
**AGREEMENT FOR THE ESTABLISHMENT OF A
REGIONAL ANIMAL PRODUCTION AND HEALTH COMMISSION FOR ASIA AND THE
PACIFIC**

as amended by the Commission at its Second, Fourth and Eleventh Sessions
(1977, 1979 and 1986, respectively) and approved by the FAO Council as its
Seventy-Fourth, Seventy-Sixth and Ninetieth Sessions
(27 November - 7 December 1978, 6-8 November 1979 and 17-28 November 1986, respectively)

ARTICLE I

Establishment of the Commission

The contracting parties, realizing the need to coordinate their policies, plans and programmes in livestock production, and disease control and eradication, and desiring to provide machinery for the exchange of information and experience, hereby establish, within the framework of the Food and Agriculture Organization of the United Nations (hereinafter referred to as "the Organization"), a Commission to be known as the "Regional Animal Production and Health Commission for Asia and the Pacific", hereinafter referred to as "the Commission").

ARTICLE II

Purposes

The purposes of the Commission shall be:

- (a) to promote livestock development in general and national and international research and action with respect to animal health and husbandry problems in the Region as defined in Article III.1 of this Agreement;
- (b) to build up regional and national livestock programmes based on collective self-reliance and mutual assistance within the Region;
- (c) to promote livestock production as an industry and as part of the farming system on the basis of self-reliance at the farm level;
- (d) to raise the level of nutrition and standard of living of small farmers and rural communities through the optimal exploitation of potential resources for livestock development.

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ARTICLE III

Membership

1. Membership of the Commission shall be open to Member Nations and Associate Members of the Organization situated wholly or partly within, or responsible for the international relations of any territory situated wholly or partly within, the area bounded by latitudes 50° North and 50° South and longitudes 60° East and 130° West (hereinafter referred to as "the Region").

2. The Commission may, by a two-thirds majority of its members, admit to membership States situated wholly or partly within, or responsible for the international relations of any territory situated wholly or partly within the Region, that are not members of the Organization but are members of the United Nations, any of its specialized agencies or the International Atomic Energy Agency, provided that such States have submitted an application for membership of the Commission and a declaration made in a formal instrument accepting the Agreement.

ARTICLE IV

Obligations of Members Regarding National Policies and International Cooperation in Animal Production and Health

1. Members undertake to maintain directly and through the Secretary of the Commission a regular exchange of information on the current animal production and health situation; on research and investigational activities in livestock husbandry and health; on the progress of disease control campaigns within their countries; and to transmit such information regularly to the Organization.
2. Members undertake to promote the growth of livestock industries in their respective countries by:
 - (a) encouraging and supporting such training, surveys and research work as will be considered appropriate for the expansion and improvement of livestock production;
 - (b) participating and cooperating in the implementation of any common policy in animal production and disease control or prevention; and of any common standards and practices, which may be recommended by the Commission;
 - (c) maintaining a permanent disease investigation, reporting and control service, in accordance with such common standards and practices as may be recommended by the Commission;
 - (d) holding reserves of vaccines, drugs and administering equipment;
 - (e) maintaining, where appropriate, national research institutes or laboratories for the study of livestock production problems and of special diseases as may be considered desirable by the Commission and as are compatible with the resources of the country;
 - (f) subject to the provisions of paragraph 3 of this Article, bringing their national legislation, administrative procedures and documentary requirements into full accord with any common standards and practices recommended by the Commission, within the period of time specified to this effect by the Commission;
 - (g) facilitating the storage of frozen semen and disease control equipment and facilities and vaccines and drugs that may be held by the Commission and permitting the duty-free import or export without hindrance of such goods and equipment, as well as the free movement within the country of such goods and equipment, subject to national animal health regulations for their importation being met;
 - (h) providing the Commission with any information and facilities it may request to carry out its functions effectively.
3. Members undertake to adopt all appropriate measures to ensure national implementation of common regional standards and practices recommended by the Commission, provided that any Member may, within 90 days of notification of such recommendation, present an objection addressed to the Secretary of the Commission, who shall inform the Chairman and members of the Commission of receipt of such objection. A member having presented an objection within the above time-limit shall not be under an obligation to give effect to the recommendation and shall not be a member of any subsidiary body, as may be created for the purpose of implementing the recommendation.
4. Members undertake to designate one or more national authorities responsible for taking measures to implement this Agreement. Such authorities shall be responsible for all communications and correspondence within the scope of this Agreement, and may communicate directly with the Secretariat and with the designated national authorities of other Members.
5. Members undertake to submit to the Commission periodic reports on the action taken to fulfil the obligations specified in paragraphs 1,2,3 and 4 of this Article.

ARTICLE V

Seat of the Commission

1. The Seat of the Commission shall be the FAO Regional Office for Asia and the Pacific, Bangkok, Thailand.

2. Sessions of the Commission shall normally be held at its seat. Sessions may, however, be convened elsewhere, in consultation with the Director-General of the Organization, in pursuance of a decision of the Commission at a previous session, or in exceptional circumstances, of a decision by the Executive Committee.

ARTICLE VI

Functions of the Commission

The following shall be the functions of the Commission

1. Joint action and assistance

The Commission shall:

- (a) plan and promote joint action for the improvement of animal production;
- (b) plan and promote joint action for the survey and control of contagious and infectious diseases and recommend common standards and practices for this purpose;
- (c) plan and promote joint action to establish educational programmes to meet the needs of the animal industry and advise on standardization of education courses;
- (d) determine, in consultation with Members concerned, the nature and extent of assistance needed by such Members in order to implement their national livestock development programmes as well as to support regional programmes;
- (e) assist, at the request of any Member, and within budgetary limits, in the control of epizootic and communicable diseases whose control may be beyond the capacity of national services.

2. Information and Coordination

The Commission shall:

- (a) ensure that all Members are provided with current information on epizootic and communicable diseases and progress in animal production work in the Region, and shall collect and disseminate information on experience gained in these fields;
- (b) assist in the establishment of regional projects in animal production and health for diagnosis, research, education and development work and shall coordinate their activities with those of national organizations;
- (c) collect, analyse, interpret and disseminate to Members the reports submitted, pursuant to Article IV.5 of this Agreement.

3. Cooperation

The Commission may:

- (a) enter into arrangements or agreements through the Director-General of the Organization with states in the Region that are not members of the Commission, for common action in connection with the survey, control and eradication of animal diseases and on subjects related to livestock production;

- (b) enter into or encourage arrangements through the Director-General of the Organization with other United Nations Specialized Agencies or other international organizations concerned, for joint action on the control of epizootic and communicable diseases, to overcome animal production problems and for the mutual exchange of information on problems concerning the livestock industries in general.

4. **Administrative matters**

The Commission shall:

- (a) consider and approve the report of the Executive Committee on the activities of the Commission, the Programme and Budget of the Commission for the ensuing financial period, and the annual accounts;
- (b) keep the Director-General of the Organization fully informed of its activities and transmit to him the accounts, the Programme and the Budget of the Commission, the latter for submission to the Council of the Organization prior to implementation;
- (c) transmit to the Director-General of the Organization the reports and recommendations of the Commission, for such action by the Council or Conference of the Organization as may be appropriate.

ARTICLE VII **Special Functions**

The following shall be the special functions of the Commission:

1. To assist in controlling animal disease outbreaks in emergency situations in any manner considered appropriate by the Commission and by the Member or Members concerned. For this purpose, the Commission or its Executive Committee, in conformity with the provisions of Article XII(e) may use any uncommitted balances of the Budget referred to in Article XV.7 as well as any donations or supplementary contributions which may be provided for emergency action under Article XV.4 or 6.
2. To elaborate and amend, as appropriate, common Regional standards and practices of animal production and health. Upon recommendation by a two-thirds majority of the Members of the Commission, these standards and practices and any amendment thereto shall constitute Annexes to this Agreement, to be implemented by Members in accordance with Article IV. The Commission may adopt detailed procedures pertaining to the elaboration, adoption and amendment of, and reservations to, such standards and practices.
3. To assist in the procurement and distribution of frozen semen and high quality genetic stock.
4. To take suitable action on the following:
 - (a) storage of cultures or vaccines for distribution to any Member in case of need;
 - (b) promotion, when necessary, of the establishment by a Member or Members of "cordons sanitaires" to prevent the spread of disease.
5. To carry out such further special projects in animal production and health as may be suggested by Members and approved by the Commission within budgetary limits.

ARTICLE VIII

Sessions of the Commission

1. Each Member of the Commission shall be represented at sessions of the Commission by a delegate who may be accompanied by alternates and by experts and advisers. Alternates, experts and advisers may take part in the proceedings of the Commission but may not vote unless authorized by the delegate to substitute for him.
2. A majority of the Members of the Commission shall constitute a quorum. Each Member shall have one vote. Decisions of the Commission shall be taken by a majority of the votes cast, except as otherwise provided for in this Agreement.
3. A Member which is in arrears in the payment of its financial contributions to the Commission shall have no vote if the amount of its arrears equals or exceeds the amount of the contributions due from it for the two preceding financial years.
4. The Commission shall elect, at each regular session, a Chairman, a Vice-Chairman and three Members of the Executive Committee provided for in Article XI from among the delegates. These officers shall remain in office until the election of new officers at the next regular session and shall be eligible for reelection to the same office only for one further successive term.
5. The Director-General of the Organization, in consultation with the Chairman of the Commission, shall convene a regular session of the Commission normally once a year. Special sessions may be convened by the Director-General of the Organization in consultation with the Chairman of the Commission, if so requested by the Commission in regular session or by at least one-third of the Members during intervals between regular sessions.
6. The Director-General of the Organization or a representative designated by him shall have the right to participate without vote in all meetings of the Commission, its Executive Committee or other subsidiary bodies.

ARTICLE IX

Observers and Consultants

1. Participation of international organizations in the work of the Commission and the relations between the Commission and such organizations shall be governed by the relevant provisions of the Constitution and the General Rules of the Organization, as well as by the rules on relations with international organizations adopted by the Conference or Council of the Organization. All such relations shall be dealt with by the Director-General of the Organization.
2. Member Nations and Associate Members of the Organization that are not members of the Commission may, upon their request, be represented by an observer at sessions of the Commission.
3. States which, while not Members of the Commission, nor Members or Associate Members of the Organization, are Members of the United Nations, any of its specialized agencies or the International Atomic Energy Agency may, upon request and subject to the concurrence of the Executive Committee and to the provisions relating to the granting of observer status to nations adopted by the Conference of the Organization, be invited to attend sessions of the Commission in an observer capacity.
4. The Commission may invite consultants or experts to attend its sessions or those of the Executive Committee.

ARTICLE X

Secretariat

The Director-General of the Organization shall provide the Secretary and Staff of the Commission, who, for administrative purposes shall be responsible to him. They shall be appointed under the same terms and conditions as the staff of the Organization. The Secretary of the Commission shall be a veterinarian.

ARTICLE XI

The Executive Committee

1. There shall be an Executive Committee composed of the Chairman and Vice-Chairman of the Commission, three Committee members elected by the Commission, and the former Chairman of the Commission as an ex-officio member. The former Chairman shall serve for the term immediately following the term during which he was Chairman, and he shall have the right to vote. The Secretary of the Commission shall act as Secretary of the Executive Committee.

2. The Executive Committee shall meet at least once between regular sessions of the Commission. The Chairman of the Executive Committee shall, in consultation with the Director-General of the Organization, convene sessions of the Committee.

ARTICLE XII

Functions of the Executive Committee

The Executive Committee shall:

- (a) make proposals to the Commission with respect to the general policy of the Commission;
- (b) submit draft programmes of work and budget and annual accounts to the Commission;
- (c) ensure the implementation of the policies and programmes approved by the Commission;
- (d) prepare the draft annual report on the activities of the Commission for the approval of the Commission and for transmission to the Director-General of the Organization;
- (e) carry out such other functions as the Commission may delegate to it, in particular with reference to emergency action under Article VII.1.

ARTICLE XIII

Subsidiary Bodies

1. The Commission may, if necessary, establish sub-commissions, committees or working parties, subject to the availability of the necessary funds in the relevant chapters of the approved budgets of the Commission and of the Organization. The determination of such availability shall be made by the Director-General of the Organization. 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 administrative and financial implications thereof.

2. Sessions of sub-commissions, committees and working parties shall be convened by the Chairman of such bodies in consultation with the Director-General of the Organization.

3. Membership in subsidiary bodies shall either be open to all Members of the Commission or shall consist of selected Members of the Commission; or of individuals appointed in their personal capacity, as determined by the Commission.

4. The procedure of subsidiary bodies shall be governed *mutatis mutandis* by the Rules of Procedure of the Commission.

ARTICLE XIV

Rules of Procedure and Financial Regulations

The Commission may, by a two-thirds majority of its membership, adopt and amend its own Rules of Procedure and Financial Regulations which shall be consistent with the General Rules and Financial Regulations of the Organization. The Rules of Procedure and the Financial Regulations of the Commission and any amendments thereto shall come into force as from the date of their approval by the Director-General of the Organization, the Financial Regulations and amendments thereto being subject to confirmation by the Council of the Organization.

ARTICLE XV

Finance

1. Each Member of the Commission undertakes to contribute annually its share of the Budget in accordance with a scale of contributions to be adopted by a two-thirds majority of the membership of the Commission.
2. Contributions shall be made in cash and shall be payable in currencies to be determined by the Commission after consultation with each Member and with the concurrence of the Director-General of the Organization.
3. In addition to making their annual contributions provided for in paragraph 1 or supplementary contributions in accordance with paragraph 6 of this Article, Members of the Commission may establish a national fund into which they may pay moneys in their national currency or in other currencies to be used for implementing the Commission's programmes and projects. Any such national fund shall be administered by the Member concerned.
4. The Commission may also accept donations and other forms of assistance from organizations, individuals and other sources for purposes connected with the fulfilment of any of its functions including emergency action.
5. Contributions and donations received shall be placed in a Trust Fund administered by the Director-General of the Organization in conformity with the Financial Regulations of the Organization.
6. Supplementary contributions may be accepted from a Member or Members for emergency action or for the purpose of implementing special schemes or campaigns of disease control which under Article VII the Commission or Executive Committee may adopt or recommend.
7. At the end of each financial period, any uncommitted balance of the budget shall accrue to the Commission's Special Account and shall be available for the purposes outlined in Articles VI and VII.

ARTICLE XVI

Expenses

1. The expenses of the Commission shall be paid out of its Budget except those relating to such staff and facilities as may be made available by the Organization. The expenses to be borne by the Organization shall be determined and paid within the limits of the biennial budget prepared by the Director-General of the Organization and approved by the Conference of the Organization in accordance with the Constitution, General Rules and the Financial Regulations of the Organization.
2. Expenses incurred by delegates of Members of the Commission and by their alternates, experts and advisers, when attending sessions of the Commission, as well as the expenses incurred by observers, shall be borne by the respective governments or organizations. Expenses incurred by each Member of the Committee when attending sessions of the Executive Committee shall be borne by the Commission.
3. Expenses of consultants or experts invited to attend sessions or participate in the work of the Commission or the Executive Committee shall be borne by the Commission.

ARTICLE XVII

Amendments

1. This Agreement may be amended by a two-thirds majority of the membership of the Commission.
2. Proposals for amendments may be made by any Member of the Commission or by the Director-General of the Organization. Proposals made by a Member of the Commission shall be addressed to both the Chairman of the Commission and the Director-General of the Organization and those made by the Director-General of the Organization shall be addressed to the Chairman of the Commission, not later than 120 days before the Session of the Commission at which the proposal is to be considered. The Director-General of the Organization shall immediately inform all Members of the Commission of all proposals for amendments.
3. Any amendment to this Agreement shall require the approval of the Council of the Organization unless the Council considers it desirable to refer the amendment to the Conference of the Organization for approval.
4. Amendments not involving new obligations for Members of the Commission shall take effect from the date of the approval by the Council or Conference of the Organization, as appropriate.
5. Amendments involving new obligations for Members of the Commission shall, after approval by the Conference or Council of the Organization, come into force in respect of each Member only upon acceptance by it. The instruments of acceptance of amendments involving new obligations shall be deposited with the Director-General of the Organization. The Director-General of the Organization shall inform all Members of the Commission and the Secretary-General of the United Nations of such acceptance. The rights and obligations of any Member of the Commission that has not accepted an amendment involving new obligations shall continue to be governed by the provisions of the Agreement in force prior to the Amendment.
6. The Director-General of the Organization shall inform all Members of the Commission, all Members and Associate Members of the Organization and the Secretary-General of the United Nations of the entry into force of any amendment.
7. Annexes to this Agreement containing common regional standards and practices of animal production and health recommended by the Commission may be amended in accordance with the procedure specified in Article VII.2 of this Agreement.

ARTICLE XVIII

Acceptance

1. Acceptance of this Agreement by any Member or Associate Member of the Organization shall be effected by the deposit of an instrument of acceptance with the Director-General of the Organization and shall take effect on receipt of such instrument by the Director-General of the Organization.
2. Acceptance of this Agreement by non-Member Nations of the Organization shall become effective on the date on which the Commission approves the application for membership in conformity with the provisions of Article III of this Agreement.
3. The Director-General of the Organization shall inform all Members of the Commission, all Members and Associate Members of the Organization and the Secretary-General of the United Nations of all acceptances that have become effective.
4. Acceptance of this Agreement shall be deemed to include acceptance of the provisions of any Annexes thereto, with the exception of any provisions with respect to which an objection is made in the instrument of acceptance. An objection to a provision contained in an Annex to this Agreement shall not constitute a reservation within the meaning of paragraph 5 of this Article.
5. Acceptance of this Agreement may be made subject to reservations which shall become effective only upon unanimous acceptance by the Members of the Commission. The Director-General of the Organization shall notify forthwith all Members of the Commission of any reservation. Members of the Commission not having replied within three months from the date of the notification shall be deemed to have accepted the reservation. Failing such acceptance, the nation making the reservation shall not become a party to this Agreement.

ARTICLE XIX

Territorial Application

The Members of the Commission, when accepting this Agreement, state explicitly to which territories their participation shall extend. In the absence of such a declaration, participation shall be deemed to apply to all the territories in the Region for the international relations of which the Member is responsible. Subject to the provisions of Article XXI.2, the scope of the territorial application may be modified by a subsequent declaration.

ARTICLE XX

Interpretation and Settlement of Disputes

1. Any dispute regarding the interpretation or application of this Agreement, if not settled by the Commission, shall be referred to a Committee composed of one member appointed by each of the parties to the dispute, and in addition an independent chairman chosen by the members of the Committee.
2. The Committee shall submit a report to the Chairman of the Commission who shall transmit it to the parties to the dispute, to the other Members of the Commission and to the Director-General of the Organization. The costs arising from the Committee's proceedings shall be borne by the parties to the dispute as determined by the Commission.
3. The recommendations of such a Committee, while not binding in character, shall become the basis for renewed consideration by the parties concerned of the matter out of which the disagreement arose. If as the result of this procedure the dispute is not settled, it shall be referred to the International Court of Justice in accordance with the Statute of the Court, unless the parties to the dispute agree to another method of settlement.

ARTICLE XXI

Withdrawal

1. Any Member may withdraw from the Commission at any time after the expiration of one year from the date on which its acceptance took effect or from the date on which the Agreement entered into force, whichever is the later, by giving written notice of withdrawal to both the Chairman of the Commission and the Director-General of the Organization. The Director-General of the Organization shall forthwith inform all Members of the Commission, all Member Nations and Associate Members of the Organization and the Secretary-General of the United Nations of the receipt of any notice of withdrawal. The withdrawal shall become effective one year from the date of receipt by the Director-General of the Organization of the notification of withdrawal.
2. A Member of the Commission may give notice of withdrawal with respect to one or more of the territories for the international relations of which it is responsible. When a Member gives notice of its own withdrawal from the Commission, it shall state to which territory or territories the withdrawal is to apply. In the absence of such a declaration, the withdrawal shall be deemed to apply to all the territories for the international relations of which the Member of the Commission is responsible, except that such withdrawal shall not be deemed to apply to an Associate Member of the Organization.
3. Any Member of the Commission that gives notice of withdrawal from the Organization shall be deemed to have simultaneously withdrawn from the Commission, and this withdrawal shall be deemed to apply to all the territories for the international relations of which the Member concerned is responsible, except that such withdrawal shall not be deemed to apply to an Associate Member of the Organization.

ARTICLE XXII

Termination

1. This Agreement shall be considered terminated if and when the number of Members of the Commission falls below five, unless the four remaining members of the Commission decide, with the approval of the Conference of the Organization, to maintain the Agreement in force. The Director-General of the Organization shall inform all Members of the Commission, all Members and Associate Members of the Organization and the Secretary-General of the United Nations of such termination.
2. On termination of the Agreement all assets of the Commission shall be liquidated by the Director-General of the Organization and after settlement of the liabilities, the balance shall be distributed proportionately amongst Members on the basis of the scale of contributions in force at the time. Nations whose contributions are in arrears for two consecutive years shall not be entitled to a share of the assets.

ARTICLE XXIII

Entry into Force

1. This Agreement shall enter into force as soon as five eligible Members or Associate Members of the Organization have become parties to it by the deposit of an instrument of acceptance in accordance with the provisions of Article XVIII of this Agreement.
2. The Director-General of the Organization shall notify all Nations having deposited instruments of acceptance as well as all Member Nations and Associate Members of the Organization and the Secretary-General of the United Nations of the date on which this Agreement comes into force.

ARTICLE XXIV

Authentic Languages

The English and French texts of this Agreement shall be equally authentic.