

April 2019



**Food and Agriculture  
Organization of the  
United Nations**



**The International Treaty**  
**ON PLANT GENETIC RESOURCES  
FOR FOOD AND AGRICULTURE**

**Item 2 of the Provisional Agenda**

**INTERNATIONAL TREATY ON PLANT GENETIC RESOURCES  
FOR FOOD AND AGRICULTURE**

**SECOND MEETING OF THE AD HOC TECHNICAL EXPERT GROUP ON  
FARMERS' RIGHTS**

**Rome, Italy, 20–23 May 2019**

**NOTE ON ORGANIZATIONAL MATTERS**

**I. Introduction**

1. This document is prepared under the guidance of the Co-Chairs to provide information on the current composition, participation of observers and certain organizational matters to facilitate the smooth and effective conduct of the proceedings of the meeting of the AHTEG.
2. Specific information regarding the Agenda items and proposed organization of work for the meeting is contained in the *Annotated Provisional Agenda and Indicative Timetable*.

**II. Composition of the Ad Hoc Technical Experts Group on Farmers' Rights**

3. The composition of the AHTEG-FR is established in its Terms of Reference as adopted by the Governing Body through Resolution 7/2017.
4. In accordance with the Terms of Reference, the Bureau of the Eighth Session of the Governing Body appointed Ms. Svanhild-Isabelle Batta Torheim of Norway and Mr. Rakesh Chandra Agrawal of India as the Co-Chairs of the AHTEG.
5. The Bureau at its second meeting in March 2019 agreed “to consider the membership of the Co-Chairs of the AHTEG-FR appointed by the Bureau outside the regional membership quota.” Accordingly, the Bureau invited nominations from the two regions to which the Co-Chairs belonged in order to complete the membership.
6. The two concerned regions subsequently nominated Mr. Frédéric Malterre (Europe) and Ms. Najibah Ataei (Asia) to complete their regional nominations, without any objections.

**III. Participation of observers**

7. The Terms of Reference of the AHTEG-FR are silent on mode and scope of the participation of observers.
8. The Bureau of the Eighth Session of the Governing Body at its first meeting had “requested the Secretary to invite the Secretariats of the CBD, the CGRFA, the CGIAR Centres and UNESCO to send experts, as observers, given their technical competence and the relevance of their work to the discussions of the AHTEG.”

9. The Bureau also concluded to take a balanced but transparent approach regarding the attendance of silent observers to the meetings of the AHTEG-FR and agreed that the Co-Chairs of the AHTEG-FR should consider the list of stakeholders who expressed interest to attend the meetings as silent observers. A similar approach is followed at the Ad Hoc Working Group to Enhance the Functioning of the Multilateral System.

10. At its first meeting, the AHTEG-FR “welcomed the presence of observers”, and the Co-Chairs clarified, and the AHTEG-FR agreed, that silent observers do not have speaking rights, unless upon exceptional invitation by the Co-Chairs.

11. No overall common practice regarding observer participation can be derived from practice in subsidiary bodies and committees established by the Governing Body. However, meetings are generally attended by observers and the practice is to allow observer attendance unless the Governing Body decides otherwise.

12. In accordance with the *Rules of Procedure of the Governing Body*, they shall apply “*mutatis mutandis*, to subsidiary bodies of the Governing Body unless the Governing Body should decide otherwise”.<sup>1</sup> Accordingly, as no specific decision was made by the Governing Body regarding the participation of observers when it established the Expert Group, the Rules of Procedure of the Governing Body provide guidance that the Co-Chairs will follow in regard to the participation observers at the meeting of the Expert Group.

13. Rule VII provides for the participation of observers in the Sessions of the Governing Body. Rule 7.2 of the Rules of Procedure provides that “... observers may, upon invitation of the Chairperson, participate without the right to vote in sessions of the Governing Body on matters of direct concern to the body or agency they represent unless at least one third of the Contracting Parties present at the session object”.

14. With regard to speaking rights and contribution to discussions, the established practice by the Governing Body is that Contracting Parties have precedent speaking rights. When all the Contracting Parties that wish to speak on any agenda item or issue under discussion have made their interventions, States which are not contracting parties are invited by the Chair to speak and, subject to the availability of time, followed by International Organizations, and thereafter other stakeholders including Farmers’ organizations, civil society organizations and non-governmental entities. Observers may also not participate in any decision-making or textual negotiations or in the adoption of the Report of the Session. Their inputs may, however, be considered if adopted or supported, without opposition, by a Contracting Party.

15. Consequently, using the Rules of the Procedure and practices of the Governing Body as guide, *mutatis mutandis*, only the members of the Expert Group have constant speaking rights during the deliberations of the Group. Unless at least one third of the members of the Expert Group object, the Co-Chairs may invite observers to participate in and contribute to the discussions, after the members have made their interventions, but without any right to participate in any decision-making or adoption of any text or the Report by the Expert Group. Any inputs from Observers may, however, be considered if adopted or supported, without opposition, by a member of the Expert Group.

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<sup>1</sup> Rule I, *Rules of Procedure of the Governing Body*