

AMENDMENT TO THE CONSTITUTION OF THE INTERNATIONAL RICE COMMISSION

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Note: The Amendment entered into force, November 23, 1961.

Reference: This Agreement is also published in 418 UNTS, p. 334.

PREAMBLE

The Fourth Session of the Conference of the Food and Agriculture Organization of the United Nations (hereinafter referred to as "the Organization"), having considered the recommendations of the Rice Meeting held in Baguio, Philippines, in March 1948, as approved in principle by the Council of the Organization at its meeting in April 1948, approved the establishment of an International Rice Commission (hereinafter referred to as "The Commission") in accordance with the provisions of the Draft Constitution drawn up at the Rice Meeting at Baguio.

ARTICLE I

OBJECT

The object of the Commission, which is established within the framework of FAO, shall be to promote national and international action with respect to production, conservation, distribution and consumption of rice, except matters relating to international trade.

ARTICLE II

MEMBERSHIP

Members of the Commission shall be such Member Nations and Associate Members of the Organization, as may accept this Constitution in accordance with the provisions of Article VIII hereof. As regards Associate Members, the Constitution of the Commission shall in accordance with the provisions of Article XIV-5 of the Constitution of the Organization and Rule XXI-3 of the General Rule of the Organization be submitted by the Organization to the authority having responsibility for the International relations of such Associate Members.

ARTICLE III

SEAT

The seat of the Commission shall be the same place as the seat of the headquarters of the Organization's Regional Office for Asia and the Far East.

ARTICLE IV

FUNCTIONS

The Commission shall have the functions of:

- (a) keeping under review the scientific, technical and economic problems that bear upon the object of the Commission as stated in Article I;
- (b) encouraging and co-ordinating research on the above-mentioned problems and promoting its practical application;
- (c) undertaking, where necessary and appropriate, co-operative projects; directed to the solution of the above-mentioned problems;
- (d) recommending to [Member Nations] Members of the Commission, through the Director-General of the Organization, such national and international action as may appear to the Commission to be necessary or desirable for the solution of the above-mentioned problems;
- (e) recommending to the Director-General of the Organization the provision of technical assistance to [Member Nations] Members of the Commission in measures directed to that end;
- (f) assembling, collating and disseminating, through the publications of the Organization or otherwise, information relating to the problems and activities pertinent to the functions of the Commission; and
- (g) reporting at appropriate intervals on its activities, through the Director-General, to the Conference of the Organization, and making such other reports to the Director-General of the Organization on matters relating to the production, conservation, distribution and consumption of rice, as the Commission itself may consider expedient or the Director-General or the Conference of the Organization may request.
- (h) transmitting at appropriate intervals to the Director-General a report embodying its views, recommendations and decisions, and making such other reports to the Director-General of the Organization on matters relating to the production, conservation, distribution and consumption of rice, as the Commission itself may consider expedient or the Director-General or the Conference of the Organization may request. Reports of the committees and working parties of the Commission established under Article VI shall be formally transmitted to the Director-General through the Commission.

ARTICLE V

ORGANIZATION

1. Each [nation that becomes a] Member of the Commission as defined in Article II hereof shall have the right to be represented at sessions of the Commission by one delegate, who may be accompanied by an alternate and advisers. Alternates and advisers shall be entitled to take part in the proceedings of the Commission but not to vote, except in the case of an alternate who is duly authorized to act for a delegate.
2. Each Member [Nation] shall have one vote. [Decisions of the Commission shall be taken by a majority of votes cast except as otherwise provided by this Constitution.] The presence of delegates representing a majority of the Members of the Commission shall constitute a quorum. Except as otherwise provided by the Constitution or Rules of Procedure of the Commission, all decisions in a plenary meeting shall be taken by a majority of the votes cast.
3. The Commission shall elect, at the beginning of each regular session, a Chairman and two Vice-Chairmen from

amongst the delegates who shall serve until the beginning of the next regular session, without prejudice to the right of re-election.

4. [Subject to the provisions of paragraphs 2 and 5 of this Article, the Commission shall, with the concurrence of the Director-General of the Organization, establish its own rules of procedure and determine the time and place of its sessions.] The Commission may, by a two-third majority of its membership, adopt and amend its own Rules of Procedure, which shall be consistent with the General Rules of the Organization. The Rules of the Commission and any amendments thereto shall come into force as from the date of approval by the Director-General of the Organization, subject to confirmation by the Council.

5. The Director-General of the Organization, after consultation with the Chairman, shall [call] convene a regular session of the Commission at least once every two years, unless otherwise directed by a majority of the [Member Nations] Members. The site and date of all sessions shall be determined by the Director-General of the Organization in consultation with the Chairman.

6. Any Member [Nation] of the Commission shall have the right, with the concurrence of the Director-General of the Organization, to call for a special session of the Commission, and such a session shall be [called] convened if atleast one-third of the [Member Nations] Members so request.

7. The Director-General of the Organization shall appoint and provide the secretariat of the Commission from the staff of the Organization, who shall be responsible to him.

ARTICLE VI

COMMITTEE AND WORKING PARTIES

1. The Commission may establish temporary, special or standing committees to study and report on matters pertaining to the purpose of the Commission.

2. The Commission may establish working parties to study and recommend on specific technical problems. These working parties shall be convened by the Director-General of the Organization at such times and places as are in accordance with the objectives for which they were established.

3. The establishment of committees and working parties referred to in paragraphs 1 and 2 above shall be subject to the availability of the necessary funds in the relevant chapter of the approved budget of the Organization; the determination of such availability shall be made by the Director-General. Before taking any decision involving expenditures in connection with the establishment of committees and working parties the Commission shall have before it a report from the Director-General on the administrative and financial implications thereof.

[3.] 4. The members of committees and working parties shall be [Member Nations] Members of the Commission. The Commission shall determine the membership of such committees and working parties and the representatives of members on committees and working parties shall be designated by their respective governments.

[4.] 5. Each committee or working party shall elect its own Chairman and the Organization shall provide its secretariat.

6. Each committee or working party may adopt and amend its own rules of procedure which shall be consistent with the Rules of Procedure of the Commission and the General Rules of the Organization. Such rules of procedure shall come into force upon approval by the Commission. In the absence of rules of procedure the Rules of Procedure of the Commission shall apply "mutatis mutandis" to its committees and working parties.

7. Committees or working parties shall report to the Commission.

ARTICLE VII

EXPENSES

1. Expenses incurred by delegates and their alternates and advisers in attending meetings of the Commission and expenses incurred by representatives sent to committees or working parties established in accordance with Article VI, shall be determined and paid by their respective governments.

2. The expenses of experts invited, with the concurrence of the Director-General, to attend meetings of the Commission, committees or working parties in their individual capacity shall be borne by the budget of the Organization.

[2.] 3. The expenses of the Secretariat of the Commission, and any expenses incurred by the Chairman of the Commission in performing duties connected with its work in intervals between sessions of the Commissions shall be determined and paid by the Organization within the limits of [an annual] the Budget of the Organization prepared and approved by the Conference of the Organization in accordance with the General Rules [of Procedure] and Financial Regulations of the Organization for the time being in force.

[3.] 4. Expenses for co-operative projects by [Member Nations] Members as authorized in Article IV (c), unless they are met by the Organization or from any other source, shall be determined and paid by [Member Nations] Members in such manner and proportions as they may mutually agree. Co-operative projects shall be submitted to the Council of the Organization prior to implementation. Contributions for cooperative projects shall be paid into a trust fund to be established by the Organization and administered by the Organization in accordance with the Financial Regulations of the Organization.

ARTICLE VIII

ACCEPTANCE [AND WITHDRAWAL]

1. Acceptance of this Constitution by any Member Nation of the Organization shall be effected by the deposit of [a notification] an instrument of acceptance with the Director-General of the Organization and shall take effect on receipt of such [notification] instrument by the Director-General, who shall inform all the Member Nations of the Organization of such receipt.

[2. Any Member Nation may give notice of withdrawal from the Commission at any time after the expiration of one year from the date of its acceptance of this Constitution. Such notice of withdrawal shall take effect six months after the date of its receipt by the Director-General of the Organization who shall inform all Member Nations of the Organization of such receipt.] (Transferred to Article XII.)

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

ARTICLE IX

TERRITORIAL APPLICATION

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

ARTICLE [IX] X

AMENDMENTS

This Constitution may be amended by the vote of a two-thirds majority of all the Members of the Commission, any amendment becoming effective only after concurrence of the [Conference] Council of the Organization unless the Council considers it desirable to refer the amendment to the Conference for approval. And amendment shall become effective as from the date of the decision of the Council or Conference as appropriate. However, any amendment involving new obligations for Members shall come into force with respect to each Member only on acceptance of it by that Member. The instrument of acceptance of amendments involving new obligations shall be deposited with the Director-General of the Organization who shall inform all the Members of the Commission as well as the Secretary-General of the United Nations of the receipt of acceptances and the entry into force of such amendments. The rights and obligations of any Member of the Commission that has not accepted an amendment involving additional obligations shall continue to be governed by the provisions of the Constitution as they stood prior to the amendment.

ARTICLE XI

INTERPRETATION AND SETTLEMENT OF DISPUTES

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

ARTICLE [VIII] XII

[ACCEPTANCE AND] WITHDRAWAL

1. Any Member [Nation] may give notice of withdrawal from the Commission at any time after the expiration of one year from the date of its acceptance of this Constitution. Such notice of withdrawal shall take effect six months after the date of its receipt by the Director-General of the Organization who shall inform all Member Nations of the Organization and the Secretary-General of the United Nations of such receipt.
2. A Member of the Commission may give notice of withdrawal with respect to one or more of the territories for the international relations of which it is responsible. When a Member gives notice of its own withdrawal from the Commission it shall state to which territory or territories the withdrawal is to apply. In the absence of such a

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

ARTICLE XIII

TERMINATION

This Constitution shall be considered terminated if and when the number of Members of the Commission drops below ten unless the remaining Members of the Commission unanimously decide otherwise.

ARTICLE [X] XIV

ENTRY INTO FORCE

This Constitution shall enter into force as soon as notifications of acceptance have been received by the Director-General of the Organization from at least ten Member Nations of the Organization representing in the aggregate not less than half of the world production of rice in the crop year 1947/48 as shown by official statistics.

Parties to the Agreement as of December 31, 1965:

Australia

Laos

Brazil

Malaysia

Burma

Mexico

Cambodia

Netherlands

Ceylon

Nigeria

Cuba

Pakistan

Dominican Republic

Paraguay

Ecuador

Philippines

France

Portugal

Guatemala

Thailand

India

United Arab Republic

Indonesia

United Kingdom

Iran

United States

Japan

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Korea

Viet-Nam

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