synergies between the future Commission and FAO.

55. The Council noted further that, while the proposed Commission would benefit from support from FAO, mainly through the Sub-Regional Office for Central Asia, the Agreement made provision for an autonomous budget and prospective Members had expressed their commitment to finance its activities and were aware of the provisions of Article IX on the autonomous budget of the Commission.

56. The Council examined the issue of the area of the competence of the Agreement, as well that of the Members of FAO which could become Members of the Commission. The Council noted that under Article IV of the Agreement the area of competence included the inland waters and areas within the territorial boundaries of the States of Central Asia, namely Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan, and of the Caucasus namely Armenia, Azerbaijan, Georgia and Turkey and, with respect to inland fisheries, other waters within the transboundary water basins bordering the territories of the States of Central Asia and of the Caucasus. Under Article I, paragraph 2, the Agreement would be open to any Member of the Organization, provided that the territory of such State was situated wholly or partly within the Area defined in Article IV and which accepts the Agreement. The Council noted that, in addition to the countries listed specifically in Article IV, the provisions of the Agreement were adequately broad to allow acceptance of the Agreement by other Members such as, *inter alia*, Afghanistan, Pakistan and Russian Federation.

57. The Council, through a vote as required under Article XIV, paragraph 2 of the Constitution, adopted unanimously the following Resolution:

Resolution 1/137

Agreement on the Central Asian and Caucasus Fisheries and Aquaculture Commission

THE COUNCIL,

Recalling that at the Twenty-eighth session of the Committee on Fisheries from 5-9 March 2009 in Rome, Italy, Members were urged to encourage regional cooperation and cooperative efforts to combat illegal, unreported and unregulated fishing;

Aware that the FAO Members from Central Asia and the Caucasus and neighbouring States, while committed to the objectives of the Organization and duly acknowledging their obligations as Members, are convinced that the States of Central Asia and the Caucasus being States with economies in transition, require special cooperative efforts and assistance for better management of their inland fisheries and sustainable development of aquaculture in order to increase fish production and hence improve food security in their respective jurisdictions;

Acknowledging that a decision was taken, at an intergovernmental meeting convened by FAO in Dushanbe, Tajikistan from 10-12 November 2008 in collaboration with the Government of Republic of Tajikistan, to establish a regional cooperative mechanism for fisheries and aquaculture in the Central Asian and Caucasus States;

Recognising that pursuant to a decision taken at an intergovernmental technical Meeting, convened from 24-26 March 2009 in Ankara Turkey, an agreement for the establishment of a fisheries commission for the Central Asian and the Caucasus region was submitted to, discussed and further developed at a second intergovernmental meeting from 3-5 June 2009 in Trabzon, Turkey in accordance with Article XIV.3 (a) of the FAO Constitution;

Noting that the draft of the Agreement on the Central Asian and Caucasus Fisheries and Aquaculture Commission was further considered by the Committee on Constitutional and Legal Matters at its Eighty-eighth Session held in September 2009;

Having examined the text of the draft Agreement on the Central Asian and Caucasus Fisheries and Aquaculture Commission as submitted to the Council by the Committee on Constitutional and Legal Matters;

Approves, in accordance with Article XIV-2(a) of the Constitution of FAO, the text of the Agreement on the Central Asian and Caucasus Fisheries and Aquaculture Commission reproduced as Appendix H to this Report, for submission to Members concerned in order to receive their acceptance.

(Adopted on 30 September 2009)

58. The Agreement on the Central Asian and Caucasus Regional Fisheries and Aquaculture Commission is included in Appendix H to this Report.

Other Matters Arising from the Report of the 88th Session of the Committee on Constitutional and Legal Matters

(i) International Treaty on Plant Genetic Resources for Food and Agriculture – Procedures for the operation of the third party beneficiary

59. The Council **endorsed** the outcome of the review by the CCLM of the procedures regarding the exercise by FAO of functions as Third Party Beneficiary under the International Treaty on Plant Genetic Resources for Food and Agriculture, which concluded that such procedures included adequate safeguards protecting the autonomy of the Organization and its immunity from every form of national jurisdiction, and ensured that FAO would not incur any liabilities beyond the level of resources available in the Third Party Beneficiary Operational Reserve. The Council underlined that this provided a good example of synergies between bodies established under Article XIV of the Constitution and FAO.

(ii) Permanent Court of Arbitration Case No. AA286 – Final Arbitration Award Granuco Sal (Lebanon) v. FAO

60. The Council **expressed satisfaction** at the very successful outcome of a commercial arbitration under the Oil-for-Food Programme which the CCLM had examined in detail. The Council **supported** the approach taken by the Organization and considered that FAO had handled the case efficiently, in a prudent and correct manner, and with a high sense of accountability for funds held in trust.

(iii) Draft Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing¹⁵

61. The Council noted that the draft Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing was the result of a long process of negotiation involving, inter alia, the convening of a Technical Consultation to Develop a Legally-binding Agreement on Port Measures, which held several sessions.

62. The Council noted that some Members had made a number of statements which were recorded in the Report of the Technical Consultation. The Council further noted that the Report of the Technical Consultation would be forwarded to the Conference. One Member indicated that it could not take a position on the draft Agreement.

¹⁵ CL 137/INF/11.

63. The Council decided to transmit the draft Agreement, together with a draft Conference Resolution, set out in Appendix I to this Report to the Conference for consideration and approval under Article XIV, paragraph 1 of the Constitution.

64. The Council noted that the CCLM had been established in 1957 and had operated for more than fifty years, and wished to acknowledge its accomplishments over the years.

OTHER MATTERS

CALENDAR OF FAO GOVERNING BODIES AND OTHER MAIN SESSIONS 2009-2011¹⁶

65. The Council noted (i) the Revised Calendar of FAO Governing Bodies and Other Main Sessions for 2009 and (ii) the Provisional Calendar of FAO Governing Bodies and Other Main Sessions for 2010-2011 as reproduced in Appendix J to this Report. The Calendar for 2010 would be submitted to the Hundred and Thirty-eighth Session of the Council (25 November 2009) for formal approval.

DEVELOPMENTS IN FORA OF IMPORTANCE FOR THE MANDATE OF FAO¹⁷

66. This item was added in keeping with Action no. 2.31 of the Immediate Plan of Action, to *ensure that the Council is kept abreast of developments in other fora of importance for FAO's mandate and that dialogue is maintained with other Governing Bodies as appropriate, in particular the Governing Bodies of the Rome-based food and agriculture agencies.*

67. The Council noted with appreciation the five presentations on:

- International environmental governance - Greater synergy among the Secretariats of the Basel, Rotterdam and Stockholm Conventions;
- Cooperation with IFAD, UNCTAD and the World Bank on a Code of Conduct for International Investment in Agriculture;
- Convention on International Trade in Endangered Species of Wild Fauna and Flora;
- Strategic framework for forests and climate change;
- On-going negotiations of an International Regime on Access and Benefit-sharing under the Convention on Biological Diversity.

68. The Council requested that Information Meetings or Seminars for Permanent Representatives be organized to further inform them on the issues presented by Departments under this item.

UNVEILING OF THE PORTRAIT OF THE INDEPENDENT CHAIRPERSON OF THE COUNCIL

69. The Council witnessed the unveiling of the portrait of Professor Mohammad Saeid Noori Naeini, Independent Chairperson of the Council, at a ceremony held on 30 September 2009. The Council paid tribute to Professor Noori Naeini and expressed deep appreciation of his personal, professional and expert skills in facilitating consensus-building, leading negotiations and piloting the multilateral process.

¹⁶ CL 137/INF/6; CL 137/PV/4; CL 137/PV/8.

¹⁷ CL 137/INF/7; CL 137/PV/5; CL 137/PV/8.

**SOLIDARITY WITH SOUTH PACIFIC TSUNAMI AND SUMATRA
EARTHQUAKE VICTIMS**

70. The attention of the Council was drawn to the devastating tsunami that struck the South Pacific on 29 September 2009 and the earthquake which hit Sumatra on 30 September 2009. The Council expressed solidarity to the affected countries.

APPENDIX A

**AGENDA FOR THE HUNDRED AND THIRTY-SEVENTH
SESSION OF THE COUNCIL**

I. INTRODUCTION PROCEDURE OF THE SESSION

1. Adoption of the Agenda and Timetable
2. Election of three Vice Chairpersons, and Designation of the Chairperson and Members of the Drafting Committee

II. ACTIVITIES OF FAO

3. Preparations for the 36th Session of the FAO Conference (Recommendations to the Conference)
 - 3.1 Nomination of the Chairperson of the Conference, and of the Chairpersons of the Commissions of the Conference
 - 3.2 Nomination of three Vice-Chairpersons of the Conference
 - 3.3 Nomination of seven Members of the General Committee
 - 3.4 Nomination of nine Members of the Credentials Committee
 - 3.5 Nomination of seven Members of the Resolutions Committee
 - 3.6 Draft Timetable for the Session
4. World Summit on Food Security (16-18 November 2009)

**III. PROGRAMME, BUDGETARY, FINANCIAL
AND ADMINISTRATIVE MATTERS**

5. Strategic Framework 2010-19, Medium Term Plan 2010-13 and Programme of Work and Budget 2010-11)
6. Report of the Joint Meeting of the 102nd Session of the Programme Committee and the 128th Session of the Finance Committee (29 July 2009)
7. Report of the 102nd Session of the Programme Committee (27-31 July 2009)

8. Reports of the 128th (27-31 July 2009) and 129th (18-19 September 2009) Sessions of the Finance Committee
 - 8.1 Status of Contributions and Arrears
 - 8.2 Other Matters Arising out of the Reports
9. Immediate Plan of Action Implementation Progress Report

IV. CONSTITUTIONAL AND LEGAL MATTERS

10. Report of the 88th Session of the Committee on Constitutional and Legal Matters (23-25 September 2009)
 - 10.1 Amendments to the Basic Texts required for the Implementation of the Immediate Plan for Action for FAO Renewal
 - 10.2 Agreement on the Central Asian and Caucasus Fisheries and Aquaculture Commission
 - 10.3 Other Matters arising from the Report of the 88th Session of the Committee on Constitutional and Legal Matters

V. OTHER MATTERS

11. Calendar of FAO Governing Bodies and other Main Sessions 2009-2011
12. Developments in Fora of Importance for the Mandate of FAO
13. Any Other Matters
 - 13.1 Unveiling of the Portrait of the Independent Chairperson of the Council
 - 13.2 Solidarity with South Pacific Tsunami and Sumatra Earthquake Victims

المرفق باء
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ПРИЛОЖЕНИЕ B
APÉNDICE B

قائمة المندوبين والمراقبين

代表和观察员名单

LIST OF DELEGATES AND OBSERVERS

LISTE DES DÉLÉGUÉS ET OBSERVATEURS

ПЕРЕЧЕНЬ ДЕЛЕГАТОВ И НАБЛЮДАТЕЛЕЙ

LISTA DE DELEGADOS Y OBSERVADORES

الرئيس المستقل

独立主席

Independent Chairman

Président indépendant

Независимый председатель

Presidente Independiente

: Mohammad Saeid NOORI-NAEINI (IRAN, Islamic Republic of)

نواب الرئيس

副主席

Vice-Chairpersons

Vice-présidents

Заместители Председателя

Vicepresidentes

: Pietro SEBASTIANI (ITALY)

: Mohamed ELTAYEB ELFAKI ELNOR (SUDAN)

: محمد الطيب الفكي النور (السودان):

: Mary Margaret MUCHADA (ZIMBABWE)

أعضاء المجلس
理事会成员
MEMBERS OF THE COUNCIL
MEMBRES DU CONSEIL
ЧЛЕНЫ СОВЕТА
MIEMBROS DEL CONSEJO

AFGHANISTAN - AFGANISTÁN

Representative

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Alternate Permanent Representative to
FAO
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AUSTRALIA - AUSTRALIE

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Permanent Representative to FAO
Rome

Alternate(s)

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Representative

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Additional Secretary
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Dhaka

Alternate(s)

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Rome

Ms Sultana AFROZ
Economic Counsellor
Alternate Permanent Representative to
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Rome

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Ambassadeur
Représentant permanent auprès de la FAO
Rome

Suppléant(s)

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Ministre Conseiller
Représentant permanent adjoint auprès de
la FAO
Rome

Hugo VERBIST
Conseiller
Représentant permanent suppléant auprès
de la FAO
Rome

Carlos LIETAR
Conseiller
Représentant permanent suppléant auprès
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Rome

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BOLIVIE (ÉTAT PLURINATIONAL DE) -
BOLIVIA (ESTADO PLURINACIONAL DE)**

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Embajador
Representante Permanente ante la FAO
Roma

Suplente(s)

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BRAZIL - BRÉSIL - BRASIL

Representative

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Alternate(s)

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Rome

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Alternate Permanent Representative to FAO
Rome

Romero MAIA
Second Secretary
Alternate Permanent Representative to FAO
Rome

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Representante Permanente Alterno ante la FAO
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代表

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 农业部
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 司长
 北京

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 全权公使
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 一秘
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 罗马

ZHAO LIJUN

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赵立军
 农业部
 国际合作司
 项目官员
 北京

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<p>谢宝成 常驻粮农组织代表处 三秘 罗马</p>	<p>محمد أشرف جمال الدين رشيد السفير والممثل الدائم لدى المنظمة روما</p>
<p>CONGO</p>	
<p>Représentant Mamadou DEKAMO KAMARA Ambassadeur Représentant permanent de la FAO Rome</p>	<p>Alternate(s) Hisham Ahmed SOROUR Minister Plenipotentiary Deputy Permanent Representative to FAO Rome</p>
<p>Suppléant(s) Sylvain BAYALAMA Ministre Conseiller Représentant permanent suppléant auprès de la FAO Rome</p>	<p>هشام أحمد سرور الوزير المفوض ونائب الممثل الدائم لدى المنظمة روما</p>
<p>Charles KINZENZE Attaché à l'administration, à l'économie et à la prospective Ministre de l'agriculture et de l'élevage Brazaville</p>	<p>Abdel Aziz Mohamed ABDEL AZIZ HOSNI Agricultural Counsellor Alternate Permanent Representative to FAO Rome</p>
<p>Sylvestre Jean-Marc KIMPOLO Conseiller Ambassade de la République du Congo Rome</p>	<p>عبد العزيز محمد عبد العزيز محمد حسني المستشار الزراعي والممثل الدائم المناوب لدى المنظمة روما</p>
<p>CUBA</p>	
<p>Representante Enrique MORET ECHEVERRÍA Embajador Representante Permanente ante la FAO Roma</p>	<p>Alaa EL DIN WAGIH ROUSHDY Counsellor Alternate Permanent Representative to FAO Rome</p>
<p>Suplente(s) José A. QUINTERO GÓMEZ Funcionario Ministerio para la Inversión Extranjera y la Colaboración Económica (MINVEC) La Habana</p>	<p>علاء الدين وجيه رشدي المستشار والممثل الدائم المناوب لدى المنظمة روما</p>

<p>Yasser SOROUR First Secretary Alternate Permanent Representative to FAO Rome</p> <p style="text-align: center;">ياسر سرور السكرتير الأول الممثل الدائم المناوب لدى المنظمة روما</p> <p>EL SALVADOR</p> <p>Representante José Roberto ANDINO SALAZAR Embajador Representante Permanente ante la FAO Roma</p> <p>Suplente(s) Eduardo VIDES LARÍN Ministro Consejero Embajada de El Salvador ante la Santa Sede Roma</p> <p>Sra. Patricia COMANDARI Ministro Consejero Embajada de El Salvador ante la Santa Sede Roma</p> <p>ETHIOPIA - ÉTHIOPIE - ETIOPIÁ</p> <p>Representative Abreha Ghebrai ASEFFA Minister Plenipotentiary Deputy Permanent Representative to FAO Rome</p> <p>Alternate(s) Beide MELAKU Counsellor Embassy of the Federal Democratic Republic of Ethiopia Rome</p> <p>FRANCE - FRANCIA</p> <p>Représentant Mme Mireille GUIGAZ Ambassadeur Représentant permanent auprès de la FAO Rome</p>	<p>Suppléant(s) Jacques TEYSSIER D'ORFEUIL Secrétaire général du Comité interministériel de l'agriculture et de l'alimentation Ministre Secrétariat général aux affaires européennes Paris</p> <p>Sujiro SEAM Direction générale de la mondialisation, du développement et des partenariats (DGM) Ministère des affaires étrangères et européennes Paris</p> <p>Denis QUÉNELLE Direction des Nations unies et des organisations internationales, des droits de l'Homme et de la Francophonie Ministère des affaires étrangères Paris</p> <p>Mme Isabelle OUILLON Direction générale des politiques agricoles, agroalimentaires et des territoires Services des relations internationales Ministère de l'alimentation, de l'agriculture et de la pêche Paris</p> <p>Mme Christine TON NU Conseiller Représentant permanent suppléant auprès de la FAO Rome</p> <p>Yann ROUSSEAU Volontaire international Représentation permanente de la France auprès de l'OAA Rome</p> <p>Jean-Jacques SOULA Ministère de l'alimentation, de l'agriculture et de la pêche Paris</p> <p>Mme Elizabeth CONNES-ROUX Conseiller Représentant permanent adjoint auprès de la FAO Rome</p>
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FAO
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KUWAIT - KOWEÏT - تي وكلا

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خالد الرشيد
المستشار
نائب الممثل الدائم لدى المنظمة
روما

Alternate(s)
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Alternate Permanent Representative to
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Rome

فيصل الحساوي
السكرتير الأول
والممثل الدائم المناوب لدى المنظمة
روما

Ali H.J.A. AL-JEMEIEI
First Secretary
Alternate Permanent Representative to
FAO
Rome

علي الجميبي
سكرتي أول
والممثل الدائم المناوب لدى المنظمة
روما

Ms Manar SABAH AL-SABAH
Attaché
Alternate Permanent Representative to
FAO
Rome

السيدة منار صباح آل صباح
الملحق
والممثل الدائم المناوب لدى المنظمة
روما

Mrs Lamyah Ahmed AL-SAQQAF
Counsellor
Permanent Representative to FAO
Rome

لمياء أحمد السقاف
المستشار
والممثل الدائم لدى المنظمة
روما

Ilham NAJIM
Permanent Representation of the State of
Kuwait to FAO
Rome

ابراهيم نجيم
الممثل الدائم لدولة الكويت لدى المنظمة
روما

MALAYSIA - MALAISIE - MALASIA

Representative
Ramli NAAM
Ambassador
Permanent Representative to FAO
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Alternate(s)
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Alternate Permanent Representative to
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Azhar MOHD ISA
Assistant Agriculture Attaché
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Representante
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Embajador
Representante Permanente ante la FAO
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Suplente(s)
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Ministro
Representante Permanente Alterno ante la
FAO
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Académicas, de la Coordinación de
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Secretaría de Agricultura, Ganadería,
Desarrollo Rural, Pesca y Alimentación
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Diego Alonso SIMANCAS GUTIÉRREZ
Segundo Secretario
Representante Permanente Alterno ante la
FAO
Roma

Sra. Cecile DE MAULEON MEDINA
Representación Permanente de México ante
la FAO
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**MOROCCO - MAROC - MARRUECOS -
برغما**

Représentant

Mohamed AIT HMID
Ministre plénipotentiaire
Représentant permanent adjoint auprès de
la FAO
Rome

محمد آيت حميد
الوزير المفوض
والممثل الدائم المناوب لدى المنظمة
روما

NIGER - NÍGER

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Niamey

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**REPUBLIC OF MOLDOVA -
RÉPUBLIQUE DE MOLDOVA –
РЕСПУБЛИКА МОЛДОВА -
REPÚBLICA DE MOLDOVA**

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Представитель

Георгий РУСНАК
Посол
Постоянный представитель при ФАО
Рим

**RUSSIAN FEDERATION –
FÉDÉRATION DE RUSSIE –
РОССИЙСКАЯ ФЕДЕРАЦИЯ -
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المراقبون من الدول الأعضاء التي ليست أعضاء في المجلس
非理事会成员的成员国观察员
OBSERVERS FROM MEMBER NATIONS NOT MEMBERS OF THE COUNCIL
OBSERVATEURS D'ÉTATS MEMBRES NE SIÉGEANT PAS AU CONSEIL
OBSERVADORES DE LOS ESTADOS MIEMBROS QUE NO SON MIEMBROS
DEL CONSEJO
НАБЛЮДАТЕЛИ ОТ ГОСУДАРСТВ-ЧЛЕНОВ, НЕ ЯВЛЯЮЩИХСЯ
ЧЛЕНАМИ СОВЕТА

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الممثل الدائم المناوب لدى المنظمة
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والممثل الدائم المناوب لدى المنظمة
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سكرتير أول
والممثل الدائم لجمهورية العراق لدى
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السفير
والممثل الدائم لدى المنظمة
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الممثل الدائم المناوب لدى المنظمة
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والممثل الدائم المناوب لدى المنظمة
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المتحدة
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Гайрат ЮЛДАШЕВ
Второй секретарь
Посольство Республики Узбекистан
Рим

**VENEZUELA (BOLIVARIAN REPUBLIC
OF) –
VENEZUELA (RÉPUBLIQUE
BOLIVARIENNE DU) –
VENEZUELA (REPÚBLICA
BOLIVARIANA DE)**

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الكرسي الرسولي
教廷
HOLY SEE
SAINT-SIÈGE
СВЯТЕЙШИЙ ПРЕСТОЛ
SANTA SEDE

The Right Reverend Monsignor Renato VOLANTE
Permanent Observer to FAO
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Giovanni TEDESCO
Adviser
Vatican City

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جماعة فرسان مالطة
马耳他自治社
SOVEREIGN ORDER OF MALTA
ORDRE SOUVERAIN DE MALTE
СУВЕРЕННЫЙ МАЛЬТИЙСКИЙ ОРДЕН
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المراقبون من المنظمات الحكومية الدولية

政府间组织观察员

**OBSERVERS FROM INTERGOVERNMENTAL ORGANIZATIONS
OBSERVATEURS D'ORGANISATIONS INTERGOUVERNEMENTALES
OBSERVADORES DE LAS NACIONES INTERGUBERNAMENTALES
НАБЛЮДАТЕЛИ ОТ МЕЖПРАВИТЕЛЬСТВЕННЫХ ОРГАНИЗАЦИЙ**

**LEAGUE OF ARAB STATES
LIGUE DES ÉTATS ARABES**

LIGA DE LOS ESTADOS ÁRABES - جامعة الدول العربية

Fathi ABU ABED
Counsellor
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المراقبون من المنظمات غير الحكومية

非政府组织观察员

**OBSERVERS FROM NON-GOVERNMENTAL ORGANIZATIONS
OBSERVATEURS DES ORGANISATIONS NON GOUVERNEMENTALES
OBSERVADORES DE LAS ORGANIZACIONES NO GUBERNAMENTALES
НАБЛЮДАТЕЛИ ОТ НЕПРАВИТЕЛЬСТВЕННЫХ ОРГАНИЗАЦИЙ**

**ACTION GROUP ON EROSION, TECHNOLOGY AND CONCENTRATION
GROUPE D'ACTION SUR L'ÉROSION, LA TECHNOLOGIE ET LA CONCENTRATION
GRUPO DE ACCIÓN SOBRE EROSIÓN, TECNOLOGÍA Y CONCENTRACIÓN**

Ms Molly KANE
Deputy Director
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**INTERNATIONAL ALLIANCE OF WOMEN
ALLIANCE INTERNATIONALE DES FEMMES
ALIANZA INTERNACIONAL DE MUJERES**

Mrs Bettina CORKE
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**INTERNATIONAL COMMISSION OF AGRICULTURAL ENGINEERING
COMMISSION INTERNATIONALE DU GÉNIE RURAL
COMISIÓN INTERNACIONAL DE INGENIERÍA RURAL**

Sun DA-WEN
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**INTERNATIONAL COUNCIL OF WOMEN
CONSEIL INTERNATIONAL DES FEMMES
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**INTERNATIONAL FEDERATION FOR HOME ECONOMICS
FÉDÉRATION INTERNATIONALE POUR L'ÉCONOMIE FAMILIALE
FEDERACIÓN INTERNACIONAL PARA LA ECONOMÍA FAMILIAR**

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Marco RANDONE
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**WOMEN'S INTERNATIONAL LEAGUE FOR PEACE AND FREEDOM
LIGUE INTERNATIONALE DES FEMMES POUR LA PAIX ET LA LIBERTÉ
LIGA INTERNACIONAL DE MUJERES PRO PAZ Y LIBERTAD**

Mrs Bruna MAGNANI LOMAZZI
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APPENDIX C

LIST OF DOCUMENTS

CL 137/1	Provisional Annotated Agenda
CL 137/2	Report of the Joint Meeting of the 102 nd Session of the Programme Committee and the 128 th Session of the Finance Committee (29 July 2009)
CL 137/2-Add.1	Changes in Representation of Members attending the Joint Meeting of the 102 nd Session of the Programme Committee and the 128 th Session of the Finance Committee
CL 137/3	Report of the 102 nd Session of the Programme Committee (27-31 July 2009)
CL 137/3-Add.1	Changes in Representation of Members of the Programme Committee
CL 137/4	Report of the 128 th Session of the Finance Committee (27-31 July 2009)
CL 137/4-Add.1	Changes in Representation of Members of the Finance Committee
CL 137/5	Report of the 88 th Session of the Committee on Constitutional and Legal Matters (23-25 September 2009)
CL 137/6	World Summit on Food Security
CL 137/7	Arrangements for the 36 th Session of the Conference – Tentative Timetable
CL 137/8	Immediate Plan of Action Implementation Progress Report
CL 137/9	Report of the 129 th Session of the Finance Committee (18 and 19 September 2009)
CL 137/9-Add.1	Changes in Representation of Members of the Finance Committee
 CL 137 INF Series	
CL 137/INF/1	Provisional Timetable
CL 137/INF/2	Provisional List of Delegates and Observers
CL 137/INF/3-Rev.1	Provisional List of Documents

CL 137/INF/4	Implementation of Decisions taken at the 136 th Session of the Council
CL 137/INF/5	Statement of Competence and Voting Rights submitted by the European Community and its Members States
CL 137/INF/6	Calendar of FAO Governing Bodies and other Main Sessions 2009-2011
CL 137/INF/7	Developments in Fora of Importance for the Mandate of FAO
CL 137/INF/8	Junior Professional Officer, Associate Expert, Associate Professional Officer Programmes in United Nations system Organizations (JIU/REP/2008/2)
CL 137/INF/9	Summaries of the Main Recommendations of Regional Conferences held in 2008-09
CL 137/INF/10	Directions for Collaboration among the Rome-based Agencies
CL 137/INF/11-Rev.1	Report of the Technical Consultation to Draft a Legally-binding Instrument on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (Rome, 23–27 June 2008, 26–30 January 2009, 4–8 May 2009 and 24–28 August 2009)
CL 137/INF/12	Statement by the Director-General

CL 137 LIM Series

CL 137/LIM/1	Status of Contributions and Arrears
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CL 137 REP Series

CL 137/REP/1 to	Draft Reports of Plenary
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CL 137/REP/14

CL 137 PV Series

CL 137/PV/1 to	Verbatim Records of Plenary
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CL 137/PV/10

CL 137 OD Series

CL 137 OD/1 to Orders of the Day

CL 137/OD/5

C 2009 Series

C 2009/3 Strategic Framework 2010-19

C 2009/12 Arrangements for the 36th Session of the Conference

C 2009/15 Medium Term Plan 2010-13 and Programme of Work and Budget 2010-11

APPENDIX D

DRAFT RESOLUTION FOR THE CONFERENCE

IMPLEMENTATION OF THE IMMEDIATE PLAN OF ACTION FOR FAO RENEWAL
(2009-11). AMENDMENTS TO THE CONSTITUTION*Implementation of the Immediate Plan of Action for FAO Renewal (2009-11).
Amendments to the Constitution*

THE CONFERENCE,

Recalling Resolution 1/2008 “*Adoption of the Immediate Plan of Action (IPA) for FAO Renewal (2009-11)*”, adopted by the Conference at its Thirty-fifth (Special) Session, which called for amendments to the Basic Texts of FAO, including amendments to the Constitution;

Recalling also that the Committee on Constitutional and Legal Matters (CCLM), at its Eighty-fourth and Eighty-fifth sessions, acting under the guidance of the Conference Committee for the Follow-up to the Independent External Evaluation of FAO (CoC-IEE), has proposed amendments to the Constitution for approval by the Conference at its session in 2009;

Noting that the Council, at its Hundred and Thirty-sixth Session, endorsed the substance of the amendments proposed by the CCLM;

Noting further that the Director-General gave notice of the proposed amendments to FAO Members in accordance with Article XX, paragraph 4 of the Constitution;

Having considered the text of the amendments to the Constitution proposed by the Council in its Hundred and Thirty-sixth Session;

1. **Decides** to adopt the following amendments to the Constitution¹:

Regional Conferences

New paragraph 6 of **Article IV** of the Constitution:

“Functions of the Conference

(...)

6. There shall be such Regional Conferences as the Conference may establish. The status, functions and reporting procedures of the Regional Conferences shall be governed by rules adopted by the Conference.”

¹ Deletions are indicated using ~~struck out text~~ and insertions are indicated using *underlined italics*.

Technical Committees

Revised paragraph 6 and new paragraph 7 of **Article V** of the Constitution:
“Council of the Organization

(...)

6. In the performance of its functions, the Council shall be assisted:

(a) by a Programme Committee, a Finance Committee, *and* a Committee on Constitutional and Legal Matters, *which shall report to the Council; and*

(b) *by* a Committee on Commodity Problems, a Committee on Fisheries, a Committee on Forestry, a Committee on Agriculture and a Committee on World Food Security *which shall report to the Council on programme and budget matters and to the Conference on policy and regulatory matters.*

~~7. These Committees shall report to the Council and their~~ *The* composition and terms of reference *of the Committees referred to in paragraph 6* shall be governed by rules adopted by the Conference.”

Director-General

Revised paragraphs 1 and 3 of **Article VII** of the Constitution:

“The Director-General

1. There shall be a Director-General of the Organization who shall be appointed by the Conference for a term of ~~four~~ *six* years. *The Director-General* He shall be eligible for reappointment only once for a further term of four years.

2. The appointment of the Director-General under this Article shall be made by such procedures and on such terms as the Conference may determine.

3. Should the office of Director-General become vacant prior to the expiry of his term of office, the Conference shall, either at the next regular session or at a special session convened in accordance with Article III, paragraph 6 of this Constitution, appoint a Director-General in accordance with the provisions of paragraphs 1 and 2 of this Article. ~~However, the~~ *The* duration of the term of office of the Director-General appointed at a special session shall expire ~~at~~ *after* the ~~end of the year of the third~~ *second* regular session of the Conference following the date of his appointment, *in accordance with the sequence for the term of office of the Director-General established by the Conference.*

4. Subject to the general supervision of the Conference and the Council, the Director-General shall have full power and authority to direct the work of the Organization.

5. The Director-General or a representative designated by him shall participate, without the right to vote, in all meetings of the Conference and of the Council and shall formulate for consideration by the Conference and the Council proposals for appropriate action in regard to matters coming before them.”

2. **Instructs** the Secretariat to make editorial adjustments to Article V, paragraphs 2 and 4, and Article XIV, paragraph 7 of the Constitution to use the word “*Chairperson*” instead of “*Chairman*”.

APPENDIX E

DRAFT RESOLUTION FOR THE CONFERENCE

**IMPLEMENTATION OF THE IMMEDIATE PLAN OF ACTION FOR FAO RENEWAL
(2009-11). AMENDMENTS TO THE GENERAL RULES OF THE ORGANIZATION
AND TO THE FINANCIAL REGULATIONS****THE CONFERENCE,**

Recalling Resolution 1/2008 “*Adoption of the Immediate Plan of Action (IPA) for FAO Renewal (2009-11)*” adopted by the Conference, at its Thirty-fifth (Special) Session, which called for amendments to the Basic Texts of FAO, including amendments to the General Rules of the Organization;

Recalling also that the Committee on Constitutional and Legal Matters (CCLM), at its Eighty-fourth, Eighty-fifth, Eighty-sixth and Eighty-seventh sessions, acting under the guidance of the Conference Committee for the Follow-up to the Independent External Evaluation of FAO (CoC-IEE), has proposed amendments to the General Rules of the Organization and to the Financial Regulations for approval by the Conference at its session in 2009;

Noting that the Council, at its Hundred and Thirty-sixth Session, endorsed the substance of the amendments proposed by the CCLM;

Having considered the text of the amendments to the General Rules of the Organization and to the Financial Regulations proposed by the Council in its Hundred and Thirty-sixth Session;

1. **Decides** to adopt the following amendments to the General Rules of the Organization¹:

Conference to meet in June

Revised paragraph 1 of **Rule I** of the GRO:

“Sessions of the Conference

1. The regular session of the Conference shall be held at the seat of the Organization in the months of *June* ~~October or November~~, unless it is convened elsewhere or at a different time in pursuance of a decision of the Conference at a previous session, or, in exceptional circumstances, of a decision by the Council (...)

**Reporting lines of the Technical Committees and Review by the Conference
of the Strategic Framework and the Medium Term Plan**

Revised paragraph 2 of **Rule II** of the GRO concerning the agenda of the Conference:

“Agenda

¹ Deletions are indicated using ~~struck-out text~~ and insertions are indicated using *underlined italics*.

Regular sessions

1. (...)

2. The provisional agenda for a regular session shall include:

(...)

(c) (...)

(iii) review of the Medium Term Plan and, as appropriate, of the Strategic Framework;

(other sub-paragraphs renumbered)

(xii) review, in accordance with Article V, paragraph 6 of the Constitution, the reports on policy and regulatory matters of the Committee on Commodity Problems, the Committee on Fisheries, the Committee on Forestry, the Committee on Agriculture and the Committee on World Food Security;

(xiii) review, in accordance with Article IV, paragraph 6 of the Constitution and Rule XXXV of these Rules the reports on policy and regulatory matters of the Regional Conferences.”

Changes to terms of office of Council members due to the change of date of the Conference Session

Revised paragraphs 1 and 2 of **Rule XXII** of the GRO:

“Election of the Council

1. (a) Except as provided in paragraph 9 of this Rule, the Council shall be elected for a term of three years.

(b) The Conference shall make such provisions as will ensure that the terms of office of sixteen Members of the Council shall expire in each of two successive calendar years and seventeen in the third calendar year.

(c) The terms of office of all members of any one group shall expire simultaneously either on the termination of the regular session of the Conference in a year in which such a session is held, or on ~~31 December~~ 30 June in other years.

2. The Conference shall, at each regular session, and after considering any recommendations of the General Committee, fill all vacancies due to the expiration of the terms of office of Council Members at the end of that session or at the end of June of the following year, in conformity with the provisions of the preceding paragraph.

(...)”

Changes to Functions of the Council and reporting lines of the Technical Committees

Revised paragraphs 1 and 2 of **Rule XXIV** of the GRO:

“Functions of the Council

The Council, subject to the provisions of paragraph 3 of Article V of the Constitution, shall, between sessions of the Conference, act on behalf of the Conference as its executive organ and make decisions on matters that need not be submitted to the Conference. In particular, the Council shall exercise the functions described below:

1. World food and agriculture situation and related matters

The Council shall:

~~(a) keep under review the state of food and agriculture in the world, and consider the programmes of Member Nations and Associate Members;~~

~~(b) tender advice on such matters to governments of Member Nations and Associate Members, intergovernmental commodity councils or other commodity authorities and through the Director-General to other specialized international agencies;~~

~~(a e) draw up a provisional agenda for the review by the Conference of the state of food and agriculture, drawing attention to specific policy issues which would require Conference consideration or could be the subject of a formal recommendation by the Conference under paragraph 3 of Article IV of the Constitution, and aid the Director-General to prepare the report and agenda for the review by the Conference of the programmes of Member Nations and Associate Members;~~

~~(d) — (i) — examine current developments in proposed and existing intergovernmental agricultural commodity arrangements, particularly those developments affecting adequacy of food supply, utilization of food reserves and famine relief, changes in production or pricing policies and special food programmes for undernourished groups;~~
~~(ii) — promote consistency and integration of agricultural commodity policies, national and international, with regard to (a) overall objectives of the Organization; (b) the interrelationships of production, distribution and consumption; and (c) interrelationships of agricultural commodities;~~
~~(iii) — initiate and authorize groups to study and investigate agricultural commodity situations which are becoming critical, and propose appropriate action, if necessary, under paragraph 2 (f) of Article I of the Constitution;~~
~~(iv) — advise on emergency measures such as those relating to the export and import of food and materials or equipment needed for agricultural production, in order to facilitate implementation of national programmes and, if necessary, request the Director-General to submit such advice for action to the Member Nations and Associate Members concerned;~~
~~(v) — perform the foregoing functions under (i), (ii) and (iii) in conformity with the Economic and Social Council's Resolution of 28 March 1947² relating to international commodity arrangements, and generally act in close cooperation with the appropriate specialized agencies and intergovernmental bodies.~~

(b) examine and advise on any issues pertaining to or arising out of the world food and agriculture situation and related matters, specially any such issues of an urgent nature, which would call for action by the Conference, the Regional

Conferences, the Committees referred to in Article V, paragraph 6 of the Constitution or the Director-General;

(c) examine and advise on any other issues pertaining to or arising out of the world food and agriculture situation and related matters which may have been referred to the Council in accordance with decisions of the Conference or any applicable arrangements.

2. Current and prospective activities of the Organization, including its Strategic Framework, Medium Term Plan and Programme of Work and Budget

The Council shall:

(a) consider, and make recommendations to the Conference on, ~~policy issues regarding: (i) the summary and draft Programme of Work and Budget and supplementary estimates submitted by the Director-General for the following financial period; (ii) the activities of the Organization in connection with the United Nations Development Programme; the Strategic Framework, the Medium Term Plan and the Programme of Work and Budget;~~

(b) make a recommendation to the Conference regarding the level of the budget;

~~(b) (c) take any necessary action, within the approved Programme of Work and Budget, with respect to the technical activities of the Organization and report to the Conference on such policy aspects as may require decisions by the Conference;~~

(d) decide on such adjustments to the Programme of Work and Budget as may be required in the light of the decisions of the Conference on the budget level;

(e) review, in accordance with Article V, paragraph 6 of the Constitution, the reports on programme and budget matters of the Committee on Commodity Problems, the Committee on Fisheries, the Committee on Forestry, the Committee on Agriculture and the Committee on World Food Security;

(f) review, in accordance with Article IV, paragraph 6 of the Constitution and Rule XXXV of these Rules the reports on programme and budget matters of the Regional Conferences.

(...)"

Revised cycle of Programme and Budget preparation and of Council sessions

Revised **Rule XXV** of the GRO:

“Sessions of the Council

1. The Council shall hold a session as often as it considers necessary or on the call of its Chairman~~person~~ or the Director-General, or on request submitted in writing to the Director-General by five ~~five~~ fifteen or more Member Nations.
2. The Council shall in any event hold ~~three~~ five sessions ~~between the regular sessions of the Conference, in a biennium~~ as follows:
 - (a) one session immediately after the regular session of the Conference;
 - (b) ~~one~~ two sessions in the first year of the biennium ~~approximately midway between the regular sessions of the Conference; and~~
 - (c) one session not less than ~~120~~ 60 days before the regular session of the Conference; and
 - (d) one session towards the end of the second year of the biennium.
3. At its session held immediately after a regular session of the Conference the Council shall:
 - (a) elect the Chairmen~~persons~~ and Members of the Programme Committee, the Finance Committee and the Committee on Constitutional and Legal Matters;
 - (b) take any action of an urgent nature arising out of decisions of the Conference.
- ~~4. — At its session held in the first year of the biennium, approximately midway between the regular sessions of the Conference, the Council shall in particular conduct on behalf of the Conference a world review of the state of food and agriculture and exercise the function provided in paragraph 1 (b) of Rule XXIV of these Rules.~~
- ~~5~~ 4. At its session held in the second year of the biennium, not less than ~~120~~ 60 days prior to the regular session of the Conference, the Council shall in particular exercise the functions provided in paragraphs 1 (c), 2 (a) and (b) and, insofar as possible, those provided in paragraph 5 (b) of Rule XXIV of these Rules.

(other paragraphs of this Rule to be re-numbered).”

Programme Committee

Revised **Rule XXVI** of the GRO:

“Programme Committee

1. The Programme Committee provided for in paragraph 6 of Article V of the Constitution shall be composed of representatives of ~~eleven~~ twelve Member Nations of the Organization. Such Member Nations shall be elected by the Council in accordance with the procedure set forth in paragraph 3 of this Rule. Members of the Committee shall appoint as their representatives individuals who have shown a continued interest in the objectives and activities of the Organization, have participated in Conference or Council sessions and have special competence and experience in economic, social and technical matters pertaining to the various

fields of the Organization's activities. Members of the Committee shall be elected for a period of two years at the session of the Council ~~immediately~~ following the regular session of the Conference. Their term of office shall expire upon election by the Council of new Members. They shall be eligible for reappointment.

2. A Member Nation of the Organization seeking election as a Member of the Committee shall, as soon as possible but not later than ~~ten~~ twenty days before the opening date of the Council session at which the election is to be held, communicate to the Secretary-General of the Conference and Council the name of the representative that it would appoint if elected and details of his qualifications and experience. The Secretary-General of the Conference and Council shall circulate this information in writing to Members of the Council before the Council session at which the election is to be held. The same procedure shall apply to the nomination of the Chairperson.

3. The following procedures shall apply to the election of the Chairperson and the Members of the Committee:

- (~~a~~) The Council shall first elect a Chairman~~person~~ from among the ~~designated~~ nominated representatives of ~~the prospective Members of the Committee~~ Member Nations of the Organization. The Chairperson shall be elected on the basis of individual qualifications and shall not represent a region or a country.
 - (~~b~~) Member Nations shall present their candidature for election as Members of the Committee in respect of a specific region as determined by the Conference for the purpose of Council elections.
 - (~~c~~) ~~After the election referred to in subparagraph (b) above, the Council shall proceed to the election of elect the other Members of the Committee, in two stages, making the necessary adjustment to take into account the Member Nation of which the Chairman is a national and the region to which that Member Nation belongs as follows:~~
 - (i) ~~the first stage shall be to elect eight Members from the following regions two members from each of the following regions: Africa, Asia and the Pacific, Near East; Europe, Latin America and the Caribbean, and Near East.~~
 - (ii) ~~the second stage shall be to elect three Members from the following regions one member from each of the following regions: Europe, North America, and Southwest Pacific.~~
 - (~~d~~) Except as provided in subparagraph (~~b~~) 3(a) above, the ~~election of Members of the Committee~~ elections shall be conducted in accordance with the provisions of paragraphs 9 (b) and 13 of Rule XII of these Rules, one election being held to fill simultaneously all the vacancies occurring in each ~~group of regions~~ region specified in subparagraph (c) above.
 - (~~e~~) The other provisions on voting arrangements in Rule XII of these Rules shall apply *mutatis mutandis* to the election of Members of the Committee.
4. (a) If the representative of a Member of the Committee is expected to be unable to attend a session of the Committee, or if, due to incapacity, death or any other reason he is prevented from exercising his functions for the

remainder of the term for which the Member he represents has been elected, that Member shall inform the Director-General and the ~~Chairman~~*person* as soon as possible, and may designate a substitute representative who shall have the qualifications and experience referred to in paragraph 1 of this Rule. The Council shall be informed of the qualifications and experience of the substitute representative.

~~(b) The provisions of subparagraph (a) shall also apply to the Chairman of the Committee except that, in the absence of the Chairman elected by the Council, If the Chairperson of the Committee elected by the Council is unable to attend a session of the Committee, the~~ *his* functions shall be exercised by the Vice- ~~Chairman~~*person* elected in accordance with the Rules of Procedure of the Committee. *If due to incapacity, death or any other reason the Chairperson of the Committee elected by the Council is prevented from exercising his functions for the remainder of the term, the functions shall be exercised by the Vice-Chairperson elected in accordance with the Rules of Procedure of the Committee 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.*

5. The ~~Chairman~~*person* of the Programme Committee ~~may~~*should* attend sessions of the Conference or Council when the report of the Programme Committee is considered.

6. The ~~Chairman~~*person* of the Council may attend all meetings of the Programme Committee.

7. The Programme Committee shall have the following functions:

(a) to review:

(i) the current activities of the Organization;

~~(ii) the summary and draft Programme of Work and Budget of the Organization for the ensuing biennium, particularly with respect to:~~ *the Strategic Framework, as well as the long-term programme objectives of the Organization, and the Medium Term Plan and any adjustments thereto;*

~~(iii) the summary and draft Programme of Work and Budget of the Organization for the ensuing biennium, particularly with respect to:~~

- content and balance of the programme, having regard to the extent to which it is proposed that existing activities be expanded, reduced in scope or discontinued;

- the extent of coordination of work between the different technical divisions of the Organization and between the Organization and other international organizations;
 - the priorities to be given to existing activities, extension of such activities and to new activities;
- (iii) ~~the programme aspects of the United Nations Development Programme with which the Organization is concerned;~~
- (iv) any required adjustments to the current Programme of Work and Budget, or to the Programme of Work and Budget for the next biennium as may be required in the light of the decision of the Conference on the budget level;
- (b) to consider the matters listed in Rule XXVIII of these Rules;
- (e) ~~to advise the Council on the long-term programme objectives of the Organization;~~
- (~~e~~c) to adopt and amend its own rules of procedure, which shall be consistent with the Constitution and the General Rules of the Organization;
- (~~e~~d) to consider any matters submitted to it by the Council of the Director-General;
- (~~f~~e) to report to the Council or tender advice to the Director-General, as appropriate, on matters considered by the Committee.
8. The Programme Committee shall hold sessions as often as necessary, either:
- (a) on the call of its Chairperson acting on his own initiative or in pursuance of a decision of the Committee or of a request submitted in writing to the Chairperson by seven Members of the Committee; or
- (b) on the call of the Director-General acting on his own initiative or in pursuance of a request submitted in writing to him by fifteen or more Member Nations.

~~It~~ The Programme Committee shall in any event hold ~~one~~ two sessions annually.

9. The sessions of the Programme Committee shall be open to silent observers, unless otherwise decided by the Committee. The reasons for such a decision shall be stated in the report of the session. Silent observers shall not take part in any debates.

910. 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.”

Finance Committee

Revised **Rule XXVII** of the GRO:

“Finance Committee

1. The Finance Committee provided for in paragraph 6 of Article V of the Constitution shall be composed of representatives of ~~eleven~~ twelve Member Nations of the Organization. Such Member Nations shall be elected by the Council in accordance with the procedure set forth in paragraph 3 of this Rule. Members of the Committee shall appoint as their representatives individuals who have shown a continued interest in the objectives and activities of the Organization, have participated in Conference or Council sessions and have special competence and experience in economic, social and technical matters pertaining to the various fields of the Organization's activities. Members of the Committee shall be elected for a period of two years at the session of the Council ~~immediately~~ following the regular session of the Conference. Their term of office shall expire upon election by the Council of new Members. They shall be eligible for reappointment.

2. A Member Nation of the Organization seeking election as a Member of the Committee shall, as soon as possible but not later than ~~ten~~ twenty days before the opening date of the Council session at which the election is to be held, communicate to the Secretary-General of the Conference and Council the name of the representative that it would appoint if elected and details of his qualifications and experience. The Secretary-General of the Conference and Council shall circulate this information in writing to Members of the Council before the Council session at which the election is to be held. The same procedure shall apply to the nomination of the Chairperson.

3. The following procedures shall apply to the election of the Chairperson and the Members of the Committee:

(a) The Council shall first elect a ~~Chairman~~ Chairperson from among the ~~designated~~ nominated representatives of ~~the prospective Members of the Committee~~ Member Nations of the Organization. The Chairperson shall be elected on the basis of individual qualifications and shall not represent a region or a country.

(ba) Member Nations shall present their candidature for election as Members of the Committee in respect of a specific region as determined by the Conference for the purpose of Council elections.

(c) ~~After the election referred to in subparagraph (b) above, the Council shall proceed to the election of~~ elect ~~the other Members of the Committee, in two stages, making the necessary adjustment to take into account the Member Nation of which the Chairman is a national and the region to which that Member Nation belongs~~ as follows:

(i) ~~the first stage shall be to elect seven Members from the following regions—two members from each of the following regions: Africa, Asia and the Pacific, Near East;~~ Europe, Latin America and the Caribbean, and Near East.

- (ii) ~~the second stage shall be to elect four Members from the following regions~~ one member from each of the following regions: Europe, North America, and Southwest Pacific.
- (d) Except as provided in subparagraph (b) ~~3(a)~~ above, the ~~election of Members of the Committee~~ elections shall be conducted in accordance with the provisions of paragraphs 9 (b) and 13 of Rule XII of these Rules, one election being held to fill simultaneously all the vacancies occurring in each ~~group of regions~~ region specified in subparagraph (c) above.
- (e) The other provisions on voting arrangements in Rule XII of these Rules shall apply *mutatis mutandis* to the election of Members of the Committee.
4. (a) If the representative of a Member of the Committee is expected to be unable to attend a session of the Committee, or if, due to incapacity, death or any other reason he is prevented from exercising his functions for the remainder of the term for which the Member he represents has been elected, that Member shall inform the Director-General and the Chairman person as soon as possible, and may designate a substitute representative who shall have the qualifications and experience referred to in paragraph 1 of this Rule. The Council shall be informed of the qualifications and experience of the substitute representative.
- (b) ~~The provisions of subparagraph (a) shall also apply to the Chairman of the Committee except that, in the absence of the Chairman elected by the Council, If the Chairperson of the Committee elected by the Council is unable to attend a session of the Committee, the his~~ functions shall be exercised by the Vice- Chairman person elected in accordance with the Rules of Procedure of the Committee. If due to incapacity, death or any other reason the Chairperson of the Committee elected by the Council is prevented from exercising his functions for the remainder of the term, the functions shall be exercised by the Vice-Chairperson elected in accordance with the Rules of Procedure of the Committee 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.
5. The Chairman person of the Finance Committee ~~may~~ should attend sessions of the Conference or Council when the report of the Finance Committee is considered.
6. The Chairman person of the Council may attend all meetings of the Finance Committee.
7. The Finance Committee shall (...) have (...) the following functions:
- (a) to review the Strategic Framework, the Medium Term Plan and the Programme of Work and Budget for the ensuing biennium, as well as the financial implications of the other Director-General's ~~budgetary~~ proposals including proposals for supplementary estimates, and to make recommendations thereon to the Council regarding important matters;
- (...)
8. The Finance Committee shall hold sessions as often as necessary, either:

- (a) on the call of its Chairman ~~person~~ acting on his own initiative or in pursuance of a decision of the Committee or of a request submitted in writing to the Chairman ~~person~~ by ~~three~~ *seven* Members of the Committee; or
- (b) on the call of the Director-General acting on his own initiative or in pursuance of a request submitted in writing to him by ~~five~~ *fifteen* or more Member Nations.

The Finance Committee shall in any event hold ~~one~~ *two* sessions annually. ~~Additional sessions may be held to provide consultation on financial matters with the appropriate commissions of the Conference.~~

9. The sessions of the Finance Committee shall be open to silent observers, unless otherwise decided by the Committee. The reasons for such a decision shall be stated in the report of the session. Silent observers shall not take part in any debates.

9/10. 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.”

Programme and Finance Committees functions regarding the Strategic Framework, the Medium Term Plan and the Programme of Work and Budget

Revised **Rule XXVIII** of the GRO:

“Concurrent sessions and joint meetings of the Programme and Finance Committees

1. ~~In the second year of the biennium~~ *The Programme and the Finance Committee shall hold concurrent sessions as required. At these sessions the two Committees shall, *inter alia*, review separately the Strategic Framework, the summary and draft Medium Term Plan, and the Programme of Work and Budget submitted by the Director-General for the following biennium. The Programme Committee shall consider the programme and relevant financial aspects of the ~~summary and draft~~ Programme of Work, while the Finance Committee shall consider substantive aspects of management and administrative services and the overall financial aspects of the ~~summary and draft~~ Programme of Work and Budget without concerning itself with the merits of the Programme.*
2. ~~Towards the end of~~ *During* the concurrent sessions mentioned above, the two Committees shall hold joint meetings to consider, *as appropriate*:
 - (a) the financial implications of the technical, management and administrative aspects of the ~~summary and draft~~ Programme of Work;
 - (b) the implications of the ~~summary and draft~~ Programme of Work insofar as the level of the budget is concerned;

- (c) the financial implications with respect to future years of the activities provided for in the *Medium Term Plan and the ~~summary and draft~~* Programme of Work and Budget;
- (d) the format to be adopted for the presentation of *the Strategic Framework*, the *Medium Term Plan and the ~~summary and draft~~* Programme of Work and Budget in order to facilitate the review thereof;
- (e) any other matters of joint interest to the two Committees which fall within their terms of reference.

3. The Programme and Finance Committees shall submit to the Council a consolidated report on such aspects of *the Strategic Framework*, the *Medium Term Plan and the ~~summary and draft~~* Programme of Work and Budget as are of joint interest, setting out the main features thereof and emphasizing policy issues for consideration by the Council or the Conference.

4. In the second year of the biennium, the Programme and Finance Committees shall consider and propose adjustments to the Programme of Work and Budget for the next biennium, as required in the light of the decisions of the Conference on the budget level.”

Committee on Commodity Problems

Revised paragraph 7 of **Rule XXIX** of the GRO:

“Committee on Commodity Problems

(...)

7. The Committee shall take full account of the responsibilities and activities of the Committee on World Food Security and of the ~~Committee on Food Aid Policies and Programmes~~ *Executive Board of the World Food Programme* in order to avoid overlapping and unnecessary duplication of work. *In discharging its functions, the Committee shall, as appropriate, seek to strengthen inter-action with the United Nations Conference on Trade and Development, the World Trade Organization and the Common Fund for Commodities.*

(...)”

Committee on Agriculture

Revised paragraph 6 (b) of **Rule XXXII** of the GRO:

“Committee on Agriculture

(...)

6. The Committee shall:

(...)

(b) advise the Council on the overall medium- and longer-term programme of work of the Organization relating to agriculture *and livestock*, food and nutrition, with emphasis on the integration of all social, technical, economic, institutional and structural aspects related to agricultural and rural development in general;

(...)”

Committee on World Food Security

Revised paragraph 6 (a) of **Rule XXXIII** of the GRO:

“Committee on World Food Security

6. The Committee shall serve as a forum in the United Nations system for review and follow-up of policies concerning world food security, including food production, sustainable use of the natural resource base for food security, nutrition, physical and economic access to food and other food security-related aspects of poverty eradication, the implications of food trade for world food security and other related matters and shall in particular:

(a) examine major problems and issues affecting the world food situation, *including through the report on the State of Food Insecurity in the World*, and the steps being proposed or taken to resolve them by Governments and relevant international organizations, bearing in mind the need for the adoption of an integrated approach towards their solution;

(...)”

Committee on Constitutional and Legal Matters

Revised **Rule XXXIV** of the GRO:

“Committee on Constitutional and Legal Matters

1. The Committee on Constitutional and Legal Matters provided for in paragraph 6 of Article V of the Constitution shall be composed of ~~not more than~~ *representatives of seven Member Nations of the Organization. Such Member Nations shall be elected by the Council in accordance with the procedure set forth in paragraph 3 of this Rule. Members of the Committee shall appoint as their representatives individuals who have shown a continued interest in the objectives and activities of the Organization, have participated in Conference or Council Sessions and, as far as possible, have competence and expertise in legal matters. Members of the Committee shall be elected for a period of two years at the Session of the Council immediately following the regular session of the Conference. Their*

term of office shall expire upon election by the Council of new Members. They shall be eligible for reappointment.

2. Nomination of any candidate for election to the Committee shall be submitted in writing by one or more Member Nations to the Secretary-General of the Conference and Council by a deadline to be determined by the Chairman of the Council in time to be circulated on the morning of the day set for the election. A Member Nation may nominate itself. Member Nations nominated shall signify their willingness to serve on the Committee if elected. The provisions on voting arrangements of Rule XII of these Rules shall apply mutatis mutandis to the election of Members of the Committee. A Member Nation of the Organization seeking election as a Member of the Committee shall, as soon as possible but not later than twenty days before the opening date of the Council session at which the election is to be held, communicate to the Secretary-General of the Conference and Council the name of the representative that it would appoint if elected and details of his qualifications and experience. The Secretary-General of the Conference and Council shall circulate this information in writing to Members of the Council before the Council session at which the election is to be held. The same procedure shall apply to the nomination of the Chairperson.

3. The following procedures shall apply to the election of the Chairperson and the Members of the Committee:

(a) The Council shall first elect a Chairperson from among the nominated representatives of the Member Nations of the Organization. The Chairperson shall be elected on the basis of individual qualifications and shall not represent a region or a country.

(b) Member Nations shall present their candidature for election as Members of the Committee in respect of a specific region as determined by the Conference for the purpose of Council elections.

(c) The Council shall elect one Member of the Committee from each of the following regions: Africa; Asia and the Pacific; Europe; Latin America and the Caribbean; Near East; North America; and Southwest Pacific.

(d) The elections shall be conducted in accordance with the provisions of paragraphs 9 (b) and 11 of Rule XII of these Rules, one election being held to fill the vacancy occurring in each region specified in subparagraph (c) above.

(e) The other provisions on voting arrangements in Rule XII of these Rules shall apply **mutatis mutandis** to the election of Members of the Committee.

4. (a) If the representative of a Member of the Committee is expected to be unable to attend a session of the Committee or if, due to incapacity, death or any other reason, he is prevented from exercising his functions for the remainder of the term for which the Member he 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 this Rule. The Council shall be informed of the qualifications and experience of the substitute representative.

(b) If the Chairperson of the Committee elected by the Council is unable to attend a session of the Committee, the functions shall be exercised by the Vice-Chairperson elected by the Committee. If due to incapacity, death or any other

reason the Chairperson of the Committee elected by the Council is prevented from exercising functions for the remainder of the term, the functions shall be exercised 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.

5. The Chairperson of the Committee on Constitutional and Legal Matters should attend sessions of the Conference or Council when the report of the Committee is considered.

6. The Chairperson of the Council may attend all meetings of the Committee on Constitutional and Legal Matters.

3 7. The Committee shall hold sessions to consider specific items referred to it by the Council or the Director-General which may arise out of:

- (a) the application or interpretation of the Constitution, these Rules and the Financial Regulations or amendments thereto;
- (b) the formulation, adoption, entry into force and interpretation of multilateral conventions and agreements concluded under Article XIV of the Constitution;
- (c) the formulation, adoption, entry into force and interpretation of agreements to which the Organization is a party under Articles XIII and XV of the Constitution;
- (d) any other problems relating to conventions and agreements concluded under the aegis of the Organization or to which the Organization is a party;
- (e) the establishment of commissions and committees under Article VI of the Constitution, including their membership, terms of reference, reporting procedures and rules of procedure;
- (f) matters relating to membership in the Organization and its relations with nations;
- (g) the desirability of requesting advisory opinions from the International Court of Justice in accordance with paragraph 2 of Article XVII of the Constitution, or with the Statute of the Administrative Tribunal of the International Labour Organisation;
- (h) the policy regarding privileges and immunities to be sought from host governments for the Organization's headquarters, regional offices, country representations, conferences and meetings;
- (i) problems encountered ensuring the immunity of the Organization, its staff and its assets;
- (j) problems relating to elections and procedure for nominations;
- (k) standards for credentials and full powers;

- (l) reports on the status of conventions and agreements provided for in Rule XXI, paragraph 5 of these Rules;
- (m) policy aspects of relations with international governmental or non-governmental organizations, national institutions or private persons.

4 ~~8~~. The Committee may also consider the legal and constitutional aspects of any other matters submitted to it by the Council or the Director-General.

~~5~~ 9. In considering items referred to it under paragraphs ~~3~~ 6 and ~~4~~ 7, the Committee may make recommendations and give advisory opinions, as appropriate.

~~6~~ 10. The Committee shall elect a ~~Chairman and a Vice-Chairman~~ person from among its Members.

~~7~~ 11. The ~~meetings-sessions~~ of the Committee shall be open to silent observers held in private, unless otherwise ~~determined~~ decided by the Committee. Silent observers shall not take part in any debates.

~~8~~ 12. The Committee may adopt and amend its own Rules of Procedure, which shall be consistent with the Constitution and these Rules.

13. 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.”

Regional Conferences

New **Rule XXXV** of the GRO (other Rules will be re-numbered accordingly):

“Regional Conferences

1. There shall be Regional Conferences for Africa, Asia and the Pacific, Europe, Latin America and the Caribbean and the Near East, which shall normally meet once every biennium in non-Conference years.
2. The functions of the Regional Conferences shall be:
 - (a) To provide a forum for consultation on all matters pertaining to the mandate of the Organization within the region, including any special issues of interest to the Members in the concerned region;
 - (b) To provide a forum for the formulation of regional positions on global policy and regulatory issues within the mandate of the Organization or having implications in respect of the mandate and activities of the Organization, including with a view to promoting regional coherence on global policy and regulatory matters;
 - (c) To advise on and identify the special problems of their respective regions and priority areas of work which should be taken into account in the

preparation of the planning, programme and budgetary documents of the Organization and suggest adjustments to these documents;

- (d) To review and advise on the plans, programmes or projects carried out by the Organization which impact upon the region;
 - (e) To review and advise on the performance of the Organization in the region in contributing to the achievement of results against relevant performance indicators, including any pertinent evaluations.
3. The Regional Conferences shall report to the Council, through the Programme and Finance Committee, in the areas of their respective mandates, on programme and budget matters and to the Conference on policy and regulatory matters. The reports of the Regional Conferences shall be presented by the Chairperson.
4. (a) At least six months prior to the proposed date for the Regional Conference, the Regional Representation 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 formulate suggestions as to the organization of the next session of the Regional Conference, with particular reference to the agenda of the session..
- (b) The Director-General shall, in consultation with the Chairperson of the Regional Conference, and taking into account the process mentioned in subparagraph (a) above, prepare a provisional agenda and despatch it to Members not less than 60 days in advance of the session.
- (c) 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 together with any necessary papers.
5. The Regional Conferences will adopt such arrangements, consistent with the Constitution and these Rules, as may be necessary for their internal working, including the appointment of a rapporteur. The Regional Conferences may also adopt and amend their own Rules of Procedure, which shall be consistent with the Constitution and these Rules.”

Appointment of the Director-General

Revised **Rule XXXVI** of the GRO:

“Appointment of the Director-General

1. In pursuance of paragraph 1 of Article VII of the Constitution, the Director-General of the Organization shall be appointed under the following conditions:

(a) When the term of office of the Director-General is due to expire, the appointment of a new Director-General shall be placed on the agenda of the regular session of the Conference immediately preceding the expiry of the term of office; whenever, for other reasons, the office of the Director-General is vacant, or notice is received of a pending vacancy, the appointment of a new Director-General shall be placed on the agenda of the next session of the Conference which opens not less than ~~90~~ 120 days from the occurrence or notice of the pending vacancy.

(b) In consideration of the expiry of the term of office of the Director-General, the Council shall set the dates for a period during which Member Nations may submit nominations for the office of Director-General. The nomination period shall have a duration of not less than twelve months and end at least 60 days prior to the beginning of the session of the Council referred to in sub-paragraph (c) of this paragraph. The nomination period shall be communicated to all Member Nations and Associate Members by the Secretary-General of the Conference and Council. Nominations validly made in accordance with Rule XII.5 of these Rules shall be communicated to the Secretary-General of the Conference and Council by the date set by the Council. The Secretary-General shall circulate these nominations to all Member Nations and Associate Members by the date likewise set by the Council, it being understood that in the case of an election taking place at a regular session of the Conference, such date set by the Council shall be not later than 30 days before the session of the Council provided for in subparagraph (c) of this paragraph ~~Rule XXV.2 (c) of these Rules.~~

(c) Subject to such arrangements as the Council may make consistent with these Rules aimed at ensuring equality among candidates, candidates shall address the session of the Council which will be scheduled not less than sixty days before the session of the Conference and respond to such questions as may be put to them by Member Nations and Associate Members of the Organization. There shall be no debate and the Council shall not draw any conclusion or recommendation from any of the statements or interventions made.

(d) As soon as possible after the opening of the Conference session, the General Committee shall determine and announce the date of the election, it being understood that the appointment of the Director-General at a regular session shall begin and be effected within three working days following the opening date of such session. Candidates shall address the Conference and respond to questions that Member Nations and Associate Members may put to them, subject to such arrangements as the Conference may make consistent with these Rules aimed at ensuring equality among candidates.

(e) Travel expenses of each candidate, properly incurred in travelling, by the most direct route from his/her duty station to the site of the Council and

Conference sessions referred to in sub-paragraphs (c) and (d) of this paragraph and return to his/her duty station, as well as a subsistence allowance for up to five days per session, shall be borne by the Organization in accordance with its travel regulations.

~~2.(b)~~ The Director-General shall be elected by a majority of votes cast. Until a candidate obtains the required majority, the following procedure shall apply:

~~(a)~~ two ballots shall be held among all candidates;
~~b~~ the candidate having received the smallest number of votes in the second ballot shall be eliminated;

~~(c)~~ thereafter, successive ballots shall be held, and the candidate having received the smallest number of votes in any one of these ballots shall be eliminated, until only three candidates remain;

~~(d)~~ two ballots shall be held among the three remaining candidates;

~~(e)~~ the candidate having received the smallest number of votes during the second ballot referred to in subparagraph ~~(d)~~ above shall be eliminated;

~~(f)~~ a subsequent ballot, or successive ballots if necessary, shall be held among the two remaining candidates until one candidate obtains the required majority;

~~(g)~~ in the event of a tie between two or more candidates having received the smallest number of votes in one of the ballots referred to in subparagraphs ~~(b)~~ or ~~(c)~~ above, a separate ballot or, if necessary, separate ballots shall be held among such candidates, and the candidate having received the smallest number of votes in such ballot or ballots shall be eliminated;

~~(h)~~ in the event of a tie between two candidates having received the smallest number of votes in the second of the two ballots referred to in subparagraph ~~(d)~~ above, or if all three candidates have received the same number of votes in that ballot, successive ballots shall be held among all three candidates until one candidate has received the smallest number of votes, after which the procedure provided in subparagraph ~~(f)~~ above shall apply.

3. Should the office of Director-General become vacant prior to the expiry of the term of office, the Council shall promptly make the necessary arrangements for the election of a new Director-General, subject to the provisions of subparagraph 1(a) of this Rule.

~~4(e)~~. Subject to the provisions of Article VII, paragraphs 1 to 3 of the Constitution, the terms and conditions of appointment of the Director-General, including the salary and other emoluments attached to the office, shall be determined by the Conference, having regard to any recommendations submitted by the General Committee, and shall be embodied in a contract signed by him and by the Chairman~~person~~ of the Conference on behalf of the Organization.

52. The Deputy Director-General with greater seniority in the position shall act as Director-General in any case where the Director-General is unable to act or in the case of a vacancy in the office of the Director-General. In case the

Deputy Directors-General were appointed at the same time, the functions shall be exercised by the Deputy Director-General with greater seniority with the Organization, or if both have the same seniority, by the Deputy Director-General who is older.”

Delegation of authority by the Director-General

Addition of a new paragraph 5 to **Rule XXXVII** of the GRO:

“Functions of the Director-General

(...)

5. The Director-General may delegate authority and responsibility conferred upon him by this Rule to other officers of the Organization in accordance with the agreed principle of delegation of authority to the lowest appropriate levels. The Director-General shall remain accountable to the Conference and Council for the direction of the work of the Organization, in accordance with Article VII, paragraph 4 of the Constitution.”

Appointment to the posts of Deputy Directors-General

Revised paragraph 1 of **Rule XXXIX** of the GRO:

“Provisions relating to staff

1. The staff of the Organization shall be appointed by the Director-General, having regard to paragraph 3 of Article VIII of the Constitution. Selection and remuneration shall be made without regard to race, nationality, creed or sex. The terms and conditions of appointment shall be fixed in contracts concluded between the Director-General and each member of the staff. Appointments to the posts of Deputy Directors-General shall be made by the Director-General, subject to confirmation by the Council.

(...)”

2. Instructs the secretariat to make editorial adjustments *inter alia* to Rules II, III, VI, VII, VIII, IX, X, XI, XII, XIII, XIV, XV, XVI, XVII, XXIII, XXIV, XXV, XXVI, XXVII, XXIX, XXX, XXXI, XXXII, XXXIII, and XXXIV of the General Rules of the Organization in order to use the word “*Chairperson*” instead of “*Chairman*”, “*Chairpersons*” instead of “*Chairmen*”, “*Vice-Chairperson*” instead of “*Vice-Chairman*”, and “*Vice-Chairpersons*” instead of “*Vice-Chairmen*”.

3. Instructs the secretariat to make editorial adjustments in order to renumber Rules, paragraphs and sub-paragraphs, to insert footnotes containing references to the Conference resolutions as appropriate, and to modify Rule references as appropriate.

4. Decides to adopt the following amendments to the Financial Regulations²:
Revised cycle of Programme and Budget preparation and of Governing Body sessions and elimination of the summary Programme of Work and Budget

Revised paragraphs 4 to 6 of **Financial Regulation III**:

“The budget

(...)

3.4 The Director-General shall submit to the regular session of the Conference detailed budget estimates for the ensuing financial period. The estimates shall be dispatched to all Member Nations and Associate Members not less than 90 ~~60~~ days before the date fixed for the opening of the session.

~~3.5 The Director-General shall arrange for the summary budget to be considered by the Council not less than 90 days before the date fixed for the opening of the regular session of the Conference.~~

~~3.56. The Council shall prepare a report to the Conference on the estimates submitted by the Director-General. This report shall be transmitted to all Member Nations and Associate Members at the same time as the estimates.~~

(other paragraphs to be renumbered)”

² Deletions are indicated using ~~struck-out text~~ and insertions are indicated using *underlined italics*.

APPENDIX F

**DRAFT RESOLUTIONS FOR THE CONFERENCE ON THE
IMPLEMENTATION OF THE IMMEDIATE ACTION PLAN (IPA)****A. PROPOSED CONFERENCE RESOLUTION ON THE
IMPLEMENTATION OF THE IPA ACTIONS
REGARDING THE CONFERENCE
(IPA Actions 2.5, 2.6 and to 2.10)*****Implementation of the actions of the Immediate Action Plan (IPA) for FAO
Renewal (2009-11) regarding the Conference of FAO*****THE CONFERENCE,**

Considering that Conference Resolution 1/2008 “Adoption of the Immediate Plan of Action (IPA) for FAO Renewal (2009-11)” called for a number of actions regarding the Conference;

Considering that, in accordance with the IPA, the Conference will remain the ultimate decision making body of the Organization, determine its overall policy and strategy and take the final decision on objectives, strategy and budget;

Considering further that a series of measures were agreed to make the Conference more action oriented, focused and attractive to participation by Ministers and senior officials and to emphasize its distinctive functions, thus reducing duplicative discussions and overlapping of roles with the Council;

Noting that while such measures do not involve amendments to the Constitution and the General Rules of the Organization, given the manner in which the functions of the Conference, as the supreme body of the Organization are defined, it would be nevertheless appropriate to reflect in a Conference Resolution some distinct features of the Conference future role in accordance with the spirit of the IPA:

1. **Decides** that, without prejudice to the statutory functions defined in the Constitution and the General Rules of the Organization, each session of the Conference will usually have one major theme, normally defined on the recommendation of the Council;

2. **Decides** that, without prejudice to the statutory functions defined in the Constitution and the General Rules of the Organization, the Conference will give more attention to global policy issues and international regulatory frameworks, acting normally on the recommendation of the Technical Committees and Regional Conferences and, where appropriate, the Council;

3. **Decides** that plenary meetings of the Conference should be more focused on issues of interest to Members.”

**B. PROPOSED CONFERENCE RESOLUTION REGARDING THE
COUNCIL OF FAO**

*Implementation of the actions of the Immediate Plan of Action (IPA) for FAO
Renewal (2009-11) regarding the Council of FAO*

THE CONFERENCE,

Considering that Conference Resolution 1/2008 “Adoption of the Immediate Plan of Action for FAO Renewal (2009-11)” called for a reform of the Council;

Considering further that, in accordance with the IPA, the Council should play a more dynamic role in the development of the programme and budget, drawing as appropriate on the advice of the Programme and Finance Committees, and increase its oversight and monitoring function over the implementation of governance decisions;

Noting that, in such context, the Council will have a major role in deciding and advising on matters pertaining to the implementation of programme and budget execution, monitoring of activities under the new results-based framework, monitoring of implementation of governance decisions and oversight of the administration of the Organization;

Noting further that amendments to Rules XXIV and XXV of the General Rules of the Organization have been adopted by the Conference to implement the actions of the IPA regarding the Council;

Realizing that it is desirable, under the framework established by the above provisions, and in the light of the spirit of the IPA, to clarify the new role of the Council under that framework:

1. **Decides** that the Council will exercise a major role in respect of:
 - (a) planning of work and definition of performance measures for the Council itself and for other Governing Bodies with the exception of the Conference;
 - (b) monitoring and reporting performance against performance indicators for the Council itself and for other Governing Bodies with the exception of the Conference;
 - (c) defining strategy, priorities and establishing the budget of the Organization;
 - (d) overseeing the implementation of the new Programming, Budget and Results Based Monitoring System;
 - (e) approving and overseeing any major organizational changes which do not require approval by the Conference.
2. **Decides** that the Council will monitor the implementation of governance decisions.
3. **Decides** that, in the context of its oversight functions, the Council will ensure that:

- (a) the Organization operates within its legal and financial framework;
 - (b) there is transparent, independent and professional audit and ethics oversight;
 - (c) there is transparent, professional and independent evaluation of the Organization's performance;
 - (d) there are functioning results-based budgeting and management systems;
 - (e) appropriate and functional policies and systems are in place for human resources management, information and communication technology, contracting and purchasing; and
 - (f) extra-budgetary resources are effectively contributing to the Strategic Objectives and the Organizational Results Framework.
4. **Decides** that the Council will monitor the performance of the Organization against established performance targets.
5. **Decides** that in the performance of its functions, the Council shall generally, act in close cooperation with the appropriate specialized agencies and intergovernmental bodies”.

**C. PROPOSED CONFERENCE RESOLUTION ON THE
INDEPENDENT CHAIRPERSON OF THE COUNCIL**
(IPA Actions 2.26 to 2.34)

Independent Chairperson of the Council

THE CONFERENCE,

Having noted that according to Article V, paragraph 2 of the Constitution the Independent Chairperson of the Council is appointed by the Conference and exercises such functions as are inherent in that office, or are otherwise defined in the Basic Texts of the Organization,

Having regard to Rule XXIII of the General Rules of the Organization;

Having noted that, through the Immediate Plan of Action (IPA) for FAO Renewal (2009-2011) adopted by Resolution 1/2008, the Conference decided that the Independent Chairperson of the Council should play an enhanced role in facilitating the exercise by the Council of its governance functions and oversight of the administration of the Organization, and “drive forward the continuous improvement of the efficiency, effectiveness and ownership of governance by the membership of the Organization”;

Conscious of the need to ensure that an enhanced role of the Independent Chairperson of the Council should not create any potential for conflict of roles with the managerial functions of the Director-General in the administration of the Organization, as called for by the IPA;

Mindful that the IPA Actions regarding the Independent Chairperson of the Council should be clarified in a resolution and be implemented in the above spirit;

Decides that:

1. The Independent Chairperson of the Council shall, under the framework established by the Constitution and the General Rules of the Organization regarding the status and functions of the office, and without restricting in any manner the general nature of those functions:
 - (a) whenever necessary, take such steps as may be required to facilitate and achieve consensus among Member Nations, especially on important or controversial issues;
 - (b) liaise with the Chairpersons of the Programme Committee, the Finance Committee and the Committee on Constitutional and Legal Matters regarding the work programmes of these Committees as well as, as appropriate, with the Chairpersons of the Technical Committees and Regional Conferences. Insofar as possible the Independent Chairperson of the Council shall attend the sessions of the Programme Committee, Finance Committee and Regional Conferences;
 - (c) as required or appropriate, convene informal consultations with representatives of Member Nations on issues of an administrative and organizational nature for the preparation and conduct of Council sessions;
 - (d) liaise with the Director-General and other senior officials of the Organization in respect of any concerns of the membership, as expressed through the Council, Programme Committee, Finance Committee and Regional Conferences;
 - (e) ensure that the Council is kept informed of developments in other fora of relevance for FAO's mandate and that dialogue is maintained with other Governing Bodies as appropriate, in particular the Governing Bodies of the organizations based in Rome dealing with food and agriculture.
2. In nominating candidates for the office of Independent Chairperson of the Council, Member Nations should have regard to the qualities that the Chairperson should possess, including among others ability to be objective, sensitivity to political, social and cultural differences, and appropriate experience in areas relevant to the Organization's work.
3. The Independent Chairperson of the Council shall be required to be present in Rome for all sessions of the Council and will normally be expected to spend at least six to eight months of the year in Rome."

**D. PROPOSED CONFERENCE RESOLUTION ON REFORM OF
PROGRAMMING, BUDGETING AND RESULTS BASED
MONITORING**

(IPA Actions 3.1 to 3.11)

Reform of Programming, Budgeting and Results-Based Monitoring System

THE CONFERENCE,

Considering that Conference Resolution 1/2008 “Adoption of the Immediate Plan of Action (IPA) for FAO Renewal (2009-11)” called for a reform of programming, budgeting and results-based monitoring;

Noting that this decision involves amendments to the Basic Texts, in particular to the General Rules of the Organization and the Financial Regulations, to make provision for the Strategic Framework as well as the Medium Term Plan and establish a basis for revised arrangements for the preparation of the Programme of Work and Budget;

Noting further that it is highly desirable to define in a resolution of the Conference the main features of the new Programming, Budgeting and Results-Based Monitoring System while allowing for the necessary managerial flexibility;

Noting also that the new Programming, Budgeting and Results-Based Monitoring System involves important changes in the cycle of sessions of the Governing Bodies of the Organization, in particular of the Conference in accordance with amendments made to Rule I, paragraph 1 of the General Rules of the Organization, and of the Council in accordance with amended Rule XXV of the General Rules of the Organization;

Emphasizing that, under the above revised Rules, and the framework established by the General Rules of the Organization and the Rules of Procedure of the Programme and the Finance Committees, the Technical Committees and the Regional Conferences will need to change the cycle of their sessions in order to play their due roles in the new Programming, Budgeting and Results-Based Monitoring System;

1. **Decides** to introduce revised programme and budget documentation consisting of the following components which, as appropriate, could be incorporated in a single document:

- (a) a Strategic Framework prepared for a period of ten to fifteen years, reviewed every four years and including, inter alia, an analysis of the challenges facing food, agriculture and rural development and populations dependent thereon, including consumers; a strategic vision, the goals of Members in areas of FAO’s mandate, as well as Strategic Objectives to be achieved by Members and the international community with support from FAO, including targets and indicators of achievement;
- (b) a Medium Term Plan covering a period of four years and reviewed each biennium, including:

- (i) Strategic Objectives for achievement by Members and the international community with support from FAO, in accordance with the Strategic Framework;
 - (ii) Frameworks for organizational results including specific outcomes which shall contribute to the achievement of the Strategic Objectives by FAO Members and the international community. Insofar as possible organizational results will have specific achievement targets, performance indicators, relevant assumptions, show the contribution of FAO and indicate the budgetary provisions from assessed contributions and estimated extra-budgetary resources, which may condition the attainment of targets. Gender will be fully integrated into the Strategic-Framework and Medium Term Plan and will no longer have a separate Gender and Development Plan of Action;
 - (iii) an identification of impact focus areas, as priority groups of results aimed at mobilizing extra-budgetary resources, improving oversight of extra-budgetary resources in key impact areas and increasing coherence between activities financed by the Regular Programme and extra-budgetary resources;
 - (iv) functional objectives aimed at ensuring that organizational processes and administration work towards improvements in a results-based framework.
- (c) a Programme of Work and Budget covering biennial periods, clearly identifying the share of resources devoted to administrative work, anchored in a results-based framework and including the following elements:
- (i) organizational results framework (outcomes) established in accordance with the Medium Term Plan, including organizational responsibility for each result;
 - (ii) quantification of costs for all organizational results and related commitments;
 - (iii) calculation of cost increases and planned efficiency gains;
 - (iv) provision for long-term liabilities and reserve funds;
 - (v) a draft Conference resolution of approval of the programme of work and the appropriations.

2. **Decides** to introduce a revised system of monitoring of performance based on achievement of planned results, including a revised biennial Programme Implementation Report. Each report will cover the previous biennium and provide information on delivery, targets and indicators of results, as well as efficiency indicators for functional objectives.

3. **Decides** to introduce a revised schedule of sessions of the Governing Bodies of the Organization for the implementation of the new Programming, Budgeting and Results-Based Monitoring system. The revised schedule of sessions will take into account the fact that the Conference shall hold its regular session in June of the year prior to the beginning of the biennium and will allow the Governing Bodies to participate in the process of preparation and adjustment of the Strategic Framework, the Medium Term Plan and the Programme of Work and Budget, and to monitor performance against relevant performance indicators. The new schedule of sessions of the Governing Bodies will be generally in accordance with the attached table, subject however to necessary adjustments to meet unforeseen circumstances or particular requirements.”

E. PROPOSED CONFERENCE RESOLUTION ON MINISTERIAL MEETINGS

(IPA Actions 2.66 and 2.67)

Ministerial Meetings

THE CONFERENCE,

Having noted that “Ministerial Meetings” have been held occasionally after sessions of standing committees, established under Article V, paragraph 6 of the Constitution,

Having noted further the need to clarify the conditions regarding the convening of such “Ministerial Meetings” in the future, as called for by the Immediate Plan of Action for FAO Renewal (2009-2011),

Recalling Article V, paragraph 5 of the Constitution,

Decides:

1. Ministerial Meetings, held in conjunction with sessions of technical committees established under Article V, paragraph 6 of the Constitution, may be convened from time to time as decided by the Conference or Council, when matters developed at technical level are deemed to require political endorsement or visibility.

2. Subject to the decision of Conference or Council, Ministerial Meetings should not deal with programme and budget matters which are addressed in the context of the programme of work and budget process, nor with matters primarily of a regional, technical or scientific nature which are normally considered by statutory bodies of the Organization.

3. Ministerial Meetings shall normally report to the Conference, except that any relevant issues having programme or budget implications shall be referred to the Council.”

F. PROPOSED DEFINITION OF GOVERNING BODIES

(IPA Action 2.73)

“The Governing Bodies of FAO are the bodies which directly, or indirectly through their parent bodies, contribute within their respective mandates, to (a) the definition of the overall policies and regulatory frameworks of the Organization; (b) the establishment of the Strategic Framework, the Medium-Term Plan and the Programme of Work and Budget and (c) exercise, or contribute to the oversight of the administration of the Organization. The Governing Bodies comprise the Conference, the Council, the Programme Committee, the Finance Committee, the Committee on Constitutional and Legal Matters, the Technical Committees referred to in Article V, paragraph 6 (b) of the Constitution and the Regional Conferences (i.e. for Africa, Asia and the Pacific, Europe, Latin America and the Caribbean, and the Near East).”

APPENDIX G

PROPOSED STRUCTURE OF VOLUME II OF THE BASIC TEXTS

BASIC TEXTS – VOLUME II CURRENT STRUCTURE	BASIC TEXTS – VOLUME II REVISED STRUCTURE
	<p>A. Conference Resolution 7/99 Use of Gender-Neutral Language in the Basic Texts</p>
	<p>B. Definition of Governing Bodies</p> <p>C. Conference Resolution on the Implementation of the IPA Actions Regarding the Conference</p> <p>D. Conference Resolution on the Implementation of the IPA Actions Regarding the Council of FAO</p> <p>E. Conference Resolution on the Independent Chairperson of the Council</p> <p>F. Conference Resolution on Reform of Programming, Budgeting and Results Based Monitoring</p> <p>G. Conference Resolution on Ministerial Meetings</p> <p>H. Charter for the FAO Office of Evaluation</p>
<p>L. Granting of Observer Status (in Respect of Nations)</p> <p>M. Cooperation with International Governmental Organizations</p> <p>N. Guiding Lines Regarding Relationship Agreements between FAO and Intergovernmental Organizations</p> <p>O. Cooperation with International Non-Governmental Organizations</p> <p>P. FAO Policy Concerning Relations with International Non-Governmental Organizations</p>	<p>I. Granting of Observer Status (in Respect of Nations)</p> <p>J. Cooperation with International Governmental Organizations</p> <p>K. Guiding Lines Regarding Relationship Agreements between FAO and Intergovernmental Organizations</p> <p>L. Cooperation with International Non-Governmental Organizations*</p> <p>M. FAO Policy Concerning Relations with International Non-Governmental Organizations*</p>

Q. Granting of Observer Status (in Respect of International Governmental and Non-Governmental Organizations)	N. Granting of Observer Status (in Respect of International Governmental and Non-Governmental Organizations) *
R. Principles and Procedures which Should Govern Conventions and Agreements Concluded Under Articles XIV and XV of the Constitution, and Commissions and Committees Established Under Article VI of the Constitution	O. Principles and Procedures which Should Govern Conventions and Agreements Concluded Under Articles XIV and XV of the Constitution, and Commissions and Committees Established Under Article VI of the Constitution*
S. Authority, Terms of Reference and Constitutional Status of Regional Conferences	<i>(Deleted in light of new Rule XXXV of the GRO)</i>
T. FAO Policy Regarding Assistance in Establishing Regional Research and Training Institutes	P. FAO Policy Regarding Assistance in Establishing Regional Research and Training Institutes
U. Alphabetical Index	Q. Alphabetical Index

APPENDIX H**AGREEMENT ON THE CENTRAL ASIAN AND CAUCASUS
FISHERIES AND AQUACULTURE COMMISSION**

PREAMBLE

The Parties to this Agreement:

Noting the objectives and purposes stated in Chapter 17 of Agenda 21 adopted by the United Nations Conference on Environment and Development in 1992 and the Code of Conduct for Responsible Fisheries adopted by the FAO Conference in 1995,

Conscious of the paramount importance of fisheries and aquaculture in national development and their contribution to improved food security, income and employment in Central-Asia and the Caucasus region,

Committed to ensuring the long-term conservation and sustainable use of living aquatic resources in inland waters through responsible fisheries and aquaculture and to safeguarding the environment and ecosystems in which the resources occur,

Considering that the close regional co-operation through a regional fisheries arrangement for inland fisheries and aquaculture can make a significant contribution to the development and effective management of inland fisheries and aquaculture,

Convinced that the aforementioned objectives could best be achieved through the establishment of a Commission set up under Article XIV of the Constitution of the Food and Agriculture Organization of the United Nations,

Agree as follows:

**ARTICLE I
The Commission**

1. The Parties hereby establish within the framework of the Food and Agriculture Organization of the United Nations (hereinafter referred to as "the Organization") a Commission to be known as "The Central Asian and the Caucasus Fisheries and Aquaculture Commission" (hereinafter referred to as "the Commission").

2. Membership in the Commission shall be open to any Member of the Organization and such non-member State of the Organization that is a Member of the United Nations, any of its Specialized Agencies or the International Atomic Energy Agency provided that the territory of such State is situated wholly or partly within the Area defined in Article IV and such State accepts this Agreement in accordance with the provisions of Article XIII.

3. Members of the Organization and such non-member State of the Organization that is a Member of the United Nations, any of its Specialized Agencies or the International Atomic Energy Agency may, upon its request made to and granted by the Commission, be represented as an observer at sessions of the Commission or meetings of the Technical Advisory Committee and other subsidiary bodies of the Commission provided for in Article VII of this Agreement, in accordance with the terms and conditions established by the Commission.

ARTICLE II

Organization

1. Each Party shall designate one representative and one alternate to represent that Party in the sessions of the Commission. They may be accompanied by experts and advisers. Participation in sessions of the Commission by alternates, experts, and advisers shall not entail the right to vote, except in the case of an alternate who is acting in the place of the representative during his absence.

2. Each Party shall have one vote. Decisions of the Commission shall be taken by a majority of the votes cast, except as otherwise provided by this Agreement. A majority of the total membership of the Commission shall constitute a quorum.

3. The Commission shall elect a Chairperson and two Vice-Chairpersons.

4. The Chairperson of the Commission shall normally convene an annual session of the Commission unless otherwise directed by a majority of the Members. The site and date of all sessions shall be determined by the Commission in consultation with the Director-General of the Organization.

5. The seat of the Commission shall be at the seat of the FAO Sub-regional Office for Central Asia in Ankara, Turkey. However, the Commission, after consultation with the Director-General of the Organization, may decide to choose, at its own expense, another location within the Area defined in Article IV.

6. The Organization shall provide the Secretariat of the Commission and the Director-General shall appoint a Secretary (hereinafter referred to as "the Secretary of the Commission"), who shall be administratively responsible to him.

7. The Commission may, by a two-thirds majority of its membership, adopt and amend its own Rules of Procedure provided that such Rules of Procedure or the amendments thereto are not inconsistent with this Agreement or with the Constitution of the Organization.

8. The Commission may, by a two-thirds majority of its membership, adopt and amend its own Financial Regulations, provided that such Regulations shall be consistent with the principles embodied in the General Rules and Financial Regulations of the Organization. Such Regulations shall be reported to the Finance Committee of the Organization which shall have the power to disallow such Financial Regulations or amendment if it finds that they are inconsistent with the principles embodied in the General Rules and Financial Regulations of the Organization.

ARTICLE III

Objectives and Functions

1. The objectives of the Commission shall be to promote the development, conservation, rational management and best utilization of living aquatic resources, as well as the sustainable development of aquaculture in the Area defined in Article IV.

2. The Commission shall in pursuance of its objectives have the following functions and responsibilities:

(a) keep under review the state of these resources, including their abundance and the level of their exploitation, as well as the state of the fisheries and aquaculture;

(b) formulate and recommend, in accordance with the provisions of Article V, appropriate measures:

(i) for the conservation and rational management of living aquatic resources in the Area defined in Article IV; and,

(ii) for the implementation of these recommendations;

(c) keep under review the economic and social aspects of the fishing and aquaculture industry and recommend any measures aimed at its development;

(d) encourage, recommend, coordinate and, as appropriate, undertake activities relating to training and extension, research and development, including cooperative projects in the areas of fisheries and aquaculture;

(e) assemble, publish or disseminate information regarding exploitable living aquatic resources and fisheries and aquaculture based on these resources;

(f) promote programmes for aquaculture and fisheries enhancement;

(g) promote women's participation in aquaculture and capture fisheries development;

(h) transfer appropriate technologies and techniques for development of small-scale fisheries and aquaculture;

(i) contribute to knowledge generation and raising the awareness about fisheries and aquaculture in the Central Asian and Caucasus region;

(j) promote liaison and cooperation among and within governmental organizations and with non-governmental organizations as appropriate;

(k) carry out such other activities as may be necessary for the Commission to achieve its purpose as defined above.

3. In performing its functions and in particular when formulating and recommending measures under paragraph 2 (b) above, the Commission shall apply the precautionary approach and the ecosystems approach to conservation and management decisions and take into account the best scientific evidence available, the need to promote responsible fisheries and aquaculture development and the proper utilisation of living aquatic resources in the Area defined in Article IV.

ARTICLE IV

Area

The Commission shall carry out the functions and responsibilities set forth in Article III in the inland waters and areas within the territorial boundaries of the States of Central Asia namely Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan, and of the Caucasus namely Armenia, Azerbaijan, Georgia and Turkey and, with respect to inland fisheries, other waters within the trans-boundary water basins bordering the territories of the States of Central Asia and of the Caucasus.

ARTICLE V

Recommendations on development and management measures

1. The recommendations referred to in Article III, paragraph 2 (b), shall be adopted by a two-thirds majority of Parties present and voting. The text of such recommendations shall be communicated by the Chairperson of the Commission to each Party.
2. Subject to the provisions of this Article, the Parties to the Agreement shall implement any recommendations made by the Commission under Article III, paragraph 2 (b) relating to transboundary water bodies, from the date determined by the Commission, which shall not be before the period for objection provided for in this Article has elapsed.
3. Any Party may, within one hundred and twenty days from the date of notification of any recommendation made under this Agreement object to it and in that event shall not be under obligation to give effect to that recommendation. A Party may at any time withdraw its objection and give effect to a recommendation.
4. The Chairperson of the Commission shall notify each Party immediately upon receipt of each objection or withdrawal of objection.

ARTICLE VI

Reports

The Commission shall transmit, after each session, to the Director-General of the Organization, a written report embodying its views, recommendations and decisions, and make such other reports to the Director-General of the Organization as it may deem necessary or desirable. Reports of the subsidiary bodies of the Commission provided for in Article VII of the Agreement shall be transmitted to the Director-General of the Organization through the Commission.

ARTICLE VII

Committees, Working Groups and Specialists

1. The Commission shall establish a Technical Advisory Committee to provide technical and scientific advice to the Commission and its work.
2. The Commission may establish, in addition to the Technical Advisory Committee, temporary, special or standing committees and working groups (hereinafter referred to as “subsidiary bodies”) to study, report, advise and recommend on matters pertaining to the purposes of the Commission and on specific technical problems.

3. The subsidiary bodies referred to in paragraphs 1 and 2 above shall be convened by the Chairperson of the Commission at such times and places as are determined by the Chairperson in consultation with the Director-General of the Organization, as appropriate.

4. The establishment of subsidiary bodies referred to in paragraph 2 above and the recruitment or appointment of specialists shall be subject to the availability of the necessary funds in the relevant chapter of the approved budget of the Commission. Before taking any decision involving expenditures in connection with the establishment of subsidiary bodies and the recruitment or appointment of specialists, the Commission shall have before it a report from the Secretary of the Commission on the administrative and financial implications thereof.

ARTICLE VIII

Cooperation with International Organizations

The Commission shall cooperate closely with other international organizations in matters of mutual interest. On the proposal of the Secretary of the Commission, observers of these organizations may be invited by the Commission to attend sessions of the Commission or meetings of its subsidiary bodies.

ARTICLE IX

Finances

1. Each Party to the Agreement undertakes to pay annual contributions to the budget of the Commission

2. At each annual session, the Commission shall adopt its budget by consensus, provided however that if, after every effort has been made, a consensus cannot be reached in the course of that session, the matter will be put to a vote and the budget shall be adopted by a two-thirds majority of the Parties to this Agreement.

3. (a) The amount of the contribution of each Party shall be determined in accordance with a scheme which the Commission shall adopt and amend by consensus.

(b) The scheme adopted or amended by the Commission shall be set out in the Financial Regulations of the Commission.

4. Contributions shall be payable in freely convertible currencies unless otherwise determined by the Commission in consultation with the Director-General of the Organization.

5. The Commission may also accept donations and other forms of assistance from organizations, individuals and other sources for purposes connected with the fulfilment of any of its functions.

6. Contributions and donations and other forms of assistance received shall be placed in a Trust Fund administered by the Director-General of the Organization in conformity with the General Rules and Financial Regulations of the Organization.

7. A Party to this Agreement which is in arrears in the payment of its financial contributions to the Commission shall have no vote in the Commission if the amount of its arrears equals or exceeds the amount of the contributions due from it for the two preceding calendar years. The Commission may, nevertheless, permit such a Party to vote if it is satisfied that the failure to pay was due to conditions beyond the control of the Party but in no case shall it extend the right to vote beyond a further two calendar years.

ARTICLE X

Expenses

1. Expenses of one delegate of a Party or his alternate to attend the annual session of the Commission would be covered under the budget of the Commission. Expenses incurred by other delegates, their alternates, experts and advisers when attending, as government representatives, sessions of the Commission and meetings of its subsidiary bodies including the Technical Advisory Committee, as well as the expenses incurred by observers at such sessions and meetings, shall be borne by the respective governments or organizations. The expenses of experts invited by the Commission to attend, in their individual capacity, sessions of the Commission and meetings of its subsidiary bodies including the Technical Advisory Committee shall be borne by the budget of the Commission.

2. The expenses for publications and communications and the expenses incurred by the Chairperson and Vice-Chairpersons of the Commission, when performing duties on behalf of the Commission between Commission sessions, shall be determined and paid from the budget of the Commission.

3. The expenses of research and development projects undertaken by individual Parties within their territory, whether independently or upon recommendation of the Commission shall be determined and paid by the Parties concerned.

4. The expenses incurred in connection with cooperative research or development projects undertaken in accordance with the provisions of Article II,,,-6.8(,)2tithe provis that . session

2. The Secretary of the Commission shall be responsible for implementing the decisions and recommendations of the Commission and shall report thereon to the Commission. The Secretary of the Commission shall also act as secretary to other subsidiary bodies established under Article VII, as required.

3. The expenses of the Commission shall be paid out of its budget except those relating to such staff and facilities as can be made available by the Organization. The expenses to be borne by the Organization shall be determined and paid within the limits of the biennial budget prepared by the Director-General and approved by the Conference of the Organization in accordance with the General Rules and the Financial Regulations of the Organization.

ARTICLE XII

Amendments

This Agreement may be amended by a two-thirds majority of the Parties. Amendments to this Agreement shall be reported to the Council of the Organization, which shall have the power to disallow them if it finds that such amendments are inconsistent with the objectives and purposes of the Organization or the provisions of the Constitution of the Organization. If the Council considers it desirable, it may refer these amendments to the Conference of the Organization, which shall have the same power. However, any amendment involving new obligations for the Parties shall come into force with respect to each Party only on formal acceptance of it by that Party, through an instrument of acceptance deposited with the Director-General of the Organization, after two-thirds of the Parties have accepted the amendment concerned. The Director-General shall inform the Parties, all Members of the Organization, as well as the Secretary-General of the United Nations, of the receipt of instruments of acceptance and of the entry into force of such amendments. The rights and obligations of any Party that has not accepted an amendment involving additional obligations shall continue to be governed by the provisions of this Agreement as they stood prior to the amendment.

ARTICLE XIII

Acceptance

1. In accordance with Article I .2, this Agreement shall be open to acceptance by Members of the Organization as well as by such non-member State of the Organization that is a Member of the United Nations, any of its Specialized Agencies or the International Atomic Energy Agency provided that the territory of such State is situated wholly or partly within the Area defined in Article IV.

2. Acceptance of this Agreement by any Member of the Organization or State referred to in paragraph 1, shall be effected by the deposit of an instrument of acceptance with the Director-General of the Organization, the depositary of this Agreement, and shall take effect on receipt of such instrument by the Director-General.

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

4. Acceptance of this Agreement may be made subject to reservations in accordance with the general rules of public international law as reflected in the provisions of Part II, Section 2 of the Vienna Convention on the Law of Treaties of 1969.

ARTICLE XIV
Entry into force

This Agreement shall enter into force as from the date of receipt by the Director-General of the third instrument of acceptance.

ARTICLE XV
Withdrawal

1. Any Party may withdraw from this Agreement at any time after the expiration of two years from the date upon which the Agreement entered into force with respect to that Party, by giving written notice of such withdrawal to the Director-General of the Organization who shall immediately inform all the Parties and the Members of the Organization of such withdrawal. The withdrawal shall become effective three months from the date of its receipt by the Director-General of the Organization.

2. Any Party that gives notice of withdrawal from the Organization shall be deemed to have simultaneously withdrawn from this Agreement.

ARTICLE XVI
Interpretation and Settlement of Disputes

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

ARTICLE XVII
Termination

This Agreement shall be automatically terminated if, as the result of withdrawals, the number of parties to the Agreement that are also States from Central Asia and the Caucasus drops below three.

ARTICLE XVIII
Certification and Registration

1. This Agreement shall be in the English and Russian languages, both texts being authentic. This Agreement shall be certified by and deposited with the Director-General of the Organization. A certified copy will be transmitted to the Secretary-General of the United Nations for registration. Copies of the certified agreement in the English and Russian languages shall be transmitted to each Party.

2. Amendments to this Agreement in the English and Russian languages are certified by the chairperson of the Commission and the Director-General of the Organization and deposited in the

archives of the Organization. A certified copy of the amendments will be transmitted to the Secretary-General of the United Nations for registration. Copies of the amendments in English and Russian languages as certified by the Chairperson of the Commission and the Director-General of the Organization shall be transmitted to each Party.

APPENDIX I

DRAFT RESOLUTION FOR THE CONFERENCE

AGREEMENT ON PORT STATE MEASURES TO PREVENT, DETER AND ELIMINATE ILLEGAL, UNREPORTED AND UNREGULATED FISHING

Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing

THE CONFERENCE,

Considering that the Council, at its Hundred and Thirty Second Session held in June 2007, noted that illegal, unreported and unregulated (IUU) fishing remained a serious concern and welcomed the initiative to start a process leading to the adoption of a legally-binding international agreement establishing control measures in ports and that such agreement be based on the FAO Model Scheme to Combat Illegal, Unreported and Unregulated Fishing;

Noting that a draft Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing developed by the FAO Expert Consultation to Draft a Legally-binding Instrument on Port State Measures in September 2007 served as a basis for the review and elaboration by the Technical Consultation to Draft a Legally-binding Instrument on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, held initially in June 2008, with resumed sessions in January, May and August 2009;

Recognizing that the Twenty-eighth Session of the Committee on Fisheries in March 2009 urged that the legally binding instrument be concluded as soon as possible;

Acknowledging that the Council, subsequently, at its Hundred and Thirty-sixth Session in June 2009 underscored the importance of combating IUU fishing including the early finalization of a legally-binding instrument on port State measures;

Acknowledging further that the text of the draft Agreement was finalized on 28 August 2009 by the Technical Consultation to Draft a Legally-binding Instrument on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing;

Having considered the Report of the Eighty-eighth Session of the Committee on Constitutional and Legal Matters held in September 2009;

Having examined the text of the draft Agreement submitted by the Hundred and Thirty Seventh Session of the Council held in September and October 2009:

1. **Approves**, in accordance with Article XIV, paragraph 1 of the Constitution of FAO, the text of the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, reproduced as Appendix I to this report, for submission to FAO Members;

2. **Acclaims** the Agreement as a milestone in the international efforts to ensure responsible and sustainable fisheries, in particular, in international efforts to prevent, deter and eliminate IUU fishing;
4. **Urges** Members to sign and ratify, accept, approve or accede to the Agreement as soon as possible so as to bring it into force at the earliest possible time; and
5. **Commends** the Director-General for the speedy action taken to bring the Agreement to fruition and calls on him to take all necessary measures to ensure that the Agreement is given full and active implementation.

(Adopted on XX November 2009)

AGREEMENT ON PORT STATE MEASURES TO PREVENT, DETER AND ELIMINATE ILLEGAL, UNREPORTED AND UNREGULATED FISHING

PREAMBLE

The Parties to this Agreement,

Deeply concerned about the continuation of illegal, unreported and unregulated fishing and its detrimental effect upon fish stocks, marine ecosystems and the livelihoods of legitimate fishers, and the increasing need for food security on a global basis,

Conscious of the role of the port State in the adoption of effective measures to promote the sustainable use and the long-term conservation of living marine resources,

Recognizing that measures to combat illegal, unreported and unregulated fishing should build on the primary responsibility of flag States and use all available jurisdiction in accordance with international law, including port State measures, coastal State measures, market related measures and measures to ensure that nationals do not support or engage in illegal, unreported and unregulated fishing,

Recognizing that port State measures provide a powerful and cost-effective means of preventing, deterring and eliminating illegal, unreported and unregulated fishing,

Aware of the need for increasing coordination at the regional and interregional levels to combat illegal, unreported and unregulated fishing through port State measures,

Acknowledging the rapidly developing communications technology, databases, networks and global records that support port State measures,

Recognizing the need for assistance to developing countries to adopt and implement port State measures,

Taking note of the calls by the international community through the United Nations System, including the United Nations General Assembly and the Committee on Fisheries of the Food and Agriculture Organization of the United Nations, hereinafter referred to as 'FAO', for a binding international instrument on minimum standards for port State measures, based on the 2001 FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing and the 2005 FAO Model Scheme on Port State Measures to Combat Illegal, Unreported and Unregulated Fishing,

Bearing in mind that, in the exercise of their sovereignty over ports located in their territory, States may adopt more stringent measures, in accordance with international law,

Recalling the relevant provisions of the United Nations Convention on the Law of the Sea of 10 December 1982, hereinafter referred to as the ‘Convention’,

Recalling the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks of 4 December 1995, the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas of 24 November 1993 and the 1995 FAO Code of Conduct for Responsible Fisheries,

Recognizing the need to conclude an international agreement within the framework of FAO, under Article XIV of the FAO Constitution,

Have agreed as follows:

PART 1

GENERAL PROVISIONS

Article 1

Use of terms

For the purposes of this Agreement:

- (a) “conservation and management measures” means measures to conserve and manage living marine resources that are adopted and applied consistently with the relevant rules of international law including those reflected in the Convention;
- (b) “fish” means all species of living marine resources, whether processed or not;
- (c) “fishing” means searching for, attracting, locating, catching, taking or harvesting fish or any activity which can reasonably be expected to result in the attracting, locating, catching, taking or harvesting of fish;
- (d) “fishing related activities” means any operation in support of, or in preparation for, fishing, including the landing, packaging, processing, transshipping or transporting of fish that have not been previously landed at a port, as well as the provisioning of personnel, fuel, gear and other supplies at sea;
- (e) “illegal, unreported and unregulated fishing” refers to the activities set out in paragraph 3 of the 2001 FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, hereinafter referred to as ‘IUU fishing’;
- (f) “Party” means a State or regional economic integration organization that has consented to be bound by this Agreement and for which this Agreement is in force;
- (g) “port” includes offshore terminals and other installations for landing, transshipping, packaging, processing, refuelling or resupplying;

- (h) “regional economic integration organization” means a regional economic integration organization to which its member States have transferred competence over matters covered by this Agreement, including the authority to make decisions binding on its member States in respect of those matters;
- (i) “regional fisheries management organization” means an intergovernmental fisheries organization or arrangement, as appropriate, that has the competence to establish conservation and management measures; and
- (j) “vessel” means any vessel, ship of another type or boat used for, equipped to be used for, or intended to be used for, fishing or fishing related activities.

Article 2 Objective

The objective of this Agreement is to prevent, deter and eliminate IUU fishing through the implementation of effective port State measures, and thereby to ensure the long-term conservation and sustainable use of living marine resources and marine ecosystems.

Article 3 Application

1. Each Party shall, in its capacity as a port State, apply this Agreement in respect of vessels not entitled to fly its flag that are seeking entry to its ports or are in one of its ports, except for:
 - (a) vessels of a neighbouring State that are engaged in artisanal fishing for subsistence, provided that the port State and the flag State cooperate to ensure that such vessels do not engage in IUU fishing or fishing related activities in support of such fishing ; and
 - (b) container vessels that are not carrying fish or, if carrying fish, only fish that have been previously landed, provided that there are no clear grounds for suspecting that such vessels have engaged in fishing related activities in support of IUU fishing.
2. A Party may, in its capacity as a port State, decide not to apply this Agreement to vessels chartered by its nationals exclusively for fishing in areas under its national jurisdiction and operating under its authority therein. Such vessels shall be subject to measures by the Party which are as effective as measures applied in relation to vessels entitled to fly its flag.
3. This Agreement shall apply to fishing conducted in marine areas that is illegal, unreported or unregulated, as defined in Article 1(e) of this Agreement, and to fishing related activities in support of such fishing.
4. This Agreement shall be applied in a fair, transparent and non-discriminatory manner, consistent with international law.
5. As this Agreement is global in scope and applies to all ports, the Parties shall encourage all other entities to apply measures consistent with its provisions. Those that may not otherwise become Parties to this Agreement may express their commitment to act consistently with its provisions.

Article 4

Relationship with international law and other international instruments

1. Nothing in this Agreement shall prejudice the rights, jurisdiction and duties of Parties under international law. In particular, nothing in this Agreement shall be construed to affect:
 - (a) the sovereignty of Parties over their internal, archipelagic and territorial waters or their sovereign rights over their continental shelf and in their exclusive economic zones;
 - (b) the exercise by Parties of their sovereignty over ports in their territory in accordance with international law, including their right to deny entry thereto as well as to adopt more stringent port State measures than those provided for in this Agreement, including such measures adopted pursuant to a decision of a regional fisheries management organization.
2. In applying this Agreement, a Party does not thereby become bound by measures or decisions of, or recognize, any regional fisheries management organization of which it is not a member.
3. In no case is a Party obliged under this Agreement to give effect to measures or decisions of a regional fisheries management organization if those measures or decisions have not been adopted in conformity with international law.
4. This Agreement shall be interpreted and applied in conformity with international law taking into account applicable international rules and standards, including those established through the International Maritime Organization, as well as other international instruments.
5. Parties shall fulfil in good faith the obligations assumed pursuant to this Agreement and shall exercise the rights recognized herein in a manner that would not constitute an abuse of right.

Article 5

Integration and coordination at the national level

Each Party shall, to the greatest extent possible:

- (a) integrate or coordinate fisheries related port State measures with the broader system of port State controls;
- (b) integrate port State measures with other measures to prevent, deter and eliminate IUU fishing and fishing related activities in support of such fishing, taking into account as appropriate the 2001 FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing; and
- (c) take measures to exchange information among relevant national agencies and to coordinate the activities of such agencies in the implementation of this Agreement.

Article 6

Cooperation and exchange of information

1. In order to promote the effective implementation of this Agreement and with due regard to appropriate confidentiality requirements, Parties shall cooperate and exchange information with relevant States, FAO, other international organizations and regional fisheries management

organizations, including on the measures adopted by such regional fisheries management organizations in relation to the objective of this Agreement.

2. Each Party shall, to the greatest extent possible, take measures in support of conservation and management measures adopted by other States and other relevant international organizations.

3. Parties shall cooperate, at the subregional, regional and global levels, in the effective implementation of this Agreement including, where appropriate, through FAO or regional fisheries management organizations and arrangements.

PART 2

ENTRY INTO PORT

Article 7

Designation of ports

1. Each Party shall designate and publicize the ports to which vessels may request entry pursuant to this Agreement. Each Party shall provide a list of its designated ports to FAO, which shall give it due publicity.

2. Each Party shall, to the greatest extent possible, ensure that every port designated and publicized in accordance with paragraph 1 of this Article has sufficient capacity to conduct inspections pursuant to this Agreement.

Article 8

Advance request for port entry

1. Each Party shall require, as a minimum standard, the information requested in Annex A to be provided before granting entry to a vessel to its port.

2. Each Party shall require the information referred to in paragraph 1 of this Article to be provided sufficiently in advance to allow adequate time for the port State to examine such information.

Article 9

Port entry, authorization or denial

1. After receiving the relevant information required pursuant to Article 8, as well as such other information as it may require to determine whether the vessel requesting entry into its port has engaged in IUU fishing or fishing related activities in support of such fishing, each Party shall decide whether to authorize or deny the entry of the vessel into its port and shall communicate this decision to the vessel or to its representative.

2. In the case of authorization of entry, the master of the vessel or the vessel's representative shall be required to present the authorization for entry to the competent authorities of the Party upon the vessel's arrival at port.

3. In the case of denial of entry, each Party shall communicate its decision taken pursuant to paragraph 1 of this Article to the flag State of the vessel and, as appropriate and to the extent possible, relevant coastal States, regional fisheries management organizations and other international organizations.

4. Without prejudice to paragraph 1 of this Article, when a Party has sufficient proof that a vessel seeking entry into its port has engaged in IUU fishing or fishing related activities in support of such fishing, in particular the inclusion of a vessel on a list of vessels having engaged in such fishing or fishing related activities adopted by a relevant regional fisheries management organization in accordance with the rules and procedures of such organization and in conformity with international law, the Party shall deny that vessel entry into its ports, taking into due account paragraphs 2 and 3 of Article 4.

5. Notwithstanding paragraphs 3 and 4 of this Article, a Party may allow entry into its ports of a vessel referred to in those paragraphs exclusively for the purpose of inspecting it and taking other appropriate actions in conformity with international law which are at least as effective as denial of port entry in preventing, deterring and eliminating IUU fishing and fishing related activities in support of such fishing.

6. Where a vessel referred to in paragraph 4 or 5 of this Article is in port for any reason, a Party shall deny such vessel the use of its ports for landing, transshipping, packaging, and processing of fish and for other port services including, *inter alia*, refuelling and resupplying, maintenance and drydocking. Paragraphs 2 and 3 of Article 11 apply *mutatis mutandis* in such cases. Denial of such use of ports shall be in conformity with international law.

Article 10 **Force majeure or distress**

Nothing in this Agreement affects the entry of vessels to port in accordance with international law for reasons of force majeure or distress, or prevents a port State from permitting entry into port to a vessel exclusively for the purpose of rendering assistance to persons, ships or aircraft in danger or distress.

PART 3

USE OF PORTS

Article 11 **Use of ports**

1. Where a vessel has entered one of its ports, a Party shall deny, pursuant to its laws and regulations and consistent with international law, including this Agreement, that vessel the use of the port for landing, transshipping, packaging and processing of fish that have not been previously landed and for other port services, including, *inter alia*, refueling and resupplying, maintenance and drydocking, if:

- (a) the Party finds that the vessel does not have a valid and applicable authorization to engage in fishing or fishing related activities required by its flag State;
- (b) the Party finds that the vessel does not have a valid and applicable authorization to engage in fishing or fishing related activities required by a coastal State in respect of areas under the national jurisdiction of that State;
- (c) the Party receives clear evidence that the fish on board was taken in contravention of applicable requirements of a coastal State in respect of areas under the national jurisdiction of that State;
- (d) the flag State does not confirm within a reasonable period of time, on the request of the port State, that the fish on board was taken in accordance with applicable

requirements of a relevant regional fisheries management organization taking into due account paragraphs 2 and 3 of Article 4; or

- (e) the Party has reasonable grounds to believe that the vessel was otherwise engaged in IUU fishing or fishing related activities in support of such fishing, including in support of a vessel referred to in paragraph 4 of Article 9, unless the vessel can establish:
 - (i) that it was acting in a manner consistent with relevant conservation and management measures; or
 - (ii) in the case of provision of personnel, fuel, gear and other supplies at sea, that the vessel that was provisioned was not, at the time of provisioning, a vessel referred to in paragraph 4 of Article 9.
2. Notwithstanding paragraph 1 of this Article, a Party shall not deny a vessel referred to in that paragraph the use of port services:
- (a) essential to the safety or health of the crew or the safety of the vessel, provided these needs are duly proven, or
 - (b) where appropriate, for the scrapping of the vessel.
3. Where a Party has denied the use of its port in accordance with this Article, it shall promptly notify the flag State and, as appropriate, relevant coastal States, regional fisheries management organizations and other relevant international organizations of its decision.
4. A Party shall withdraw its denial of the use of its port pursuant to paragraph 1 of this Article in respect of a vessel only if there is sufficient proof that the grounds on which use was denied were inadequate or erroneous or that such grounds no longer apply.
5. Where a Party has withdrawn its denial pursuant to paragraph 4 of this Article, it shall promptly notify those to whom a notification was issued pursuant to paragraph 3 of this Article.

PART 4

INSPECTIONS AND FOLLOW-UP ACTIONS

Article 12

Levels and priorities for inspection

1. Each Party shall inspect the number of vessels in its ports required to reach an annual level of inspections sufficient to achieve the objective of this Agreement.
2. Parties shall seek to agree on the minimum levels for inspection of vessels through, as appropriate, regional fisheries management organizations, FAO or otherwise.
3. In determining which vessels to inspect, a Party shall give priority to:
 - (a) vessels that have been denied entry or use of a port in accordance with this Agreement;
 - (b) requests from other relevant Parties, States or regional fisheries management organizations that particular vessels be inspected, particularly where such requests

are supported by evidence of IUU fishing or fishing related activities in support of such fishing by the vessel in question; and

- (c) other vessels for which there are clear grounds for suspecting that they have engaged in IUU fishing or fishing related activities in support of such fishing.

Article 13 **Conduct of inspections**

1. Each Party shall ensure that its inspectors carry out the functions set forth in Annex B as a minimum standard.
2. Each Party shall, in carrying out inspections in its ports:
 - (a) ensure that inspections are carried out by properly qualified inspectors authorized for that purpose, having regard in particular to Article 17;
 - (b) ensure that, prior to an inspection, inspectors are required to present to the master of the vessel an appropriate document identifying the inspectors as such;
 - (c) ensure that inspectors examine all relevant areas of the vessel, the fish on board, the nets and any other gear, equipment, and any document or record on board that is relevant to verifying compliance with relevant conservation and management measures;
 - (d) require the master of the vessel to give inspectors all necessary assistance and information, and to present relevant material and documents as may be required, or certified copies thereof;
 - (e) in case of appropriate arrangements with the flag State of the vessel, invite that State to participate in the inspection;
 - (f) make all possible efforts to avoid unduly delaying the vessel to minimize interference and inconvenience, including any unnecessary presence of inspectors on board, and to avoid action that would adversely affect the quality of the fish on board;
 - (g) make all possible efforts to facilitate communication with the master or senior crew members of the vessel, including where possible and where needed that the inspector is accompanied by an interpreter;
 - (h) ensure that inspections are conducted in a fair, transparent and non-discriminatory manner and would not constitute harassment of any vessel; and
 - (i) not interfere with the master's ability, in conformity with international law, to communicate with the authorities of the flag State.

Article 14 **Results of inspections**

Each Party shall, as a minimum standard, include the information set out in Annex C in the written report of the results of each inspection.

Article 15
Transmittal of inspection results

Each Party shall transmit the results of each inspection to the flag State of the inspected vessel and, as appropriate, to:

- (a) relevant Parties and States, including:
 - (i) those States for which there is evidence through inspection that the vessel has engaged in IUU fishing or fishing related activities in support of such fishing within waters under their national jurisdiction; and
 - (ii) the State of which the vessel's master is a national;
- (b) relevant regional fisheries management organizations; and
- (c) FAO and other relevant international organizations.

Article 16
Electronic exchange of information

1. To facilitate implementation of this Agreement, each Party shall, where possible, establish a communication mechanism that allows for direct electronic exchange of information, with due regard to appropriate confidentiality requirements.

2. To the extent possible and with due regard to appropriate confidentiality requirements, Parties should cooperate to establish an information-sharing mechanism, preferably coordinated by FAO, in conjunction with other relevant multilateral and intergovernmental initiatives, and to facilitate the exchange of information with existing databases relevant to this Agreement.

3. Each Party shall designate an authority that shall act as a contact point for the exchange of information under this Agreement. Each Party shall notify the pertinent designation to FAO.

4. Each Party shall handle information to be transmitted through any mechanism established under paragraph 1 of this Article consistent with Annex D.

5. FAO shall request relevant regional fisheries management organizations to provide information concerning the measures or decisions they have adopted and implemented which relate to this Agreement for their integration, to the extent possible and taking due account of the appropriate confidentiality requirements, into the information-sharing mechanism referred to in paragraph 2 of this Article.

Article 17
Training of inspectors

Each Party shall ensure that its inspectors are properly trained taking into account the guidelines for the training of inspectors in Annex E. Parties shall seek to cooperate in this regard.

Article 18
Port State actions following inspection

1. Where, following an inspection, there are clear grounds for believing that a vessel has engaged in IUU fishing or fishing related activities in support of such fishing, the inspecting Party shall:

- (a) promptly notify the flag State and, as appropriate, relevant coastal States, regional fisheries management organizations and other international organizations, and the State of which the vessel's master is a national of its findings; and
 - (b) deny the vessel the use of its port for landing, transshipping, packaging and processing of fish that have not been previously landed and for other port services, including, *inter alia*, refuelling and resupplying, maintenance and drydocking, if these actions have not already been taken in respect of the vessel, in a manner consistent with this Agreement, including Article 4.
2. Notwithstanding paragraph 1 of this Article, a Party shall not deny a vessel referred to in that paragraph the use of port services essential for the safety or health of the crew or the safety of the vessel.
 3. Nothing in this Agreement prevents a Party from taking measures that are in conformity with international law in addition to those specified in paragraphs 1 and 2 of this Article, including such measures as the flag State of the vessel has expressly requested or to which it has consented.

Article 19 **Information on recourse in the port State**

1. A Party shall maintain the relevant information available to the public and provide such information, upon written request, to the owner, operator, master or representative of a vessel with regard to any recourse established in accordance with its national laws and regulations concerning port State measures taken by that Party pursuant to Article 9, 11, 13 or 18, including information pertaining to the public services or judicial institutions available for this purpose, as well as information on whether there is any right to seek compensation in accordance with its national laws and regulations in the event of any loss or damage suffered as a consequence of any alleged unlawful action by the Party.
2. The Party shall inform the flag State, the owner, operator, master or representative, as appropriate, of the outcome of any such recourse. Where other Parties, States or international organizations have been informed of the prior decision pursuant to Article 9, 11, 13 or 18, the Party shall inform them of any change in its decision.

PART 5 **ROLE OF FLAG STATES**

Article 20 **Role of flag States**

1. Each Party shall require the vessels entitled to fly its flag to cooperate with the port State in inspections carried out pursuant to this Agreement.
2. When a Party has clear grounds to believe that a vessel entitled to fly its flag has engaged in IUU fishing or fishing related activities in support of such fishing and is seeking entry to or is in the port of another State, it shall, as appropriate, request that State to inspect the vessel or to take other measures consistent with this Agreement.
3. Each Party shall encourage vessels entitled to fly its flag to land, transship, package and process fish, and use other port services, in ports of States that are acting in accordance with, or in a manner consistent with this Agreement. Parties are encouraged to develop, including through

regional fisheries management organizations and FAO, fair, transparent and non-discriminatory procedures for identifying any State that may not be acting in accordance with, or in a manner consistent with, this Agreement.

4. Where, following port State inspection, a flag State Party receives an inspection report indicating that there are clear grounds to believe that a vessel entitled to fly its flag has engaged in IUU fishing or fishing related activities in support of such fishing, it shall immediately and fully investigate the matter and shall, upon sufficient evidence, take enforcement action without delay in accordance with its laws and regulations.

5. Each Party shall, in its capacity as a flag State, report to other Parties, relevant port States and, as appropriate, other relevant States, regional fisheries management organizations and FAO on actions it has taken in respect of vessels entitled to fly its flag that, as a result of port State measures taken pursuant to this Agreement, have been determined to have engaged in IUU fishing or fishing related activities in support of such fishing.

6. Each Party shall ensure that measures applied to vessels entitled to fly its flag are at least as effective in preventing, deterring, and eliminating IUU fishing and fishing related activities in support of such fishing as measures applied to vessels referred to in paragraph 1 of Article 3.

PART 6

REQUIREMENTS OF DEVELOPING STATES

Article 21

Requirements of developing States

1. Parties shall give full recognition to the special requirements of developing States Parties in relation to the implementation of port State measures consistent with this Agreement. To this end, Parties shall, either directly or through FAO, other specialized agencies of the United Nations or other appropriate international organizations and bodies, including regional fisheries management organizations, provide assistance to developing States Parties in order to, *inter alia*:

- (a) enhance their ability, in particular the least-developed among them and small island developing States, to develop a legal basis and capacity for the implementation of effective port State measures;
- (b) facilitate their participation in any international organizations that promote the effective development and implementation of port State measures; and
- (c) facilitate technical assistance to strengthen the development and implementation of port State measures by them, in coordination with relevant international mechanisms.

2. Parties shall give due regard to the special requirements of developing port States Parties, in particular the least-developed among them and small island developing States, to ensure that a disproportionate burden resulting from the implementation of this Agreement is not transferred directly or indirectly to them. In cases where the transfer of a disproportionate burden has been demonstrated, Parties shall cooperate to facilitate the implementation by the relevant developing States Parties of specific obligations under this Agreement.

3. Parties shall, either directly or through FAO, assess the special requirements of developing States Parties concerning the implementation of this Agreement.

4. Parties shall cooperate to establish appropriate funding mechanisms to assist developing States in the implementation of this Agreement. These mechanisms shall, *inter alia*, be directed specifically towards:

- (a) developing national and international port State measures;
- (b) developing and enhancing capacity, including for monitoring, control and surveillance and for training at the national and regional levels of port managers, inspectors, and enforcement and legal personnel;
- (c) monitoring, control, surveillance and compliance activities relevant to port State measures, including access to technology and equipment; and
- (d) assisting developing States Parties with the costs involved in any proceedings for the settlement of disputes that result from actions they have taken pursuant to this Agreement.

5. Cooperation with and among developing States Parties for the purposes set out in this Article may include the provision of technical and financial assistance through bilateral, multilateral and regional channels, including South-South cooperation.

6. Parties shall establish an *ad hoc* working group to periodically report and make recommendations to the Parties on the establishment of funding mechanisms including a scheme for contributions, identification and mobilization of funds, the development of criteria and procedures to guide implementation, and progress in the implementation of the funding mechanisms. In addition to the considerations provided in this Article, the *ad hoc* working group shall take into account, *inter alia*:

- (a) the assessment of the needs of developing States Parties, in particular the least-developed among them and small island developing States;
- (b) the availability and timely disbursement of funds;
- (c) transparency of decision-making and management processes concerning fundraising and allocations; and
- (d) accountability of the recipient developing States Parties in the agreed use of funds.

Parties shall take into account the reports and any recommendations of the *ad hoc* working group and take appropriate action.

PART 7

DISPUTE SETTLEMENT

Article 22

Peaceful settlement of disputes

1. Any Party may seek consultations with any other Party or Parties on any dispute with regard to the interpretation or application of the provisions of this Agreement with a view to reaching a mutually satisfactory solution as soon as possible.
2. In the event that the dispute is not resolved through these consultations within a reasonable period of time, the Parties in question shall consult among themselves as soon as possible with a view to having the dispute settled by negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement or other peaceful means of their own choice.
3. Any dispute of this character not so resolved shall, with the consent of all Parties to the dispute, be referred for settlement to the International Court of Justice, to the International Tribunal for the Law of the Sea or to arbitration. In the case of failure to reach agreement on referral to the International Court of Justice, to the International Tribunal for the Law of the Sea or to arbitration, the Parties shall continue to consult and cooperate with a view to reaching settlement of the dispute in accordance with the rules of international law relating to the conservation of living marine resources.

PART 8

NON-PARTIES

Article 23

Non-Parties to this Agreement

1. Parties shall encourage non-Parties to this Agreement to become Parties thereto and/or to adopt laws and regulations and implement measures consistent with its provisions.
2. Parties shall take fair, non-discriminatory and transparent measures consistent with this Agreement and other applicable international law to deter the activities of non-Parties which undermine the effective implementation of this Agreement.

PART 9

MONITORING, REVIEW AND ASSESSMENT

Article 24

Monitoring, review and assessment

1. Parties shall, within the framework of FAO and its relevant bodies, ensure the regular and systematic monitoring and review of the implementation of this Agreement as well as the assessment of progress made towards achieving its objective.
2. Four years after the entry into force of this Agreement, FAO shall convene a meeting of the Parties to review and assess the effectiveness of this Agreement in achieving its objective. The Parties shall decide on further such meetings as necessary.

PART 10**FINAL PROVISIONS****Article 25
Signature**

This Agreement shall be open for signature at ** from ** until **, by all States and regional economic integration organizations.

**Article 26
Ratification, acceptance or approval**

1. This Agreement shall be subject to ratification, acceptance or approval by the signatories.
2. Instruments of ratification, acceptance or approval shall be deposited with the Depository.

**Article 27
Accession**

1. After the period in which this Agreement is open for signature, it shall be open for accession by any State or regional economic integration organization.
2. Instruments of accession shall be deposited with the Depository.

**Article 28
Participation by Regional Economic Integration Organizations**

1. In cases where a regional economic integration organization that is an international organization referred to in Annex IX, Article 1, of the Convention does not have competence over all the matters governed by this Agreement, Annex IX to the Convention shall apply *mutatis mutandis* to participation by such regional economic integration organization in this Agreement, except that the following provisions of that Annex shall not apply:

- (a) Article 2, first sentence; and
- (b) Article 3, paragraph 1.

2. In cases where a regional economic integration organization that is an international organization referred to in Annex IX, Article 1, of the Convention has competence over all the matters governed by this Agreement, the following provisions shall apply to participation by the regional economic integration organization in this Agreement:

- (a) at the time of signature or accession, such organization shall make a declaration stating:
 - (i) that it has competence over all the matters governed by this Agreement;
 - (ii) that, for this reason, its member States shall not become States Parties, except in respect of their territories for which the organization has no responsibility; and
 - (iii) that it accepts the rights and obligations of States under this Agreement;
- (b) participation of such an organization shall in no case confer any rights under this Agreement on member States of the organization;
- (c) in the event of a conflict between the obligations of such organization under this Agreement and its obligations under the Agreement establishing the organization or any acts relating to it, the obligations under this Agreement shall prevail.

Article 29 **Entry into force**

1. This Agreement shall enter into force thirty days after the date of deposit with the Depository of the twenty-fifth instrument of ratification, acceptance, approval or accession in accordance with Article 26 or 27.
2. For each signatory which ratifies, accepts or approves this Agreement after its entry into force, this Agreement shall enter into force thirty days after the date of the deposit of its instrument of ratification, acceptance or approval.
3. For each State or regional economic integration organization which accedes to this Agreement after its entry into force, this Agreement shall enter into force thirty days after the date of the deposit of its instrument of accession.
4. For the purposes of this Article, any instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by its Member States.

Article 30 **Reservations and exceptions**

No reservations or exceptions may be made to this Agreement.

Article 31 **Declarations and statements**

Article 30 does not preclude a State or regional economic integration organization, when signing, ratifying, accepting, approving or acceding to this Agreement, from making a declaration or statement, however phrased or named, with a view to, *inter alia*, the harmonization of its laws and regulations with the provisions of this Agreement, provided that such declaration or statement does not purport to exclude or to modify the legal effect of the provisions of this Agreement in their application to that State or regional economic integration organization.

Article 32 **Provisional application**

1. This Agreement shall be applied provisionally by States or regional economic integration organizations which consent to its provisional application by so notifying the Depositary in writing. Such provisional application shall become effective from the date of receipt of the notification.
2. Provisional application by a State or regional economic integration organization shall terminate upon the entry into force of this Agreement for that State or regional economic integration organization or upon notification by that State or regional economic integration organization to the Depositary in writing of its intention to terminate provisional application.

Article 33 **Amendments**

1. Any Party may propose amendments to this Agreement after the expiry of a period of two years from the date of entry into force of this Agreement.
2. Any proposed amendment to this Agreement shall be transmitted by written communication to the Depositary along with a request for the convening of a meeting of the Parties to consider it. The Depositary shall circulate to all Parties such communication as well as all replies to the request received from Parties. Unless within six months from the date of circulation of the communication one half of the Parties object to the request, the Depositary shall convene a meeting of the Parties to consider the proposed amendment.
3. Subject to Article 34, any amendment to this Agreement shall only be adopted by consensus of the Parties present at the meeting at which it is proposed for adoption.
4. Subject to Article 34, any amendment adopted by the meeting of the Parties shall come into force among the Parties having ratified, accepted or approved it on the ninetieth day after the deposit of instruments of ratification, acceptance or approval by two-thirds of the Parties to this Agreement based on the number of Parties on the date of adoption of the amendment. Thereafter the amendment shall enter into force for any other Party on the ninetieth day after that Party deposits its instrument of ratification, acceptance or approval of the amendment.
5. For the purposes of this Article, an instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by its Member States.

Article 34 **Annexes**

1. The Annexes form an integral part of this Agreement and a reference to this Agreement shall constitute a reference to the Annexes.
2. An amendment to an Annex to this Agreement may be adopted by two-thirds of the Parties to this Agreement present at a meeting where the proposed amendment to the Annex is considered. Every effort shall however be made to reach agreement on any amendment to an Annex by way of consensus. An amendment to an Annex shall be incorporated in this Agreement and enter into force for those Parties that have expressed their acceptance from the date on which the Depositary receives notification of acceptance from one-third of the Parties to this Agreement, based on the number of Parties on the date of adoption of the amendment. The amendment shall thereafter enter into force for each remaining Party upon receipt by the Depositary of its acceptance.

Article 35 Withdrawal

Any Party may withdraw from this Agreement at any time after the expiry of one year from the date upon which the Agreement entered into force with respect to that Party, by giving written notice of such withdrawal to the Depositary. Withdrawal shall become effective one year after receipt of the notice of withdrawal by the Depositary.

Article 36 The Depositary

The Director-General of FAO shall be the Depositary of this Agreement. The Depositary shall:

- (a) transmit certified copies of this Agreement to each signatory and Party;
- (b) register this Agreement, upon its entry into force, with the Secretariat of the United Nations in accordance with Article 102 of the Charter of the United Nations;
- (c) promptly inform each signatory and Party to this Agreement of all:
 - (i) signatures and instruments of ratification, acceptance, approval and accession deposited under Articles 25, 26 and 27;
 - (ii) the date of entry into force of this Agreement in accordance with Article 29;
 - (iii) proposals for amendment to this Agreement and their adoption and entry into force in accordance with Article 33;
 - (iv) proposals for amendment to the Annexes and their adoption and entry into force in accordance with Article 34; and
 - (v) withdrawals from this Agreement in accordance with Article 35.

Article 37 Authentic texts

The Arabic, Chinese, English, French, Russian and Spanish texts of this Agreement are equally authentic.

IN WITNESS WHEREOF, the undersigned Plenipotentiaries, being duly authorized, have signed this Agreement.

DONE at **, on this ** day of **, 200*.

ANNEX A

Information to be provided in advance by vessels requesting port entry

1. Intended port of call									
2. Port State									
3. Estimated date and time of arrival									
4. Purpose(s)									
5. Port and date of last port call									
6. Name of the vessel									
7. Flag State									
8. Type of vessel									
9. International Radio Call Sign									
10. Vessel contact information									
11. Vessel owner(s)									
12. Certificate of registry ID									
13. IMO ship ID, if available									
14. External ID, if available									
15. RFMO ID, if applicable									
16. VMS		No		Yes: National		Yes: RFMO(s)		Type:	
17. Vessel dimensions			Length		Beam		Draft		
18. Vessel master name and nationality									
19. Relevant fishing authorization(s)									
<i>Identifier</i>	<i>Issued by</i>	<i>Validity</i>	<i>Fishing area(s)</i>	<i>Species</i>	<i>Gear</i>				
20. Relevant transshipment authorization(s)									
<i>Identifier</i>		<i>Issued by</i>		<i>Validity</i>					
<i>Identifier</i>		<i>Issued by</i>		<i>Validity</i>					
21. Transshipment information concerning donor vessels									
<i>Date</i>	<i>Location</i>	<i>Name</i>	<i>Flag State</i>	<i>ID number</i>	<i>Species</i>	<i>Product form</i>	<i>Catch area</i>	<i>Quantity</i>	
22. Total catch onboard							23. Catch to be offloaded		
<i>Species</i>	<i>Product form</i>	<i>Catch area</i>	<i>Quantity</i>		<i>Quantity</i>				

ANNEX B**Port State inspection procedures**

Inspectors shall:

- a) verify, to the extent possible, that the vessel identification documentation onboard and information relating to the owner of the vessel is true, complete and correct, including through appropriate contacts with the flag State or international records of vessels if necessary;
- b) verify that the vessel's flag and markings (e.g. name, external registration number, International Maritime Organization (IMO) ship identification number, international radio call sign and other markings, main dimensions) are consistent with information contained in the documentation;
- c) verify, to the extent possible, that the authorizations for fishing and fishing related activities are true, complete, correct and consistent with the information provided in accordance with Annex A;
- d) review all other relevant documentation and records held onboard, including, to the extent possible, those in electronic format and vessel monitoring system (VMS) data from the flag State or relevant regional fisheries management organizations (RFMOs). Relevant documentation may include logbooks, catch, transshipment and trade documents, crew lists, stowage plans and drawings, descriptions of fish holds, and documents required pursuant to the Convention on International Trade in Endangered Species of Wild Fauna and Flora;
- e) examine, to the extent possible, all relevant fishing gear onboard, including any gear stowed out of sight as well as related devices, and to the extent possible, verify that they are in conformity with the conditions of the authorizations. The fishing gear shall, to the extent possible, also be checked to ensure that features such as the mesh and twine size, devices and attachments, dimensions and configuration of nets, pots, dredges, hook sizes and numbers are in conformity with applicable regulations and that the markings correspond to those authorized for the vessel;
- f) determine, to the extent possible, whether the fish on board was harvested in accordance with the applicable authorizations;
- g) examine the fish, including by sampling, to determine its quantity and composition. In doing so, inspectors may open containers where the fish has been pre-packed and move the catch or containers to ascertain the integrity of fish holds. Such examination may include inspections of product type and determination of nominal weight;
- h) evaluate whether there is clear evidence for believing that a vessel has engaged in IUU fishing or fishing related activities in support of such fishing;
- i) provide the master of the vessel with the report containing the result of the inspection, including possible measures that could be taken, to be signed by the inspector and the master. The master's signature on the report shall serve only as acknowledgment of the receipt of a copy of the report. The master shall be given the opportunity to add any comments or objection to the report, and, as appropriate, to contact the relevant authorities of the flag State in particular where the master has

serious difficulties in understanding the content of the report. A copy of the report shall be provided to the master; and

- j) arrange, where necessary and possible, for translation of relevant documentation.

ANNEX C

Report of the results of the inspection

1. Inspection report no				2. Port State			
3. Inspecting authority							
4. Name of principal inspector				ID			
5. Port of inspection							
6. Commencement of inspection				<i>YYYY</i>	<i>MM</i>	<i>DD</i>	<i>HH</i>
7. Completion of inspection				<i>YYYY</i>	<i>MM</i>	<i>DD</i>	<i>HH</i>
8. Advanced notification received				<i>Yes</i>		<i>No</i>	
9. Purpose(s)		<i>LAN</i>	<i>TRX</i>	<i>PRO</i>	<i>OTH (specify)</i>		
10. Port and State and date of last port call				<i>YYYY</i>	<i>MM</i>	<i>DD</i>	
11. Vessel name							
12. Flag State							
13. Type of vessel							
14. International Radio Call Sign							
15. Certificate of registry ID							
16. IMO ship ID, if available							
17. External ID , if available							
18. Port of registry							
19. Vessel owner(s)							
20. Vessel beneficial owner(s), if known and different from vessel owner							
21. Vessel operator(s), if different from vessel owner							
22. Vessel master name and nationality							
23. Fishing master name and nationality							
24. Vessel agent							
25. VMS		<i>No</i>	<i>Yes: National</i>	<i>Yes: RFMOs</i>	Type:		
26. Status in RFMO areas where fishing or fishing related activities have been undertaken, including any IUU vessel listing							
<i>Vessel identifier</i>	<i>RFMO</i>	<i>Flag State status</i>	<i>Vessel on authorized vessel list</i>		<i>Vessel on IUU vessel list</i>		
27. Relevant fishing authorization(s)							
<i>Identifier</i>	<i>Issued by</i>	<i>Validity</i>	<i>Fishing area(s)</i>	<i>Species</i>	<i>Gear</i>		

28. Relevant transshipment authorization(s)						
<i>Identifier</i>		<i>Issued by</i>		<i>Validity</i>		
<i>Identifier</i>		<i>Issued by</i>		<i>Validity</i>		
29. Transshipment information concerning donor vessels						
<i>Name</i>	<i>Flag State</i>	<i>ID no.</i>	<i>Species</i>	<i>Product form</i>	<i>Catch area(s)</i>	<i>Quantity</i>
30. Evaluation of offloaded catch (quantity)						
<i>Species</i>	<i>Product form</i>	<i>Catch area(s)</i>	<i>Quantity declared</i>	<i>Quantity offloaded</i>	<i>Difference between quantity declared and quantity determined, if any</i>	
31. Catch retained onboard (quantity)						
<i>Species</i>	<i>Product form</i>	<i>Catch area(s)</i>	<i>Quantity declared</i>	<i>Quantity retained</i>	<i>Difference between quantity declared and quantity determined, if any</i>	
32. Examination of logbook(s) and other documentation				<i>Yes</i>	<i>No</i>	<i>Comments</i>
33. Compliance with applicable catch documentation scheme(s)				<i>Yes</i>	<i>No</i>	<i>Comments</i>
34. Compliance with applicable trade information scheme(s)				<i>Yes</i>	<i>No</i>	<i>Comments</i>
35. Type of gear used						
36. Gear examined in accordance with paragraph e) of Annex B			<i>Yes</i>	<i>No</i>	<i>Comments</i>	
37. Findings by inspector(s)						
38. Apparent infringement(s) noted including reference to relevant legal instrument(s)						
39. Comments by the master						
40. Action taken						
41. Master's signature						
42. Inspector's signature						

ANNEX D**Information systems on port State measures**

In implementing this Agreement, each Party shall:

- a) seek to establish computerized communication in accordance with Article 16;
- b) establish, to the extent possible, websites to publicize the list of ports designated in accordance with Article 7 and the actions taken in accordance with the relevant provisions of this Agreement;
- c) identify, to the greatest extent possible, each inspection report by a unique reference number starting with 3-alpha code of the port State and identification of the issuing agency;
- d) utilize, to the extent possible, the international coding system below in Annexes A and C and translate any other coding system into the international system.

countries/territories:	ISO-3166 3-alpha Country Code
species:	ASFIS 3-alpha code (known as FAO 3-alpha code)
vessel types:	ISSCFV code (known as FAO alpha code)
gear types:	ISSCFG code (known as FAO alpha code)

ANNEX E**Guidelines for the training of inspectors**

Elements of a training programme for port State inspectors should include at least the following areas:

1. Ethics;
2. Health, safety and security issues;
3. Applicable national laws and regulations, areas of competence and conservation and management measures of relevant RFMOs, and applicable international law;
4. Collection, evaluation and preservation of evidence;
5. General inspection procedures such as report writing and interview techniques;
6. Analysis of information, such as logbooks, electronic documentation and vessel history (name, ownership and flag State), required for the validation of information given by the master of the vessel;
7. Vessel boarding and inspection, including hold inspections and calculation of vessel hold volumes;
8. Verification and validation of information related to landings, transshipments, processing and fish remaining onboard, including utilizing conversion factors for the various species and products;
9. Identification of fish species, and the measurement of length and other biological parameters;
10. Identification of vessels and gear, and techniques for the inspection and measurement of gear;
11. Equipment and operation of VMS and other electronic tracking systems; and
12. Actions to be taken following an inspection.

APPENDIX J

CALENDAR OF FAO GOVERNING BODIES AND OTHER MAIN SESSIONS 2009-2011

	2009		
JANUARY			
FEBRUARY	84 CCLM	2-4	
	124 FC	5-6	
	WFP	9-13	
	ECOSOC 1	10-13	
	IFAD/GC	16-20	
	85 CCLM	23-24	
MARCH	28 COFI	2-6	
	125 FC	9-10	
	19 COFO	16-20	
	29 APRC	26-31	
APRIL	67 CCP	20-22	
	21 COAG	22-25	
	IFAD/EB	27-30	
MAY	86 CCLM	7-8	
	126 FC	11-15	
	101 PC	11-15	
	87 CCLM	25-26	
	127 FC	27-28	
JUNE	WFP	8-12	
	136 CL	15-19	
	32 CODEX	29/06 - 4/07 (Rome)	
JULY	ECOSOC 2	6-31	
	128 FC	27-31	
	102 PC	27-31	
AUGUST			
SEPTEMBER	IFAD/EB	14-15	
	UNGA	15	
	129 FC*	18-19	
	88 CCLM	23-25	
	137 CL	28/09 - 2/10	
OCTOBER	HLEF	12-13	
	35 CFS	14-17	
	WFD	16 (Friday)	
	XIII WFC	18-25	
	89 CCLM*	27-28	
NOVEMBER	130 FC*	2-3	
	WFP	9-13	
	WSFS	16-18	
	36 C*	18-23	
	138 CL*	25	
DECEMBER	IFAD/EB	14-18	

APRC Regional Conference for Asia and the Pacific
ARC Regional Conference for Africa

C Conference
CCLM Committee on Constitutional and Legal Matters
CCP Committee on Commodity Problems
CFS Committee on World Food Security
CL Council
COAG Committee on Agriculture
CODEX Codex Alimentarius Commission

COFI Committee on Fisheries (MM=Ministerial Meeting)
COFO Committee on Forestry (MM=Ministerial Meeting)
ECOSOC Economic and Social Council (1: Organizational session opens; 2: Substantive session opens)
ERC Regional Conference for Europe

FC Finance Committee
HLEF High-Level Expert Forum on How to Feed the World in 2050
IFAD/EB IFAD Executive Board
IFAD/GCI IFAD Governing Council
LARC Regional Conference for Latin America and the Caribbean
NERC Regional Conference for the Near East
PC Programme Committee
UNGA United Nations General Assembly (Opening)
WFC World Forestry Congress
WFD World Food Day
WFP World Food Programme Executive Board
WSFS World Summit on Food Security

	2010		2011	
JANUARY			29 COFI*	31/01-04/02
FEBRUARY	ECOSOC 1 WFP IFAD/GC	2 8-12 15-19	ECOSOC 1 IFAD/GC WFP	2 7-11 14-18
MARCH	90 CCLM	29-31	92 CCLM 133 FC 105 PC	7-9 21-25 21-25
APRIL	131 FC 103PC IFAD/EB 31 LARC	12-16 12-16 19-23 26-30	141 CL	11-15
MAY	26 ARC* 27 ERC 139 CL	3-7 10-14 17-21	IFAD/EB	2-6
JUNE	WFP 68 CCP 22 COAG	7-11 14-16 16-19	WFP 37 C	6-10 25/06-02/07
JULY	33 CODEX ECOSOC 30 NERC*	5-9 (Geneva) 6-30 (to be confirmed)	ECOSOC 2 142 CL 34 CODEX	4 - 29 4-5 4 - 8 (Geneva)
AUGUST				
SEPTEMBER	91 CCLM IFAD/EB UNGA 30 APRC*	1-3 13-17 14 27/09-01/10	IFAD/EB UNGA 93 CCLM	12-16 13 21-23
OCTOBER	20 COFO 36 CFS WFD 132 FC 104 PC	4-8 11-14 15 (Friday) 25-29 25-29	134 FC 106 PC WFD 37 CFS	10-14 10-14 17 (Mon) 18-22
NOVEMBER	WFP 140 CL	8-12 29/11-03/12	WFP 143 CL	7-11 21 - 25
DECEMBER	IFAD/EB	13-17	IFAD/EB	12 - 16

Easter 4 April 2010
 Ramadan: 11 Aug - 9 Sept. 2010
 Eid Al-Fitr: 9 September 2010
 Eid Al-Adha: 16 November 2010

Easter: 24 April 2011
 Ramadan: 1-30 August 2011
 Eid Al-Fitr: 30 August 2011
 Eid Al-Adha: 6 November 2011

APRC Regional Conference for Asia and the Pacific
 ARC Regional Conference for Africa
 C Conference
 CCLM Committee on Constitutional and Legal Matters
 CCP Committee on Commodity Problems
 CFS Committee on World Food Security
 CL Council
 COAG Committee on Agriculture
 CODEX Codex Alimentarius Commission
 COFI Committee on Fisheries (MM=Ministerial Meeting)
 COFO Committee on Forestry (MM=Ministerial Meeting)
 ECOSOC Economic and Social Council (1: Organizational session opens; 2: Substantive session opens)

ERC Regional Conference for Europe
 FC Finance Committee
 IFAD/EB IFAD Executive Board
 IFAD/GC IFAD Governing Council
 IFAD/VII Replenishment Consultations
 LARC Regional Conference for Latin America and the Caribbean
 MM Ministerial Meeting
 NERC Regional Conference for the Near East
 PC Programme Committee
 UNGA United Nations General Assembly (Opening)
 WFD World Food Day
 WFP World Food Programme Executive Board

PROGRAMME COMMITTEE
(November 2007 – November 2009)

Chairperson

Members

United Kingdom (Vic Heard)	Afghanistan (Abdul Razak Ayazi)	Canada (James Melanson) ²
	Angola (Carlos Alberto Amaral)	Egypt (Abdelaziz M. Hosni)
	Argentina (Ms Maria del Carmen Squeff)	Equatorial Guinea (Pascual Bacale Mbiang) ³
	Australia (Ms Fiona Barlett)	India (Ramalingam Parasuram)
	Brazil (José Antonio Marcondes Carvalho) ¹	Japan (Seiichi Yokoi) ⁴

¹ Replaced by Renato Mosca de Souza at the Hundredth Session.

² Replaced by Marco Valicenti as of the Hundred and first Session.

³ Replaced by Mr Crisantos Obama Ondo as of the Hundred and second Session.

⁴ Replaced by Kazumasa Shioya as of the Hundredth Session.

FINANCE COMMITTEE
(November 2007 – November 2009)

Chairperson

Members

Egypt (Yasser Sorour)	Cameroon (Moungui Medi)	Mexico (Jorge Eduardo Chen Charpentier) ²
	China (Li Zhengdong) ¹	Pakistan (Aamir Ashraf Khawaja) ³
	Denmark (Soeren Skafte)	Panama (Eudoro Jaen Esquivel) ⁴
	France (Jean-Jacques Soula)	Uganda (Robert Sabiti)
	Germany (Eckhard W. Hein)	United States of America (Lee A. Brudvig) ^{5 6 7}

¹ Replaced by Ms Yao Xiangjun at the Hundred and Twenty-fourth and Hundred and Twenty-fifth Sessions.

² Replaced by Ms Claudia Cecile de Mauleon Medina for part of Hundred and Twenty-eighth Session

³ Replaced by Rahim Hayat Qureshi as of the Hundred and Twenty-eighth Session.

⁴ Replaced by Horacio Maltez at the Hundred and Twenty-second Session and for part of the Hundred and Twenty-sixth Session.

⁵ Replaced by Ms Elizabeth Petrovski for part of the Hundred and Twenty-fourth Session.

⁶ Replaced by Christopher S. Hegadorn on 14 and 15 May 2009 during the Hundred and Twenty-sixth Session and as of the Hundred and Twenty-eighth Session.

⁷ Replaced by Mr Michael P. Glover as of the Hundred and Twenty-ninth Session.

COMMITTEE ON CONSTITUTIONAL AND LEGAL MATTERS
(November 2007 – November 2009)

Chile	Netherlands
Gabon	Syrian Arab Republic
Indonesia	United States of America
Lesotho	

WFP EXECUTIVE BOARD 2009

Term of office expiring	Elected by FAO Council	Elected by ECOSOC
31 December 2009	Netherlands (D) Pakistan (B) Peru (C) Philippines (B) United States of America (D) Zambia (A)	Belgium (D) ¹ Cape Verde (A) India (B) Iran, Islamic Republic of (B) Russian Federation (E) Sweden (D)
31 December 2010	Canada (D) Democratic Republic of the Congo (A) Germany (D) Guinea (A) Haiti (C) Kuwait (B)	Australia (D) Burundi (A) Cuba (C) Norway (D) Sudan (A) Thailand (B)
31 December 2011	Brazil (C) ² Colombia (C) Denmark (D) Egypt (A) Slovenia (E) Switzerland (D)	Angola (A) China (B) Czech Republic (E) Guatemala (C) Japan (D) United Kingdom (D)

¹ Belgium replaced New Zealand on 1 January 2008.

² This seat rotates between lists A, B and C as follows: List A (2000-2002), List B (2003-2005), List A (2006-2008) and List C (2009-2011).

FAO MEMBERS

Afghanistan	Germany	Panama
Albania	Ghana	Papua New Guinea
Algeria	Greece	Paraguay
Andorra	Grenada	Peru
Angola	Guatemala	Philippines
Antigua and Barbuda	Guinea	Poland
Argentina	Guinea-Bissau	Portugal
Armenia	Guyana	Qatar
Australia	Haiti	Republic of Korea
Austria	Honduras	Republic of Moldova
Azerbaijan	Hungary	Romania
Bahamas	Iceland	Russian Federation
Bahrain	India	Rwanda
Bangladesh	Indonesia	Saint Kitts and Nevis
Barbados	Iran (Islamic Republic of)	Saint Lucia
Belarus	Iraq	Saint Vincent and the Grenadines
Belgium	Ireland	Samoa
Belize	Israel	San Marino
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Bhutan	Jamaica	Saudi Arabia
Bolivia (Plurinational State of)	Japan	Senegal
Bosnia and Herzegovina	Jordan	Serbia
Botswana	Kazakhstan	Seychelles
Brazil	Kenya	Sierra Leone
Bulgaria	Kiribati	Slovakia
Burkina Faso	Kuwait	Slovenia
Burundi	Kyrgyzstan	Solomon Islands
Cambodia	Lao People's Democratic Republic	Somalia
Cameroon	Latvia	South Africa
Canada	Lebanon	Spain
Cape Verde	Lesotho	Sri Lanka
Central African Republic	Liberia	Sudan
Chad	Libyan Arab Jamahiriya	Suriname
Chile	Lithuania	Swaziland
China	Luxembourg	Sweden
Colombia	Madagascar	Switzerland
Comoros	Malawi	Syrian Arab Republic
Congo	Malaysia	Tajikistan
Cook Islands	Maldives	Thailand
Costa Rica	Mali	The former Yugoslav Republic of Macedonia
Côte d'Ivoire	Malta	Timor-Leste
Croatia	Marshall Islands	Togo
Cuba	Mauritania	Tonga
Cyprus	Mauritius	Trinidad and Tobago
Czech Republic	Mexico	Tunisia
Democratic People's Republic of Korea	Micronesia (Federated States of)	Turkey
Democratic Republic of the Congo	Monaco	Turkmenistan
Denmark	Mongolia	Tuvalu
Djibouti	Montenegro	Uganda
Dominica	Morocco	Ukraine
Dominican Republic	Mozambique	United Arab Emirates
Ecuador	Myanmar	United Kingdom
Egypt	Namibia	United Republic of Tanzania
El Salvador	Nauru	United States of America
Equatorial Guinea	Nepal	Uruguay
Eritrea	Netherlands	Uzbekistan
Estonia	New Zealand	Vanuatu
Ethiopia	Nicaragua	Venezuela (Bolivarian Republic of)
European Community (Member Organization)	Niger	Viet Nam
Fiji	Nigeria	Yemen
Finland	Niue	Zambia
France	Norway	Zimbabwe
Gabon	Oman	Faroe Islands (Associate Member)
Gambia	Pakistan	
Georgia	Palau	

ISBN 978-92-5-106380-4 ISSN 0251-5296



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K5962E/1/10.09/155