

Council

Report

Hundred and Sixteenth Session

Rome, 14 - 19 June 1999

CONSTITUTIONAL AND LEGAL MATTERS

REPORT OF THE SIXTY-NINTH SESSION OF THE COMMITTEE ON CONSTITUTIONAL AND LEGAL MATTERS (CCLM) (ROME, 26-27 APRIL 1999)²⁹

120. The Council considered and adopted the Report of the Sixty-ninth Session of the CCLM.

Acceptance of Credentials: Practice of Selected Organizations of the UN System

121. The Council considered the Report of the CCLM on this question and, bearing in mind the following considerations:

- a. The apparent desire of FAO Members as expressed in the recommendations of both the Programme and Finance Committees and the Council for more flexibility in the treatment of credentials, for speeding up the work of the Credentials Committee and for recognizing advances in technology;
- b. The need to preserve the integrity of credentials and to ensure that the formal requirements as in force in all organizations of the UN system are not undermined;

recommended that the Credentials Committee adopt the following approach:

- a. there should be no change to the present flexible approach of allowing delegations to be seated provisionally, even if their credentials are not fully in order pending the final report of the Credentials Committee;
- b. the Credentials Committee should follow the UN practice of listing separately those Members and Associate Members whose credentials are considered as valid (list A) and those Members and Associate Members whose credentials are considered merely as information on their delegations (list B). The report submitted to the Conference, for approval, should include lists A and B, on the understanding that formal credentials of Members and Associate Members referred to in list B would be communicated to the Director-General as soon as possible;
- c. list A would include only Members and Associate Members whose credentials bear the signature, or are signed on behalf of, either of the following: the Head of State, the Head of Government, the Minister of Foreign Affairs or the Minister of the Department concerned in accordance with Rule III.2 of the General Rules of the Organization.

- d. list B would include Members and Associate Members whose credentials are submitted in the form of:
 - i. letters signed by an ambassador, chief of mission, or chargé d'affaires, which contain a phrase confirming that they are acting upon instruction from their governments;
 - ii. "*Ordres de Mission*" if specific mention is made of the current session of the Conference and if they are signed by the Minister concerned;
 - iii. *Notes Verbales*; and
 - iv. faxes when they are copies of the original credentials;

122. In view of the above, the Council concurred with the CCLM recommendation that the present provisions of the General Rules of the Organization regarding credentials should not be amended.