



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 4 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 COMMISSION
ACTING AS INTERIM COMMITTEE FOR THE INTERNATIONAL
TREATY ON PLANT GENETIC RESOURCES FOR FOOD
AND AGRICULTURE**

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**DRAFT RULES OF PROCEDURE FOR THE COMMISSION ACTING AS INTERIM
COMMITTEE FOR THE INTERNATIONAL TREATY ON PLANT GENETIC
RESOURCES FOR FOOD AND AGRICULTURE**

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 Director-General to convene the first meeting of the Interim Committee for the Treaty in 2002, and called on the Commission acting as Interim Committee for the Treaty to adopt its Rules of Procedure at its first session.
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. The Interim Commission is itself an interim body set up under Article VI of the FAO Constitution for the purpose, *inter alia*, of preparing phytosanitary standards pending the entry into force of the revised International Plant Protection Convention, a convention adopted within the framework of the FAO under Article XIV of the Constitution. Like the Interim Committee for the Treaty, the Interim Commission on Phytosanitary Measures is also open to membership by non-FAO Member States. The Rules of Procedure of the Interim Commission on Phytosanitary Measures were adopted at the first meeting of the Interim Commission in 1998.
3. The draft Rules of Procedure for the Interim Committee for the Treaty annexed to the present document also take into account the provisions of the Treaty, as appropriate, and the current practices and procedures of the Commission, for example with respect to the election of the Bureau.

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

4. The Interim Committee for the Treaty is invited to review the attached draft with a view to the adoption of its own Rules of Procedure as requested by the Conference.

*ANNEX***INTERIM COMMITTEE FOR THE INTERNATIONAL TREATY ON PLANT
GENETIC RESOURCES FOR FOOD AND AGRICULTURE****DRAFT RULES OF PROCEDURE****Rule I
Membership**

1. Membership in the Interim Committee for the Treaty is open to all Members of the FAO and to such non-member States as are Members of the United Nations or any of its specialized agencies or the International Atomic Energy Agency.
2. Membership shall comprise all Members of the Commission on Genetic Resources for Food and Agriculture and such other eligible FAO Members and other States as have notified the Director-General of the FAO of their desire to be considered as Members.
3. Each Member of the Interim Committee for the Treaty shall communicate to the Director-General of the FAO the name of its representative and, where possible, that of other members of its delegation, before the opening of each session of the Interim Committee for the Treaty.

**Rule II
Officers**

1. The Interim Committee for the Treaty shall elect a Chairperson and not more than *six* 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 Members of the Interim Committee for the Treaty; 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 Interim Committee for the Treaty and shall exercise such other functions as may be required to facilitate the work of the Interim Committee for the Treaty. A Vice-Chairperson acting as Chairperson shall have the same powers and duties as the Chairperson.

**Rule III
Secretary**

1. The Secretary of the FAO Commission on Genetic Resources for Food and Agriculture shall act as Secretary of the Interim Committee for the Treaty and shall perform such duties as the work of the Interim Committee for the Treaty may require.
2. The Secretary shall be responsible for implementing the activities assigned to the Secretary in accordance with the policies of the Interim Committee for the Treaty. The Secretary shall report to the Interim Committee for the Treaty on the activities assigned to the Secretary.

Rule IV Sessions

1. The Interim Committee for the Treaty 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 Interim Committee for the Treaty shall be held at such other times as may be deemed necessary by the Interim Committee for the Treaty, or at the written request of any Member, provided that this request is supported by at least one third of the Members.
3. Sessions of the Interim Committee for the Treaty shall be convened by the Chairperson of the Interim Committee for the Treaty, after consultation with the Director-General of the FAO.
4. Notice of the date and place of each session of the Interim Committee for the Treaty shall be communicated to all Members of the Interim Committee for the Treaty at least two months before the session.
5. Each Member of the Interim Committee for the Treaty shall have one representative, 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 Interim Committee for the Treaty shall be held in public unless the Interim Committee for the Treaty decides otherwise.
7. A majority of the Members of the Interim Committee for the Treaty shall constitute a quorum.

Rule V Agenda and documents

1. The Director-General, in consultation with the Chairperson of the Interim Committee for the Treaty, shall prepare a provisional agenda.
2. The first item on the provisional agenda shall be the adoption of the Agenda.
3. Any Member of the Interim Committee for the Treaty may request the Director-General of the FAO to include specific items in the Provisional Agenda.
4. The Provisional Agenda shall normally be circulated by the Director-General of the FAO at least two months in advance of the session to all Members of the Interim Committee for the Treaty and to other Members and Associate Members of the FAO and non-member States eligible to become Members of the Interim Committee for the Treaty and to all international organizations invited to attend the session.
5. Any Member of the Interim Committee for the Treaty, and the Director-General of the FAO, 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 Director-General of the FAO to all Members of the Interim Committee for the Treaty, failing which the supplementary list shall be communicated to the Chairperson for submission to the Interim Committee for the Treaty.
6. After the Agenda has been adopted, the Interim Committee for the Treaty may, *[by a two-thirds majority of the members of the Interim Committee for the Treaty present and voting]*

*[by consensus]*¹, amend the Agenda by the deletion, addition or modification of any item. No matter referred to the Interim Committee for the Treaty by the Conference or Council of the FAO may be omitted from the Agenda.

7. Documents to be submitted to the Interim Committee for the Treaty at any session shall be furnished by the Director-General of the FAO to the Members of the Interim Committee for the Treaty, the other Members and Associate Members of the FAO attending the session, to any non-member State eligible to become a Member of the Interim Committee for the Treaty 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 Interim Committee for the Treaty shall be made in writing and handed to the Chairperson, who shall arrange for copies to be circulated to all representatives of Members of the Interim Committee for the Treaty.

Rule VI **Voting procedures**

1. Subject to the provisions of Article II.10 of the Constitution of the FAO, each Member of the Interim Committee for the Treaty shall have one vote.

2. *[The Interim Committee for the Treaty shall make every effort to reach agreement on all matters by consensus. If all efforts to reach consensus have been exhausted and no agreement has been reached, the decision shall, as the last resort be taken by a two-thirds majority of the Members of the Interim Committee for the Treaty present and voting.]*

[Alternative text]²

[Decisions of the Interim Committee for the Treaty 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 Members of the Interim Committee for the Treaty present and voting:

(a)

(b)

(c)]

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

4. Upon the request of any Member of the Interim Committee for the Treaty, voting shall be by roll-call vote, in which case the vote of each member shall be recorded.

5. When the Interim Committee for the Treaty so decides, voting shall be by secret ballot.

¹ Alternative text reflecting the provisions of the IPPC and current practice in the Commission on Genetic Resources for Food and Agriculture on the one hand, and provisions of the Treaty on the other hand.

² Alternative text reflecting the provisions of the IPPC and current practice in the Commission on Genetic Resources for Food and Agriculture on the one hand, and provisions of the Treaty on the other hand.

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, or non-member State referred to in Rule I.1, that is not a Member of the Interim Committee for the Treaty but which has a special interest in the work of the Interim Committee for the Treaty, may, upon request communicated to the Director-General of the FAO, attend sessions of the Interim Committee for the Treaty and its subsidiary bodies, as an observer. It may submit memoranda and participate in discussions without a vote.

2. States that are not Members of the Interim Committee for the Treaty 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 Interim Committee for the Treaty 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 Interim Committee for the Treaty, may invite international organizations to attend sessions of the Interim Committee for the Treaty in an observer capacity. International organizations that have signed agreements with the FAO placing collections of germplasm held by them under the auspices of the FAO shall be invited to attend all sessions of the Interim Committee for the Treaty as observers.

4. Participation of international organizations in the work of the Interim Committee for the Treaty and the relations between the Interim Committee for the Treaty 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. All such relations shall be dealt with by the Director-General of the FAO, taking into account guidance given by the Interim Committee for the Treaty.

Rule VIII Records and Reports

1. At each session, the Interim Committee for the Treaty 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 Interim Committee for the Treaty may on occasion decide, shall also be maintained.

2. The report of the Interim Committee for the Treaty shall be transmitted at the close of each session to the Director-General of the FAO who shall circulate it to all Members of the Interim Committee for the Treaty, 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.

3. Recommendations of the Interim Committee for the Treaty 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 Director-General of the FAO may request Members of the Interim Committee for the Treaty to supply the Interim Committee

for the Treaty with information on action taken on the basis of recommendations made by the Interim Committee for the Treaty.

Rule IX Subsidiary Bodies

1. The Interim Committee for the Treaty may establish such subsidiary bodies as it deems necessary for the accomplishment of its functions.
2. Membership in these subsidiary bodies shall comprise such Members of the Interim Committee for the Treaty as have notified the Director-General of the FAO of their desire to be considered as members of the subsidiary bodies, or shall consist of selected Members of the Interim Committee for the Treaty, as determined by the Interim Committee for the Treaty 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 Interim Committee for the Treaty.
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 FAO, or to the availability of the necessary extra-budgetary funds. Before taking any decision involving expenditures in connection with the establishment of subsidiary bodies, the Interim Committee for the Treaty shall have before it a report from the Director-General on the administrative and financial implications thereof.
6. Each subsidiary body shall elect its own officers, unless appointed by the Interim Committee for the Treaty.

Rule X Expenses

1. Expenses incurred by representatives of Members of the Interim Committee for the Treaty and by their alternates and their advisers, when attending sessions of the Interim Committee for the Treaty 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 Director-General of the FAO to attend sessions of the Interim Committee for the Treaty and its subsidiary bodies in their individual capacity, their expenses, unless otherwise determined by the Interim Committee for the Treaty, shall be borne by the FAO.
2. Any financial operations of the Interim Committee for the Treaty and its subsidiary bodies shall be governed by the appropriate provisions of the Financial Regulations of the FAO.

Rule XI Languages

1. The languages of the Interim Committee for the Treaty shall be the languages of the FAO.
2. Any representative using a language other than one of the languages of the Interim Committee for the Treaty shall provide for interpretation into one of the languages of the Interim Committee for the Treaty.

Rule XII
Amendment and Suspension of the Rules

1. Amendment of or additions to these Rules may be adopted by *[a two-thirds majority of the Members of the Interim Committee for the Treaty present and voting,]* *[consensus,]*³ 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 Interim Committee for the Treaty, 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 *[a two-thirds majority of the Members of the Interim Committee for the Treaty present and voting,]* *[consensus,]*⁴ 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 Members of the Interim Committee for the Treaty objects.

Rule XIII
Entry into Force

These Rules and any amendments or additions thereto shall come into force upon approval by the Director-General of the FAO.

³ Alternative text reflecting the provisions of the IPPC and current practice in the Commission on Genetic Resources for Food and Agriculture on the one hand, and provisions of the Treaty on the other hand.

⁴ Alternative text reflecting the provisions of the IPPC and current practice in the Commission on Genetic Resources for Food and Agriculture on the one hand, and provisions of the Treaty on the other hand.