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SUCCESSION OF STATES AND GOVERNMENTS : SUCCESSION IN RESPECT OF TREATIES

[Agenda item 2 (a)]

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Succession of States to multilateral treaties : sixth study prepared by the Secretariat *

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CONTENTS

	<i>Paragraphs</i>	<i>Page</i>
NOTE		25
VI. FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS: CONSTITUTION AND MULTILATERAL CONVENTIONS AND AGREEMENTS CONCLUDED WITHIN THE ORGANIZATION AND DEPOSITED WITH ITS DIRECTOR-GENERAL		25
A. The Constitution of the Food and Agriculture Organization of the United Nations	1-13	25
(a) Establishment, purposes and organs of the Organization	1-5	25
(b) Categories of membership: "Member Nations" and "Associate Members"	6	26
(c) Methods of becoming a member	7-13	27
1. Full membership (Parties to the Constitution)	7-11	27
(i) Nations eligible for original membership	7	27
(ii) Additional Member Nations	8-11	27
2. Associate membership (territories or groups of territories for the international relations of which a Member Nation or authority is responsible)	12-13	28
B. Multilateral conventions and agreements concluded within FAO and deposited with its Director-General	14-29	28
(a) Article XIV of the FAO Constitution and rule XXI of the General Rules of the Organization	14-17	28

* For the first five studies prepared by the Secretariat, see *Yearbook of the International Law Commission, 1968*, vol. II, documents A/CN.4/200/Rev.2 and A/CN.4/200/Add.1 and 2, p. 1.

CONTENTS (<i>continued</i>)		<i>Paragraphs</i>	<i>Page</i>
(b) Principles and procedures which should govern conventions and agreements concluded under article XIV of the FAO Constitution	18-19		29
(c) Multilateral conventions and agreements concluded under article XIV of the FAO Constitution	20-29		30
1. Constitution of the International Rice Commission (1948)	21		30
2. Agreement for the establishment of the Indo-Pacific Fisheries Council (1948)	22		30
3. Agreement for the establishment of a General Fisheries Council for the Mediterranean (1949)	23		31
4. International Plant Protection Convention (1951)	24		31
5. Constitution of the European Commission for the Control of Foot-and-Mouth Disease (1953)	25		31
6. Plant Protection Agreement for the South East Asia and Pacific Region (1956)	26		32
7. Convention placing the International Poplar Commission within the framework of FAO (1959)	27		32
8. Agreement for the establishment of a Commission for Controlling the Desert Locust in the Eastern Region of its Distribution Area in South West Asia (1963)	28		32
9. Agreement for the establishment of a Commission for Controlling the Desert Locust in the Near East (1965)	29		32
C. Description of relevant cases concerning participation in FAO instruments	30-67		33
(a) Cases relating to the FAO Constitution	31-56		33
1. Admission as Member Nations of former non-metropolitan territories for whose international relations a Member Nation was responsible	32-48		33
(i) After attaining independence	32-35		33
(ii) Before attaining full independence	36-48		34
a. Membership effective prior to accession to full independence	36-40		34
<i>Burma</i>	37		35
<i>Indonesia</i>	38-39		35
<i>Tunisia</i>	40		35
b. Membership effective after accession to independence	41-48		36
<i>Cyprus, Nigeria and Somalia; Cameroon and Togo</i>	42-44		36
<i>Jamaica and Tanganyika</i>	45-46		36
<i>Kenya, Malta and Zanzibar; Botswana and Lesotho</i>	47		37
<i>Guyana and Mauritius</i>	48		37
2. Changes undergone by members	49-56		37
(i) Member Nations	49-53		37
a. Partition of <i>India</i>	49		37
b. Formation and dissolution of a union between <i>Syria</i> and <i>Egypt (United Arab Republic)</i>	50-51		38
c. Formation of the <i>United Republic of Tanzania</i>	52		38
d. Formation of <i>Malaysia</i> and separation of <i>Singapore</i>	53		38
(ii) Associate Members	54-56		39
a. Attainment of independence of <i>Chad, Gabon and Madagascar</i>	54		39
b. Attainment of independence of <i>Mali and Senegal</i>	55		39
c. Dissolution of the <i>Federation of Rhodesia and Nyasaland</i>	56		39
(b) Cases relating to multilateral conventions and agreements concluded within FAO and deposited with its Director-General	57-67		39
1. Constitution of the International Rice Commission (1948) <i>Cambodia, Federation of Malaya, Ghana, Guyana, Indonesia, Laos, Madagascar, Mali, Nigeria, Sierra Leone and Viet-Nam</i>	57		39
2. Agreement for the establishment of the Indo-Pacific Fisheries Council (1948) <i>Cambodia, Federation of Malaya, Indonesia and Viet-Nam</i>	58		40
3. Agreement for the establishment of a General Fisheries Council for the Mediterranean (1949) <i>Algeria, Cyprus, Malta, Morocco and Tunisia</i>	59		40

CONTENTS (<i>continued</i>)		
	<i>Paragraphs</i>	<i>Page</i>
4. International Plant Protection Convention (1951)	60-61	40
<i>Nauru and Western Samoa</i>	60	40
<i>Former Netherlands New Guinea (West Irian)</i>	61	40
5. Constitution of the European Commission for the Control of Foot-and-Mouth Disease (1953)	62	40
6. Plant Protection Agreement for the South East Asia and Pacific Region (1956)	63-64	41
<i>Federation of Malaya</i>	63	41
<i>Former Netherlands New Guinea (West Irian)</i>	64	41
7. Convention placing the International Poplar Commission within the framework of FAO (1959)	65-66	41
<i>Syrian Arab Republic</i>	65	41
<i>Former territories under Belgian, British, French or Spanish administration</i>	66	41
8. Agreement for the establishment of a Commission for Controlling the Desert Locust in the Eastern Region of its Distribution Area in South West Asia (1963) and		
9. Agreement for the establishment of a Commission for Controlling the Desert Locust in the Near East (1965)		
<i>Qatar and Bahrain</i>	67	41
D. Summary	68-80	41
(a) Constitution of FAO	68-75	41
(b) Conventions and agreements concluded within FAO and deposited with its Director-General.	76-80	43

Note

The present document contains the sixth study of the series "Succession of States to multilateral treaties". It relates to the Constitution of the Food and Agriculture Organization of the United Nations (FAO) and the multilateral conventions and agreements concluded within FAO and deposited with its Director-General. The study has been prepared by the Codification Division of the Office of Legal Affairs of the United Nations Secretariat as part of a research project undertaken by it in order to assist the International Law Commission in its work on the topic of "Succession of States and Governments".

The first five studies of the series, published in 1968 as documents of the twentieth session of the International Law Commission, are the following: "International Union for the Protection of Literary and Artistic Work: Berne Convention of 1886 and subsequent Acts of revision" (Study I), "Permanent Court of Arbitration and The Hague Conventions of 1899 and 1907" (Study II), "The Geneva Humanitarian Conventions and the International Red Cross" (Study III), "International Union for the Protection of Industrial Property: Paris Convention of 1883 and subsequent Acts of revision and special agreements" (Study IV) and "The General Agreement on Tariffs and Trade (GATT) and its subsidiary instruments" (Study V). These studies are reproduced in document A/CN.4/200/Rev.2 and A/CN.4/200/Add.1 and 2.

Further studies will be issued as addenda to this document or as separate documents. As in previous studies the designations employed, the dates mentioned and the presentation of the material in this document do not imply the expression of any opinion whatsoever on the part of the Secretariat of the United Nations concerning the legal status of any country or territory.

VI. Food and Agriculture Organization of the United Nations: Constitution and Multilateral Conventions and Agreements concluded within the Organization and deposited with its Director-General**

A. The Constitution of the Food and Agriculture Organization of the United Nations

(a) ESTABLISHMENT, PURPOSES AND ORGANS OF THE ORGANIZATION

1. From 18 May to 3 June, 1943, representatives of forty-five Governments met in conference at Hot Springs, Virginia, to plan the post-war organization for food and agriculture. The Conference authorized an Interim Commission, composed of representatives of all attending Governments, to determine the purposes and structure

** As of January 1969.

of the organization and to perform other functions until a permanent body could be established. The United Nations Interim Commission on Food and Agriculture was set up in July 1943 and in its first report to Governments presented a draft Constitution for the permanent Food and Agriculture Organization of the United Nations (hereinafter referred to as FAO). The Constitution was open to acceptance by the forty-five States represented in the Interim Commission¹ which were to be the "Nations² eligible for original membership" of FAO.³

2. Upon the receipt of twenty notifications of acceptance, the Interim Commission was to arrange for signature of the Constitution by representatives of not less than twenty of the accepting original Member Nations, at which moment the Constitution would come into effect.⁴ Thirty-four nations signed the Constitution of FAO at the first session of its Conference, held in Quebec from 16 October to 1 November 1945.⁵ With the formal establishment of the Organization, the United Nations Interim Commission on Food and Agriculture ceased to exist.⁶

3. Nations members of FAO undertake to further separate and collective action for the purposes of "raising levels of nutrition and standards of living of the peoples under their respective jurisdictions; securing improvements in the efficiency of the production and distribution of all food and agricultural products [and] bettering the condition of rural populations...thus contributing toward an expanding world economy and ensuring humanity's freedom from hunger".⁷ In order to facilitate the achievement of those purposes, FAO (a) collects, analyses, interprets and disseminates information relating to nutrition, food and agriculture; (b) promotes and recommends national and international action with respect to research, education and administration, conservation of natural resources and methods of production, processing, marketing and distribution, credit and commodity arrangements; and (c) furnishes on request technical assistance, organizes assistance missions and generally takes all necessary and appropriate action to implement the purposes of the Organization.⁸

4. The Organization has three main organs: the Conference, the Council⁹ and the Director-General, who

¹ FAO, *Basic Texts*, vol. I (1968), p. 25, Constitution, art. XXI, para. 1.

² The English text of the Constitution and other basic texts of FAO (General Rules, Financial Regulations) use the term "Nation" rather than "State". The English version of the present study will use, therefore, the term "Nation" when quoting or referring to FAO texts. The French and Spanish texts of the Constitution, General Rules and Financial Regulations of FAO use the term "Etat" and "Estado", respectively.

³ See foot-note 17 below.

⁴ FAO, *Basic Texts*, vol. I (1968), p. 25, Constitution, art. XXI, para. 3.

⁵ FAO, *Report of the First Session of the Conference* (1945), p. vii.

⁶ FAO, Constitution, original art. XXVI (later deleted); see *Report of the First Session of the Conference* (1945), p. 88.

⁷ FAO, *Basic Texts*, vol. I (1968), p. 7, Constitution, preamble.

⁸ *Ibid.*, pp. 7 and 8, Constitution, art. I.

⁹ Originally called "Executive Committee"; the name was changed by amendment to article V of the Constitution (FAO, *Report of the Third Session of the Conference* (1947), p. 18).

heads the Staff. The Conference consists of the representatives of Member Nations and associate members, each Member Nation having the right to one vote.¹⁰ The Council consists of thirty-four Member Nations elected by the Conference,¹¹ which appoints also an independent Chairman of the Council.¹² The Director-General directs the work of the Organization and participates, without the right to vote, in all meetings of the Conference and of the Council.¹³

5. The FAO is a specialized agency within the meaning of Article 57 of the Charter of the United Nations.¹⁴ An "Agreement between the United Nations and the Food and Agriculture Organization of the United Nations" which came into force on 14 December 1946 defines the relations between both organizations.¹⁵

(b) CATEGORIES OF MEMBERSHIP: "MEMBER NATIONS" AND "ASSOCIATE MEMBERS"

6. The Constitution of FAO is mainly devoted to defining the structure and functions of the Organization. It does not contain a territorial application clause. Article II of the Constitution, however, has provided since 1955 for two categories of membership: "Member Nations" and "Associate Members". "Member Nations" are the "original Member Nations" and the "additional Member Nations" admitted to the Organization. "Associate Members" are "any territory or group of territories which is not responsible for the conduct of its international relations" admitted to the Organization upon application made on their behalf by a Member Nation or authority having responsibility for their international relations. Only the Member Nations are parties to the Constitution and enjoy full membership. It is incumbent upon the Member Nation or authority which makes the application for associate membership to accept on behalf of the proposed Associate Member the obligations of the Constitution and to assume responsibility for ensuring the observance of relevant provisions of the Constitution with regard to the Associate Member in question (see paragraph 12 below). The nature and extent of the rights and obligations of Associate Members are defined in the Constitution and the General Rules and Regulations of the Organization.¹⁶

¹⁰ FAO, *Basic Texts*, vol. I (1968), p. 10, Constitution, art. III, paras. 1 and 4.

¹¹ *Ibid.*, p. 11, Constitution, art. V, para. 1. The original number of "not less than nine or more than fifteen" members was successively increased to eighteen, twenty-four, twenty-five, twenty-seven, thirty-one and thirty-four at the third, seventh, tenth, eleventh, thirteenth and fourteenth sessions of the Conference.

¹² FAO, *Basic Texts*, vol. I (1968), p. 12, Constitution, art. V, para. 2.

¹³ *Ibid.*, p. 15, Constitution, art. VII, paras. 5 and 6.

¹⁴ *Ibid.*, p. 18, Constitution, art. XII, para. 1.

¹⁵ See United Nations, *Treaty Series*, vol. I, pp. 212-230.

¹⁶ FAO, *Basic Texts*, vol. I (1968), p. 9, Constitution, art. II, para. 4. Associate Members have the right to participate in the deliberations of the Conference or of commissions, committees, working parties, conferences or consultations but cannot hold office nor have the right to vote; they are subject to similar obligations as those of Member Nations but their status is taken into account in determining their contributions to the budget (FAO, *Report of the Eighth Session of the Conference* (1955), pp. 143 and 144, resolution 30/55).

(c) METHODS OF BECOMING A MEMBER

1. FULL MEMBERSHIP (PARTIES TO THE CONSTITUTION)

(i) *Nations eligible for original membership*

7. In accordance with the provisions laid down in article II, para. 1, and article XXI of the Constitution of FAO, the nations eligible for original membership listed in annex I to the Constitution become parties to the Constitution and original Member Nations of the Organization by acceptance.¹⁷ Before the formal establishment of FAO in 1945 (see paragraphs 1 and 2 above), the instruments of acceptance of nations eligible for original membership were transmitted or notified to the United Nations Interim Commission on Food and Agriculture. Following the establishment of FAO these instruments have been transmitted or notified to the Director-General of the Organization who has acted as depositary of the Constitution since the Interim Commission ceased to exist. Acceptances of nations eligible for original membership received after the entry into force of the Constitution become effective upon their receipt¹⁸ and are, therefore, not subject to a prior admission procedure.

(ii) *Additional Member Nations*

8. Article II, paragraph 2, of the Constitution of FAO provides:

2. The Conference may by a two-thirds majority of the votes cast, provided that a majority of the Member Nations of the Organization is present, decide to admit as an additional Member of the Organization any nation which has submitted an application for membership and a declaration made in a formal instrument that it will accept the obligations of the Constitution as in force at the time of admission.

9. Membership as an additional Member Nation is, therefore, attained through an admission procedure

¹⁷ They are the following: Australia, Belgium, Bolivia, Brazil, Canada, Chile, China, Colombia, Costa Rica, Cuba, Czechoslovakia, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, France, Greece, Guatemala, Haiti, Honduras, Iceland, India, Iran, Iraq, Liberia, Luxembourg, Mexico, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Philippine Commonwealth, Poland, Union of South Africa, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela and Yugoslavia. With the exception of China, Czechoslovakia, South Africa and the Union of Soviet Socialist Republics, all the remaining forty-one States are at present Member Nations of FAO. Czechoslovakia and China withdrew as from 27 December 1950 and 21 July 1952, respectively (FAO, *Report of the Special Session of the Conference* (1950), p. 4, and *Report of the 6th Session of the Conference* (1951), back cover). Poland, one of the original signatories, withdrew with effect as from 25 April 1951 (FAO, *Report of the Special Session of the Conference* (1950), p. 4. However, on 29 August 1957, Poland applied for membership under article II, para. 2 of the Constitution—see paragraph 8 above—and was admitted by resolution 59/57 of the Conference, with effect as from 9 November 1957 (FAO, *Report of the Ninth Session of the Conference* (1957), pp. 205 and 206). South Africa's withdrawal from the Organization became effective on 18 December 1964 (*Report of the Council of FAO* (Forty-third Session), inside back cover).

¹⁸ FAO, *Basic Texts*, vol. I (1968), p. 25, Constitution, art. XXI, para. 4.

following the submission of an application and a formal declaration accepting the obligations of the Constitution. According to the original article II of the Constitution, the effective date of membership of additional Member Nations was that of acceptance.¹⁹ That provision was later amended so as to specify that membership would "commence upon the date of deposit of an instrument" of acceptance.²⁰ By amendment to article II adopted at the sixth session of the Conference in 1951, the effective date of membership is at present that of the approval of the application by the Conference.²¹

10. The procedure for admission of additional Member Nations is determined in rule XIX of the "General Rules of the Organization", as follows:

1. Any nation which desires to become a Member of the Organization... shall submit an application to the Director-General. This application shall be accompanied or followed by the formal instrument of acceptance of the Constitution, required under Article II, paragraphs 2... of the Constitution. This formal instrument shall reach the Director-General not later than the opening day of the Conference session at which the admission of the applicant is to be considered.

2. Any such application shall be transmitted immediately by the Director-General to Member Nations and shall be placed on the agenda of the next Conference session which opens not less than 30 days from the receipt of the application.

3. The first contribution of an additional Member Nation... shall be determined by the Conference at the time of its decision on the application for membership.

4. The Director-General shall inform the applicant nation of the decision of the Conference. If the application is approved, such notice shall also state the amount of the first contribution.²²

11. The provisions concerning admission of "additional Member Nations" described above have been subject to certain derogations in the practice of the Organization, resulting from *ad hoc* decisions taken by the Conference in order to avoid delay in admissions. Thus, before the adoption of an amendment to the original article II of the Constitution allowing for associate membership (see paragraph 12 below) several countries became additional Member Nations before attaining full independence. Following the adoption of that amendment, a number of dependent territories have been admitted by the Conference as additional Member Nations before attaining full independence, but the effectiveness of their membership has been postponed until a date subsequent to independence (see paragraphs 41 to 48 below). Occa-

¹⁹ FAO, *Report of the First Session of the Conference* (1945), pp. 84 and 85.

²⁰ FAO, *Report of the Special Session of the Conference* (1950), p. 28.

²¹ FAO, *Basic Texts*, vol. I (1968), p. 9, Constitution, art. II, para. 5. This provision, adopted on 6 December 1951 by resolution No. 46 of the Conference (FAO, *Report of the 6th Session of the Conference* (1951), pp. 105-108) was directed to overcome the difficulties concerning effective date of membership that arose under the former text (See FAO, *Report of the 5th Session of the Conference* (1949), pp. 2 and 3, and *Report of the Special Session of the Conference* (1950), pp. 2 and 3.

²² FAO, *Basic Texts*, vol. I (1968), pp. 56 and 57.

sionally, also, the time limits prescribed in paragraphs 1 and 2 of rule XIX of the "General Rules of the Organization" have been temporarily suspended.²³

2. ASSOCIATE MEMBERSHIP (TERRITORIES OR GROUPS OF TERRITORIES FOR THE INTERNATIONAL RELATIONS OF WHICH A MEMBER NATION OR AUTHORITY IS RESPONSIBLE)

12. As in the case of additional Member Nations, associate membership is attained through an admission procedure.²⁴ Paragraph 3 of article II of the FAO Constitution, as amended at the eighth session of the Conference in 1955, provides:

3. The Conference may, under the same conditions regarding the required majority and quorum as prescribed in paragraph 2 above,²⁵ decide to admit as an Associate Member of the Organization any territory or group of territories which is not responsible for the conduct of its international relations, upon application made on its behalf by the Member Nation or authority having responsibility for its international relations, provided that such Member Nation or authority has submitted a declaration made in a formal instrument that it will accept on behalf of the proposed Associate Member the obligations of the Constitution as in force at the time of admission, and that it will assume responsibility for ensuring the observance of the provisions of paragraph 4 of article VIII, paragraphs 1 and 2 of article XVI, and paragraphs 2 and 3 of article XVIII of this Constitution with regard to the Associate Member.²⁶

13. In accordance with article II, paragraph 5 of the FAO Constitution, associate membership, like membership of additional Member Nations, becomes effective at present on the date on which the Conference approves the application (see paragraph 9 above). The admission procedure for associate membership set forth in rule XIX of the "General Rules of the Organization" is *mutatis mutandis*, the one prescribed for additional Member Nations (see paragraph 10 above). The application for associate membership shall be submitted to the Director-General of FAO by the Member Nation or authority responsible for the international relations of the territory or group of territories whose associate membership is requested and on behalf of such territory or group.

²³ Such was the case, *inter alia*, in admitting *Burma and Pakistan; Ceylon; Laos, Tunisia; Togo, Cameroon, Cyprus, Nigeria and Somalia*; and *Jamaica*. (See, respectively, FAO, reports of the third, special (1948), sixth, eighth, tenth and eleventh sessions of the Conference).

²⁴ Admission to associate membership was approved by resolution No. 30/55, amending the original article II of the Constitution (FAO, *Report of the Eighth Session of the Conference* (1955), pp. 142-144 and 191 *et seq.*).

²⁵ Two-thirds majority of the votes cast, provided that a majority of the Member Nations of the Organization is present.

²⁶ Article VIII, para. 4, relates to privileges, immunities and facilities accorded to the Director-General and staff of the Organization; article XVI, paras. 1 and 2, to the legal status, privileges and immunities of the Organization itself; and article XVIII, paras. 2 and 3, to contributions to the budget of the Organization.

B. *Multilateral conventions and agreements concluded within FAO and deposited with its Director-General*²⁷

(a) ARTICLE XIV OF THE FAO CONSTITUTION AND RULE XXI OF THE GENERAL RULES OF THE ORGANIZATION

14. Article XIV, paragraph 1, of the FAO Constitution empowers the Conference to approve and submit to Member Nations "conventions and agreements" concerning questions relating to food and agriculture. In accordance with paragraph 2 of the same article, the Council may also approve and submit to Member Nations: (a) "agreements" concerning questions relating to food and agriculture which are of particular interest to Member Nations of specified geographical areas and designed to apply only to such areas; (b) "supplementary conventions or agreements" designed to implement any convention or agreement in force approved by the Conference or by the Council itself. The conventions or agreements are submitted to the Conference or Council through the Director-General on behalf of a "technical meeting or conference comprising Member Nations which has assisted in drafting the convention or agreement and has suggested that it be submitted to Member Nations concerned for acceptance".²⁸ Pursuant to article XIV, paragraph 6, of the Constitution, rule XXI of the "General Rules of the Organization" lays down the procedure to be followed in order to secure proper consultations with Governments and adequate technical preparations prior to consideration by the Conferences or the Council of proposed conventions and agreements, as well as certain requirements to be met by such conventions and agreements in order that they may be approved by the Conference or the Council.²⁹

15. Conventions and agreements are generally open to participation by all Member Nations and Associate Members of FAO or—in the case of agreements with a limited regional scope—such Member Nations and Associate Members as may be defined in the agreement, and, where the conventions and agreements so provide, also by non-member Nations which are Members of the United Nations. In the case of conventions and agreements establishing commissions or committees, participation by non-member Nations of FAO that are Members of the United Nations is subject to prior

²⁷ Agreements concluded between FAO and Member Nations under article XV of the FAO Constitution are excluded from the present study. They are the "Agreement for the establishment on a permanent basis of a Latin-American Forest Research and Training Institute under the auspices of the Food and Agriculture Organization of the United Nations", approved by the Conference of FAO on 18 November 1959, in force as from 16 November 1960 (United Nations, *Treaty Series*, vol. 390, p. 228), and the "Agreement amending the Convention for the Establishment of the Desert Locust Control Organization for Eastern Africa", approved in 1965 by the FAO Council acting under the authority delegated to it by the Conference (not yet in force).

²⁸ FAO, *Basic Texts*, vol. I (1968), p. 19, Constitution, art. XIV, para. 3 (a).

²⁹ *Ibid.*, pp. 58 and 59, General Rules of the Organization, rule XXI, para. 1 (a), 1 (b) and 1 (c); see also p. 28, rule II, para. 1, and p. 72, rule XXV, para. 7 (a).

approval by such commissions or committees.³⁰ As regards Associate Members of FAO, the conventions and agreements shall be submitted to the authority having responsibility for the international relations of the Associate Member concerned.³¹

16. Each Member Nation and Associate Member must report periodically to the Organization on the action taken on the basis of conventions submitted by the Conference.³² The receipt of the official text of a convention or agreement as approved by the Conference or Council constitutes due notice to each Member Nation concerned and to the authority having responsibility for the international relations of an Associate Member that "its consideration thereof is invited with a view to acceptance".³³

17. The entry into force for each contracting party of any convention or agreement is to be governed by the provisions laid down in the respective instrument.³⁴ Each accepting Member Nation shall communicate its acceptance to the Director-General of FAO who acts as depositary for conventions and agreements concluded within the Organization.³⁵ The Director-General must promptly inform the other Member Nations of the acceptances received and report to the Conference whenever a convention or agreement has come into force, ceased to be in force, or has been amended and the amendments come into force.³⁶ Conventions or agreements in force are transmitted to the Secretary-General of the United Nations for registration.³⁷

(b) PRINCIPLES AND PROCEDURES WHICH SHOULD GOVERN CONVENTIONS AND AGREEMENTS CONCLUDED UNDER ARTICLE XIV OF THE FAO CONSTITUTION

18. At its ninth session, held from 2 to 27 November 1957, the Conference of FAO came to the conclusion that it was necessary to lay down principles and procedures to be adhered to in the future whenever the provisions of article XIV of the Constitution were being applied.³⁸ As characterized by the Conference at that session, conventions and agreements concluded

³⁰ FAO, *Basic Texts*, vol. I (1968), p. 20, Constitution, art. XIV, para. 3 (b).

³¹ *Ibid.*, p. 20, art. XIV, para. 5.

³² *Ibid.*, p. 17, art. XI, para. 1.

³³ *Ibid.*, p. 59, General Rules of the Organization, rule XXI, para. 3.

³⁴ *Ibid.*, p. 20, Constitution, art. XIV, para. 4. Participation in conventions and agreements may be effected, depending on the provisions of the instrument concerned, through one of the methods enumerated in the principles and procedures which should govern conventions and agreements concluded under article XIV of the FAO Constitution (see foot-note 43 below). The present study, however, refers generally to "acceptance" as does the FAO Constitution.

³⁵ FAO, *Basic Texts*, vol. I (1968), p. 21, Constitution, art. XIV, para. 7.

³⁶ *Ibid.*, pp. 59 and 60, General Rules of the Organization, rule XXI, paras. 3 and 5.

³⁷ *Ibid.*, p. 21, Constitution, art. XIV, para. 7.

³⁸ FAO, *Report of the Ninth Session of the Conference* (1957), pp. 180 and 181; see also: FAO, *Basic Texts*, vol. II (1968), pp. 30-34.

under article XIV are those concluded under the aegis of the Organization "between states, with respect to which, in conformity with the principles of public international law, the expressed consent of sovereign entities constitutes the required juridical act".³⁹ Bearing in mind that "the express purpose of multilateral agreements is to create contractual obligations for those who become parties to them", the Conference concluded that any agreement entered into under article XIV among Member Nations of FAO "should entail financial or other obligations going beyond those already assumed under the Constitution of the Organization. Failing this, there would be no grounds for such an agreement, at least not in the legal form prescribed under article XIV".⁴⁰

19. The considerations and conclusion of the Conference were embodied in its resolution 46/57.⁴¹ By that resolution, the Conference further adopted a set of principles⁴² to govern in the future the drafting of conventions and agreements concluded under article XIV and to be taken into account by the Conference or Council when approving such conventions and agreements, as well as to govern the drafting of the constituent rules of bodies to be established under the same article. The Conference also urged the parties to existing conventions and agreements and the members of the bodies established thereunder to apply as far as possible the rules contained in said set of principles and invited those parties to amend the texts of their conventions and agreements when feasible in order to bring them into line therewith.⁴³

³⁹ The Conference noted that the "procedure of multilateral agreements" had been used to establish commissions and committees whose tasks fell within the general terms of reference of the Organization even though, in accordance with the provisions of article VI of the Constitution, general or regional commissions or committees could be established by a decision of the Conference or Council.

⁴⁰ In the Conference's view, although "any multilateral agreement between Member Governments [might] undoubtedly provide for the establishment of a commission or an executive body... the setting up of a commission or a committee by [such an] agreement [would be] justified only when the agreement [presupposed] the assumption of specific obligations going beyond mere participation in the work of the body thus established."

⁴¹ FAO, *Basic Texts*, vol. II (1968), pp. 32-34.

⁴² FAO, *Report of the Ninth Session of the Conference* (1957), appendix D, pp. 223-235; see also FAO, *Basic Texts*, vol. II (1968), pp. 35-50.

⁴³ Below are quoted some of the principles to govern conventions and agreements relevant in the context of the present study (see FAO, *Basic Texts*, vol. II (1968), pp. 35, 36, 38, 39 and 40):

"Terminology

"1. Such treaties concluded under Article XIV of the Constitution as are of a world-wide scope, shall in the future be designated by the term 'convention', while the others shall be designated by the term 'agreement'."

...

"Participation in Conventions and Agreements

"4. *Method of participation*: Both the traditional system, i.e. that of signature, signature subject to ratification, and accession, as well as the more recent and simplified system of acceptance by the deposit of an instrument of acceptance have in the past been applied by the Organization and shall be retained. Under both systems the period during which nations may become parties to the conventions

(Continued on next page.)

(c) MULTILATERAL CONVENTIONS AND AGREEMENTS CONCLUDED UNDER ARTICLE XIV OF THE FAO CONSTITUTION

20. Nine multilateral treaties have been adopted under article XIV of the FAO Constitution, and all of them have already entered into force. They are briefly described below in the chronological order of their approval by the Conference or Council of FAO. With one exception they are constituent instruments of international bodies, set up to facilitate technical co-operation in specific areas.⁴⁴ The first six were done and came into force prior to the adoption by the Conference of the set of

(Continued.)

or agreements may be limited by a provision in the basic text if circumstances so warrant.

...

"Participation of Associate Members"

"7. Existing bodies established under conventions and agreements shall be invited to amend their basic instrument, if and when necessary, in order to make participation by Associate Members possible.

...

"Territorial Application"

"11. Each convention and agreement shall contain a clause regarding its territorial application in order to avoid any ambiguity in this respect. The contracting parties shall, at the time of signature, ratification, accession or acceptance declare explicitly to what territories the convention or agreement shall extend, especially in those cases where a Government is responsible for the international relations of more than one territory. In the absence of such a declaration, the convention or agreement shall be deemed to apply to all the territories for the international relations of which the nation is responsible. Subject to the principles laid down in paragraph 14 and to any relevant provision of the convention or agreement regarding withdrawal, the scope of the territorial application may be modified by a subsequent declaration.

...

"Withdrawal and Denunciation"

"14. (a) All conventions and agreements drafted in future shall contain a clause regarding withdrawal or denunciation on the basis of the following principles:

...

"(ii) A nation that is responsible for the international relations of more than one territory, shall, when giving notice of its withdrawal from a convention or agreement, 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 nation concerned is responsible, with the exception of Associate Members.

"(iii) A nation may give notice of withdrawal with respect to one or more of the territories for the international relations of which it is responsible.

...

"Any Member Nation that gives notice of withdrawal from the Organization is deemed to have simultaneously given notice of withdrawal from such conventions or agreements and this withdrawal is deemed to apply to all the territories for the international relations of which the Member Nation is responsible. A clause dealing with this aspect of the participation shall be incorporated in all conventions and agreements of this nature drafted in future, having regard to the principles contained in paragraph 3 (b) of article XIV of the Constitution." [See paragraph 15 above].

⁴⁴ The exception is the International Plant Protection Convention (see FAO, *Directory of Statutory Bodies* (1967); United Nations, *Treaty Series*, vol. 150, p. 67).

principles referred to in the preceding subsection (b). With two exceptions,⁴⁵ they were subsequently amended in order to bring them into line with said principles.

I. CONSTITUTION OF THE INTERNATIONAL RICE COMMISSION (1948)

21. The Constitution of the International Rice Commission⁴⁶ was formulated at the International Rice Meeting at Baguio, Philippines (1-13 March 1948) and approved by the Conference of FAO at its fourth session held in Washington, D.C., from 16 to 29 November 1948.⁴⁷ It came into force on 4 January 1949. Amendments to the Constitution have been adopted by the International Rice Commission on three occasions: at its third session held in Bandung from 12 to 16 May 1952,⁴⁸ at its fourth session held in Tokyo from 11 to 19 October 1954,⁴⁹ and at its seventh session held in Saigon from 16 to 20 November 1960.⁵⁰ The amendments have entered into effect as from the respective dates of approval by the FAO Conference. The Constitution has been open to acceptance by Member Nations since its approval by the FAO Conference; as from the date of the entering into effect of the third amendment, namely 23 November 1961,⁵¹ it has also been open to acceptance by Associate Members. Article IX of the Constitution of the International Rice Commission, as amended with effect from the same date, incorporates the territorial application clause prescribed in the principles governing conventions and agreements adopted at the ninth session of the Conference.⁵²

2. AGREEMENT FOR THE ESTABLISHMENT OF THE INDO-PACIFIC FISHERIES COUNCIL (1948)

22. The Agreement for the establishment of the Indo-Pacific Fisheries Council⁵³ was formulated at Baguio, Philippines, on 26 February 1948 and the establishment of that Council was approved by the Conference of FAO at its fourth session held in Washington from 15 to

⁴⁵ The International Plant Protection Convention and the Plant Protection Agreement for the South East Asia and Pacific Region (United Nations, *Treaty Series*, vol. 247, p. 400).

⁴⁶ United Nations, *Treaty Series*, vol. 120, p. 13.

⁴⁷ FAO, *Report of the Fourth Session of the Conference* (1948), p. 65.

⁴⁸ Approved by resolution 56/53 of the FAO Conference on 10 December 1953 (FAO, *Report of the Seventh Session of the Conference* (1953), pp. 156-157). For the text of the amendment see: United Nations, *Treaty Series*, vol. 193, p. 352.

⁴⁹ Approved by resolution 36/55 of the FAO Conference on 18 November 1955 (FAO, *Report of the Eighth Session of the Conference* (1955), p. 151). For text of the amendment, see United Nations, *Treaty Series*, vol. 229, p. 297.

⁵⁰ Approved by resolution 26/61 of the FAO Conference on 23 November 1961 (FAO, *Report of the Eleventh Session of the Conference* (1961), pp. 68 and 69). For the text of the amendment, see United Nations, *Treaty Series*, vol. 418, p. 334.

⁵¹ United Nations, *Treaty Series*, vol. 418, p. 334.

⁵² See foot-note 43 above.

⁵³ United Nations, *Treaty Series*, vol. 120, p. 59.

29 November 1948.⁵⁴ The Agreement came into force on 9 November 1948; amendments to it have been adopted by the Indo-Pacific Fisheries Council on four occasions with effect as from the dates indicated in parentheses:⁵⁵ at its fourth session held at Quezon City from 23 October to 7 November 1952 (9 December 1952);⁵⁶ at its sixth session held in Tokyo from 30 September to 14 October 1955 (31 October 1955);⁵⁷ at its eighth session held at Colombo from 6 to 22 December 1958 (17 December 1958);⁵⁸ and at its ninth session held in Karachi from 6 to 23 January 1961 (23 November 1961).⁵⁹ With effect as from the date of the fourth amendment, namely 23 November 1961, the Agreement is open to acceptance by Member Nations and Associate Members of FAO and non-member Nations which are Members of the United Nations, the latter being subject in addition to an admission procedure, in accordance with article I, para. 2 and article IX, para. 2, of the Agreement as amended.⁶⁰ Article XI of the Agreement, as amended with effect as from that same date, incorporates the territorial application clause prescribed in the principles governing conventions and agreements.⁶¹

3. AGREEMENT FOR THE ESTABLISHMENT OF A GENERAL FISHERIES COUNCIL FOR THE MEDITERRANEAN (1949)

23. The Agreement for the establishment of a General Fisheries Council for the Mediterranean⁶² was formulated at Rome on 24 September 1949 and, after being approved by the FAO Conference⁶³ at its fifth session, held from 21 November to 6 December 1949, it entered into force on 20 February 1952.⁶⁴ Amendments to the Agreement were adopted on 22 May 1963 by the General Fisheries Council for the Mediterranean and entered into force on 3 December 1963, date of their approval by the FAO Conference.⁶⁵ Prior to this date, the Agree-

⁵⁴ FAO, *Report of the Fourth Session of the Conference* (1948), pp. 53 and 54.

⁵⁵ Under the original article VII of the Agreement, amendments required in general a two-thirds majority vote of all the members of the Council. In addition, approval by the Conference or the Director-General of FAO was needed when amendments concerned the extension of the Council's functions or the Council's powers to incur expenses to be borne by FAO. (United Nations, *Treaty Series*, vol. 120, p. 66). However, under article VII as amended (effective 23 November 1961), future amendments will become effective only upon approval of FAO's Council or Conference as appropriate (United Nations, *Treaty Series*, vol. 418, pp. 356-358).

⁵⁶ United Nations, *Treaty Series*, vol. 190, p. 383.

⁵⁷ *Ibid.*, vol. 227, p. 322.

⁵⁸ *Ibid.*, vol. 343, p. 343.

⁵⁹ *Ibid.*, vol. 418, p. 348. Approved by resolution 27/61 of the FAO Conference (FAO, *Report of the Eleventh Session of the Conference* (1961), pp. 69 and 70).

⁶⁰ United Nations, *Treaty Series*, vol. 418, pp. 348 and 358.

⁶¹ See foot-note 43 above.

⁶² United Nations, *Treaty Series*, vol. 126, p. 237.

⁶³ FAO, *Report of the 5th Session of the Conference* (1949), p. 50.

⁶⁴ United Nations, *Treaty Series*, vol. 126, p. 239.

⁶⁵ FAO, *Report of the Twelfth Session of the Conference* (1963), pp. 84 and 85, resolution 39/63. For the text of the amendment, see United Nations, *Treaty Series*, vol. 490, p. 444.

ment was open to acceptance by "Governments... members of [FAO]" and by "Governments... not members of [FAO]", the latter being subject to an admission procedure (original article VIII (1) and (2) of the Agreement). With effect as from the date of the amendment, the Agreement is open to acceptance by Member Nations or Associate Members of FAO and by non-member nations which are Members of the United Nations, the latter being subject to an admission procedure, in accordance with article I, para. 2, and article IX, para. 2 of the Agreement as amended.⁶⁶ Article XI of the Agreement, as amended, incorporates the territorial application clause prescribed in the principles governing conventions and agreements.⁶⁷

4. INTERNATIONAL PLANT PROTECTION CONVENTION (1951)

24. The *International Plant Protection Convention*⁶⁸ was approved by the Conference of FAO on 6 December 1951⁶⁹ and came into force on 3 April 1952.⁷⁰ The Convention was open for signature by governments until 1 May 1952, to be followed by ratification, and for adherence by non-signatory governments after its coming into force.⁷¹ Governments may, at the time of ratification or adherence, or at any time thereafter, extend the application of the Convention to all or any of the territories for the international relations of which they are responsible.⁷²

5. CONSTITUTION OF THE EUROPEAN COMMISSION FOR THE CONTROL OF FOOT-AND-MOUTH DISEASE (1953)

25. The *Constitution of the European Commission for the Control of Foot-and-Mouth Disease*⁷³ was approved by the Conference of FAO on 11 December 1953⁷⁴ and came into force on 12 June 1954.⁷⁵ Amendments to the Constitution have been adopted by the Commission on three occasions: at its fourth session held in Rome on 2 and 3 April 1957,⁷⁶ at its fifth session held in Rome on 17 and 18 April 1958,⁷⁷ and at its ninth session held in Rome on 29 March 1962.⁷⁸ The amendments have entered into force on the dates of their approval by the

⁶⁶ United Nations, *Treaty Series*, vol. 490, pp. 446 and 454.

⁶⁷ See foot-note 43 above.

⁶⁸ United Nations, *Treaty Series*, vol. 150, p. 67.

⁶⁹ FAO, *Report of the 6th Session of the Conference* (1951), pp. 154 and 155, resolution 85/51.

⁷⁰ United Nations, *Treaty Series*, vol. 150, p. 68.

⁷¹ *Ibid.*, art. XII.

⁷² *Ibid.*, art. XI.

⁷³ United Nations, *Treaty Series*, vol. 191, p. 285.

⁷⁴ FAO, *Report of the Seventh Session of the Conference* (1953), p. 115, resolution 33/53.

⁷⁵ United Nations, *Treaty Series*, vol. 191, p. 286.

⁷⁶ Approved on 12 June 1957 by the FAO Council (United Nations, *Treaty Series*, vol. 274, pp. 374 and 375).

⁷⁷ Approved on 31 October 1958 by the FAO Council (United Nations, *Treaty Series*, vol. 315, p. 241).

⁷⁸ Approved by resolution 3/39 adopted on 26 October 1962 by the FAO Council (United Nations, *Treaty Series*, vol. 454, p. 556).

Council of FAO. The Constitution is open to acceptance by European Member Nations of FAO and by European members of the International Office of Epizootics which are Members of the United Nations. Other European nations which are Members of the United Nations may be admitted to membership through an admission procedure.⁷⁹

6. PLANT PROTECTION AGREEMENT FOR THE SOUTH EAST ASIA AND PACIFIC REGION (1956)

26. The Plant Protection Agreement for the South East Asia and Pacific Region⁸⁰ was given final approval by the FAO Council on 26 November 1955⁸¹ and came into force on 2 July 1956.⁸² The Agreement was open for signature until the date of its entry into force (2 July 1956) and for adherence as from that date.⁸³ It is open to participation by the Government of any State situated in the South East Asia and Pacific Region or any Government responsible for the international relations of a territory or territories in the Region.⁸⁴ The Region "comprises the territories in South East Asia east of the western border of Pakistan and south of the Himalayas, the southern border of China and the northern border of the Philippines, and all those territories in the Pacific Ocean, the South China Sea and the Indian Ocean situated wholly or partly in the area bounded by longitudes 100° East and 165° West and latitudes 15° North and 20° South, but excluding Australia".⁸⁵

7. CONVENTION PLACING THE INTERNATIONAL POPLAR COMMISSION WITHIN THE FRAMEWORK OF FAO (1959)

27. The Convention placing the International Poplar Commission within the framework of FAO⁸⁶ was approved by the Conference of FAO on 19 November 1959.⁸⁷ and came into force on 26 September 1961. An amendment to article IV of the Convention was adopted by the International Poplar Commission at its second special session, held at Rome on 30 October 1967⁸⁸ and entered into force on 21 November 1967,

⁷⁹ Article I, para. 1, and article XV, para. 2 of the Constitution (United Nations, *Treaty Series*, vol. 454, pp. 556 and 562). Prior to the date of the last amendments "membership of the United Nations" was not a condition of participation by European non-member Nations of FAO.

⁸⁰ United Nations, *Treaty Series*, vol. 247, p. 400.

⁸¹ FAO, *Proceedings of the Twenty-third Session of the Council*, document CL/23/PV-1. See also: FAO, document CL/23/3 and *Report of the Twenty-first Session of the Council*, pp. 20 and 21.

⁸² United Nations, *Treaty Series*, vol. 247, p. 400.

⁸³ *Ibid.*, pp. 406 and 407, art. X, paras. 2 and 3.

⁸⁴ *Ibid.*, p. 406, art. X, para. 1.

⁸⁵ *Ibid.*, p. 400, article 1 (a) of the Agreement. The definition of the area has been modified by an amendment to article 1 (a) of the Agreement, not yet in force (FAO, *Report of the Forty-ninth Session of the Council* (1967), pp. 14 and 15, resolution 2/49).

⁸⁶ United Nations, *Treaty Series*, vol. 410, p. 155.

⁸⁷ FAO, *Report of the Tenth Session of the Conference* (1959), pp. 227 and 228, resolution 61/59.

⁸⁸ United Nations, *Statement of Treaties and International Agreements registered or filed and recorded with the Secretariat* (hereinafter referred to as "United Nations, *Statement*"), April 1968, p. 10.

the date of its approval by the FAO Conference.⁸⁹ The Convention is open to acceptance by Member Nations or Associate Members of FAO and by non-member Nations which are States Members of the United Nations, the latter being subject to an admission procedure.⁹⁰ Article XIV of the Convention incorporates the territorial application clause prescribed in the "principles governing conventions and agreements".⁹¹

8. AGREEMENT FOR THE ESTABLISHMENT OF A COMMISSION FOR CONTROLLING THE DESERT LOCUST IN THE EASTERN REGION OF ITS DISTRIBUTION AREA IN SOUTH WEST ASIA (1963)

28. The Agreement for the establishment of a Commission for Controlling the Desert Locust in the Eastern Region of its Distribution Area in South West Asia⁹² was approved by the Conference of FAO on 3 December 1963⁹³ on the basis of a recommendation originally made by a special conference held in Teheran from 1 to 4 October 1962. It came into force on 15 December 1964. The Agreement is open to acceptance by Member Nations or Associate Members of FAO situated in the Region and by non-member Nations situated in the Region which are Members of the United Nations, the latter being subject to an admission procedure.⁹⁴ The Region is defined as consisting of "the territories of Afghanistan, India, Iran and Pakistan and any territories adjacent to the above countries".⁹⁵ Article XVI of the Agreement incorporates the territorial application clause prescribed in the "principles governing conventions and agreements".⁹⁶

9. AGREEMENT FOR THE ESTABLISHMENT OF A COMMISSION FOR CONTROLLING THE DESERT LOCUST IN THE NEAR EAST (1965)

29. The Agreement for the establishment of a Commission for Controlling the Desert Locust in the Near East⁹⁷ was approved by the Council of FAO at its forty-fourth session held from 21 June to 2 July 1965,⁹⁸ on the basis of recommendations made by the Conference in resolution 9/61⁹⁹ and by a special technical conference held in Beirut from 15 to 18 March 1965. It came into force on 21 February 1967. The Agreement is open to

⁸⁹ FAO, *Report of the Fourteenth Session of the Conference* (1967), pp. 103 and 104, resolution 18/67.

⁹⁰ United Nations, *Treaty Series*, vol. 410, p. 158, art. II.

⁹¹ See foot-note 43 above.

⁹² United Nations, *Treaty Series*, vol. 529, p. 217.

⁹³ FAO, *Report of the Twelfth Session of the Conference* (1963), p. 92, resolution 44/63.

⁹⁴ United Nations, *Treaty Series*, vol. 529, pp. 218 and 220, art. I.

⁹⁵ *Ibid.*, p. 218, preamble.

⁹⁶ See foot-note 43 above.

⁹⁷ United Nations, *Treaty Series*, vol. 592, p. 215.

⁹⁸ FAO, *Report of the Forty-fourth Session of the Council* (1965), p. 39, resolution 6/44.

⁹⁹ FAO, *Report of the Eleventh Session of the Conference* (1961), pp. 30 and 31.

acceptance by Member Nations or Associate Members of FAO "situated in the Region" and by non-member Nations "situated in the Region that are Members of the United Nations", the latter being subject to an admission procedure.¹⁰⁰ The Region is defined as consisting of "the territories of Iraq, Jordan, Kuwait, Lebanon, Saudi Arabia, Sudan, Syrian Arab Republic, Turkey, United Arab Republic and Yemen and of other territories in the Arabian Peninsula situated south of latitude 27 degrees north".¹⁰¹ Article XV of the Agreement incorporates the territorial application clause prescribed in the "principles governing conventions and agreements".¹⁰²

C. Description of relevant cases concerning participation in FAO instruments

30. Cases concerning participation in FAO instruments are described below with a view to ascertaining any features of States' succession to multilateral treaties that may be present in the practice of the Organization. In that light, the present section reviews participation in connexion with both the FAO Constitution (subsection (a)) and the multilateral conventions and agreements concluded within FAO and deposited with its Director-General (subsection (b)). The description of each case is based on FAO official documents, in particular the reports of the successive sessions of the FAO Conference,¹⁰³ and on the *Treaty Series* of the United Nations.

(a) CASES RELATING TO THE FAO CONSTITUTION

31. As at 31 January 1969 there were 117 Member Nations¹⁰⁴ and 2 associate members¹⁰⁵ of FAO. Fifty-one of the present 117 Member Nations are newly inde-

pendent States, emerged since the entry into force of the FAO Constitution from non-metropolitan territories for the international relations of which a Member Nation of FAO was responsible before their independence. All those cases have been grouped below in subsection 1. Cases concerning changes (formation and dissolution of unions; partition; transfer of sovereignty; etc.) undergone by Member Nations or Associate Members of FAO have been grouped in subsection 2.

1. ADMISSION AS MEMBER NATIONS OF FORMER NON-METROPOLITAN TERRITORIES FOR WHOSE INTERNATIONAL RELATIONS A MEMBER NATION WAS RESPONSIBLE

(i) After attaining independence

32. Pursuant to article II, paragraph 2 of the Constitution (see paragraph 8 above), thirty-five States former non-metropolitan territories for whose international relations a Member Nation of FAO was responsible were, after attaining independence, admitted by the Conference as Member Nations of the Organization and became, upon acceptance of the obligations of the Constitution, parties thereto.

33. The following six States were admitted before the Conference, at its sixth session in 1951, amended the original text of article II of the FAO Constitution as to the effective date of admission (see paragraph 9 above):

States	Dates of approval of application for admission	Effective date of membership ¹⁰⁸
Ceylon	14 April 1948 ¹⁰⁷	21 May 1948
Israel	23 Nov. 1949 ¹⁰⁸	23 Nov. 1949
Jordan	10 Nov. 1950 ¹⁰⁹	23 Jan. 1951
Cambodia	10 Nov. 1950 ¹⁰⁹	11 Nov. 1950
Viet-Nam	10 Nov. 1950 ¹⁰⁹	11 Nov. 1950
Laos	21 Nov. 1951 ¹¹⁰	21 Nov. 1951

34. When applying for admission, as well as at the time of effective membership, *Cambodia*, *Viet-Nam* and *Laos* were independent within the French Union. Their applications were transmitted to FAO in communications the pertinent paragraphs of which are quoted below:

¹⁰⁰ United Nations, *Treaty Series*, vol. 592, pp. 216 and 218, art. 1.

¹⁰¹ *Ibid.*, preamble.

¹⁰² See foot-note 43 above.

¹⁰³ The FAO Conference meets in regular session once every two years (FAO, *Basic Texts* (1968), vol. I, p. 10, Constitution, art. III, para. 6). The last session (fourteenth) took place from 4-23 November 1967.

¹⁰⁴ Afghanistan, Algeria, Argentina, Australia, Austria, Barbados, Belgium, Bolivia, Botswana, Brazil, Bulgaria, Burma, Burundi, Cambodia, Cameroon, Canada, Central African Republic, Ceylon, Chad, Chile, Colombia, Congo (Brazzaville), Congo (Democratic Republic of the), Costa Rica, Cuba, Cyprus, Dahomey, Denmark, Dominican Republic, Ecuador, El Salvador, Ethiopia, Federal Republic of Germany, Finland, France, Gabon, Gambia, Ghana, Greece, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Kuwait, Laos, Lebanon, Lesotho, Liberia, Libya, Luxembourg, Madagascar, Malawi, Malaysia, Mali, Malta, Mauritania, Mauritius, Mexico, Morocco, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Somalia, Spain, Sudan, Sweden, Switzerland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago,

Tunisia, Turkey, Uganda, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Upper Volta, Uruguay, Venezuela, Viet-Nam, Yemen, Yugoslavia, Zambia.

¹⁰⁵ Bahrain and Qatar.

¹⁰⁶ FAO, *Manual*, chap. VI, sect. 615 (hereinafter referred to as "FAO, *Manual*").

¹⁰⁷ FAO, *Report of the Special Session of the Conference* (1948), p. 2.

¹⁰⁸ FAO, *Report of the 5th Session of the Conference* (1949), pp. 3 and 4.

¹⁰⁹ FAO, *Report of the Special Session of the Conference* (1950), pp. 3 and 4.

¹¹⁰ FAO, *Report of the 6th Session of the Conference* (1951), pp. 138 and 139.

*Cambodia*¹¹¹

Letter dated 30 August 1950, from the Minister of Foreign Affairs of the Kingdom of Cambodia, addressed to the Director-General of FAO:

...

Cambodia, having acquired the status of an independent State within the French Union, following ratification by the Republic of France of the Franco-Khmer Treaty of 8 November 1949, is desirous of participating, as a full Member, in the work of [FAO].

I have the honour to request you to submit to the... [Conference]... the candidacy of Cambodia with a view to its admission to membership in the Organization.

...

*Viet-Nam*¹¹²

Letter dated 31 August 1950, from the President of the Government, Minister of Foreign Affairs of the State of Viet-Nam, addressed to the Director-General of FAO:

...

Viet-Nam, having acquired the status of an independent State within the French Union, following ratification by the French Parliament, on 2 February 1950, of the Agreement negotiated on 8 March 1949 between M. Vincent Auriol, President of the French Republic, and His Majesty Bao-Dai, Chief of State of Viet-Nam, is desirous of participating in the action undertaken by the Food and Agriculture Organization of the United Nations...

Therefore, I have the honour to request you to submit to the... Conference... the application of the State of Viet-Nam for membership in the Food and Agriculture Organization.

In submitting the request for the admission of Viet-Nam, the Government of His Majesty Bao-Dai declares its acceptance of the Constitution of the Food and Agriculture Organization of the United Nations together with the obligations thereby incurred, which it promises to observe, and affirms its wish to co-operate fully with the other Member States.

...

*Laos*¹¹³

Letter dated 23 October 1951, from the Embassy of the French Republic in Italy, addressed to the Director-General of FAO:

...

The Government of Laos has requested the French Government to inform you of its decision to apply for membership in the Food and Agriculture Organization of the United Nations.

The French Government would therefore request that the application for membership of Laos be placed on the agenda of the forthcoming session of the Conference.

...

¹¹¹ FAO, *Special Session of the Conference* (1950), document C 50/15, annex II.

¹¹² *Ibid.*, annex III.

¹¹³ FAO, *6th Session of the Conference* (1951), document C 51/5, supplement 1, appendix I.

35. The remaining twenty-nine States were admitted after the adoption of the amendment to article II referred to in paragraph 33 above, as from the indicated dates:

<i>States</i>	<i>Effective date of membership</i>
Morocco	13 September 1956 ¹¹⁴
Sudan	13 September 1956 ¹¹⁴
Ghana	9 November 1957 ¹¹⁵
Federation of Malaya	9 November 1957 ¹¹⁵
Guinea	5 November 1959 ¹¹⁶
Central African Republic	9 November 1961 ¹¹⁷
Chad	9 November 1961 ¹¹⁷
Congo (Brazzaville)	9 November 1961 ¹¹⁷
Congo (Democratic Republic of the)	9 November 1961 ¹¹⁷
Dahomey	9 November 1961 ¹¹⁷
Gabon	9 November 1961 ¹¹⁷
Ivory Coast	9 November 1961 ¹¹⁷
Kuwait	9 November 1961 ¹¹⁷
Madagascar	9 November 1961 ¹¹⁷
Mali	9 November 1961 ¹¹⁷
Mauritania	9 November 1961 ¹¹⁷
Niger	9 November 1961 ¹¹⁷
Senegal	9 November 1961 ¹¹⁷
Sierra Leone	9 November 1961 ¹¹⁷
Upper Volta	9 November 1961 ¹¹⁷
Algeria	19 November 1963 ¹¹⁸
Burundi	19 November 1963 ¹¹⁸
Rwanda	19 November 1963 ¹¹⁸
Trinidad and Tobago	19 November 1963 ¹¹⁸
Uganda	19 November 1963 ¹¹⁸
The Gambia	22 November 1965 ¹¹⁹
Malawi	22 November 1965 ¹¹⁹
Zambia	22 November 1965 ¹¹⁹
Barbados	6 November 1967 ¹²⁰

*(ii) Before attaining full independence**a. Membership effective prior to accession to full independence*

36. Before attaining full independence, *Burma*, *Indonesia* and *Tunisia* became additional Member Nations of FAO. The first two States were admitted, and their membership became effective, prior to the adoption of the amendment to article II of the Constitution referred to in para-

¹¹⁴ FAO, *Report of the Third Special Session of the Conference* (1956), pp. 2 and 3.

¹¹⁵ FAO, *Report of the Ninth Session of the Conference* (1957), pp. 205 and 206.

¹¹⁶ FAO, *Report of the Tenth Session of the Conference* (1959), p. 268.

¹¹⁷ FAO, *Report of the Eleventh Session of the Conference* (1961), pp. 84 and 85.

¹¹⁸ FAO, *Proceedings of the Twelfth Session of the Conference* (1963), sixth plenary meeting, document C 63/PV-6, and *Report of the Twelfth Session of the Conference* (1963), p. 103.

¹¹⁹ FAO, *Manual and Report of the Thirteenth Session of the Conference* (1965), p. 105.

¹²⁰ FAO, *Proceedings of the Fourteenth Session of the Conference* (1967), fourth plenary meeting, document C 67/PV-4 and *Report of the Fourteenth Session of the Conference* (1967), p. 124.

graph 33 above. *Tunisia* was admitted after the adoption of said amendment and at the same session of the Conference at which associate membership was established.¹²¹ A brief description is given below of the process of admission to FAO as regards those three States.

Burma

37. At its third session (1947), the Conference had before it, *inter alia*, an application for membership from the Government of Burma, dated 25 August 1947.¹²² On the recommendation of its General Committee the Conference, at the third plenary meeting held on 26 August 1947, decided that "in order to allow delegations to obtain instructions regarding [that] application... the vote... be delayed for a maximum of one week".¹²³ The application having been approved at the sixth plenary meeting, held on 2 September 1947,¹²⁴ Burma became a Member Nation with effect as from 11 September 1947.¹²⁵ Burma attained independence on 4 January 1948, date of the entry into force of the "Treaty (with Exchange of Notes) between the Government of the United Kingdom of Great Britain and Northern Ireland and the provisional Government of Burma regarding the recognition of Burmese independence and related matters".¹²⁶

Indonesia

38. At its fifth session (1949), the Conference had before it an application for membership from the Government of Indonesia dated 20 October 1949.¹²⁷ As regards this application the seventh session of the Council had reported to the Conference as follows:

With respect to the application of Indonesia, the Council wishes to place before the Conference the following information regarding the status of that country, supplied by the representative of the Netherlands:

A Provisional Federal Government of Indonesia is now in existence and Indonesia is virtually fully sovereign, since the treaty signed on 2 November 1949 between the Netherlands and Indonesia provides for official transfer of sovereignty not later than 30 December 1949.

A Delegation will attend the Conference with full powers from that Provisional Federal Government, and with the concurrence of all the parties to that treaty, to accept the Constitution of FAO.

While decision on the application for membership is entirely a matter for determination by the Conference, the Council wishes to point out that if the admission of Indonesia were postponed because that country had not yet obtained full status of sovereignty it would involve a delay of at least one year, while that status will presumably become effective not later than three weeks after the

conclusion of the Conference. It would also point out that in the past the Conference has admitted nations to membership before such nations had actually become fully sovereign.¹²⁸

39. On the recommendation of its General Committee¹²⁹ the Conference, at the fourth plenary meeting held on 23 November 1949, approved Indonesia's application for admission.¹³⁰ At the fifth plenary meeting of the Conference, the Indonesian representative stated:

On behalf of Indonesia and its people I wish to express my gratitude to the Conference for admitting Indonesia as a member of the Food and Agriculture Organization. I also wish to thank the Government of the Netherlands for transmitting the application for membership of Indonesia and the Netherlands delegation to this Conference for its efforts to achieve this result. Our delegation has been empowered to accept, in accordance with article 2, the Constitution of FAO. In the very near future, Indonesia will be an independent and sovereign State and we are grateful that the FAO is the first specialized agency of which Indonesia becomes a member...¹³¹

Indonesia's membership of FAO became effective as from 28 November 1949.¹³²

Tunisia

40. At its eighth session, on 23 November 1955, the Conference was informed that an application for membership had been submitted by the Government of France on behalf of the Government of *Tunisia*. On the recommendation of the General Committee, which had reported that

the Minister of National Economy of *Tunisia*, who would be representing his Government on that occasion, had full powers to accept the FAO Constitution as required under article II (2) of that instrument,

the Conference decided to add to the agenda of its eighth session the question of admission of *Tunisia* to membership of the Organization. The application having been approved, *Tunisia* was admitted to membership as of 25 November 1955.¹³³ It is to be noticed that although the application was made by France on behalf of *Tunisia*, which attained full independence on 20 March 1956, the acceptance of the Constitution was made by Tunisian authorities. It must also be pointed out that the decision concerning the admission of *Tunisia* as a Member Nation was taken some days after the adoption at the same session of the Conference, of the amendment to the FAO Constitution providing for associate membership.¹³⁴ The reference to article II,

¹²⁸ FAO, *Report of the Seventh Session of the Council* (14-17 November 1949), pp. 22 and 23.

¹²⁹ FAO, *Fifth Session of the Conference* (1949), *Report of General Committee*, document C 49/34.

¹³⁰ FAO, *Proceedings of the Fifth Session of the Conference* (1949), p. 38, document C 49/PV-4.

¹³¹ *Ibid.*, p. 39, document C 49/PV-5.

¹³² FAO, *Manual*.

¹³³ FAO, *Report of the Eighth Session of the Conference* (1955), pp. 177 and 178.

¹³⁴ See paragraph 12 above. The amendment was adopted at the sixth plenary meeting, on 18 November 1955 (FAO, *Proceedings of the Eighth Session of the Conference* (1955), pp. 92 and 93, document C 55/PV-6) after having been approved "in principle" by the Con-

(Continued on next page.)

¹²¹ See para. 12 above.

¹²² FAO, *Report of the Third Session of the Conference* (1947), p. 3.

¹²³ FAO, *Proceedings of the Third Session of the Conference* (1947), pp. 7 and 8.

¹²⁴ *Ibid.*, p. 33.

¹²⁵ FAO, *Manual*.

¹²⁶ United Nations, *Treaty Series*, vol. 70, p. 184.

¹²⁷ FAO, *Report of the 5th Session of the Conference* (1949), pp. 3 and 4.

para. 2, in the General Committee's report makes clear, however, that the status granted was that of a Member Nation, which was the one indicated in the application submitted by France.

b. Membership effective after accession to independence

41. Beginning at the tenth session, in 1959, fourteen nations were admitted to membership by decisions taken by the Conference prior to their accession to independence, the effectiveness of their membership being, however, postponed until a date subsequent to that of independence. A brief description is given below of the process of admission to FAO as regards those nations.

Cyprus, Nigeria and Somalia; Cameroon and Togo

42. At its tenth session in 1959, the Conference had before it: (a) an application for associate membership on behalf of *Somalia*, at the time a Trust Territory under Italian Administration, (b) applications on behalf of *Cyprus* and the *Federation of Nigeria* for associate membership until they became independent and for membership from the date on which they became independent, and (c) applications for membership, under cover of transmittal letters from the French Government, from the *Republic of Togo* and the *State of Cameroon*, nations still under Trusteeship.¹³⁵

43. The Conference noted that those five applications concerned nations which would become independent during 1960 and the wish of the applying metropolitan Powers that they were admitted without delay. The Conference agreed with that wish "since the interests of FAO would undoubtedly be best served if the membership of the Organization included the largest possible number of States"¹³⁶ and adopted, on 5 November 1959, the two resolutions quoted below:

Resolution 89/59:

The Conference

Decides, with respect to the applications received concerning *Cyprus*, *Nigeria*, *Cameroon*, *Togo* and *Somalia*:

(a) to proceed to a secret ballot as laid down in Article II of the Constitution;

(b) to grant membership to each of the above nations that obtain the required two-thirds majority of the votes cast, on condition that the government of each such nation shall submit to the Director-General, after the end of trusteeship or on accession to independence, an instrument confirming its desire to be a member of the Organization and its acceptance of the obligations of the Constitution;

(Continued.)

ference at its previous session (FAO, *Report of the Seventh Session of the Conference* (1953), pp. 141 and 142). Since amendments of this kind enter into effect immediately (FAO, *Basic Texts* (1968), vol. I, p. 24, Constitution, article XX, para. 2). It would appear that Tunisia might have been admitted to associate membership rather than to full membership.

¹³⁵ FAO, *Tenth Session of the Conference* (1959), documents C 59/40; C 59/40, Suppl. 1; C 59/LIM/9; and *Report of the Tenth Session of the Conference* (1959), p. 266.

¹³⁶ FAO, *Report of the Tenth Session of the Conference* (1959), pp. 266 and 267.

(c) that such admission to membership shall take effect on the day of receipt of the aforesaid instrument if found valid, and that all Member Nations shall immediately be notified accordingly;

(d) in respect of *Cyprus*, *Nigeria* and *Somalia* only, that for the interim period, i.e., from the time the results of the ballot have been announced until accession to membership, each Nation having obtained the required majority shall enjoy the privileges set out in paras. 3 and 4 of Article II of the Constitution.¹³⁷

Resolution 92/59:

The Conference

Having proceeded to a secret ballot in accordance with article II para. 2 of the Constitution and Rule XII, para. 7 of the Rules adopted by the Conference

Declares that *Cyprus*, the *Federation of Nigeria*, the *State of Cameroon*, the *Republic of Togo* and *Somalia* are admitted as members of the Food and Agriculture Organization of the United Nations as from the date on which trusteeship ends in the case of *Cameroon*, *Somalia* and *Togo*, and as from the date on which they become independent in the case of *Cyprus* and *Nigeria*.¹³⁸

44. In accordance with resolution 89/59, *Cyprus*, *Nigeria* and *Somalia* became Associate Members as from the date of the adoption of the resolution (5 November 1959). Paragraphs 3 and 4 of article II of the Constitution mentioned in paragraph (d) of the said Resolution refer to associate membership. *Togo* and *Cameroon*, however, were not admitted to associate membership. This conclusion is supported by the fact that in assessing the contributions to be paid for the new members and associate members for the fiscal year 1959, the Conference did not include *Togo* and *Cameroon*.¹³⁹ The non-granting of associate membership to *Togo* and *Cameroon* might be explained by the fact that their applications were for membership only, while that of *Somalia* was for associate membership and those of *Cyprus* and *Nigeria* for associate membership until independence and for membership thereafter. In accordance with resolution 92/59, read together with resolution 89/59, although the admission as Member Nations of all five nations (*Cameroon*, *Cyprus*, *Nigeria*, *Somalia* and *Togo*) was approved at the time, their membership in that capacity was to take effect on the day of the receipt by FAO of their instruments of acceptance, after accession to independence or the end of trusteeship. The five States concerned attained independence in 1960.¹⁴⁰ Upon fulfilment of the conditions laid down by resolution 89/59 their membership became effective as from the dates indicated in parentheses.¹⁴¹ *Cameroon* (22 March 1960); *Cyprus* (14 September 1960); *Nigeria* (11 October 1960); *Somalia* (17 November 1960); *Togo* (23 May 1960).

Jamaica and Tanganyika

45. At its eleventh session (1961) the Conference had before it applications for associate membership from the Government of the United Kingdom on behalf of

¹³⁷ *Ibid.*, p. 267.

¹³⁸ *Ibid.*, pp. 268 and 269.

¹³⁹ FAO, *Report of the Tenth Session of the Conference* (1959), pp. 270 and 271, resolution 94/59.

¹⁴⁰ The respective dates of independence are as follows: *Cameroon* (1 January 1960); *Cyprus* (16 August 1960); *Nigeria* (1 October 1960); *Somalia* (1 July 1960); *Togo* (27 April 1960).

¹⁴¹ FAO, *Manual*.

Jamaica and Tanganyika.¹⁴² As the applications concerned nations which would shortly become independent, the Conference decided "at the request of the metropolitan Power" and "in accordance with a precedent established at its tenth session":

(a) that Jamaica and Tanganyika should be admitted to associate membership until they become independent,

(b) that the status of each would become that of full membership after it attained independence and after the Government of the newly independent Nation had submitted to the Director-General an instrument confirming its desire to be a member of the Organization and its acceptance of the obligations of the Constitution,

(c) that such change of status would take place on the date of receipt by the Director-General of the aforesaid instrument, if found valid, and

(d) that all Member Nations would immediately be notified accordingly.¹⁴³

46. The associate membership of *Jamaica and Tanganyika* took effect on 9 November 1961.¹⁴⁴ *Tanganyika* and *Jamaica* attained their independence in 1961 and 1962 respectively.¹⁴⁵ Upon fulfilment of the conditions laid down by the Conference's decision quoted above, their membership became effective as from 8 February 1962 and 13 March 1963, respectively.¹⁴⁶

Kenya, Malta and Zanzibar; Botswana and Lesotho

47. At its twelfth and thirteenth sessions, in 1963 and 1965, the Conference took a position similar to that described in paragraphs 43 and 45 above in connexion with the applications for associate membership made by the Government of the United Kingdom on behalf of *Kenya, Malta and Zanzibar*¹⁴⁷ and *Basutoland and Bechuanaland*¹⁴⁸ respectively. The associate membership of *Kenya, Malta and Zanzibar* took effect on 19 November 1963.¹⁴⁹ That of *Basutoland and Bechuanaland* on 22 November 1965.¹⁵⁰ *Kenya* and *Malta* attained their independence in 1963 and 1964, respectively.¹⁵¹ *Basutoland* and *Bechuanaland* attained their independence in 1966 under the names of *Lesotho* and *Botswana*.¹⁵² Upon

fulfilment of the conditions laid down by the Conference, their membership became effective as from the dates indicated in parentheses:¹⁵⁵ *Kenya* (27 January 1964); *Malta* (5 October 1964); *Lesotho* (7 November 1966); *Botswana* (1 November 1966). As regards *Zanzibar*, which became independent on 10 December 1963, see paragraph 52 below.

Guyana and Mauritius

48. At its eleventh session (1961) the Conference, upon applications made on their behalf by the Government of the United Kingdom, granted associate membership to *British Guiana* and *Mauritius*, with effect as from 9 November 1961, date of the approval of their applications.¹⁵⁴ At its thirteenth session (1965), however, the Conference was informed that the Director-General had received two communications from the United Kingdom requesting that action be taken in order that the above two Associate Members be granted full membership of the Organization upon attaining independence, subject to the Governments of *British Guiana* and *Mauritius* confirming at that time their desire to become full members of the Organization and accepting the obligations of the Constitution. The Conference noted that when *British Guiana* and *Mauritius* were admitted as Associate Members at its eleventh session, no proviso had been included regarding the granting of full membership. The Conference, therefore, by resolutions 38/65 and 39/65, of 8 December 1965, adopted decisions similar to those described in paragraphs 43 and 45 above.¹⁵⁵ *British Guiana*, under the name *Guyana*, and *Mauritius*, attained their independence in 1966 and 1968, respectively.¹⁵⁶ Upon fulfilment of the conditions laid down by the Conference, their membership became effective on 22 August 1966 and 12 March 1968, respectively.¹⁵⁷

2. CHANGES UNDERGONE BY MEMBERS

(i) Member Nations

a. Partition of India

49. Before the partition, *India*, an original Member Nation of FAO (see paragraph 7 above), signed the Constitution of FAO and became a party thereto as from 16 October 1945.¹⁵⁸ On 15 August 1947, India divided into two States, *India* and *Pakistan*, which became both independent as from that date. On 25 August 1947, the Government of *Pakistan* submitted an application for membership to the third session of the FAO Con-

¹⁴² FAO, *Eleventh Session of the Conference* (1961), documents C 61/46; C 61/46 Supp. 1; C 61/INF/6; and *Report of the Eleventh Session of the Conference* (1961), p. 84.

¹⁴³ FAO, *Report of the Eleventh Session of the Conference* (1961), p. 84.

¹⁴⁴ *Ibid.*, para. 556.

¹⁴⁵ *Tanganyika* became independent on 9 December 1961 and *Jamaica* on 6 August 1962.

¹⁴⁶ FAO, *Manual*.

¹⁴⁷ FAO, *Twelfth Session of the Conference* (1963), documents C 63/57 and C 63/57, Suppl. 1, and *Report of the Twelfth Session of the Conference* (1963), p. 103.

¹⁴⁸ FAO, *Thirteenth Session of the Conference* (1965), documents C 65/48 and Add.1; C 65/INF/3 and Rev.1; and *Report of the Thirteenth Session of the Conference* (1965), pp. 105 and 106.

¹⁴⁹ FAO, *Proceedings of the Twelfth Session of the Conference* (1963), sixth plenary meeting, document C 63/PV-6.

¹⁵⁰ FAO, *Manual*.

¹⁵¹ *Kenya* became independent on 12 December 1963 and *Malta* on 21 September 1964.

¹⁵² *Lesotho* became independent on 4 October 1966 and *Botswana* on 30 September 1966.

¹⁵³ FAO, *Manual*.

¹⁵⁴ FAO, *Report of the Eleventh Session of the Conference* (1961), p. 84.

¹⁵⁵ FAO, *Report of the Thirteenth Session of the Conference* (1965), pp. 106 and 107.

¹⁵⁶ *Guyana* became independent on 26 May 1966 and *Mauritius* on 12 March 1968.

¹⁵⁷ FAO, *Manual*.

¹⁵⁸ FAO, *Report of the First Session of the Conference* (1945), p. vii. See also *Proceedings of the First Session of the Conference* (1945), preliminary meeting, document 12 (G/7), p. 9.

ference.¹⁵⁹ The application was approved at the sixth plenary meeting, held on 1 September 1947,¹⁶⁰ and Pakistan became an additional Member Nation with effect as from 7 September 1947.¹⁶¹ *India* continued, after the partition, as an original Member Nation of FAO, with membership effective as from 16 October 1945.¹⁶²

b. *Formation and dissolution of a union between Syria and Egypt (United Arab Republic)*

50. On 21 February 1958, *Egypt* and *Syria*, Member Nations of FAO, united in a single State under the name United Arab Republic. *Egypt* had been an original Member Nation as from 16 October 1945.¹⁶³ *Syria's* membership had become effective on 27 October 1945.¹⁶⁴ As regards that union, the twenty-ninth session of the Council had reported to the Conference as follows:

The representative of the United Arab Republic informed the Council that, as a result of the referendum held in Egypt and Syria on 21 February 1958, the two States had effected a union and had established the United Arab Republic. On 11 April 1958, the Minister for Foreign Affairs of the United Arab Republic had formally communicated this information to the Director-General. Since both Egypt and Syria had been elected to seats on the Council, the Government of the United Arab Republic had instructed its representative to state that it was formally vacating the seat of Syria.¹⁶⁵

51. The union dissolved on 28 September 1961 and the Conference, at its eleventh session in 1961, acknowledged the restoration of the *Syrian Arab Republic's* membership in the Organization as from 4 November 1961.¹⁶⁶ Its effective date of membership remains, however, that of

¹⁵⁹ FAO, *Report of the Third Session of the Conference* (1947), p. 3. In accordance with the Agreement as to the devolution of international rights and obligations upon the Dominions of India and Pakistan, contained in the Schedule to the Indian Independence (International Arrangements) Order, 1947 [United Nations, Legislative Series, *Materials on Succession of States* (ST/LEG/SER.B/14), p. 162]:

"...
"2. (1) Membership of all international organizations together with the rights and obligations attaching to such membership, will devolve solely upon the Dominion of India.

"...
"(2) The Dominion of Pakistan will take such steps as may be necessary to apply for membership of such international organizations as it chooses to join.

"..."
¹⁶⁰ FAO, *Proceedings of the Third Session of the Conference* (1947), p. 32.

¹⁶¹ FAO, *Manual*.

¹⁶² *Ibid.*

¹⁶³ FAO, *Report of the First Session of the Conference* (1945), p. vii. See also, *Proceedings of the First Session of the Conference* (1945), preliminary meeting, document 12 (G/7), p. 8.

¹⁶⁴ FAO, *Report of the First Session of the Conference* (1945), p. vii. See also, *Proceedings of the First Session of the Conference* (1945), eighth plenary meeting, p. 153.

¹⁶⁵ FAO, *Report of the Twenty-ninth Session of the Council* (27 October-7 November 1958), p. 9.

¹⁶⁶ FAO, *Report of the Eleventh Session of the Conference* (1961), p. 840.

Syria before the union, namely 27 October 1945.¹⁶⁷ The former *Egypt*, under the name *United Arab Republic* continues to be regarded as an original Member Nation of FAO, with membership effective as from 16 October 1945.¹⁶⁸ After the dissolution of the union, the *United Arab Republic* (formerly *Egypt*) continued as member of the Council, post to which the union had been elected at the tenth session of the Conference (1959), for the period 1 January 1961-November 1963.¹⁶⁹

c. *Formation of the United Republic of Tanzania*

52. On 26 April 1964, *Tanganyika*, a Member Nation and *Zanzibar*, a former "Associate Member" of FAO (see paragraphs 45-47 above) united in a single State under the name *United Republic of Tanzania*. The Conference, at its thirteenth session (1965), took cognizance of the merger and recognized officially that the *United Republic of Tanzania* "replaced the former Member Nation *Tanganyika* and the former Associate Member *Zanzibar*".¹⁷⁰ The Conference also, on the recommendation of the forty-fourth session of the Council, decided to cancel the separate assessments of the former States of *Tanganyika* and *Zanzibar* for the years 1964 and 1965 and replace them with the single assessment of the *United Republic of Tanzania*.¹⁷¹ The effective date of membership of the *United Republic of Tanzania* remains that of the former member *Tanganyika* (8 February 1962).¹⁷² As regards *Zanzibar*, its membership status from the date of independence (10 December 1963) until its merger into the *United Republic of Tanzania* (26 April 1964) was in practice equivalent to that of a non-member Nation of FAO (information provided by FAO).

d. *Formation of Malaysia and separation of Singapore*

53. On 16 September 1963, the *Federation of Malaya*, a Member Nation of FAO since 9 November 1957 (see paragraph 35 above) and the territories of *Singapore*, *Sabah (North Borneo)* and *Sarawak* federated under the name *Malaysia*. *Malaysia* replaced the *Federation of Malaya* and is listed as a Member Nation as from the same date as that of the former Federation. On 7 August 1965, *Singapore* separated from *Malaysia* and became an independent State. *Malaysia's* membership remained unaltered.¹⁷³ *Singapore* has taken no action thus far concerning membership in the Organization.

¹⁶⁷ FAO, *Manual*.

¹⁶⁸ *Ibid.*

¹⁶⁹ FAO, *Proceedings of the Tenth Session of the Conference* (1959), p. 371. sixteenth plenary meeting, document C 59/PV-16. See also FAO, *Report of the Thirty-seventh Session of the Council* (24-25 November 1961), p. 233.

¹⁷⁰ FAO, *Report of the Thirteenth Session of the Conference* (1965), p. 107.

¹⁷¹ *Ibid.*, p. 99, resolution 32/65.

¹⁷² FAO, *Manual*.

¹⁷³ *Ibid.*

(ii) *Associate Members*¹⁷⁴a. *Attainment of independence of Chad, Gabon and Madagascar*

54. At its tenth session (1959), the FAO Conference admitted to associate membership *Chad, Gabon and Madagascar*.¹⁷⁵ Upon attaining independence in 1960, *Chad, Gabon and Madagascar*¹⁷⁶ applied for and were granted membership as Member Nations with effect as from 9 November 1961 (see paragraph 35 above).¹⁷⁷

b. *Attainment of independence by Mali and Senegal*

55. The Republics of *Senegal* and *Sudan* were admitted to associate membership at the tenth session of the FAO Conference (1959).¹⁷⁸ The application for associate membership submitted by France on behalf of the *Republic of Senegal* and the *Republic of Sudan* had suggested the possibility of a joint representation "by reason of the association" of the two Republics.¹⁷⁹ Both were, however, admitted as separate Associate Members.¹⁸⁰ The Federation of Mali, composed of the Republics of *Sudan* and *Senegal*, became independent on 20 June 1960. However, two months later, on 20 August 1960, *Senegal* withdrew from the Federation and proclaimed the independence of the *Republic*. Thereafter, *Senegal* and *Mali* (formerly *Republic of Sudan*) applied for and were granted membership as Member Nations of FAO with effect as from 9 November 1961 (see paragraph 35 above).¹⁸¹

c. *Dissolution of the Federation of Rhodesia and Nyasaland*

56. The *Federation of Rhodesia and Nyasaland*, admitted to associate membership at the tenth session of the Conference (1959)¹⁸² was dissolved on 31 December 1963. Subsequently, two newly independent States emerged in 1964 from two of the territories which constituted the former Federation: *Malawi* (former Nyasaland) and *Zambia* (former Northern Rhodesia).¹⁸³ At its thirteenth session (1965) the Conference had before it applications

for membership in FAO from the Governments of *Zambia* and *Malawi* and for associate membership from the Government of the United Kingdom, on behalf of *Southern Rhodesia*.¹⁸⁴ Their applications having been approved, *Zambia* and *Malawi* became Member Nations as from 22 November 1965 (see paragraph 35 above).¹⁸⁵ However, at the request of the Government of the United Kingdom, the Conference did not proceed with its application for associate membership for *Southern Rhodesia*.¹⁸⁶ From the foregoing it would appear that the "associate membership" of the *Federation of Rhodesia and Nyasaland* ceased on 31 December 1963, date of its dissolution.

(b) CASES RELATING TO MULTILATERAL CONVENTIONS AND AGREEMENTS CONCLUDED WITHIN FAO AND DEPOSITED WITH ITS DIRECTOR-GENERAL

1. CONSTITUTION OF THE INTERNATIONAL RICE COMMISSION (1948)

Cambodia, Federation of Malaya, Ghana, Guyana, Indonesia, Laos, Madagascar, Mali, Nigeria, Sierra Leone and Viet-Nam

57. The Constitution of the International Rice Commission came into force with respect to France and the Netherlands¹⁸⁷ on 4 January 1949 and with respect to the United Kingdom on 28 February 1949.¹⁸⁸ Subsequently, and after becoming Member Nations of FAO, eleven former non-metropolitan territories under British, French or Dutch administration have joined the "International Rice Commission" by accepting its Constitution. Their acceptance became effective as from the dates indicated in parentheses: *Indonesia* (15 March 1950),¹⁸⁹ *Viet-Nam* (13 June 1951),¹⁹⁰ *Cambodia* (16 July 1951),¹⁹¹ *Laos* (21 July 1954),¹⁹² *Federation of Malaya* (15 September 1958),¹⁹³ *Nigeria* (13 November 1961),¹⁹⁴ *Mali* (4 June 1963),¹⁹⁵ *Sierra Leone* (22 September 1964),¹⁹⁶ *Madagascar* (27 October 1966)¹⁹⁷ *Guyana* (24 January 1967)¹⁹⁸ and *Ghana* (8 March 1968).¹⁹⁹ It is to be

¹⁷⁴ For the effects of the attainment of independence upon the status of associate membership granted for an interim period see paragraphs 42-48 above.

¹⁷⁵ FAO, *Report of the Tenth Session of the Conference* (1959), pp. 269 and 270, resolution 93/59.

¹⁷⁶ *Chad* became independent on 11 August 1960, *Gabon* on 17 August 1960 and *Madagascar* on 26 June 1960.

¹⁷⁷ FAO, *Report of the Eleventh Session of the Conference* (1961), pp. 84-85.

¹⁷⁸ FAO, *Report of the Tenth Session of the Conference* (1959), pp. 269 and 270, resolution 93/59.

¹⁷⁹ FAO, *Tenth Session of the Conference* (1959), document C 59/40, pp. 2 and 12.

¹⁸⁰ FAO, *Report of the Tenth Session of the Conference* (1959), p. 270.

¹⁸¹ FAO, *Report of the Eleventh Session of the Conference* (1961), pp. 84 and 85.

¹⁸² FAO, *Report of the Tenth Session of the Conference* (1959), pp. 269 and 270, resolution 93/59.

¹⁸³ *Malawi* became independent on 6 July 1964 and *Zambia* on 24 October 1964.

¹⁸⁴ FAO, *Thirteenth Session of the Conference* (1965), document C 65/48.

¹⁸⁵ FAO, *Report of the Thirteenth Session of the Conference* (1965), p. 105.

¹⁸⁶ *Ibid.*, p. 106.

¹⁸⁷ United Nations, *Treaty Series*, vol. 120, p. 14.

¹⁸⁸ *Ibid.*

¹⁸⁹ *Ibid.*

¹⁹⁰ *Ibid.* Independent at the time within the French Union.

¹⁹¹ *Ibid.*

¹⁹² United Nations, *Treaty Series*, vol. 196, p. 351. Independent at the time within the French Union.

¹⁹³ United Nations, *Treaty Series*, vol. 313, p. 345.

¹⁹⁴ *Ibid.*, vol. 417, p. 349.

¹⁹⁵ *Ibid.*, vol. 469, p. 417.

¹⁹⁶ *Ibid.*, vol. 511, p. 268.

¹⁹⁷ *Ibid.*, vol. 579, p. 260.

¹⁹⁸ *Ibid.*, vol. 590, p. 270.

¹⁹⁹ United Nations, *Statement*, March 1968, p. 18.

noticed that by 23 November 1961, date when the amendment of the Constitution of the International Rice Commission relating to territorial application (see paragraph 21 above) entered into force, *British Guiana* was a territory for whose international relations the United Kingdom was responsible. In the absence of any declaration by the latter concerning territorial application, the Constitution must be deemed to have applied as from that date to *British Guiana*.

2. AGREEMENT FOR THE ESTABLISHMENT OF THE INDO-PACIFIC FISHERIES COUNCIL (1948)

Cambodia, Federation of Malaya, Indonesia and Viet-Nam

58. This Agreement came into force on 9 November 1948 with respect to France, on 12 November 1948 with respect to the Netherlands and on 28 February 1949 with respect to the United Kingdom.²⁰⁰ After being admitted to FAO as Member Nations, the following four former non-metropolitan territories under French, Dutch or British administration, became members of the Indo-Pacific Fisheries Council by accepting the Agreement with effect as from the dates indicated in parentheses: *Indonesia* (29 March 1950),²⁰¹ *Cambodia* (19 January 1951),²⁰² *Viet-Nam* (3 January 1951)²⁰³ and *Federation of Malaya* (15 September 1958).²⁰⁴ All of them became parties to the Agreement before its provisions concerning territorial application came into force on 23 November 1961. In the absence of a declaration by France or the United Kingdom concerning territorial application, the Agreement must be deemed to have applied as from that date to all the territories for whose international relations those two parties were responsible at the moment. No other newly independent State which has since emerged from the former non-metropolitan territories under French or British administration has yet expressed its position with respect to the Agreement.

3. AGREEMENT FOR THE ESTABLISHMENT OF A GENERAL FISHERIES COUNCIL FOR THE MEDITERRANEAN (1949)

Algeria, Cyprus, Malta, Morocco and Tunisia

59. The United Kingdom became a party to the Agreement with effect as from 20 November 1950²⁰⁵ and France with effect as from 8 July 1952.²⁰⁶ Subsequently, the French Government, pursuant to the original article VIII of the Agreement (see paragraph 23 above), applied for membership in the Fisheries Council on

behalf of the Government of Tunisia, not yet an independent State. The Council, at its second session held from 26 to 29 October 1953, unanimously decided to transmit to FAO the French Government's request. Its admission to the Fisheries Council having been approved by the FAO Conference,²⁰⁷ Tunisia deposited an instrument accepting the Agreement, under covering letter from the French Government, with effect as from 22 June 1954.²⁰⁸ In addition, four newly independent States, former non-metropolitan territories under British or French administration, have accepted the Agreement after becoming member Nations of FAO. Three of them attained independence before the provisions relating to territorial application mentioned in paragraph 23 above came into force. Their acceptance became effective as from the dates indicated in parentheses: *Morocco* (17 September 1956),²⁰⁹ *Cyprus* (10 June 1965)²¹⁰ and *Algeria* (11 December 1967).²¹¹ *Malta*, which attained independence after the entry into force of the provisions regarding territorial application, accepted the Agreement with effect as from 29 April 1965.²¹²

4. INTERNATIONAL PLANT PROTECTION CONVENTION (1951)

Nauru and Western Samoa

60. By declarations communicated to the Director-General, New Zealand extended the application of the Convention to the Trust Territory of Western Samoa, with effect as from 16 October 1952²¹³ and Australia to Nauru with effect as from 8 September 1954.²¹⁴ Since independence, *Western Samoa* and *Nauru* have not expressed their position with respect to the Convention.

Former *Netherlands New Guinea (West Irian)*

61. The Netherlands extended also the application of the Convention to the former *Netherlands New Guinea*, with effect as from 29 October 1954.²¹⁵ *Indonesia*, one of the original signatories,²¹⁶ has not ratified it as yet.

5. CONSTITUTION OF THE EUROPEAN COMMISSION FOR THE CONTROL OF FOOT-AND-MOUTH DISEASE (1953)

62. The United Kingdom accepted the Commission's Constitution with effect as from 1 March 1954.²¹⁷ After attaining independence, *Cyprus* and *Malta*, former

²⁰⁷ FAO, *Report of the Seventh Session of the Conference* (1953), pp. 160 and 161, resolution 57/53.

²⁰⁸ United Nations, *Treaty Series*, vol. 191, p. 403.

²⁰⁹ *Ibid.*, vol. 251, p. 380.

²¹⁰ *Ibid.*, vol. 540, p. 334.

²¹¹ United Nations, *Statement*, December 1967, p. 30.

²¹² United Nations, *Treaty Series*, vol. 535, p. 410.

²¹³ *Ibid.*, vol. 150, p. 68.

²¹⁴ *Ibid.*, vol. 199, p. 348.

²¹⁵ *Ibid.*, vol. 201, p. 379.

²¹⁶ *Ibid.*, vol. 150, p. 97.

²¹⁷ *Ibid.*, vol. 191, p. 286.

²⁰⁰ United Nations, *Treaty Series*, vol. 120, p. 60.

²⁰¹ *Ibid.*

²⁰² *Ibid.* Independent at the time within the French Union.

²⁰³ United Nations, *Treaty Series*, vol. 120, p. 60. Independent at the time within the French Union.

²⁰⁴ United Nations, *Treaty Series*, vol. 313, p. 346.

²⁰⁵ *Ibid.*, vol. 126, p. 239. The United Kingdom withdrew from the Agreement with effect as from 25 June 1968 (United Nations, *Statement*, May 1968, p. 18).

²⁰⁶ United Nations, *Treaty Series*, vol. 135, p. 398.

territories under British administration, have not as yet expressed their position on the Constitution of the Commission.

6. PLANT PROTECTION AGREEMENT FOR THE SOUTH EAST ASIA AND PACIFIC REGION (1956)

Federation of Malaya

63. The United Kingdom ratified the Agreement with effect as from 3 December 1956.²¹⁸ After attaining independence on 31 August 1957 and becoming a Member Nation of FAO on 9 November 1957, the *Federation of Malaya* (later *Malaysia*) adhered to the Agreement with effect as from 20 November 1957.²¹⁹ *Singapore*, separated from Malaysia as from 7 August 1965 (see paragraph 53 above) has not as yet expressed its position with respect to the Agreement.

Former Netherlands New Guinea (West Irian)

64. The Netherlands ratified the Agreement in regard to former *Netherlands New Guinea* with effect as from 19 July 1957.²²⁰ By a communication addressed to FAO on 28 December 1964 the Government of the Netherlands stated that, as a consequence of the Agreement between the Netherlands and Indonesia and the Understanding between the United Nations and the Netherlands and Indonesia, all signed at the Headquarters of the United Nations, New York, on 15 August 1962, the Government of the Netherlands considered that it had ceased to be a party to the above-mentioned Agreement, which it had ratified with respect to the Netherlands New Guinea, as from 1 October 1962, the date of transfer of the administration of that territory to the United Nations Temporary Executive Authority.²²¹ *Indonesia* which had signed the Agreement, subject to ratification, on 28 June 1956,²²² ratified it with effect as from 21 December 1967.²²³

7. CONVENTION PLACING THE INTERNATIONAL POPLAR COMMISSION WITHIN THE FRAMEWORK OF FAO (1959)

Syrian Arab Republic

65. The *Syrian Arab Republic* acceded to the Convention on 19 December 1961.²²⁴ The United Arab Republic's membership of the Commission had become effective by acceptance of the Convention as from 26 September 1961,²²⁵ when Syria still formed part of the United Arab Republic.

²¹⁸ *Ibid.*, vol. 256, p. 355.

²¹⁹ *Ibid.*, vol. 282, p. 364.

²²⁰ *Ibid.*, vol. 274, p. 347.

²²¹ United Nations, *Statement*, March 1965, p. 16; United Nations, *Treaty Series*, vol. 527, p. 308. See also letter to the Legal Counsel of FAO dated 23 November 1964, United Nations, *Juridical Yearbook* (1964), pp. 254 and 255.

²²² United Nations, *Treaty Series*, vol. 247, p. 427.

²²³ United Nations, *Statement*, January 1968, p. 22.

²²⁴ United Nations, *Treaty Series*, vol. 422, p. 343.

²²⁵ *Ibid.*, vol. 410, p. 156.

Former territories under Belgian, British, French or Spanish administration

66. Spain, France and Belgium accepted the Convention with effect as from 21 April 1960,²²⁶ 17 March 1961²²⁷ and 24 April 1962,²²⁸ respectively, without making a declaration concerning its territorial application. Since then, *Algeria*, *Rwanda*, *Burundi* and *Equatorial Guinea* have attained independence and membership of the United Nations, and the first three States membership of FAO, but none has expressed as yet its position with respect to the Convention. Since the United Kingdom, at the time of its acceptance on 3 April 1962, made a declaration extending the Convention to the Channel Islands and the Isle of Man,²²⁹ it might be implied that its application did not extend to any other territory for the international relations of which the United Kingdom was at the time responsible.

8. AGREEMENT FOR THE ESTABLISHMENT OF A COMMISSION FOR CONTROLLING THE DESERT LOCUST IN THE EASTERN REGION OF ITS DISTRIBUTION AREA IN SOUTH WEST ASIA (1963)

and

9. AGREEMENT FOR THE ESTABLISHMENT OF A COMMISSION FOR CONTROLLING THE DESERT LOCUST IN THE NEAR EAST (1965)

Qatar and Bahrain

67. No questions relevant to the purpose of the present study exist in the context of these two Agreements given their recent conclusion and limited regional participation. *Qatar*²³⁰ and *Bahrain*²³¹ became parties to the second Agreement by acceptance in their capacity as Associate Members of FAO as from 31 December 1968 and 24 February 1969 respectively. The respective instruments of acceptance were submitted by the Governments of *Qatar* and *Bahrain* to the Director-General of FAO.

D. Summary

(a) CONSTITUTION OF FAO

68. Participation by succession in the Constitution of FAO has taken place only in certain cases of change undergone by Member Nations (parties). In accordance with the Constitution, participation of additional Member Nations is subject to an admission procedure which involves prior approval of an application by the FAO Conference. Consequently, and in the absence of an

²²⁶ *Ibid.*

²²⁷ *Ibid.*

²²⁸ *Ibid.*, vol. 429, p. 303.

²²⁹ *Ibid.*, vol. 426, p. 349.

²³⁰ United Nations, *Statement*, January 1969, p. 18.

²³¹ *Ibid.*, March 1969, p. 19.

ad hoc procedure, the newly independent States emerging from non-metropolitan territories for the international relations of which a Member Nation was responsible cannot but follow the method of participation open to additional Member Nations, which precludes the possibility of becoming a party by succession on the basis of an earlier membership of the parent Member Nation concerned.

69. The recorded cases relating to changes undergone by Member Nations (parties) might be classified for the purposes of this study as follows: (1) formation or constitution of a union (*United Arab Republic*) or federation (*Malaysia*), or a merger (*United Republic of Tanzania*); (2) dissolution of a union (*United Arab Republic*), separation from a federation (*Singapore* from *Malaysia*) or partition (*India*). Succession, which took place in all cases of the first group, and in some of the second, prevents discontinuity of participation in the FAO Constitution because it does not involve a new acceptance and approval of admission.

70. With respect to the first group, the *United Arab Republic* inherited the membership of *Egypt* and *Syria*. *Malaysia* continued the membership of the *Federation of Malaya* and the *United Republic of Tanzania* that of *Tanganyika*. The *United Arab Republic* has been considered a party as from the date of the earliest of the two inherited memberships, namely the date when former *Egypt*, an original Member Nation, became a party to the FAO Constitution. *Malaysia* and the *United Republic of Tanzania* are listed as Member Nations as from the date when the *Federation of Malaya* and *Tanganyika*, respectively, became parties to the Constitution. It should be noticed that while the *United Arab Republic* was a union between two independent Member Nations (*Egypt* and *Syria*), *Malaysia* was constituted by an independent Member Nation (*Federation of Malaya*) and three dependent territories (*Singapore*, *Saba* (North Borneo) and *Sarawak*) and the *United Republic of Tanzania* by an independent Member Nation (*Tanganyika*) and an independent State (*Zanzibar*) which was an Associate Member of FAO before attaining independence.

71. The cases of the second group do not present the same degree of uniformity. After the dissolution of the union between former *Egypt* and *Syria*, *Egypt*, under the name of the union (*United Arab Republic*), continued to be regarded as a party to the FAO Constitution and a Member Nation as from the same date as the former *Egypt*. *Syria*, under the name *Syrian Arab Republic* resumed separate membership about one month after the dissolution of the union, but continued to be considered a party to the Constitution as from the same date as that of former *Syria*. The partition of *India*, an original non-independent Member Nation, gave birth to two independent States: *India* and *Pakistan*. One of them only, *India*, continued the membership of former *India* and is considered a party to the FAO Constitution as from the same date as *India*, the original Member Nation. *Pakistan* applied for membership in accordance with the provisions contained in the Schedule to the Indian Independence (International Arrangements) Order, 1947.

Admitted as an additional Member Nation, *Pakistan* became a party to the FAO Constitution by acceptance a few days after the approval of its admission by the Conference. The independence and separation of *Singapore* from *Malaysia* did not alter the latter's membership. *Malaysia* continues to be a party to the FAO Constitution as of the same date as before *Singapore's* separation. *Singapore*, which has not expressed as yet its position with respect to the FAO Constitution, is not listed at present among the Member Nations of FAO. In this connexion, it should be noticed that in the case of the dissolution of the union between former *Egypt* and *Syria* (*United Arab Republic*), two previous memberships were involved while only one previous membership existed in each of the other two cases, namely the membership of *India*, original Member Nation, and the membership of *Malaysia*.

72. The procedure prescribed in the Constitution of FAO for admission of additional Member Nations has been consistently followed in all cases concerning newly independent States, former territories for the international relations of which a Member Nation of FAO was responsible. All of them became parties to the FAO Constitution by acceptance and once their respective applications received the approval of the FAO Conference. In most (thirty-five) cases admission was approved by the Conference after the attainment of independence of the former non-metropolitan territories in question, *Cambodia*, *Laos* and *Viet-Nam* being independent within the French Union at the time of their admission. The competent authorities of *Cambodia*, *Laos* and *Viet-Nam* accepted the obligations of the FAO Constitution and transmitted the applications for membership directly (*Cambodia*, *Viet-Nam*), or through the representatives of the parent member nation (*Laos*).

73. When former territories were expected to attain independence shortly (seventeen cases), the FAO Conference, in order to avoid delays in admission approved applications for their membership as Member Nations, before independence. However, only in three of those cases (*Burma*, *Indonesia*, *Tunisia*) the former non-metropolitan territories became parties to the FAO Constitution and Member Nations before attaining independence. The competent authorities of *Burma*, *Indonesia* and *Tunisia* accepted the obligations of the FAO Constitution and their applications for admission were transmitted by them directly (*Burma*, *Indonesia*) or by the parent Member Nation on behalf of the applying Government (*Tunisia*). The respective parent Member Nations supported the applications which, in the case of *Burma* and *Indonesia*, followed the conclusion of agreements concerning the transfer of sovereignty between the former metropolitan State and the former non-metropolitan territory.

74. In the remaining fourteen cases, the approval of membership was made by the Conference on the basis of applications submitted by the parent Member Nation on behalf of the territory concerned, but the effectiveness of the approved full membership was postponed until the date when, subsequently to independence, the newly independent States former territories would submit an

instrument accepting the obligations of the Constitution to the Director-General of FAO (*Cameroon* and *Togo* and other Nations enumerated in this paragraph). In several instances, at the time of approval of full membership and at the request of the parent Member Nation, the Conference granted the status of associate membership for an interim period which ended with the attainment of independence (*Botswana, Cyprus, Jamaica, Kenya, Lesotho, Malta, Nigeria, Somalia, Tanganyika, Zanzibar*). In two cases (*Guyana* and *Mauritius*), it granted first associate membership, the only requested, and approved full membership at a later stage upon a new application made by the parent Nation on behalf of the associate member concerned.

75. Since only Member Nations are parties to the Constitution, only that membership which was effective and full before independence (*India, Burma, Indonesia, Tunisia*) secured continued participation thereafter. Within FAO's Constitution, associate membership allows for separate participation of territories or groups of territories in the work and activities of the Organization before the attainment of their independence but it does not make them parties to the Constitution. Associate membership being subject in the final analysis to the consent of the Member Nation which administers the territory, it lapses when the territory enjoying it attains independence. Once independent, a former Associate Member, in order to become a party to the FAO Constitution, must either submit an instrument accepting the obligations of the Constitution to the Director-General of FAO if its full membership has already been approved (cases indicated in the preceding paragraph) or apply for full membership in accordance with the procedure prescribed in the Constitution for the admission of additional Member Nations (i.e. *Chad, Gabon, Madagascar, Mali, Senegal*). Finally, in the only case where a federation had the status of associate member (*Federation of Rhodesia and Nyasaland*), associate membership seems to have lapsed after the dissolution of the union and the attainment of independence of two of its three former constituent territories (*Malawi, Zambia*). The new application made by the United Kingdom on its behalf proves that *Southern Rhodesia* did not inherit the associate membership of the former Federation.

(b) CONVENTIONS AND AGREEMENTS CONCLUDED WITHIN FAO AND DEPOSITED WITH ITS DIRECTOR-GENERAL

76. Until now, all the newly independent States—former non-metropolitan territories for the international relations of which a contracting party was responsible—which have become parties to multilateral conventions or agreements concluded within FAO have followed the methods of participation provided for in the respective convention or agreement formally open to them, namely acceptance or adherence. Thus, *Cambodia, the Federation of Malaya, Ghana, Guyana, Indonesia, Laos, Madagascar, Mali, Nigeria, Sierra Leone* and *Viet-Nam* became parties to the Constitution of the International

Rice Commission by acceptance; *Cambodia, the Federation of Malaya, Indonesia* and *Viet-Nam* parties to the Agreement for the establishment of the Indo-Pacific Fisheries Council by acceptance; *Algeria, Cyprus, Malta, Morocco* and *Tunisia* parties to the Agreement for the establishment of a General Fisheries Council for the Mediterranean by acceptance; and the *Federation of Malaya* party to the Plant Protection Agreement for the South East Asia and Pacific Region by adherence. With the exception of *Tunisia's* acceptance of the Agreement for the establishment of a General Fisheries Council for the Mediterranean, acceptances or adherences took place after the States in question had attained independence and joined FAO as Member Nations. Participation of newly independent States through declarations of continuity has not been developed in practice.

77. Acceptance by *Tunisia* of the Agreement for the establishment of a General Fisheries Council for the Mediterranean was made at a time when *Tunisia* was neither independent nor a Member Nation of FAO. After attaining independence *Tunisia* did not deposit a new instrument of acceptance and continued to be considered a party to said Agreement as from the date of effectiveness of the original acceptance. In this case, continuity was secured after independence as a result of full participation before independence. On the other hand, territorial application before independence does not seem to have secured such continuity with respect to *Guyana's* participation in the Constitution of the International Rice Commission and *Malta's* participation in the Agreement for the establishment of a General Fisheries Council for the Mediterranean. Even though these two agreements applied respectively to the territories of *Guyana* and *Malta* before independence, *Guyana* and *Malta* became parties, after attaining independence, by acceptance and their respective acceptances became effective at a date subsequent to that of independence. It would seem, therefore, in the absence of a clear indication to the contrary, that territorial application of those agreements lapsed with respect to *Guyana* and *Malta* at the moment of their independence.

78. In other cases of territorial application prior to independence, the newly independent States concerned have not as yet expressed their position with regard to the conventions or agreements in question. Such are the cases of former non-metropolitan territories under British (with the exception of *Guyana*) or French administration in connexion with the Constitution of the International Rice Commission; of former non-metropolitan territories under British or French administration in connexion with the Agreement for the establishment of the Indo-Pacific Fisheries Council; of former non-metropolitan territories under British (with the exception of *Malta*) or French administration in connexion with the Agreement for the establishment of a General Fisheries Council for the Mediterranean; of *Nauru* and *Western Samoa* in connexion with the International Plant Protection Convention and of former non-metropolitan territories under Belgian, French or Spanish administration in connexion with the Convention placing the International Poplar Commission within the framework of FAO. In the light of this situation the conclusions

reached with respect to the cases of *Guyana* and *Malta* referred to above should be regarded as reflecting a tendency rather than a general practice.

79. In the only case relating to the dissolution of a union, namely the participation of the *Syrian Arab Republic* in the Convention placing the International Poplar Commission within the framework of FAO, succession is also to be excluded. By acceding to the Convention after its separation from the United Arab Republic, the *Syrian Arab Republic* did not consider

itself a successor to the United Arab Republic, which has ratified the Convention prior to the dissolution of the union.

80. Finally, it appears that FAO has not expressed any view as to the feasibility of succession to conventions or agreements concluded within the Organization, nor adopted a practice of requesting new States to declare their attitude with respect to instruments which had—or may have—been applicable in their territory prior to independence.