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منظمة الأغذية
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COMMISSION ON PHYTOSANITARY MEASURES

First Session

Rome, 3 – 7 April 2006

Adjustments in Translation in the Authentic Languages of the Convention

Agenda Item 12.1.2 of the Provisional Agenda

1. At its Seventh session in 2005, the ICPM “requested the Secretariat to coordinate a process, in conjunction with the Glossary Working Group and the Standards Committee, to prepare for the first meeting of the CPM a proposal for any necessary adjustments to the translations in the authentic language versions of the Convention, to ensure concordance among them”.

I. Process for identifying adjustments in translation in authentic languages

2. The review of the language versions of the Convention to ensure concordance was separated into two parts:
 - a. the definitions in Article 2;
 - b. all other parts of the text.
3. At the meeting of the Glossary Working Group in October 2005, which was reported to the Standards Committee in November 2005, concerned members of the group agreed to review the translation of definitions in Article 2, and make recommendations. These recommendations would be taken into account when reviewing the translation in the authentic languages of the IPPC.
4. Regarding Chinese, the Chinese authorities have provided a corrected version of the IPPC, which has been reviewed by FAO translation group. The revised text has been provided to the Chinese authorities for consideration. This version could be submitted to the procedure provided for in Article 79 of the Vienna Convention on the Law of Treaties.

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5. Regarding Spanish, ICPM-7 (2005) has adopted "clarifications" for some terms and definitions in Article 2 of the IPPC in Spanish, and these should be taken into account when reviewing the translation of the IPPC (Report of ICPM-7, paragraph 46 and Appendix IV).
6. The IPPC Secretariat would further use appropriate translation services for the review of Arabic, French and Spanish versions, and would provide these with appropriate documentation and with the recommendations made with regard to definitions in Article 2 of the IPPC.

II. Correction of errors

7. Article 79, paragraph 2, 3, 4, 5 and 6, of the Vienna Convention on the Law of Treaties (Annex 1) provide for the process to be followed for correction of errors or of lack of concordance between authentic languages in texts or in certified copies of treaties. The process will be as follows:
 - After completion of the review above, the Director-General of FAO (the depositary) will inform all contracting parties of corrections, with a deadline for raising objections to the proposed correction.
 - If no objection is raised, the depositary will make and initial the correction in the text and will execute a procès-verbal of the rectification of the text and communicate a copy of it to the Parties.
 - If an objection is raised, the depositary will communicate the objection to all IPPC contracting parties.
 - The corrected IPPC will replace the defective text ab initio unless the contracting parties decide otherwise.
 - The correction of the text will be notified to the Secretariat of the United Nations.
8. The CPM is invited to:
 1. *Request* the Director General of FAO to initiate the process for review of authentic languages in the Convention, through appropriate translation services, taking into account recommendations from Glossary Working Group members on definitions in Article 2, information provided by the Chinese authority, clarifications adopted for some Spanish terms and definitions, and other relevant background information on IPPC terminology.
 2. *Note* the process which will be followed based on Article 79 of the Vienna Convention on the Law of Treaties, as outlined above.

Annex 1

Vienna Convention on the Law of Treaties

Article 79 - Correction of errors in texts or in certified copies of treaties

1. Where, after the authentication of the text of a treaty, the signatory States and the contracting States are agreed that it contains an error, the error shall, unless they decide upon some other means of correction, be corrected:

(a) by having the appropriate correction made in the text and causing the correction to be initialled by duly authorized representatives;

(b) by executing or exchanging an instrument or instruments setting out the correction which it has been agreed to make; or

(c) by executing a corrected text of the whole treaty by the same procedure as in the case of the original text.

2. Where the treaty is one for which there is a depositary, the latter shall notify the signatory States and the contracting States of the error and of the proposal to correct it and shall specify an appropriate time-limit within which objection to the proposed correction may be raised. If, on the expiry of the time-limit:

(a) no objection has been raised, the depositary shall make and initial the correction in the text and shall execute a *procès-verbal* of the rectification of the text and communicate a copy of it to the parties and to the States entitled to become parties to the treaty;

(b) an objection has been raised, the depositary shall communicate the objection to the signatory States and to the contracting States.

3. The rules in paragraphs 1 and 2 apply also where the text has been authenticated in two or more languages and it appears that there is a lack of concordance which the signatory States and the contracting States agree should be corrected.

4. The corrected text replaces the defective text *ab initio*, unless the signatory States and the contracting States otherwise decide.

5. The correction of the text of a treaty that has been registered shall be notified to the Secretariat of the United Nations.

6. Where an error is discovered in a certified copy of a treaty, the depositary shall execute a *procès-verbal* specifying the rectification and communicate a copy of it to the signatory States and to the contracting States.