

AGREEMENT FOR THE ESTABLISHMENT

*As amended by the Commission at its Second, Fourth and Eleventh Session
(1977, 1979 and 1986, respectively)
and approved by the FAO Council at 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 Regional 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 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.

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 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 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 fulfill 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, 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, analyze, 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 diseases.

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 to 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 re-election 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 Organizations, 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 or 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 Members of the Executive Committee 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 or 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 amendment 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 fulfillment 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 Administrative 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 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 in 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 forth-with 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 the 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 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 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 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.

RULES OF PROCEDURE^{1/}

RULE I

SESSIONS OF THE COMMISSION

Notices convening a regular session of the Commission shall be dispatched by the Director-General not less than 50 days and notices convening a special session not less than 20 days before the date fixed for the opening of the session to Members of the Commission, to such Nations which are not Members of the Commission and to such international organizations as may be represented in accordance with Article IX of the Agreement, hereafter referred to as “participating Nations and international organizations”.

RULE II

AGENDA

1. A provisional agenda for each regular session of the Commission shall be drawn up by the Director-General and dispatched to Members and to participation Nations and international organizations not less than 50 days before the date fixed for the opening of the session.

2. The provisional agenda for a regular session shall consist of:

- (a) All items the inclusion of which may have been decided upon by the Commission at a previous session.
- (b) Election of Chairman and Vice-Chairman of the Commission and three Members of the Executive Committee (Article VIII.4 of the Agreement).
- (c) Applications for membership in the Commission, if any (Article III.2 of the Agreement).
- (d) Draft programme and Administrative Budget (Article VI.4(a), in conjunction with Articles VI.1, VII, XII and XV of the Agreement).
- (e) Report of the Executive Committee on the activities of the Commission during the past year (Articles VI.4 and XII of the Agreement).
- (f) Reports by subsidiary bodies established under Article XIII of the Agreement.
- (g) Reports of Members (Article VI.2(c) in conjunction with Article IV.5 of the Agreement and Rule XIII.2).
- (h) Proposals of the Executive Committee concerning policy matters (Article XII of the Agreement).
- (i) Any modifications of the Scale of Contributions including the confirmation of the determination of the contribution of any States

^{1/} Pursuant to rule XVI of these Rules of Procedure, English is the working language of the Commission. Accordingly, the Rules of Procedure exist only in English.

having acquired membership since the last regular session (Article XV.1 of the Agreement and Rule XIV).

- (j) Audited accounts for the preceding financial period (Articles VI.4(a) and XII(b) of the Agreement).
- (k) Amendments to the Agreement, if any (Article XVII of the Agreement).
- (l) Amendments of the Rules of Procedure, if any (Article XIV of the Agreement and Rule XVII).
- (m) Any items the inclusion of which has been requested by Members in accordance with Rule II.5).
- (n) Any items which the Conference, Council or the Director-General of the Organization refer to the Commission.
- (o) Other business arising out of the Commission's regular and special functions (Articles VI and VII of the Agreement).

3. A provisional agenda for each special session of the Commission shall be drawn up by the Director-General and dispatched to Members and to participating Nations and international organizations not less than 20 days before the date fixed for the opening session.

4. The provisional agenda for a special session of the Commission shall consist of:

- (a) All items the inclusion of which in the agenda of the special session may have been decided upon by the Commission at a previous session.

- (b) Applications for membership in the Commission, if any (Article III of the Agreement).
- (c) Amendments to the Agreement, if any (Article XVII of the Agreement).
- (d) Amendments of the Rules of Procedure, if any (Article XIV of the Agreement and Rule XVII).
- (e) Any items proposed for consideration in a request for the holding of the special session made pursuant to Article VIII.5 of the Agreement.
- (f) Any items which the Conference, Council or the Director-General of the Organization refer to the Commission.

5. Any Member may, not less than 30 days before the date fixed for the opening of a session, request the Director-General to include specific items on the agenda. These items shall be placed on a supplementary list, which shall be dispatched to Members and to participating Nations and international organizations, not less than 20 days before the date fixed for the opening of the session.

6. During any session, the Commission may, by a two-thirds majority of the votes cast, add to the agenda any item proposed by a Member.

7. At each session the provisional agenda, together with the proposed additions or deletions, if any, shall be submitted to the Commission for approval as soon as possible after the opening of the session and, on

approval of the Commission, shall become the agenda of the session.

8. The Director-General shall ensure timely circulation of all reports and other documents to be considered by the Commission in connection with any item of its agenda.

9. The Commission shall not proceed to the discussion of any item on the agenda until at least 24 hours have elapsed since the documents referred to in Paragraph 8 have been made available to delegation of Members.

RULE III

DELEGATIONS AND PERMANENT REPRESENTATION

1. For the purpose of these Rules, the term “delegation” means all the persons appointed by a Member to attend a session of the Commission, that is to say its delegate and his alternates, experts and advisers, in accordance with Article VIII.1 of the Agreement.

2. The credentials of delegations and of the observers from participating Nations and international organizations shall, insofar as possible, be deposited with the Secretary of the Commission not later than the opening day of each session of the Commission. The Secretary shall examine the credentials and report thereon to the Commission. Permanent Delegates, appointed by Members under the provisions of paragraphs 3 to 6 of this Rule, shall

not be required to present credentials at each session. They shall, however, communicate to the Secretary the names of alternates and other persons in their delegations, insofar as possible, not later than the opening day of each session of the Commission.

3. During intervals between sessions of the Commission, each Member shall be represented by a Permanent Delegate. A communication made within the scope of the agreement by a Permanent Delegate to the Commission or by the Commission to a Permanent Delegate shall constitute a communication made by or to the Member concerned.

4. The Permanent Delegate shall be appointed by the Member concerned and should normally be the head of the Designated National Authority, as defined under Rule XI.1, or, if the Member designates more than one national authority, the head of one of the Designated National Authorities.

5. The appointment of the Permanent Delegate shall be notified by each Member to the Director-General of the Organization who shall notify the other Members of the Commission. If under exceptional circumstances the Permanent Delegate is not the head of one of the designated National Authorities, the Member shall define his terms of reference, authority and functions within the scope of the Agreement, as distinct from those of the Designated National Authorities, as far as required to facilitate the implementation of article IV.4 of the Agreement.

6. The Permanent Delegate shall normally also represent the Member as its delegate at sessions of the Commission, under the terms of Article VIII.1 of the Agreement. If the Permanent Delegate is unable to attend a session, he may be replaced by an alternate appointed by the Member concerned, but shall remain eligible for holding office under Article VIII.4 of the Agreement.

RULE IV

ATTENDANCE AT PLENARY MEETINGS OF THE COMMISSION

1. Plenary meetings of the Commission shall be open to attendance by all delegations and by observers from participating Nations and international organizations and such members of the staff of the Organization as the Director-General may designate.

2. Each participating Nation or international organization which has been invited to attend a session of the Commission may be represented by an observer. Such observers may participate in the discussions of the Commission and may circulate to the Commission the views of the Nation or organization which they represent.

3. Plenary meetings of the Commission shall be held in public unless the Commission decides otherwise. Subject to any decision of the Commission, the Secretary shall make arrangements for the admission

of the public and of representatives of the press and other information agencies, to plenary meetings of the Commission.

RULE V

POWERS AND DUTIES OF THE CHAIRMAN AND VICE-CHAIRMAN OF THE COMMISSION

1. In addition to exercising such powers as are conferred upon him elsewhere by these Rules, the Chairman shall declare the opening and closing of each plenary meeting of the session. He shall direct the discussion in plenary meetings and at such meetings ensure observance of these Rules, accord the right to speak, put questions, and announce discussions. He shall rule on points of order, and, subject to these Rules, shall have complete control over the proceedings at any meetings. He may, in the course of the discussion of an item, propose to the Commission the limitation of the time to be allowed to speakers, the number of times each delegation may speak on any question, the closure of the list of speakers, the suspension or adjournment of the meeting, or the adjournment or closure of the debate on the item under discussion.

2. In the absence of the Chairman during a plenary meeting or any part thereof, the Vice-Chairman shall preside. The Vice-Chairman acting as Chairman shall have the same powers and duties as the Chairman.

3. The Chairman, and the Vice-Chairman acting as Chairman, shall have the right to vote, unless there is an alternate in his delegation whom he may appoint to vote in his place.

4. The Chairman, in the exercise of his functions, remains under the authority of the Commission.

RULE VI

CONDUCT OF BUSINESS

1. At each regular session, nominations shall be called for by the Chairman from the floor for the offices of Chairman and Vice-Chairman of the Commission and for three Members of the Executive Committee for the ensuing term of office as provided for in the Agreement.

2. Each nomination shall be supported by a mover and seconded and shall carry the endorsement of the nominee.

3. Proposals and amendments for plenary meetings shall be introduced in writing and handed to the Chairman of the Commission who shall circulate copies to the delegations. Subject to a contrary decision of the Commission in a specific instance, no proposal shall be discussed or put to the vote at any plenary meeting unless copies of it have been circulated to all delegations not later than the day preceding the meeting. The Chairman of the Commission may, however, permit the discussion and consideration of amendments or of motions as to procedure even though these

amendments and motions have not been circulated or have only been circulated the same day.

4. A proposal may be withdrawn by its proposer at any time before voting on it has commenced, provided that the proposal has not been amended. A proposal which has thus been withdrawn may be reintroduced by any Member.

5. The conduct of business, voting arrangements and other related matters not specifically provided for in the Agreement or these Rules shall be governed by the General Rules of the Organization.

RULE VII

DECISIONS OF THE COMMISSION

1. The following decisions of the Commission shall be adopted by a two-thirds majority of its membership:

- (a) admission to Commission membership of eligible States that are not members of FAO (Article III.2 of the Agreement);
- (b) Adoption of common Regional standards and practices as Annexes to the Agreement, and related procedures (Article VII.2 of the Agreement);
- (c) adoption of the scale of contributions (Article XV.1 of the Agreement and Rules II.2(i) and XIV);
- (d) amendments of the Agreement (Article XVII.1 and Rule II.2(k) and 4(c).,

(e) adoption, amendment and suspension of Rules of Procedure (Article XIV of the Agreement and Rules II.2(1) and 4(d), and XVII).

2. A two-thirds majority of the votes cast, providing such majority is more than one half of the membership of the Commission, shall be required for decisions on the use of funds from the surplus of the Administrative Budget for implementation of special functions under Article VII of the Agreement (Articles VII.6 and XV.6 of the Agreement).

3. All other decisions on questions falling within the Commission's terms of reference shall be taken by a majority of the votes cast, in accordance with Article VIII.2 of the Agreement.

4. If the interest of the Commission requires a decision to be taken between sessions, the Secretary may, in consultation with the Chairman, seek the opinion of the Members of the Commission by letter or, in case of urgency by any other rapid means of communication. The decision of the Commission shall become effective as soon as the Secretary has received concurrence by cable or letter from a simple or two-thirds majority as required under the relevant provisions of the Agreement for voting at sessions. Failure to reply within 90 days after the date on which the opinion had been requested, shall constitute an abstention. The Secretary shall inform all Members of the Commission of the date on which

the decision thus taken becomes effective.

RULE VIII

SUBSIDIARY BODIES OF THE COMMISSION

1. Procedures in subsidiary bodies established under Article XIII of the Agreement shall be governed by the Rules of Procedure of the Commission so far as applicable (Article XII.4 of the Agreement) and, where appropriate, by the detailed procedures which may be adopted by the Commission under the provisions of Article VII.2 of the Agreement.

2. In addition to the subsidiary bodies provided for in Article XIII of the Agreement, the Commission may set up at each session and for the duration of the session, such committees as it considers desirable and allocate to these committees the various items on its agenda. The procedural provisions relating to subsidiary bodies shall apply, to sessional committees, as appropriate.

3. Each subsidiary body shall elect a Chairman and a Vice-Chairman, and the procedures shall be governed by the Rules of Procedure of the Commission so far as applicable. A majority of the members of the Committee shall constitute a quorum.

4. The Chairman of each subsidiary body shall have in relation to meetings of his subsidiary body the same powers and duties as the Chairman of the Commission has in

relation to plenary meetings. In the absence of the Chairman, the Vice-Chairman of the subsidiary body shall preside with the same powers and duties.

5. All subsidiary bodies established by the Commission shall report their conclusions and recommendations to the Commission.

RULE IX

SECRETARIAT

The staff of the Secretariat of the Commission shall be appointed in accordance with Article X of the Agreement and subject to the provisions of that Article. It shall be the duty of the Secretariat to receive, assemble and circulate documents, reports and resolutions of the Commission and its subsidiary bodies, to prepare the records of their proceedings and to perform such other work as the Commission or any of its subsidiary bodies may require.

RULE X

EXECUTIVE COMMITTEE

1. The Chairman of the Commission shall be the Chairman of the Executive Committee. He shall have, in relation to meetings of the Executive Committee, the same powers and duties as he has in relation to meetings of the Commission. In the absence of the Chairman during a meeting of the Executive Committee or any part thereof, the Vice-Chairman of the Commission shall preside. The

Vice-Chairman acting as Chairman shall have the same powers and duties as the Chairman. A majority of the members of the Committee shall constitute a quorum. Decisions of the Executive Committee shall be taken by a majority of the votes cast. Meetings of the Committee shall be held in private unless otherwise determined by the Commission.

2. If the interest of the Commission requires a decision of the Executive Committee to be taken between its sessions, the Secretary may seek the opinion of the Members of the Executive Committee by any rapid means of communication, informing at the same time all other Members of the Commission. The decision of the Executive Committee shall become effective as soon as the Secretary has received concurrence by cable or letter from all Members of the Executive Committee or if abstentions should arise, from a quorum of its Members, provided that no objection is received from any Members within 30 days from the date on which their opinion had been requested. The Secretary shall inform all Members of the Commission of the decision taken.

RULE XI

DESIGNATED NATIONAL AUTHORITIES

1. The national authority responsible for taking measures to implement the Agreement, designated by Members of the Commission under the terms and to the effect of Article IV.4 of the Agreement, shall be

referred to as the “Designated National Authorities”.

2. A directory of the Designated National Authorities, their terms of reference and officers in charge shall be established, maintained and circulated to Members by the Secretary of the Commission. The Members shall provide the Secretary with the information required to keep the directory up-to-date and to facilitate cooperation and communications as called for under the Agreement.

RULE XII

ARRANGEMENTS WITH INTERNATIONAL ORGANIZATIONS

1. In accordance with Article IX.1 and subject to the provisions of Article V1.3(b) of the Agreement, the Commission shall make arrangements, through the Director-General of the Organization as appropriate, to:

- (a) invite the World Health Organization (WHO) and the International Office of Epizootic (OIE) to participate in the sessions of the Commission and its subsidiary bodies established under Article XIII of the Agreement, with the right to take part in the discussions;
- (b) circulate the reports and other documents of the Commission to the Directors-General of WHO and OIE, and to officers or organizational units which may be designated by them;

- (c) circulate to the Members of the Commission and to the Designated National Authorities, as defined in Rule XI, any comments or other documents which may be provided by WHO and OIE for that purpose;
- (d) ensure participation of WHO and OIE in the work of the Commission under Articles VI and VII or the Agreement, in areas of common interest, for joint action on the control of epizootic and communicable animal diseases, and for the elaboration of related regional standards and practices;
- (e) establish working relations with other international organizations and their subsidiary bodies of regional or global scope concerned with animal health, production, industry and trade in the Region.

RULE XIII

REPORTS, RECOMMENDATION, STANDARDS AND ACTION PROGRAMMES

1. At each regular session, the Commission shall approve a report embodying its views, recommendations and decisions including, when requested a statement of minority views. Such report shall be based on the proceedings of the Commission at the regular session concerned and, as far as applicable, on the draft annual report on the activities of the Commission prepared by the Executive Committee under the

provisions of Article XII(d) of the Agreement. The report shall normally cover, *inter alia*, the following subjects:

- (a) joint action and assistance to Members, under the provisions of Article VI, 1 a-e of the Agreement;
- (b) action taken under the provisions of article VI.2(a) and (b);
- (c) summary of periodic reports submitted by Members pursuant to Article IV.5 of the Agreement, and their analysis, under the provisions of Article VI.2(c) of the Agreement, with a view to identifying areas of future joint action;
- (d) arrangements with participating Nations and international organizations, referred to in Rule I, under the provisions of Article VI.3 of the Agreement;
- (e) emergency action, if any, under the provisions of Article VII.1 of the Agreement;
- (f) action related to common Regional standards and practices, under the provisions of Article VII.2 of the Agreement;
- (g) action taken under the provisions of Article VII.3 and 4 of the Agreement;
- (h) decisions adopted by the Commission at its regular session, and during the interval since the preceding regular session, by means of communications under the provisions of Rule VII or, if applicable, at a special session held between regular sessions.

2. At each regular session, the Commission shall decide upon specific

subject matters to be covered by reports from Members to the Commission, pursuant to Article IV.5 of the Agreement. Where appropriate, the Commission may also decide upon common formats of presentation which as far as possible should be used in such reports, bearing in mind the objective of facilitating conclusion of joint action programmes.

3. At each special session, the Commission shall approve a report, recording the reason for convening the session, the proceedings of the session, the conclusions reached and decisions adopted.

4. Reports of the Executive Committee and of the subsidiary bodies established under Article XIII of the Agreement shall, as far as applicable, be governed by the provisions of paragraphs 1-3 of this Rule.

5. The conclusions and recommendations of the Commission shall be transmitted to the Director-General of the Organization at the closing of each session, who shall circulate them to the Members of the Commission, participating Nations and international organizations that were represented at the session and, upon request, to other Member Nations of the Organization for their information.

6. Recommendations having policy, programme or financial implications for the Organization shall be brought by the Director-General to the attention of the Conference or

Council of the Organization for appropriate action.

7. Subject to the provisions of the preceding paragraph, the Director-General of the Organization may request Members of the Commission to supply the Commission with information on action taken on the basis of recommendations made by the Commission.

RULE XIV

DETERMINATION OF THE SCALE OF CONTRIBUTIONS

1. For the purpose of assessing the contributions due by each Member of the Commission pursuant to Article XV.1 of the Agreement, the scale of contributions shall provide for a classification of the States concerned into three groups based on such factors as number, productivity and economic value of their livestock. The groups shall include Members of the Commission, and those States and Territories in the Region which are not Members but may become members in the course of the ensuing financial period.

2. Subject to review and confirmation or amendment at each regular session of the Commission, the groups referred to in Paragraph 1 or this Rule shall be as follows:

Group A: Australia, China, India, Japan, New Zealand.

Group B: Afghanistan, Bangladesh, Indonesia, Iran, Republic of Korea,

Malaysia, Myanmar, Pakistan, Philippines, Sri Lanka, Thailand, Vietnam.

Group C: Cambodia, Fiji, Lao P.R., Maldives, Mauritius, Nepal, Papua New Guinea, Singapore.

3. States that are not members of FAO and that have not applied for membership under the provisions of Article III.2 of the Agreement shall be included in the appropriate group upon receipt of such request and of a declaration made in a formal instrument accepting the Agreement. The classification of the State concerned in the appropriate group shall be proposed by the Executive Committee, and approved by the Commission when admitting the State to its membership.

4. At each regular session, the Commission shall adopt the scale of contributions for the ensuing financial period, determining three gradually different amounts as share of contributions according to the classification specified in this Rule.

RULE XV

SHORT DESIGNATIONS

For purposes of internal communications between Members of the Commission, its Secretariat, and participating Nations and international organizations referred to in Rule 1, the Commission may be referred to under the abbreviation "APHCA". Similarly, the Executive Committee, the subsidiary bodies established under

Article XIII of the Agreement, the Secretariat, the reports of the Commission, and the common Regional standards and practices adopted under Article VII.2 of the Agreement, may be referred to as APHCA Executive Committee, APHCA sub-commissions, committees and working parties, APHCA Secretariat, and APHCA standards and practices.

RULE XVI

WORKING LANGUAGE

English shall be the working language of the Commission.

RULE XVII

AMENDMENT AND SUSPENSION OF RULES

1. Subject to the provisions of the Agreement, any of the foregoing Rules may be suspended by a two-thirds majority of the votes cast at any plenary meeting of the Commission, provided that notice of the intention to propose the suspension had been communicated to the delegates not less than 24 hours before the meeting at which the proposal is to be made.

2. Subject to the provisions of the Agreement, amendments of or additions to these Rules may be adopted at any plenary meeting of the Commission, provided that the intention to propose the amendment or addition has been communicated to the delegates not less than 24 hours before the meeting at which the proposal is to

be considered, and provided further, that the Commission has received and considered a report on the proposal by an appropriate subsidiary body.

3. The Executive Committee may propose amendments and additions to these Rules.