



منظمة الأغذية  
والزراعة  
للأمم المتحدة

联合国  
粮食及  
农业组织

Food  
and  
Agriculture  
Organization  
of  
the  
United  
Nations

Organisation  
des  
Nations  
Unies  
pour  
l'alimentation  
et  
l'agriculture

Organización  
de las  
Naciones  
Unidas  
para la  
Agricultura  
y la  
Alimentación

### Item 5.1(a) of the Draft Provisional Agenda

#### COMMISSION ON GENETIC RESOURCES FOR FOOD AND AGRICULTURE

**First Meeting of the Commission on Genetic Resources for Food and  
Agriculture acting as Interim Committee for the International Treaty  
on Plant Genetic Resources for Food and Agriculture**

Rome, 9–11 October 2002

#### **DRAFT RULES OF PROCEDURE FOR THE GOVERNING BODY OF THE INTERNATIONAL TREATY ON PLANT GENETIC RESOURCES FOR FOOD AND AGRICULTURE**

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**DRAFT RULES OF PROCEDURE FOR THE GOVERNING BODY  
OF THE INTERNATIONAL TREATY ON PLANT GENETIC  
RESOURCES FOR FOOD AND AGRICULTURE**

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**I. INTRODUCTION**

1. The Conference, at its Thirty-first Session in November 2001, adopted Resolution 3/2001, adopting the International Treaty on Plant Genetic Resources for Food and Agriculture, and mandating interim arrangements for the implementation of the Treaty. As part of these interim arrangements, the Conference requested the Commission acting as Interim Committee for the Treaty to prepare, for consideration at the first Session of the Governing Body, draft Rules of Procedure for the Governing Body.
2. The Draft Rules of Procedure set out in the *Annex* to this document are based on those currently in force for the Interim Commission on Phytosanitary Measures, which have also been used as a model for the draft rules of procedure for the Commission on Genetic Resources for Food and Agriculture acting as Interim Committee for the Treaty. The Draft Rules also take into account the provisions of the Treaty and the current practices and procedures of the Commission on Genetic Resources for Food and Agriculture, where relevant.

**II. CONCLUSIONS AND SUGGESTED ACTION  
BY THE INTERIM COMMITTEE**

3. The Interim Committee for the Treaty is invited to review the attached draft Rules of Procedure for the Governing Body of the Treaty with a view to recommending their consideration by the Governing Body at its first Session as requested by the Conference.
4. In this connection, the Interim Committee for the Treaty may feel it appropriate, after an initial discussion on this matter, to establish an **open-ended working group of legal experts**, with appropriate technical support, to consider the wording of the draft Rules of Procedure as well as the Financial Rules for the Governing Body. Such a working group could be convened during the current Session of the Interim Committee for the Treaty or immediately preceding its next Session.



**GOVERNING BODY FOR THE INTERNATIONAL TREATY ON PLANT GENETIC  
RESOURCES FOR FOOD AND AGRICULTURE**

**DRAFT RULES OF PROCEDURE**

**Rule I  
Membership**

1. Membership in the Governing Body is composed of all Contracting Parties to the Treaty.
2. Each Contracting Party shall communicate to the Director-General of the FAO the name of its representative on the Governing Body and, where possible, that of other members of its delegation, before the opening of each Session of the Governing Body.

**Rule II  
Officers**

1. The Governing Body shall elect a Chairperson and not more than \*\* Vice-Chairpersons (hereinafter collectively referred to as “the Bureau”), and a rapporteur, from among the representatives, alternates, experts and advisers (hereinafter referred to as “delegates”) of the Contracting Parties; it being understood that no delegate shall be eligible without the concurrence of the head of the delegate’s delegation.
2. The Bureau shall be elected at the beginning of a Regular Session and shall hold office until the beginning of the following Regular Session.
3. The Chairperson, or in the absence of the Chairperson another member of the Bureau, shall preside at all meetings of the Governing Body and shall exercise such other functions as may be required to facilitate the work of the Governing Body. A Vice-Chairperson acting as Chairperson shall have the same powers and duties as the Chairperson.

**Rule III  
Secretary**

1. The Director General of the FAO shall appoint, with the approval of the Governing Body, a Secretary of the Governing Body, who shall perform such duties as the work of the Governing Body may require. The Secretary shall be assisted by such staff as may be required.
2. The Secretary shall be responsible for implementing the activities assigned to the Secretary in accordance with the policies of the Governing Body. The Secretary shall report to the Governing Body on the activities assigned to the Secretary.

#### **Rule IV Sessions**

1. The Governing Body shall hold Regular Sessions at least once every two years. These Sessions should, as far as possible, be held back-to-back with the Regular Sessions of the Commission on Genetic Resources for Food and Agriculture.
2. Special Sessions of the Governing Body shall be held at such other times as may be deemed necessary by the Governing Body, or at the written request of any Contracting Party, provided that this request is supported by at least one third of the Contracting Parties.
3. Sessions of the Governing Body shall be convened by the Chairperson of the Governing Body, after consultation with the Director-General of the FAO.
4. Notice of the date and place of each Session of the Governing Body shall be communicated to all Contracting Parties at least two months before the Session.
5. Each Contracting Party shall have one representative in the Governing Body, who may be accompanied by one or more alternates, experts and advisers. An alternate, expert or adviser shall not have the right to vote except when substituting for the representative.
6. Meetings of the Governing Body shall be held in public unless the Governing Body decides otherwise.
7. A majority of the Contracting Parties shall constitute a quorum.

#### **Rule V Agenda and documents**

1. The Secretary, in consultation with the Chairperson of the Governing Body, shall prepare a provisional agenda.
2. The first item on the provisional agenda shall be the adoption of the Agenda.
3. Any Contracting Party may request the Secretary to include specific items in the Provisional Agenda.
4. The Provisional Agenda shall normally be circulated by the Secretary at least two months in advance of the Session to all Contracting Parties and to other Members and Associate Members of the FAO and non-member States eligible to become Contracting Parties and to all international organizations invited to attend the Session.
5. Any Contracting Party may, after the despatch of the Provisional Agenda, propose the inclusion of specific items on the Agenda with respect to matters of an urgent nature. These items should be placed on a supplementary list, which, if time permits before the opening of the Session, shall be despatched by the Secretary to all Contracting Parties, failing which the supplementary list shall be communicated to the Chairperson for submission to the Governing Body.

6. After the Agenda has been adopted, the Governing Body may, [*by a two-thirds majority of the Contracting Parties present and voting*] [*by consensus*], amend the Agenda by the deletion, addition or modification of any item.

7. Documents to be submitted to the Governing Body at any Session shall be furnished by the Director-General of the FAO to the Contracting Parties, the other Members and Associate Members of the FAO attending the Session, to any non-member State eligible to become a Contracting Party and to international organizations invited to the Session, at the time the Agenda is despatched or as soon as possible thereafter.

8. Formal proposals relating to items on the Agenda and amendments thereto introduced during a Session of the Governing Body shall be made in writing and handed to the Chairperson, who shall arrange for copies to be circulated to all representatives of Contracting Parties.

### **Rule VI** **Voting procedures**

1. Subject to the provisions of Article II.10 of the Constitution of the FAO, each Contracting Party shall have one vote.

2. Decisions of the Governing Body shall be taken on all matters by consensus, with the exception of the following matters, on which decisions may, if all efforts to reach consensus have been exhausted and no agreement has been reached, as the last resort be taken by a two-thirds majority of the Contracting Parties present and voting:

(a) .....

(b) ....

(c) ... .]

3. For the purpose of these Rules, the phrase “Contracting Parties present and voting” means Members casting an affirmative or negative vote. Contracting Parties who abstain from voting or cast a defective ballot are considered as not voting.

4. Upon the request of any Contracting Party, voting shall be by roll-call vote, in which case the vote of each Contracting Party shall be recorded.

5. When the Governing Body so decides, voting shall be by secret ballot.

6. The provisions of Rule XII of the General Rules of the FAO shall apply *mutatis mutandis* to all matters not specifically dealt with under this Rule.

### **Rule VII** **Observers**

1. Any Member or Associate Member of the FAO, that is not a Contracting Party but which has a special interest in the work of the Governing Body, may, upon request communicated to the Director-General of the FAO, attend Sessions of the Governing Body and its subsidiary bodies, as an observer. It may submit memoranda and participate in discussions without a vote.

2. States that are not Contracting Parties or Members or Associate Members of the FAO, but which are Members of the United Nations, any of its Specialized Agencies or the International Atomic Energy Agency, may, upon their request and subject to the provisions relating to the granting of observer status to nations adopted by the Conference of the FAO, be invited to attend, in an observer capacity, Sessions of the Governing Body or of its subsidiary bodies. The status of nations invited to such Sessions shall be governed by the relevant provisions adopted by the Conference of the FAO.

3. Subject to the provisions of paragraph 4 of this Rule, the Director-General of the FAO, taking into account guidance given by the Governing Body, may invite international organizations to attend Sessions of the Governing Body in an observer capacity. International organizations that have signed agreements with the Governing Body under Article 15 of the Treaty shall be invited to attend all Sessions of the Governing Body as observers.

4. Participation of international organizations in the work of the Governing Body and the relations between the Governing Body and such organizations shall be governed by the relevant provisions of the Constitution of the FAO and the General Rules of the FAO, as well as by other provisions of the Basic Texts of the FAO dealing with relations with international organizations.

### **Rule VIII Records and Reports**

1. At each Session, the Governing Body shall approve a report embodying its views, recommendations and conclusions, including, when requested, a statement of minority views. Such other records, for its own use, as the Governing Body may on occasion decide, shall also be maintained.

2. The report of the Governing Body shall be circulated by the Secretary to all Contracting Parties, to other nations and international organizations that were represented at the Session, for their information, and, upon request, to other Members and Associate Members of the FAO. It shall also be transmitted at the close of each Session to the Director-General of the FAO.

3. Recommendations of the Governing Body having policy, programme or financial implications for the FAO shall be brought by the Director-General of the FAO to the attention of the Conference or Council of the FAO for appropriate action.

4. Subject to the provisions of the preceding paragraph the Secretary may request Contracting Parties to supply the Governing Body with information on action taken on the basis of recommendations made by the Governing Body.

### **Rule IX Subsidiary Bodies**

1. The Governing Body may establish such subsidiary bodies as it deems necessary for the accomplishment of its functions.

2. Membership in these subsidiary bodies shall comprise such Contracting Parties as have notified the Secretary of their desire to be considered as members of the subsidiary bodies, or shall consist of selected Contracting Parties, as determined by the Governing Body itself, or of individuals appointed in their personal capacity.



3. The representatives of subsidiary bodies shall, insofar as possible, serve in a continuing capacity and be specialists in the fields of activity of the respective subsidiary bodies.
4. The terms of reference and procedures of the subsidiary bodies shall be determined by the Governing Body.
5. The establishment of subsidiary bodies shall be subject to the availability of the necessary funds in the relevant chapter of the approved budget of the Treaty. Before taking any decision involving expenditure in connection with the establishment of subsidiary bodies, the Governing Body shall have before it a report from the Secretary on the administrative and financial implications thereof.
6. Each subsidiary body shall elect its own officers, unless appointed by the Governing Body.

#### **Rule X Expenses**

1. Expenses incurred by representatives of Contracting Parties and by their alternates and their advisers, when attending Sessions of the Governing Body or subsidiary bodies, as well as the expenses incurred by observers at Sessions, shall be borne by their respective governments or organizations. Should experts be invited by the Secretary to attend Sessions of the Governing Body and its subsidiary bodies in their individual capacity, their expenses, unless otherwise determined by the Governing Body, shall be borne by the budget of the Treaty or by extra-budgetary funds.
2. Any financial operations of the Governing Body and its subsidiary bodies shall be governed by the appropriate provisions of the Financial Rules of the Treaty.

#### **Rule XI Languages**

1. The languages of the Governing Body shall be the official languages of the Treaty.
2. Any representative using a language other than one of the languages of the Treaty shall provide for interpretation into one of the languages of the Treaty.

#### **Rule XII Amendment and Suspension of the Rules**

1. Amendment of or additions to these Rules may be adopted by *consensus*, provided that not less than 24 hours' notice of the proposal for the amendment or the addition has been given.
2. Any of the above Rules of the Governing Body, other than Rule I.1, Rule III.1, Rule IV.2 and 6, Rule V.6, Rule VI.1 and 2, Rule VII, Rule VIII.3 and 4, Rule IX.4 and 5, Rule XI, Rule XIII.1 and Rule XIV may be suspended by *consensus*, provided that not less than 24 hours' notice of the proposal for suspension has been given. Such notice may be waived if no representative of the Contracting Parties objects.

#### **Rule XIII Entry into Force**

These Rules and any amendments or additions thereto shall come into force upon their approval by the Governing Body.