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منظمة الأغذية
والزراعة
للأمم المتحدة

联合国
粮食及
农业组织

Food
and
Agriculture
Organization
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the
United
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Organisation
des
Nations
Unies
pour
l'alimentation
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l'agriculture

Продовольственная и
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организация
Объединенных
Наций

Organización
de las
Naciones
Unidas
para la
Agricultura
y la
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Item 12 of the Provisional Agenda

COMMISSION ON GENETIC RESOURCES FOR FOOD AND AGRICULTURE

Twelfth Regular Session

Rome, 19-23 October 2009

DRAFT RULES OF PROCEDURE

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Appendix: Draft Rules of Procedure

I. INTRODUCTION

1. In reviewing its mode of operation, the Commission, at its Eleventh Regular Session, requested its Secretariat, in collaboration with the Bureau, to prepare draft Rules of Procedure for its consideration at the Commission's Twelfth Regular Session.¹

2. This document briefly reviews the Commission's current procedural rules, summarises the Commission's recommendations to improve the effectiveness and efficiency. It also presents draft rules of procedure, prepared by the Secretariat in collaboration with the Bureau of the Eleventh Regular Session of the Commission, for consideration by the Commission, at this Session.

II. CURRENT PROCEDURAL RULES

3. The Commission has been established under Article VI of the FAO Constitution. The Commission's operations are governed by the General Rules of the Organization, by Part R of the Basic Texts of the FAO,² and, in particular, by its Statutes.³ The current mandate of the Commission was established by Resolution 3/95 of the FAO Conference. The Statutes of the Commission, in their current form, were adopted by the FAO Council in 1995.⁴ These provide that the Commission has a coordinating role and deals with policy, sectoral and cross-sectoral matters related to the conservation and sustainable use of genetic resources of relevance to food and agriculture. The Commission reports to the Director-General, who brings to the attention of the Conference, through the Council, any recommendations adopted by the Commission that have policy implications, or that affect the programme or finances of the Organization. The Commission Secretariat monitors and coordinates the preparations for Commission meetings and the work for the Commission's Working Groups. The expenses of the Commission Secretariat are determined and paid by the Organization through the relevant appropriations in the approved biennial budget of the Organization.

4. The Commission's Statutes define the Commission's terms of reference, in section 2, and address several procedural issues, in particular:

- i) the Commission's membership (section 1);
- ii) the frequency of the Commission's regular sessions and the convening of extraordinary sessions (section 4i);
- iii) the establishment, funding and frequency of sessions of intergovernmental technical sectoral working groups (section 3i, 4ii and 6);
- iv) the establishment and funding of other subsidiary bodies (section 5);
- v) the Commission's reporting obligations (section 7);
- vi) the appointment of the Secretary, the responsibilities of the Secretariat and the funding of the Commission and its working groups (section 8); and
- vii) the participation of observers (section 9).

5. While other issues, such as the preparation of the provisional agenda or the election of officers presiding over sessions of the Commission, are not addressed in the Commission's Statutes, they are governed by the General Rules of the Organization, and by Part R of the Basic Texts of the FAO, pending the adoption of Rules of Procedure addressing these matters in the

¹ CGRFA-11/07/Report, paragraph 101.

² *Principles and procedures which should govern conventions and agreements concluded under Articles XIV and XV of the Constitution, and Commissions and Committees established under Article VI of the Constitution.*

³ CGRFA-12/09/Inf.2, *Statutes of the Commission on Genetic Resources for Food and Agriculture.*

⁴ CL/110, paragraph 14.

specific context of the Commission. The Statutes authorize the Commission to adopt its own rules of procedure, which shall be in conformity with the Constitution and the General Rules of the Organization and with the statement of principles governing commissions and committees adopted by the Conference (section 10). The rules of procedure (and amendments thereto) come into force upon approval by the Director-General (Article VI, paragraph 3 of the FAO Constitution).

III. THE COMMISSION'S RECOMMENDATIONS TO STREAMLINE ITS OPERATIONS

6. The Commission, at its last session, reviewed its operations and considered options to improve their effectiveness and efficiency, as laid out in the document, *Streamlining the operations of the Commission for the implementation of the Multi-Year Programme of Work*.⁵ More specifically, the Commission decided to maintain the frequency and duration of its regular sessions. It agreed that the type, structure, length and quality of pre-session documents were adequate, but recommended that executive summaries be provided in the case of lengthy documents. It requested that printed documents be available in time for regional consultations preceding the session. It also stressed the importance of receiving pre-session documents in all official languages, and of maintaining the quality of translation. The Commission recommended that sufficient time be allocated to regional consultations, preceding sessions, and urged that interpretation be provided to regions, whenever possible. The Commission also recommended that a rule be put in place for the accreditation of media representatives, and for the participation of observers in sessions of the Commission.⁶

IV. THE COMMISSION'S OPERATIONS AND THE FAO REFORM

7. The FAO Conference, at its Thirty-fifth (Special) Session, held from 18 to 21 November 2008, considered the report of the Conference Committee on Follow-up to the Independent External Evaluation of FAO and adopted an Immediate Plan of Action for FAO Renewal (2009-11).⁷ The Immediate Plan of Action (IPA) calls for a review with a view to making any necessary changes to enable those statutory bodies which wish to do so, to exercise financial and administrative authority and mobilise additional funding from their members, while remaining within the framework of FAO and maintaining a reporting relationship with it.⁸ A preliminary document of the requested review is being finalized and will be under discussion in the Governing Bodies and statutory bodies of FAO throughout 2010. This could have some impact upon future operations of the Commission.

V. DRAFT RULES OF PROCEDURE

8. In response to the Commission's request, the Secretariat, in collaboration with the Bureau, has prepared draft Rules of Procedure reflecting the recommendations of the Commission. The draft Rules of Procedure are given in the *Appendix* to this document. The draft Rules take into account, as appropriate, implications the on-going reform process of the Organization may have for the Commission's mode of operation.

9. As mentioned above, the Commission's Statutes contain a number of procedural rules. To facilitate the comprehensibility of the Rules of Procedure, it is suggested to repeat these procedural rules in exactly the same wording in the Rules of Procedure. An alternative approach

⁵ CGRFA-11/07/23.

⁶ CGRFA-11/07/Report, paragraphs 97 – 101.

⁷ C 2008/REP, paragraph 18 and *Appendix E*.

⁸ C 2008/REP, *Appendix E*, paragraph 28.

would be to address only those issues in the Rules of Procedure that are not covered by the Statutes. Following this approach, the Rules of Procedure would need to be read in conjunction with the Commission's Statutes. In the *Appendix*, the text that repeats procedural provisions of the Statutes is shown in *italics* and in **bold**.

10. It should be noted that the Commission is not authorised to amend any of the provisions contained in the Commission's Statutes, as the Statutes have been adopted by the FAO Council. Therefore, the draft rules of procedure do not contain any provisions that would require a change of the Commission's Statutes. However, should the Commission wish to amend specific provisions of its Statutes, it may suggest amendments. Any proposal for such amendments would then be transmitted to the Director-General in time for inclusion in the agenda of the Council or Conference, as appropriate (Part R, paragraph 34).

11. The issues not covered by the Commission's Statutes and are proposed to be addressed in the Rules of Procedure include:

- i) the representation of Members at sessions of the Commission;
- ii) the duration of regular sessions;
- iii) the election of the Chair, Vice-Chairs and the *Rapporteur*;
- iv) the drawing up of the provisional agenda and the dispatch of the provisional agenda and pre-session documents; and
- v) the accreditation of media representatives attending sessions of the Commission.

VI. GUIDANCE SOUGHT

12. The Commission is invited to review the draft Rules of Procedure, as given in the *Appendix* to this document, with a view to adopt them at this Session.

APPENDIX

**DRAFT RULES OF PROCEDURE
OF THE
COMMISSION ON GENETIC RESOURCES FOR FOOD AND AGRICULTURE**

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Rule I

Scope

These rules of procedure shall apply to all sessions of the Commission.

Rule II

Membership

In accordance with its Statutes, the Commission shall be open to all Members and Associate Members of the Organization. It shall be composed of those Members or Associate Members which notify the Director-General of their desire to be considered as Members of the Commission.

Rule III

Bureau

- (1) The Commission shall elect, from among the representatives of its Members, a Chairperson and six Vice-Chairpersons (hereinafter collectively referred to as “the Bureau”), each coming from one of the following geographic regions: Africa, Asia, Europe, Latin America and the Caribbean, Near East, North America and South-West Pacific. In electing the Chairperson, the Commission shall have due regard to the principle of rotation.
- (2) The Commission shall elect a *Rapporteur* from among the Members of the Bureau.
- (3) The Chairpersons and Vice-Chairpersons shall be elected at the first regular session of each biennium. The terms of office of the Chairperson and the Vice-Chairpersons shall commence with immediate effect upon closure of the session at which they are elected.

(4) The Chairperson, or in her or his absence a Vice-Chairperson, shall preside at meetings of the Commission and exercise such other functions as may be required to facilitate its work. A Vice-Chairperson acting as Chairperson shall have the same powers and duties as the Chairperson.

(5) The Chairperson and the Vice-Chairpersons shall serve as the Bureau and provide guidance to the Secretary with regard to the preparations for, and conduct of, sessions of the Commission.

(6) The Chairperson, if temporarily absent from a session or any part thereof or temporarily unable to fulfil her or his intersessional duties, shall designate a Vice-Chairperson to act as Chairperson.

(7) If a Bureau Member is unable to temporarily carry out any of her or his functions, the Member of the Commission of that Bureau Member may designate an alternate.

(8) If a Bureau Member resigns from her or his position or find herself or himself permanently unable to exercise her or his functions, the Member of the Commission of that Bureau Member shall designate a substitute representative for the remainder of the term.

Rule IV **Sessions**

(1) The Commission shall normally hold one regular session each biennium. It may also decide to convene extraordinary sessions as necessary, subject to the approval of the FAO Council. Sessions of the Commission shall normally be held at the Organization's Headquarters. Regular sessions shall normally not exceed five days. Sessions shall normally be preceded by regional consultations with appropriate facilities.

(2) The Sectoral Working Groups, where established, shall hold no more than one regular session annually.

(3) All sessions shall be convened by the Director-General in consultation with the Bureau of the Commission.

(4) Notice convening a regular session of the Commission shall normally be communicated not less than 90 days, and notices convening a special session not less than 30 days, before the date fixed for the opening of the session, to Members of the Commission and to observers from Members and Associate Members of the Organization that are not Members of the Commission, from states that are not members or Associate Members of the Organization, and from international organizations.

(5) Each Member of the Commission shall communicate to the Secretary of the Commission the names of its representative and of alternates, associates and advisers before the opening of each session of the Commission.

Rule V **Attendance**

(1) Each Member of the Commission shall be represented by one representative and may appoint alternates, associates and advisers to its representative on the Commission.

(2) Members of the Commission should, as far as possible, be represented by delegations consisting of senior officers highly qualified to contribute actively to a multidisciplinary consideration of the subjects on the agenda of the Commission.

(3) Meetings of the Commission shall be open to observers from Members and Associate Members that are not Members of the commission, from states that are not Members or Associate Members of the Organization, and from international organizations, in accordance with the relevant provisions of the rules and principles adopted by the Conference.

(4) Media representatives may be accredited to attend sessions of the Commission by filing a request to the Secretariat, which will forward the accreditation request to the responsible division within FAO.

Rule VI ***Agenda and documents***

(1) The Director-General, in consultation with the Bureau of the Commission, shall prepare a provisional agenda. The provisional agenda shall be communicated with the notice referred to in Rule IV.5.

(2) Any Member of the Commission may request the Director-General normally not less than 30 days before the date fixed for the opening of a session, to include an item in the provisional agenda. The Director-General shall thereupon circulate the proposed item to all Members of the Commission, together with any necessary documents.

(3) After the agenda has been adopted, the Commission may, by consensus, amend the agenda by the deletion, addition or modification of any item.

(4) Documents to be submitted to the Commission at any session shall be published on the website of the Commission and be made available at the request by Members as hard copies, at the time the agenda is published, or as soon as possible thereafter, but always at least six weeks prior to the opening of the session.

(5) "Documents to be submitted to the Commission" shall comprise the working documents of the session. They should include a summary if they exceed 5 000 words.

Rule VII ***Decision-making***

All decisions of the Commission shall be taken by consensus unless by consensus another method of arriving at a decision on certain measures is reached.

Rule VIII ***Intergovernmental Technical Sectoral Working Groups of the Commission***

(1) The Commission may establish intergovernmental technical sectoral working groups ("Sectoral Working Groups"), with appropriate geographical balance, to assist it in the areas of plant, animal, forestry and fisheries genetic resources.

(2) The purpose of the Sectoral Working Groups shall be to review the situation and issues related to agro-biodiversity in the areas under their respective competences, to advise and make recommendations to the Commission on these matters, and to consider the progress made in

implementing the Commission's programme of work, as well as any other matters referred to them by the Commission.

(3) *The composition and terms of reference for each Sectoral Working Group shall be established by the Commission. Rules of procedure of Sectoral Working Groups shall be approved by the Commission, and shall be in conformity with the rules of procedure of the Commission and the General Rules of the Organization.*

Rule IX
Other Subsidiary Bodies

The Commission may establish such other Subsidiary Bodies as it may deem necessary for the effective discharge of its functions.

Rule X
Funding of Sectoral Working Groups and other Subsidiary Bodies

(1) *The establishment of any Sectoral Working Group or other Subsidiary Body shall be subject to the determination by the Director-General that the necessary funds are available in the relevant chapter of the budget of the Organization or from extra-budgetary sources.*

(2) *Before taking any decision involving expenditure in connection with the establishment of Subsidiary Bodies, the Commission shall have before it a report from the Director-General on the programme, administrative and financial implications thereof.*

Rule XI
Reporting

The Commission shall report to the Director-General, who shall bring to the attention of the Conference through the Council any recommendations adopted by the Commission, which have policy implications, or which affect the programme or finances of the Organization. As soon as they become available, copies of each report of the Commission will be circulated to Members and Associate Members of the Organization and also to international organizations and agencies that are concerned with genetic resources.

Rule XII
Secretariat and expenses

(1) *The Secretary of the Commission shall be appointed by the Director-General and shall be administratively responsible to him. The Secretariat of the Commission will monitor and coordinate the preparations for the Commission meetings and the work for the Sectoral Working Groups, where established. The expenses of the Secretariat of the Commission shall be determined and paid by the Organization within the limits of the relevant appropriations in the approved budget of the Organization.*

(2) *Secretariat services for each Sectoral Working Group, where established, will be provided by the respective technical divisions of FAO as part of its annual programme of work.*

(3) *Expenses incurred by representatives of Members of the Commission and its Working Groups, their alternates and advisers, when attending sessions of the Commission, its Sectoral Working Groups or other Subsidiary Bodies, as well as the expenses of observers at sessions, shall be borne by the respective governments or organizations.*

Rule XIII
Languages

- (1) The languages of the Commission shall be the languages of the Organization.
- (2) Any representative using a language other than one of the languages of the Commission shall provide for interpretation into one of the languages of the Commission.
- (3) Documents to be submitted to the Commission shall be translated into all languages of the Commission.

Rule XIV
Amendment of the Rules of Procedure

- (1) The Commission may amend its Rules of Procedure, provided that such amendment is consistent with the Constitution and the General Rules of the Organization and the Statutes of the Commission.
- (2) No proposal for the amendment of these Rules shall be included in the agenda of any session of the Commission unless notice thereof has been given by the Director-General to the Members of the Commission at least 30 days before the opening of the session.

Rule XV
Application of the General Rules of FAO

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