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Part VII

Institutional provisions

Article 19 - Governing Body

- 19.1 A Governing Body for this Treaty is hereby established, composed of all Contracting Parties.
- 19.2 All decisions of the Governing Body shall be taken by consensus unless by consensus another method of arriving at a decision on certain measures is reached, except that consensus shall always be required in relation to Articles 23 and 24.
- 19.3 The functions of the Governing Body shall be to promote the full implementation of this Treaty, keeping in view its objectives, and, in particular, to:
- a) provide policy direction and guidance to monitor, and adopt such recommendations as necessary for the implementation of this Treaty and, in particular, for the operation of the Multilateral System;
 - b) adopt plans and programmes for the implementation of this Treaty;
 - c) adopt, at its first session, and periodically review the funding strategy for the implementation of this Treaty, in accordance with the provisions of Article 18;
 - d) adopt the budget of this Treaty;
 - e) consider and establish subject to the availability of necessary funds such subsidiary bodies as may be necessary, and their respective mandates and composition;
 - f) establish, as needed, an appropriate mechanism, such as a Trust Account, for receiving and utilizing financial resources that will accrue to it for purposes of implementing this Treaty;
 - g) establish and maintain cooperation with other relevant international organizations and treaty bodies, including in particular the Conference of the Parties to the Convention on Biological Diversity, on matters covered by this Treaty, including their participation in the funding strategy;
 - h) consider and adopt, as required, amendments to this Treaty, in accordance with the provisions of Article 23;
 - i) consider and adopt, as required, amendments to annexes to this Treaty, in accordance with the provisions of Article 24;
 - j) consider modalities of a strategy to encourage voluntary contributions, in particular, with reference to Articles 13 and 18;
 - k) perform such other functions as may be necessary for the fulfilment of the objectives of this Treaty;
 - l) take note of relevant decisions of the Conference of the Parties to the Convention on Biological Diversity and other relevant international organizations and treaty bodies;



- m) inform, as appropriate, the Conference of the Parties to the Convention on Biological Diversity and other relevant international organizations and treaty bodies of matters regarding the implementation of this Treaty; and
- n) approve the terms of agreements with the IARCs and other international institutions under Article 15, and review and amend the MTA in Article 15.

- 19.4 Subject to Article 19.6, each Contracting Party shall have one vote and may be represented at sessions of the Governing Body by a single delegate who may be accompanied by an alternate, and by experts and advisers. Alternates, experts and advisers may take part in the proceedings of the Governing Body but may not vote, except in the case of their being duly authorized to substitute for the delegate.
- 19.5 The United Nations, its specialized agencies and the International Atomic Energy Agency, as well as any State not a Contracting Party to this Treaty, may be represented as observers at sessions of the Governing Body. Any other body or agency, whether governmental or non-governmental, qualified in fields relating to conservation and sustainable use of plant genetic resources for food and agriculture, which has informed the Secretary of its wish to be represented as an observer at a session of the Governing Body, may be admitted unless at least one third of the Contracting Parties present object. The admission and participation of observers shall be subject to the Rules of Procedure adopted by the Governing Body.
- 19.6 A Member Organization of FAO that is a Contracting Party and the member states of that Member Organization that are Contracting Parties shall exercise their membership rights and fulfil their membership obligations in accordance, *mutatis mutandis*, with the Constitution and General Rules of FAO.
- 19.7 The Governing Body shall adopt and amend, as required, its own Rules of Procedure and financial rules which shall not be inconsistent with this Treaty.
- 19.8 The presence of delegates representing a majority of the Contracting Parties shall be necessary to constitute a quorum at any session of the Governing Body.
- 19.9 The Governing Body shall hold regular sessions at least once every two years. These sessions should, as far as possible, be held back-to-back with the regular sessions of the Commission on Genetic Resources for Food and Agriculture.
- 19.10 Special Sessions of the Governing Body shall be held at such other times as may be deemed necessary by the Governing Body, or at the written request of any Contracting Party, provided that this request is supported by at least one third of the Contracting Parties.

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19.11 The Governing Body shall elect its Chairperson and Vice-Chairpersons (collectively referred to as “the Bureau”), in conformity with its Rules of Procedure.

Article 20 - Secretary

20.1 The Secretary of the Governing Body shall be appointed by the Director-General of FAO, with the approval of the Governing Body. The Secretary shall be assisted by such staff as may be required.

20.2 The Secretary shall perform the following functions:

- a) arrange for and provide administrative support for sessions of the Governing Body and for any subsidiary bodies as may be established;
- b) assist the Governing Body in carrying out its functions, including the performance of specific tasks that the Governing Body may decide to assign to it;
- c) report on its activities to the Governing Body.

20.3 The Secretary shall communicate to all Contracting Parties and to the Director-General:

- a) decisions of the Governing Body within sixty days of adoption;
- b) information received from Contracting Parties in accordance with the provisions of this Treaty.

20.4 The Secretary shall provide documentation in the six languages of the United Nations for sessions of the Governing Body.

20.5 The Secretary shall cooperate with other organizations and treaty bodies, including in particular the Secretariat of the Convention on Biological Diversity, in achieving the objectives of this Treaty.

Article 21 - Compliance

The Governing Body shall, at its first meeting, consider and approve cooperative and effective procedures and operational mechanisms to promote compliance with the provisions of this Treaty and to address issues of non-compliance. These procedures and mechanisms shall include monitoring, and offering advice or assistance, including legal advice or legal assistance, when needed, in particular to developing countries and countries with economies in transition.



Article 22 - Settlement of Disputes

- 22.1 In the event of a dispute between Contracting Parties concerning the interpretation or application of this Treaty, the parties concerned shall seek solutions by negotiation.
- 22.2 If the parties concerned cannot reach agreement by negotiation, they may jointly seek the good offices of, or request mediation by, a third party.
- 22.3 When ratifying, accepting, approving or acceding to this Treaty, or at any time thereafter, a Contracting Party may declare in writing to the Depository that for a dispute not resolved in accordance with Article 22.1 or Article 22.2 above, it accepts one or both of the following means of dispute settlement as compulsory:
- a) Arbitration in accordance with the procedure laid down in Part 1 of Annex II to this Treaty;
 - b) Submission of the dispute to the International Court of Justice.
- 22.4 If the parties to the dispute have not, in accordance with Article 22.3 above, accepted the same or any procedure, the dispute shall be submitted to conciliation in accordance with Part 2 of Annex II to this Treaty unless the parties otherwise agree.



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Article 23 - Amendments of the Treaty

- 23.1 Amendments to this Treaty may be proposed by any Contracting Party.
- 23.2 Amendments to this Treaty shall be adopted at a session of the Governing Body. The text of any proposed amendment shall be communicated to Contracting Parties by the Secretary at least six months before the session at which it is proposed for adoption.
- 23.3 All amendments to this Treaty shall only be made by consensus of the Contracting Parties present at the session of the Governing Body.
- 23.4 Any amendment adopted by the Governing Body shall come into force among Contracting Parties having ratified, accepted or approved it on the ninetieth day after the deposit of instruments of ratification, acceptance or approval by two-thirds of the Contracting Parties. Thereafter the amendment shall enter into force for any other Contracting Party on the ninetieth day after that Contracting Party deposits its instrument of ratification, acceptance or approval of the amendment.
- 23.5 For the purpose of this Article, an instrument deposited by a Member Organization of FAO shall not be counted as additional to those deposited by member states of such an organization.





Article 24 - Annexes

24.1 The annexes to this Treaty shall form an integral part of this Treaty and a reference to this Treaty shall constitute at the same time a reference to any annexes thereto.

24.2 The provisions of Article 23 regarding amendments to this Treaty shall apply to the amendment of annexes.

Article 25 - Signature

This Treaty shall be open for signature at the FAO from 3 November 2001 to 4 November 2002 by all Members of FAO and any States that are not Members of FAO but are Members of the United Nations, or any of its specialized agencies or of the International Atomic Energy Agency.

Article 26 - Ratification, Acceptance or Approval

This Treaty shall be subject to ratification, acceptance or approval by the Members and non-Members of FAO referred to in Article 25. Instruments of ratification, acceptance, or approval shall be deposited with the Depositary.

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Article 27 - Accession

This Treaty shall be open for accession by all Members of FAO and any States that are not Members of FAO but are Members of the United Nations, or any of its specialized agencies or of the International Atomic Energy Agency from the date on which the Treaty is closed for signature. Instruments of accession shall be deposited with the Depositary.

Article 28 - Entry into force

28.1 Subject to the provisions of Article 29.2, this Treaty shall enter into force on the ninetieth day after the deposit of the fortieth instrument of ratification, acceptance, approval or accession, provided that at least twenty instruments of ratification, acceptance, approval or accession have been deposited by Members of FAO.

28.2 For each Member of FAO and any State that is not a Member of FAO but is a Member of the United Nations, or any of its specialized agencies or of the International Atomic Energy Agency that ratifies, accepts, approves or accedes to this Treaty after the deposit, in accordance with Article 28.1, of the fortieth instrument of ratification, acceptance, approval or accession, the Treaty shall enter into force on the ninetieth day following the deposit of its instrument of ratification, acceptance, approval or accession.

Article 29 – Member Organizations of FAO

29.1 When a Member Organization of FAO deposits an instrument of ratification, acceptance, approval or accession for this Treaty, the Member Organization shall, in accordance with the provisions of Article II.7 of the FAO Constitution, notify any change regarding its distribution of competence to its declaration of competence submitted under Article II.5 of the FAO Constitution as may be necessary in light of its acceptance of this Treaty. Any Contracting Party to this Treaty may, at any time, request a Member Organization of FAO that is a Contracting Party to this Treaty to provide information as to which, as between the Member Organization and its Member States, is responsible for the implementation of any particular matter covered by this Treaty. The Member Organization shall provide this information within a reasonable time.

29.2 Instruments of ratification, acceptance, approval, accession or withdrawal, deposited by a Member Organization of FAO, shall not be counted as additional to those deposited by its Member States.

Article 30 - Reservations

No reservations may be made to this Treaty.



Article 31 - Non-Parties

The Contracting Parties shall encourage any Member of FAO or other State, not a Contracting Party to this Treaty, to accept this Treaty.

Article 32 - Withdrawals

32.1 Any Contracting Party may at any time after two years from the date on which this Treaty has entered into force for it, notify the Depositary in writing of its withdrawal from this Treaty. The Depositary shall at once inform all Contracting Parties.

32.2 Withdrawal shall take effect one year from the date of receipt of the notification.

Article 33 - Termination

33.1 This Treaty shall be automatically terminated if and when, as the result of withdrawals, the number of Contracting Parties drops below forty, unless the remaining Contracting Parties unanimously decide otherwise.

33.2 The Depositary shall inform all remaining Contracting Parties when the number of Contracting Parties has dropped to forty.

33.3 In the event of termination the disposition of assets shall be governed by the financial rules to be adopted by the Governing Body.

Article 34 - Depositary

The Director-General of FAO shall be the Depositary of this Treaty.

Article 35 - Authentic Texts

The Arabic, Chinese, English, French, Russian and Spanish texts of this Treaty are equally authentic.



