

February 2001



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 2 of the Provisional Agenda

COMMISSION ON GENETIC RESOURCES FOR FOOD AND AGRICULTURE

SIXTH INTER-SESSIONAL MEETING OF THE CONTACT GROUP

Spoletto, Italy, 22–28 April 2001

**MATERIAL OF RELEVANCE FOR THE LEGAL AND
INSTITUTIONAL STATUS OF THE REVISED INTERNATIONAL
UNDERTAKING ON PLANT GENETIC RESOURCES, WHICH WAS REQUESTED
BY THE FIFTH MEETING OF THE CONTACT GROUP**

CONTENTS

	<i>Page</i>
1. Terminology governing entry into force of agreements	1
2. Timing	1
3. Treaties deposited with FAO	2
- under Article XIV	2
- outside the framework of FAO	3
4. Main characteristics of bodies established under Articles VI and XIV of the FAO Constitution	4
5. Financial provisions of Article XIV agreements	5
6. Decision-making in selected agreements and conventions	22

During the Fifth Inter-sessional Meeting of the Chairman's Contact Group, Rome, 5-10 February 2001, the FAO Legal Office was requested to assemble for the members of the Contact Group material on a number of subjects of relevance to the legal and institutional status of the revised Undertaking, and has accordingly prepared the present document.

This supplements document CGRFA-8/99/9, *Revision of the International Undertaking on Plant Genetic Resources: legal and institutional options.*

**MATERIAL OF RELEVANCE FOR THE LEGAL AND
INSTITUTIONAL STATUS OF THE REVISED INTERNATIONAL
UNDERTAKING ON PLANT GENETIC RESOURCES, WHICH WAS REQUESTED
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I. TERMINOLOGY GOVERNING ENTRY INTO FORCE OF AGREEMENTS

1. The standard formulation used in most multilateral Agreements is signature subject to ratification, acceptance or approval. In such a situation, unless otherwise indicated, signature does not establish the consent of a State to be bound by the Agreement. Consent to be bound depends on a further treaty action, which may be described as ratification, acceptance, or approval. In some instances, where a State has not signed the agreement, it is provided that it may adhere to or accede to it at some later date, thereby consenting to be bound by it.
2. In FAO there is a practice of using a more simplified procedure for bringing into force an Agreement. This involves the adoption of the Agreement by the Conference or, in the case of regional Agreements, the Council, followed by acceptance. In such a case, adoption by Conference or Council is equivalent to signature, while acceptance is the treaty action by which a Member or non-Member consents to be bound. Acceptance here is equivalent to ratification, adherence, approval or accession in other multilateral Agreements. This simplified procedure is recommended in the guidelines to Article XIV Agreements, as set out in Part R of the Basic Texts of the Organization.

II. TIMING

A. Article XIV Body

1. The Agreement needs to be approved by the Conference as it is global in nature (Article XIV Constitution).
2. Accordingly, under Rule XXI GRO, the Director-General is required to notify Members of any proposal for such an Agreement not later than the time when he dispatches the agenda of the session of the Conference or the Council at which the matter is to be considered. This will require the Agreement to be finalized and sent out to Members not less than ninety days (in the present case, end of July) before the Conference session starting on 2 November 2001 (Rule II GRO).
3. It is the practice that such Agreements be considered also by the Committee on Constitutional and Legal Matters (CCLM) prior to consideration by the Conference or Council. In this present case, it is appropriate that CCLM should consider this matter in view of its relationship to the Convention on Biological Diversity. The only session planned for CCLM in 2001 is 2-3 October 2001.

B. Outside Article XIV framework

4. It would be possible for an Agreement to be formulated under the auspices of FAO but outside its constitutional framework. In such a situation, FAO could convene a diplomatic conference to consider and adopt an international agreement. Diplomatic conferences for the adoption of multilateral agreements can be convened by the FAO Conference or by the Director-General on the authority of the Conference. Such an approach would enable the Agreement to be formulated without restraints as regards the timing of the FAO Conference, or of the Council, further it would not allow the automatic institutional and financial commitment of FAO as with Agreements concluded within the framework of the FAO Constitution.

III. TREATIES DEPOSITED WITH FAO

The following text is taken from the FAO web-site at <http://www.fao.org/legal>, at the link, "Treaties". The full texts of all the treaties are available in links from that page.

1. Under the provisions of Article XIV of the FAO Constitution, the Conference may "... approve and submit to Member Nations conventions or agreements concerning questions relating to food and agriculture" and the Council may "... approve and submit to Member Nations agreements concerning questions relating to food and agriculture which are of particular interest to Member Nations of geographical areas specified in such agreements ...".

2. The conventions and agreements concluded under Article XIV of the FAO Constitution, as well as those treaties concluded outside the framework of FAO in respect of which the Director-General exercises depositary functions, are listed in chronological order according to the dates on which they were concluded. The Parties to each convention and agreement, appear in alphabetical order with the status of their participation (e.g. signature and deposit of an instrument of ratification, approval, accession, adherence or acceptance). The date underlined on the list of participants for each convention and agreement is the date of receipt of the instrument bringing the treaty into force.

Conventions and Agreements concluded under Article XIV of the FAO Constitution

Agreement for the Establishment of the Asia-Pacific Fishery Commission (1948)

Constitution of the International Rice Commission (1948)

Agreement for the Establishment of a General Fisheries Commission for the Mediterranean (1949) - Amended text approved by FAO Council at its 113th Session (November 1997)

International Plant Protection Convention (1951) - New revised text approved by FAO Conference at its 29th Session (November 1997)

Constitution of the European Commission for the Control of Foot-and-Mouth Disease (1953)

Plant Protection Agreement for the Asia and Pacific Region (1955)

Convention Placing the International Poplar Commission within the framework of FAO (1959)

Agreement for the Establishment of a Commission for Controlling the Desert Locust in the Eastern Region of its Distribution Area in South-West Asia (1963)

Agreement for the Establishment of a Commission for Controlling the Desert Locust in the Central Region (1965)

Agreement for the Establishment of a Commission for Controlling the Desert Locust in North-West Africa (1970)

Agreement for the Establishment of a Regional Animal Production and Health Commission for Asia and the Pacific (1973)

Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas (1993)

Agreement for the Establishment of the Indian Ocean Tuna Commission (1993)

Agreement for the Establishment of the Regional Commission for Fisheries (RECOFI) (1999)

Agreement for the Establishment of a Commission for Controlling the Desert Locust in the Western Region (2000)

**Conventions and Agreements concluded outside the framework of FAO
in respect of which the Director-General exercises depositary functions**

International Convention for the Conservation of Atlantic Tunas (1966) - Protocol amending the Convention concluded at Paris in 1984; - Protocol amending the Convention concluded at Madrid in 1992

Convention on the Conservation of the Living Resources of the South-East Atlantic (1969) - Protocol of Termination of the Convention concluded at Madrid in 1990

Agreement for the Establishment of a Centre on Integrated Rural Development for Asia and the Pacific (1978)

Agreement for the Establishment of a Centre on Integrated Rural Development for Africa (1979)

Agreement for the Establishment of a Regional Centre on Agrarian Reform and Rural Development of Latin America and the Caribbean (1981) - Protocol to amend the Agreement concluded at Panama in 1985

Agreement for the Establishment of a Regional Centre on Agrarian Reform and Rural Development for the Near East (1983)

Agreement for the Establishment of the Intergovernmental Organization for Marketing Information and Technical Advisory Services for Fishery Products in the Asia and Pacific Region (1985)

Agreement on the Network of Aquaculture Centres in Asia and the Pacific (1988)

Regional Convention on Fisheries Cooperation Among African States Bordering the Atlantic Ocean (1991)

Agreement for the Establishment of the Intergovernmental Organization for Marketing Information and Cooperation Services for Fishery Products in Africa (1991)

Agreement for the Establishment of the Near East Plant Protection Organization (1993)

Constitution of the Centre for Marketing Information and Advisory Services for Fishery Products in the Arab Region (1993)

Constitution of the Centre for Marketing Information and Advisory Services for Fishery Products in Latin America and the Caribbean (1994)

Convention for the Establishment of the Lake Victoria Fisheries Organization (1994)

Convention of the African Network for the Development of Horticulture (2000) - Text exists only in French

Agreement for the Establishment of the International Organization for the Development of Fisheries in Eastern and Central Europe (2000)

**IV. MAIN CHARACTERISTICS OF BODIES ESTABLISHED UNDER
ARTICLES VI AND XIV OF THE FAO CONSTITUTION**

Article VI Bodies	Article XIV Bodies
<p style="text-align: center;">Authority for Establishment</p> <p>The Conference, the Council or the Director-General on the authority of the Conference or Council.</p> <p style="text-align: center;">Membership</p> <p>All Member Nations and Associate Members.</p> <p style="text-align: center;">Source of Financing</p> <ol style="list-style-type: none"> 1. Entirely financed by FAO except the participation of members to Sessions. 2. Possibility for extra-budgetary support. 3. Cannot have their own autonomous budget from mandatory contributions. <p style="text-align: center;">Secretariat</p> <p>Secretary appointed by the Director-General.</p> <p style="text-align: center;">Powers</p> <ol style="list-style-type: none"> 1. Have an advisory role. Can adopt recommendations on management issues, which are not binding. 2. Can create subsidiary bodies, subject to the availability of funds in the relevant approved budget. 3. Can establish rules of procedure for subsidiary bodies, but the latter must be in conformity with the Rules of Procedure of the parent body and the General Rules of the Organization. 4. Bodies may recommend amendments to Statutes which must be transmitted to the Director-General and be included in the agenda of the Council or Conference. 	<p style="text-align: center;">Authority for Establishment</p> <ol style="list-style-type: none"> 1. Established through International Agreement by the Contracting Parties under Article XIV of FAO Constitution. <p style="text-align: center;">Membership</p> <p>Non-members of the Organization can be members but must contribute towards the expenses incurred by the Organization with respect to the activities of the body.</p> <p style="text-align: center;">Source of Financing</p> <p>Bodies established under Article XIV of the Constitution fall into one of the three following categories:</p> <ul style="list-style-type: none"> - bodies entirely financed by the Organization; - bodies that, in addition to being financed by the Organization may undertake cooperative projects financed by the members of the body; - bodies that in addition to being financed by the Organization, have autonomous budgets. <p style="text-align: center;">Secretariat</p> <p>Secretary appointed by Director-General but the Agreement may provide for the consultation with or with the approval or concurrence of Members of the body concerned.</p> <p style="text-align: center;">Powers</p> <ol style="list-style-type: none"> 1. May have regulatory powers to adopt management measures of a potentially binding nature. 2. Can create subsidiary bodies, subject to the availability of funds in the relevant approved budget. 3. Bodies may adopt amendments to Conventions and Agreements which shall be reported to the Council which shall have the power to disallow them. 4. The rules of procedure shall not be inconsistent with the Convention or Agreement establishing the body or with the Constitution.

V. FINANCIAL PROVISIONS OF ARTICLE XIV AGREEMENTS

1. Bodies entirely financed by FAO

Title of the Agreement	Provision	Comments
International Plant Protection Convention (1951)	No provisions	
New revised text approved by FAO Conf. at its 29th Session (Nov. 1997) [not yet in force]	No provisions	
Plant Protection Agreement for the Asia and the Pacific Region – 1955	<p>ARTICLE II</p> <p>Regional Commission</p> <p>5. Expenses incurred by delegates of Contracting Governments in attending sessions of the Commission shall be determined and paid by their respective Governments. The Director-General of the Organization shall appoint and provide the secretariat of the Commission from the staff of the Organization who shall serve only during the sessions of the Commission. The expenses of the secretariat of the Commission shall be determined and paid by the Organization.</p>	
Convention Placing the International Poplar Commission within the framework of FAO --1959	<p>ARTICLE X</p> <p>Expenses</p> <p>1. Expenses incurred by delegates of Member Nations of the Commission and of their alternates and advisers, when attending sessions of the Commission, or subsidiary bodies, as well as the expenses incurred by observers, shall be borne by the respective governments or organizations.</p> <p>2. Expenses of all the members of the Executive Committee when attending sessions of the Executive Committee shall be borne by the countries of which they are nationals.</p> <p>3. Expenses incurred by individuals invited in their personal capacity to attend sessions or participate in the work of the Commission or its subsidiary bodies shall be borne by such individuals except when they have been requested to perform a specific task on behalf of the Commission or its subsidiary bodies.</p> <p>4. The expenses of the Secretariat shall be borne by the Organization.</p> <p>5. When the Commission or Executive Committee hold sessions elsewhere than at the seat of the Commission, all additional expenses related to such sessions shall be borne by the host government. The expenses for publications relating to sessions of the Commission other than the report of such sessions, of the Executive Committee and subsidiary bodies shall be borne by the host government.</p>	
Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas – 1993	No provisions	

2. Bodies that, in addition to being financed by FAO, may undertake cooperative projects financed by members of the Body

Title of the Agreement	Provision	Comments
<p>Agreement for the Establishment of the Asia-Pacific Fishery Commission – 1948</p>	<p>ARTICLE VIII</p> <p>Expenses</p> <p>1. The expenses of delegates and their alternates, experts and advisers occasioned by attendance at sessions of the Commission and the expenses of representatives on committees or working parties established in accordance with Article III of this Agreement shall be determined and paid by their respective governments.</p> <p>2. The expenses of the Secretariat, including publications and communications, and of the Chairman, Vice-Chairman and the immediately retired Chairman of the Commission and of the other two members of the Executive Committee when performing duties connected with the Commission's work during intervals between its sessions, shall be determined and paid by the Organization within the limits of a biennial budget prepared and approved in accordance with the Constitution, the General Rules and Financial Regulations of the Organization.</p> <p>3. The expenses of research or development projects undertaken by individual Members of the Commission, whether independently or upon the recommendation of the Commission, shall be determined and paid by their respective governments.</p> <p>4. The expenses incurred in connection with activities undertaken in accordance with the provisions of Article IV, paragraphs (e) and (f)*, unless otherwise available shall be determined and paid by the Members in the form and proportion to which they shall mutually agree. Cooperative projects shall be submitted to the Council of the Organization prior to implementation. Contributions for cooperative projects shall be paid into a trust fund to be established by the Organization and shall be administered by the Organization in accordance with the Financial Regulations and Rules of the Organization.</p> <p>5. The expenses of experts invited, with the concurrence of the Director-General, to attend meetings of the Commission, committees or working parties in their individual capacity shall be borne by the budget of the Organization.</p>	
<p>* “..... (e) to encourage, recommend, coordinate and, as appropriate, undertake training and extension activities in all aspects of fisheries; (f) to encourage, recommend, coordinate and undertake, as appropriate, research and development activities in all aspects of fisheries;”</p>	<p>ARTICLE VII</p> <p>Expenses</p> <p>1. Expenses incurred by delegates and their alternates and advisers in attending meetings of the</p>	

Title of the Agreement	Provision	Comments
	<p>Commission and expenses incurred by representatives sent to committees or working parties established in accordance with Article VI, shall be determined and paid by their respective governments.</p> <p>2. The expenses of experts invited, with the concurrence of the Director-General, to attend meetings of the Commission, committees or working parties in their individual capacity shall be borne by the budget of the Organization.</p> <p>3. The expenses of the Secretariat of the Commission, and any expenses incurred by the Chairman of the Commission in performing duties connected with its work in intervals between sessions of the Commission, shall be determined and paid by the Organization within the limits of the budget of the Organization prepared and approved by the Conference of the Organization in accordance with the General Rules and Financial Regulations of the Organization for the time being in force.</p> <p>4. Expenses for cooperative projects by Members as authorized in Article IV(c), unless they are met by the Organization or from any other source, shall be determined and paid by Members in such manner and proportions as they may mutually agree. Cooperative projects shall be submitted to the Council of the Organization prior to implementation. Contributions for cooperative projects shall be paid into a trust fund to be established by the Organization and administered by the Organization in accordance with the Financial Regulations of the Organization.</p>	
<p>Agreement for the Establishment of a General Fisheries Commission for the Mediterranean – 1949</p>	<p>ARTICLE IX</p> <p>Expenses</p> <p>1. The expenses of delegates and their alternates, experts and advisers occasioned by attendance at sessions of the Commission and the expenses of representatives sent to committees or working parties established in accordance with Article VII of this Agreement shall be determined and paid by the respective Members.</p> <p>2. The expenses of the Secretariat, including publications and communications and the expenses incurred by the Chairman and Vice-Chairmen of the Commission, when performing duties on behalf of the Commission between Commission sessions, shall be determined and paid by the Organization within the limits of the relevant appropriations provided for in the budget of the Organization.</p> <p>3. The expenses of research and development projects undertaken by individual Members of the Commission, whether independently or upon recommendation of the Commission, shall be determined and paid by the Members concerned.</p>	

Title of the Agreement	Provision	Comments
	<p>4. The expenses incurred in connection with cooperative research or development projects undertaken in accordance with the provisions of Article III, paragraph 1(e), unless otherwise available shall be determined and paid by the Members in the form and proportion to which they shall mutually agree. Cooperative projects shall be submitted to the Council of the Organization prior to implementation. Contributions for cooperative projects shall be paid into a trust fund to be established by the Organization and shall be administered by the Organization in accordance with the Financial Regulations and Rules of the Organization.</p> <p>5. The expenses of experts invited, with the concurrence of the Director-General, to attend meetings of the Commission, committees or working parties in their individual capacity shall be borne by the budget of the Organization.</p> <p>6. The Commission may accept voluntary contributions generally or in connection with specific projects or activities of the Commission. Such contributions shall be paid into a trust fund to be established by the Organization. The acceptance of such voluntary contributions and the administration of the trust fund shall be in accordance with the Financial Regulations and Rules of the Organization.</p>	

3. Bodies that, in addition to being financed by FAO, have autonomous budgets

Title of the Agreement	Provision	Comments
<p>Agreement for the Establishment of a General Fisheries Commission for the Mediterranean – 1949</p>	<p>ARTICLE IX Finances</p> <p>1. Each Member of the Commission undertakes to contribute annually its share of the autonomous budget in accordance with a scale of contributions to be adopted by the Commission.</p> <p>2. At each regular session, the Commission shall adopt its autonomous budget by consensus of its Members, provided however that if, after every effort has been made, a consensus cannot be reached in the course of that session, the matter will be put to a vote and the budget shall be adopted by a two-thirds majority of its Members.</p> <p>3. (a) The amount of the contribution of each Member of the Commission shall be determined in accordance with a scheme which the Commission shall adopt and amend by consensus.</p> <p>(b) The scheme adopted or amended by the Commission shall be set out in the Financial Regulations of the Commission.</p> <p>4. Any non-Member of the Organization that becomes a Member of the Commission shall be required to make such contribution towards the expenses incurred by the Organization with respect to the activities of the Commission as the Commission may determine.</p> <p>5. Contributions shall be payable in freely convertible currencies unless otherwise determined by the Commission with the concurrence of the Director-General.</p> <p>6. 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.</p> <p>7. Contributions and donations and other forms of assistance received shall be placed in a Trust Fund administered by the Director-General in conformity with the Financial Regulations of the Organization.</p> <p>8. A Member of the Commission which is in arrears in the payment of its financial contributions to the Commission shall have no vote in the Commission if the amount of its arrears equals or exceeds the amount of the contributions due from it for the two preceding calendar years. The Commission may, nevertheless, permit such a Member to vote if it is satisfied that the failure to pay was due to conditions beyond the control of the Member but in no case shall it extend the right to vote beyond a further two calendar years.</p>	<p>Amended text approved by FAO Council at its 113th Session (Nov. 97) [not yet in force]</p>

Title of the Agreement	Provision	Comments
	<p data-bbox="644 219 778 248">ARTICLE X</p> <p data-bbox="644 277 740 306">Expenses</p> <p data-bbox="644 336 1150 539">1. The expenses of delegates and their alternates, experts and advisers occasioned by attendance at sessions of the Commission and the expenses of representatives sent to committees or working parties established in accordance with Article VII of this Agreement shall be determined and paid by the respective Members.</p> <p data-bbox="644 568 1137 772">2. The expenses of the Secretariat, including publications and communications and the expenses incurred by the Chairman and Vice-Chairmen of the Commission, when performing duties on behalf of the Commission between Commission sessions, shall be determined and paid from the budget of the Commission.</p> <p data-bbox="644 801 1155 949">3. The expenses of research and development projects undertaken by individual Members of the Commission, whether independently or upon recommendation of the Commission, shall be determined and paid by the Members concerned.</p> <p data-bbox="644 978 1155 1323">4. The expenses incurred in connection with cooperative research or development projects undertaken in accordance with the provisions of Article III, paragraph 1(e), unless otherwise available shall be determined and paid by the Members in the form and proportion to which they shall mutually agree. Contributions for cooperative projects shall be paid into a trust fund to be established by the Organization and shall be administered by the Organization in accordance with the Financial Regulations and Rules of the Organization.</p> <p data-bbox="644 1352 1142 1471">5. The expenses of experts invited to attend meetings of the Commission, committees or working parties in their individual capacity shall be borne by the budget of the Commission.</p> <p data-bbox="644 1500 1150 1760">6. The Commission may accept voluntary contributions generally or in connection with specific projects or activities of the Commission. Such contributions shall be paid into a trust fund to be established by the Organization. The acceptance of such voluntary contributions and the administration of the trust fund shall be in accordance with the Financial Regulations and Rules of the Organization.</p> <p data-bbox="644 1789 786 1818">ARTICLE XI</p> <p data-bbox="644 1848 804 1877">Administration</p> <p data-bbox="644 1906 1155 2078">1. The Secretary of the Commission (hereinafter referred to as the "Secretary") shall be appointed by the Director-General with the approval of the Commission, or in the event of appointment between regular sessions of the Commission, with the approval of the Members of the Commission.</p>	

Title of the Agreement	Provision	Comments
	<p>2. The Secretary shall be responsible for implementing the policies and activities of the Commission and shall report thereon to the Commission. The Secretary shall also act as Secretary to other subsidiary bodies established by the Commission, as required.</p> <p>3. The expenses of the Commission shall be paid out of its autonomous budget except those relating to such staff and facilities as can 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 and approved by the Conference of the Organization in accordance with the General Rules and the Financial Regulations of the Organization.</p> <p>4. Expenses incurred by delegates, their alternates, experts and advisers when attending, as government representatives, sessions of the Commission, its sub-commissions and its committees, as well as the expenses incurred by observers at sessions, shall be borne by the respective governments or organizations. The expenses of experts invited by the Commission to attend, in their individual capacity, meetings of the Commission or its sub-commissions or committees shall be borne by the budget of the Commission.</p>	
<p>Constitution of the European Commission for the Control of Foot-and-Mouth Disease – 1953</p>	<p>ARTICLE XII Administration</p> <p>1. The staff of the Secretariat of the Commission shall be appointed by the Director-General with the approval of the Executive Committee, and for administrative purposes shall be responsible to the Director-General. They shall be appointed under the same terms and conditions as the staff of the Organization.</p> <p>2. The expenses of the Commission shall be paid out of its Administrative Budget except those relating to such staff and facilities which can 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 and approved by the Conference of the Organization in accordance with the General Rules and the Financial Regulations of the Organization.</p> <p>3. Expenses incurred by delegates, their alternates, experts and advisers when attending sessions of the Commission and its committees as government representatives, as well as the expenses incurred by observers at sessions, shall be borne by the respective governments or organizations. The expenses of experts invited by the Commission to attend meetings of the Commission or its committees in their individual capacity shall be borne by the budget of the Commission.</p>	

Title of the Agreement	Provision	Comments
	<p data-bbox="643 219 802 246">ARTICLE XIII</p> <p data-bbox="643 277 730 304">Finance</p> <p data-bbox="643 336 1161 539">1. Each Member of the Commission undertakes to contribute annually its share of the administrative budget in accordance with a scale of contributions. This scale of contributions shall be adopted by the Commission with a two-thirds majority of its Members in accordance with the Financial Regulations of the Commission.</p> <p data-bbox="643 571 1161 860">2. Contributions of States which acquire membership between two regular sessions of the Commission shall be determined by the Executive Committee in accordance with the Financial Regulations of the Commission; for this purpose such criteria as may be specified in the Financial Regulations shall apply. The determination made by the Executive Committee shall be subject to confirmation by the Commission at its next regular session.</p> <p data-bbox="643 891 1150 1005">3. Annual contributions provided for under paragraphs 1 and 2 above shall be payable before the end of the first month of the year to which they apply.</p> <p data-bbox="643 1037 1155 1240">4. Supplementary contributions may be accepted from a Member or Members or from organizations or individuals for emergency action or the purpose of implementing special schemes or campaigns of control which under Article V the Commission or Executive Committee may adopt or recommend.</p> <p data-bbox="643 1272 1150 1386">5. All contributions from Members shall be payable in currencies to be determined by the Commission in agreement with each contributing Member.</p> <p data-bbox="643 1417 1145 1559">6. All contributions 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.</p> <p data-bbox="643 1590 1134 1704">7. At the end of each financial period, any uncommitted balance of the Administrative Budget shall be retained in the Trust Fund and made available for the following year's budget.</p>	

Title of the Agreement	Provision	Comments
<p>Agreement for the Establishment of a Commission for Controlling the Desert Locust in the Central Region – 1965</p>	<p>ARTICLE XII Finance</p> <ol style="list-style-type: none"> 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. Contributions by Members shall be made in cash. 2. The Commission may also accept contributions and donations from other sources. 3. Contributions 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. 4. All contributions and donations and other forms of assistance received shall be placed in a Trust or special Fund administered by the Director-General of the Organization in conformity with the Financial Regulations of the Organization. FAO should assist the Commission in utilizing funds or donations that could not be deposited in its Trust or special Fund. <p>ARTICLE XIII Expenses</p> <ol style="list-style-type: none"> 1. The expenses of the Commission shall be paid out of its budget except those relating to such staff and facilities which may be made available by the Organization. The expenses to be borne by the Organization shall be determined and paid within the limits of an annual budget prepared by the Director-General 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 of their alternates 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 the representative of each Member of the Executive 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. 4. The expenses of the Secretariat shall be borne by the Organization. <p>ARTICLE IV Functions of the Commission</p> <p>The following shall be the functions of the Commission:</p>	

Title of the Agreement	Provision	Comments
	<p>4. Administrative Matters</p> <p>The Commission shall:</p> <ul style="list-style-type: none"> (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 biannual accounts; (b) keep the Director-General of the Organization fully informed of its activities and transmit to him the reports and recommendations of the Commission, its accounts, its Programme and its Budget for such action by the Council or the Conference of the Organization as may be appropriate. 	
<p>Agreement for the Establishment for Controlling the Desert Locust in the Eastern Region of its Distribution Area in South-West Asia – 1963</p>	<p>ARTICLE XII</p> <p>Finance</p> <p>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. The contributions of the Members of the Commission shall, initially, be calculated on the basis of the financial contributions worked out in respect of the Members in connection with the United Nations Special Fund Desert Locust Project, subject to such modifications as may be determined by the Commission as the result of acceptances of the Agreement in addition to those provided for in Article XX of the Agreement.</p> <p>2. Contributions by Members may be made partly in cash and partly in kind, the proportion of each being determined by the Commission. For budgetary purposes, the cash value of contributions in kind shall be calculated by such means as the Commission may decide.</p> <p>3. The Commission may also accept contributions and donations from other sources.</p> <p>4. Contributions 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.</p> <p>5. All 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.</p>	

Title of the Agreement	Provision	Comments
	<p data-bbox="644 226 802 248">ARTICLE XIII</p> <p data-bbox="644 282 740 304">Expenses</p> <p data-bbox="644 338 1155 629">1. The expenses of the Commission shall be paid out of its Budget except those relating to such staff and facilities which can be made available by the Organization. The expenses to be borne by the Organization shall be determined and paid within the limits of an annual budget prepared by the Director-General and approved by the Conference of the Organization in accordance with the Constitution, General Rules and the Financial Regulations of the Organization.</p> <p data-bbox="644 663 1155 864">2. Expenses relating to attendance by one delegate of each Member Government of the Commission at sessions of the Commission or its subsidiary bodies shall be borne by the Commission. Expenses of alternates, advisers and observers, shall be borne by their respective governments or organizations.</p> <p data-bbox="644 898 1155 1099">3. Expenses of individuals invited in their personal capacity to attend sessions or participate in the work of the Commission or its subsidiary bodies shall be borne by such individuals except when they have been requested to perform a specific task on behalf of the Commission or its subsidiary bodies.</p> <p data-bbox="644 1133 1139 1189">4. The expenses of the Secretariat shall be borne by the Organization.</p> <p data-bbox="644 1223 788 1245">ARTICLE IV</p> <p data-bbox="644 1279 948 1301">Functions of the Commission</p> <p data-bbox="644 1335 1075 1391">The following shall be the functions of the Commission:</p> <p data-bbox="644 1424 900 1447">4. Administrative matters</p> <p data-bbox="644 1480 884 1503">The Commission shall:</p> <p data-bbox="676 1536 1155 1704">(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;</p> <p data-bbox="676 1738 1155 1917">(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;</p> <p data-bbox="676 1951 1155 2085">(c) transmit to the Director-General the reports and recommendations of the Commission, for such action by the Council or Conference of the Organization as may be appropriate.</p>	

Title of the Agreement	Provision	Comments
<p>Agreement for the Establishment of a Commission for Controlling the Desert Locust in North-West Africa – 1970</p>	<p>ARTICLE XI</p> <p>Finance</p> <p>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. Contributions by Members shall be made in cash.</p> <p>2. The Commission may also accept contributions and donations from other sources.</p> <p>3. Contributions 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.</p> <p>4. All 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.</p> <p>ARTICLE XII</p> <p>Expenses</p> <p>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 annual 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.</p> <p>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 the representative of each Member of the Commission when attending sessions of the Executive Committee shall be borne by the Commission.</p> <p>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.</p> <p>4. The expenses of the Secretariat shall be borne by the Organization.</p>	

Title of the Agreement	Provision	Comments
	<p>ARTICLE IV</p> <p>Functions of the Commission</p> <p>The following shall be the functions of the Commission:</p> <p>4. Administrative matters</p> <p>The Commission shall:</p> <p>(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;</p> <p>(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;</p> <p>(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.</p>	
<p>Agreement for the Establishment of a Regional Animal Production and Health Commission for Asia and the Pacific – 1973</p>	<p>ARTICLE XV</p> <p>Finance</p> <p>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.</p> <p>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.</p> <p>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.</p>	

Title of the Agreement	Provision	Comments
	<p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>ARTICLE XVI</p> <p>Expenses</p> <p>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.</p> <p>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.</p> <p>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.</p>	

Title of the Agreement	Provision	Comments
	<p>ARTICLE VI</p> <p>Functions of the Commission</p> <p>The following shall be the functions of the Commission</p> <p>4. Administrative matters</p> <p>The Commission shall:</p> <p>(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;</p> <p>(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;</p> <p>(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.</p>	
<p>Agreement for the Establishment of the Indian Ocean Tuna Commission – 1993</p>	<p>ARTICLE XIII</p> <p>Finances</p> <p>1. Each Member of the Commission undertakes to contribute annually its share of the autonomous budget in accordance with a scale of contributions to be adopted by the Commission.</p> <p>2. At each regular session, the Commission shall adopt its autonomous budget by consensus of its Members provided, however, that if, after every effort has been made, a consensus cannot be reached in the course of that session, the matter will be put to a vote and the budget shall be adopted by a two-thirds majority of its Members.</p> <p>3. (a) The amount of the contribution of each Member of the Commission shall be determined in accordance with a scheme which the Commission shall adopt and amend by consensus.</p> <p>(b) In adopting the scheme, due consideration shall be given to each Member being assessed an equal basic fee and a variable fee based, <i>inter alia</i>, on the total catch and landings of species covered by this Agreement in the Area, and the per capita income of each Member.</p>	

Title of the Agreement	Provision	Comments
	<p>(c) The scheme adopted or amended by the Commission shall be set out in the Financial Regulations of the Commission.</p> <p>4. Any non-Member of FAO that becomes a Member of the Commission shall be required to make such contribution towards the expenses incurred by FAO with respect to the activities of the Commission as the Commission may determine.</p> <p>5. Contributions shall be payable in freely convertible currencies unless otherwise determined by the Commission with the concurrence of the Director-General.</p> <p>6. 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.</p> <p>7. Contributions and donations and other forms of assistance received shall be placed in a Trust Fund administered by the Director-General in conformity with the Financial Regulations of FAO.</p> <p>8. A Member of the Commission which is in arrears in the payment of its financial contributions to the Commission shall have no vote in the Commission if the amount of its arrears equals or exceeds the amount of the contributions due from it for the two preceding calendar years. The Commission may, nevertheless, permit such a Member to vote if it is satisfied that the failure to pay was due to conditions beyond the control of the Member.</p> <p>ARTICLE VIII</p> <p>Administration</p> <p>1. The Secretary of the Commission (hereinafter referred to as the "Secretary") shall be appointed by the Director-General with the approval of the Commission, or in the event of appointment between regular sessions of the Commission, with the approval of the Members of the Commission. The staff of the Commission shall be appointed by the Secretary and shall be under the Secretary's direct supervision. The Secretary and staff of the Commission shall be appointed under the same terms and conditions as staff members of FAO; they shall, for administrative purposes, be responsible to the Director-General.</p> <p>2. The Secretary shall be responsible for implementing the policies and activities of the Commission and shall report thereon to the Commission. The Secretary shall also act as Secretary to other subsidiary bodies established by the Commission, as required.</p>	

Title of the Agreement	Provision	Comments
	<p data-bbox="643 226 1158 483">3. The expenses of the Commission shall be paid out of its autonomous budget except those relating to such staff and facilities as can be made available by FAO. The expenses to be borne by FAO shall be determined and paid within the limits of the biennial budget prepared by the Director-General and approved by the Conference of FAO in accordance with the General Rules and the Financial Regulations of FAO.</p> <p data-bbox="643 517 1158 860">4. Expenses incurred by delegates, their alternates, experts and advisers when attending, as government representatives, sessions of the Commission, its sub-commissions and its committees, as well as the expenses incurred by observers at sessions, shall be borne by the respective governments or organizations. The expenses of experts invited by the Commission to attend, in their individual capacity, meetings of the Commission or its sub-commissions or committees shall be borne by the budget of the Commission.</p>	

VI. DECISION-MAKING IN SELECTED AGREEMENTS AND CONVENTIONS

Convention	Required Majority for Decisions
<p>Agreement for the Establishment of the Indian Ocean Tuna Commission</p> <p>(FAO Article XIV)</p>	<ul style="list-style-type: none"> • The Commission may, by a <u>two-thirds</u> majority of Members, admit to membership certain States that are not FAO Members. • Unless otherwise provided in the Agreement, decisions and recommendations of the Commission shall be taken by a <u>majority</u> of the votes cast. • The Commission may adopt and amend, as required, its own Rules of Procedure and Financial Regulations by a <u>two-thirds</u> majority of its Members. • The Commission may, by a <u>two-thirds</u> majority of its Members present and voting, adopt conservation and management measures binding on Members of the Commission, provided that if objections are made by more than <u>one-third</u> of the Members, the other Members shall not be bound by that measure. • The Commission shall adopt its autonomous budget by <u>consensus</u> of its Members but, if not possible, by a <u>two-thirds</u> majority. • The amount of the contribution of each Member shall be determined under a scheme adopted (or amended) by <u>consensus</u>. • The Agreement may be amended by a <u>three-quarters</u> majority vote. • Amendments to Annexes (which identify the Area of competence and the species covered by the Agreement) shall be adopted by a <u>two thirds</u> majority of the Members.
<p>Convention on Biological Diversity</p>	<ul style="list-style-type: none"> • Extraordinary sessions of the Conference of the Parties (COP) shall be held at the request of a Party supported by at least <u>one third</u> of the Parties • The COP shall by <u>consensus</u> agree upon and adopt rules of procedure for itself and for any subsidiary body, as well as financial rules governing the funding of the Secretariat. • Observers may be admitted to meetings of the COP unless at least <u>one third</u> of the Parties present objects. • Amendments to the Convention and to any protocol to the Convention shall be adopted by <u>consensus</u> or, if not possible, by a <u>two-third</u> majority vote of the Parties to the instrument in question present and voting at the meeting and shall enter into force among Parties having accepted them after at least <u>two thirds</u> of the Contracting Parties to the Convention or of the Parties to the protocol concerned, except as otherwise provided in the protocol, have deposited instruments of ratification, acceptance or approval.
<p>International Plant Protection Convention (New Revised Text 1997)</p> <p>(FAO Article XIV)</p>	<ul style="list-style-type: none"> • Contracting parties shall make decisions by <u>consensus</u> or, if not possible, by a <u>two-thirds</u> majority of contracting parties present and voting. • Special sessions of the Commission shall be convened by Chairperson at the request of at least <u>one-third</u> of its Members. • Amendments to the Convention shall require the approval of the Commission and shall come into force after acceptance by <u>two-thirds</u> of the contracting parties.
<p>Rotterdam Convention on the Prior Informed Consent Procedure (PIC) for Certain Hazardous Chemicals and Pesticides in International Trade</p>	<ul style="list-style-type: none"> • The COP is required to adopt for itself and any subsidiary bodies rules of procedure and financial rules, as well as financial provisions re. functioning of the Secretariat, by <u>consensus</u>. • Chemical Review Committee, a technical subsidiary body, to make recommendations to the COP by <u>consensus</u> or, if not possible, by a <u>two-thirds majority</u> vote of the members present and voting.

Convention	Required Majority for Decisions
	<ul style="list-style-type: none"> • Observers may be admitted to sessions of the COP unless at least <u>one third</u> of the Parties present objects. • The COP may transfer secretariat functions to an entity other than those identified in the Convention by vote of a <u>three-fourths</u> majority of the Parties present and voting. • Amendments to the Convention shall be made by <u>consensus</u> or, if not possible, by a <u>three-fourths</u> majority vote of the Parties present and voting at the meeting and shall enter into force for the Parties having accepted them after deposit of instruments of ratification, acceptance or approval by at least <u>three fourths</u> of the Parties. • Amendments to Annex III, a technical annex identifying chemicals/pesticides subject to the PIC procedure, shall be adopted by <u>consensus</u>.
United Nations Convention to Combat Desertification	<ul style="list-style-type: none"> • The COP shall agree upon and adopt, by <u>consensus</u>, rules of procedure and financial rules for itself and any subsidiary bodies. The rules of procedure shall include decision-making procedures for matters not already covered by decision-making procedures stipulated in the Convention, including required majorities for particular decisions. • Extraordinary sessions of the COP shall meet at the request of a Party supported by at least <u>one third</u> of the Parties. • Observers may be admitted to sessions of the COP unless at least <u>one third</u> of the Parties present objects. • Amendments to the Convention shall be made by <u>consensus</u> or, if not possible, by a <u>two-thirds</u> majority vote of the Parties present and voting and shall enter into force for those having accepted them after deposit of instruments of ratification, acceptance, approval or accession by at least <u>two thirds</u> of the Parties to the Convention which were Parties at the time of the adoption of the amendment. • Any additional regional implementation annex or amendment to any regional implementation annex shall be adopted by the requisite majority, which shall include a <u>two-thirds</u> majority vote <u>of the Parties of the region</u> concerned present and voting.
United Nations Framework Convention on Climate Change	<ul style="list-style-type: none"> • The Convention provides that the COP shall adopt rules of procedure for itself and for its subsidiary bodies that shall include decision-making procedures for matters not already covered by decision-making procedures stipulated in the Convention, and further, may include majorities required for the adoption of particular decisions. • Extraordinary sessions of the COP may be held at the request of any Party if such request is supported by at least <u>one third</u> of the Parties. • Observers may be admitted to sessions of the COP unless at least <u>one third</u> of the Parties present objects. • Amendments to the Convention shall be made by <u>consensus</u> or, if not possible, by a <u>three-fourths</u> majority vote of the Parties present and voting and shall enter into force for those Parties having accepted them after deposit of instruments of acceptance by at least <u>three fourths</u> of the Parties to the Convention.