



ASIA-PACIFIC FISHERY COMMISSION (APFIC)

Agreement as last amended at the Twenty-Fifth Session of the Commission (Seoul, Republic of Korea, 15-24 October 1996) and approved by the FAO Council at its Hundred and Twelfth Session (Rome, Italy, 2-7 June 1997)

AGREEMENT

PREAMBLE

The contracting Governments having a mutual interest in the development and proper utilization of the living aquatic resources of the Asia-Pacific area and desiring to further the attainment of these ends through international cooperation by the establishment of an Asia-Pacific Fishery Commission, agree as follows:

ARTICLE I

The Commission

1. The contracting Governments agree to 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 Asia-Pacific Fishery Commission, for the purpose of carrying out the functions and duties hereinafter set forth in Article IV.

2. The Members of the Commission shall be such Member Nations and Associate Members of the Organization and such non-member States of the Organization as are Members of the United Nations, or any of its Specialized Agencies or the International

Atomic Energy Agency that accept this Agreement in accordance with the provisions of Article X thereof. As regards Associate Members, this Agreement shall, in accordance with the provisions of Article XIV-5 of the Constitution and Rule XXI-3 of the General Rules of the Organization be submitted by the Organization to the authority having responsibility for the international relations of such Associate Members.

ARTICLE II

Organization

1. Each Member shall be represented at sessions of the Commission by a single delegate, who may be accompanied by an alternate and by experts and advisers. Participation in sessions of the Commission by alternates, experts and advisers shall not entail the right to vote, except in the place of a delegate during his absence.

2. Each Member shall have one vote. Decisions of the Commission shall be taken by a majority of the votes cast, except when a greater majority is required by this Agreement or by the Rules governing the procedure of the Commission. A majority of the total

membership of the Commission shall constitute a quorum.

3. The Commission shall at each regular session elect a Chairman and a Vice-Chairman who shall serve until the end of the next regular session.

4. The Chairman of the Commission in consultation with the Director-General of the Organization shall convene a regular session of the Commission at least once in every two years unless otherwise directed by a majority of the Members. The site and date of all sessions shall be determined by the Commission in consultation with the Director-General of the Organization.

5. The seat of the Commission shall be at the seat of the Regional Office of the Organization most conveniently situated within the area defined in Article VI.

6. The Organization shall provide the Secretariat for the Commission and the Director-General shall appoint its Secretary, who shall be administratively responsible to him.

7. The Commission may, by a two-thirds majority of its membership, adopt and amend its own Rules of Procedure provided that such Rules of Procedure or the amendments thereto are not inconsistent with this Agreement or with the Constitution of the Organization.

ARTICLE III

Committees and working parties

1. There shall be an Executive Committee consisting of the Chairman, the Vice-Chairman, the immediately retired Chairman and two members elected by the Commission. In the unavoidable absence of one or two members of the Executive Committee from a Committee session, the Chairman shall have the power to co-opt the chairman of one or two of the committees which may from time to time be established in accordance with the Rules governing the

procedure of the Commission, at his discretion, to substitute the absent Committee member or members for that Committee session only, provided that two permanent members of the Executive Committee shall always be present and that the number of voting members attending the Committee session shall in no case exceed five.

2. The Commission may in addition establish temporary, special or standing committees to study and report on matters pertaining to the purpose of the Commission.

3. The Commission may establish working parties to study and recommend on specific technical problems. These working parties shall be convened by the Director-General of the Organization at such times and places as are in accordance with the objectives for which they were established.

4. The establishment of committees and working parties referred to in paragraphs 2 and 3 above shall be subject to the availability of the necessary funds in the relevant chapter of the approved budget of the Organization; the determination of such availability shall be made by the Director-General. Before taking any decision involving expenditures in connexion with the establishment of committees and working parties, the Commission shall have before it a report from the Director-General on the administrative and financial implications thereof.

ARTICLE IV

Functions

The purpose of the Commission shall be to promote the full and proper utilization of living aquatic resources by the development and management of fishing and culture operations and by the development of related processing and marketing activities in conformity with the objectives of its Members, and to these ends it shall have the following functions and responsibilities:

- (a) to keep under review the state of these resources and of the industries based on them;
- (b) to formulate and recommend measures and to initiate and carry out programmes or projects to,
 - (i) increase the efficiency and sustainable productivity of fisheries and aquaculture;
 - (ii) conserve and manage resources;
 - (iii) protect resources from pollution;
- (c) to keep under review the economic and social aspects of fishing and aquaculture industries and recommend measures aimed at improving the living and working conditions of fishermen and other workers in these industries and otherwise at improving the contribution of each fishery to social and economic goals;
- (d) to promote programmes for mariculture and coastal fisheries enhancement;
- (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 respects of fisheries;
- (g) to assemble, publish or otherwise disseminate information regarding the living aquatic resources and fisheries based on these resources;
- (h) to carry out such other activities as may be necessary for the

Commission to achieve its purpose as defined above.

ARTICLE V

Reports

The Commission shall transmit after each session to the Director General of the Organization a report embodying its views, recommendations and decisions, and make such other reports to the Director-General of the Organization as may seem to it necessary or desirable. Reports of the committees and working parties of the Commission provided for in Article III of this Agreement shall be transmitted to the Director-General through the Commission.

ARTICLE VI

Area

The Commission shall carry out the functions and responsibilities set forth in Article IV in the Asia-Pacific Area.

ARTICLE VII

Cooperation with international bodies

The Commission shall cooperate closely with other international bodies in matters of mutual interest.

ARTICLE VIII

Expenses

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.

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.

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.

4. The expenses incurred in connexion 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.

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.

ARTICLE IX

Amendments

The Commission may amend this Agreement by a two-thirds majority of all the Members of the Commission. Amendments to this Agreement shall be reported to the Council of the Organization which shall have the power to disallow them if it finds that such

amendments are inconsistent with the objectives and purposes of the Organization or the provisions of the Constitution of the Organization. If the Council of the Organization considers it desirable, it may refer these amendments to the Conference of the Organization which shall have the same power. However, any amendment involving new obligations for Members shall come into force with respect to each Member only on acceptance of it by that Member. The instruments of acceptance of amendments involving new obligations shall be deposited with the Director-General of the Organization, who shall inform all the Members of the Commission as well as the Secretary-General of the United Nations of the receipt of acceptances and the entry into force of such amendments. The rights and obligations of any Member of the Commission that has not accepted an amendment involving additional obligations shall continue to be governed by the provisions of this Agreement as they stood prior to the amendment.

ARTICLE X

Acceptance

1. This Agreement shall be open to acceptance by Member Nations and Associate Members of the Organization.

2. The Commission may, by a two-thirds majority of its membership, admit to membership such other States that are Members of the United Nations, of any of its Specialized Agencies or the International Atomic Energy Agency as have submitted an application for membership and a declaration made in a formal instrument that they accept this Agreement as in force at the time of admission. Participation by such States in the activities of the Commission shall be contingent upon the assumption of a proportionate share in the expenses of the Secretariat, as determined by the Organization.

3. Acceptance of this Agreement by any Member Nation 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.

4. Acceptance of this Agreement by non-member nations of the Organization shall be effected by the deposit of an instrument of acceptance with the Director-General of the Organization. Membership shall become effective on the date on which the Commission approves the application for membership, in conformity with the provisions of paragraph 2 of this Article.

5. The Director-General of the Organization shall inform all Members of the Commission, all Member Nations of the Organization and the Secretary-General of the United Nations of all acceptances that have become effective.

6. Acceptance of this Agreement may be made subject to reservations, which shall become effective only upon unanimous approval by the Members of the Commission. The Director-General of the Organization shall notify forthwith all Members of the Commission of any reservations. 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 approval the nation making the reservation shall not become a party to this Agreement.

ARTICLE XI

Entry into force

This Agreement shall enter into force upon the date of receipt of the fifth instrument of acceptance.

ARTICLE XII

Territorial application

The Members of the Commission shall, 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 for the international relations of which the Member is responsible. Subject to the provisions of Article XIII below, the scope of the territorial application may be modified by a subsequent declaration.

ARTICLE XIII

Withdrawal

1. Any Member may withdraw from this Agreement at any time after the expiration of two years from the date upon which the Agreement entered into force with respect to that Member, by giving the written notice of such withdrawal to the Director-General of the Organization, who shall immediately inform of such withdrawal all the Members of the Commission and the Member Nations of the Organization as well as the Secretary-General of the United Nations. Notice of withdrawal shall become effective three months from the date of its receipt by the Director-General.

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.

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.

ARTICLE XIV

Interpretation and settlement of disputes

Any dispute regarding the interpretation or application of this Agreement, if not settled by the Commission, shall be referred to a committee composed of one member appointed by each of the parties to the dispute, and in addition an independent chairman chosen by the members of the committee. 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 XV

Termination

This Agreement shall be considered terminated if and when the number of Members of the Commission drops below five unless the remaining Members of the Commission unanimously decide otherwise.

ARTICLE XVI

Certification and registration

The text of this Agreement was originally formulated at Baguio the 26th day of February one thousand nine hundred and forty-eight, in the English language. Two copies in the English and French languages of this Agreement as amended shall be certified by the Director-General of the Organization. One of these copies shall be deposited in the archives of the Organization. The other copy shall be transmitted to the Secretary-General of the United Nations for registration. In addition, the Director-General shall certify copies of this Agreement and transmit one copy to each Member Nation of the Organization and to such non-member nations of the Organization that may become parties to this Agreement.

ASIA-PACIFIC FISHERY COMMISSION

RULES OF PROCEDURE*

RULE I

For the purpose of these Rules, the following definitions apply:

Agreement:

The Agreement for the Establishment of the Asia-Pacific Fishery Commission formulated at Baguio, Philippines, 26th February 1948 as amended in conformity with Article IX thereof

Commission:

The Asia-Pacific Fishery Commission

Chairman:

The Chairman of the Commission

Delegate:

The representative of a Member as specified in Article II-1 of the Agreement

Delegation:

The delegate and his alternate, experts and advisers

Member:

Member Nations and Associate Members of the Organization and non-member states of the Organization that are Members of the United Nations, or any of its Specialized Agencies or the International Atomic Energy Agency

Secretary:

The Secretary of the Commission

Organization:

The Food and Agriculture Organization

Conference:

The Conference of the Organization

Director-General:

The Director-General of the Organization

Observer Nation, Associate Member or organization:

A non-member of the Organization or international organization invited to attend a session of the Commission or a Member Nation or Associate Member of the Organization attending a session of the Commission while not a Member of the Commission

Observer:

The representative of an Observer Nation, Associate Member or organization

Session:

A properly convened continuing assemblage of delegates which may be adjourned from day to day

Meeting:

A period of a session during which delegates do not separate except for a short recess

* As amended by the Commission at its Twenty-Fifth Session and concurred by the FAO Council at its Hundred and Twelfth Session.

RULE II

Sessions of the Commission

1. In pursuance of, and in accordance with, Article II-4 of the Agreement, the Commission, in consultation with the Director-General, shall at each session consider whether a session should be held in the second year following and shall decide the time and place for the next session in accordance with the requirements of the Commission's programmes and the terms of the invitation of the country in which the session is to be held. The Chairman, accordingly, shall issue the announcement of the session, provided that, if the Commission at a regular session is unable to fix a time and place for the next session, it shall, in consultation with the Director-General, take a decision as to the calendar year in which the next session is to be held, and the Chairman, in consultation with the Director-General, is then authorized to fix the time and place of the session, provided that the approval of the majority of the Members of the Commission has been secured.

2. The Chairman, in consultation with the Director-General, may call a special session of the Commission at:

- (a) the direction of the Commission;
- (b) the direction of the Executive Committee with the approval of a majority of the Members; or
- (c) the request of a majority of the Members.

The Executive Committee, in consultation with the Director-General, shall decide the time and place of such a session.

3. Invitations to a regular session of the Commission shall be issued not less than sixty days in advance of the date fixed for the opening of the session. Invitations to special sessions shall be issued not less than forty days in advance of the date fixed for opening of the session.

RULE III

Agenda

1. The Agenda of each regular session shall include:

- (a) Adoption of the Agenda;
- (b) The election of the Chairman and Vice-Chairman as provided for under Article II-3 of the Agreement and the election of two members of the Executive Committee as provided for in Article III-1 of the Agreement;
- (c) A report of the Executive Committee on its activities during the intersessional period, including a report of the work performed on behalf of the Commission by the Secretariat;
- (d) A report by the Secretary on the financial affairs of the Commission;
- (e) Consideration of the proposed budget for the ensuing two years;
- (f) Proposals for amendments, if any, to the Agreement, in accordance with Article IX of the Agreement and the provisions of Rule XIV of these Rules;
- (g) Applications for membership, if any, in accordance with Article X-2 of the Agreement from States which are not members of the Organization;
- (h) Reports of Committees;
- (i) Consideration of the time and place of the next session;
- (j) Items, if any, referred to the Asia-Pacific Fishery Commission by the

Conference, Council or the Director-General of the Organization.

2. The agenda shall also include, upon approval by the Commission:

- (a) Items approved at the previous session;
- (b) Items proposed by the Executive Committee;
- (c) Items proposed by a Member.

3. A provisional agenda, consisting of items (a) to (j) of paragraph 1 of this Rule and such other items as may have been proposed shall be sent by the Secretary to Members and observer nations, Associate Members and organizations not less than sixty days before the date fixed for the opening of the session, together with reports and documents available in connection therewith.

4. The agenda of a special session shall consist only of items relating to the purpose for which the session was called.

RULE IV

The Secretariat

1. The Secretariat shall consist of the Secretary and such staff responsible to him as may be determined by the Director-General and shall provide secretarial services for the Commission.

2. The duties of the Secretary shall include the receipt, collation and circulation of documents, reports and resolutions of the sessions of the Commission and its committees, the preparation of the records of their proceedings, the certification of expenditures and financial commitments and the performance of such other duties as the Commission or the Executive Committee may direct.

3. The originator shall send to the Secretary, for information and record, copies of correspondence concerning the affairs of the Commission.

RULE V

Plenary Meetings of the Commission

Plenary meetings of the Commission shall be held in public unless otherwise decided by the Commission. When the Commission decides to hold a private meeting, it shall at the same time determine the scope of such a decision with respect to observers.

RULE VI

Election of Chairman and Vice-Chairman and of other members of the Executive Committee

1. The Commission shall, during each regular session, elect the Chairman and Vice-Chairman of the Commission who shall serve until the end of the next regular session.

2. The Chairman and Vice-Chairman shall assume office at the end of the regular session in which they are elected. They shall be eligible for re-election.

3. The Commission shall, during each regular session, also elect the two members of the Executive Committee referred to in Article III-1 of the Agreement.

RULE VII

Functions of the Chairman and Vice-Chairman

1. The Chairman shall exercise the functions conferred on him elsewhere in these Rules, and in particular shall:

- (a) Declare the opening and closing of each plenary meeting of the Commission;

- (b) Direct the discussions at such meetings and ensure observance of these Rules, accord the right to speak, put questions and announce decisions;
- (c) Rule on points of order;
- (d) Subject to these Rules, have complete control over the proceedings of plenary meetings;
- (e) Appoint such *ad hoc* committees of the session as the Commission may direct.

2. The Vice-Chairman shall exercise the functions of the Chairman in the Chairman's absence or at the Chairman's request.

RULE VIII

Voting Arrangements and Procedures

1. Except as provided in para. 4 of this Rule, voting in plenary meetings shall be oral or by show of hands, except that a vote by roll call shall be taken if a special majority is required by the Agreement of these Rules, or if a request of a vote by roll call is made by any delegation.
2. A vote by roll call shall be conducted by calling upon delegations in the English alphabetical order of the respective Members.
3. The record of any roll call vote shall show the votes cast by each delegation and by abstentions.
4. Voting on matters relating to individuals, except the election of officers, shall be by secret ballot.
5. When no nominee for an office obtains on the first ballot a majority of the votes cast, there shall be taken a second ballot confined to two candidates obtaining the largest number of votes. If, on the second ballot, the votes are equally divided, the Chairman shall decide between the candidates by drawing lots.

6. If the Commission is equally divided when a vote is taken on a question other than an election, a second vote shall be taken at the next meeting of the current session. If the Commission is then again equally divided, the proposal shall be regarded as rejected.

7. If the quorum of a two-thirds majority of all the Members of the Commission is not present at the time of the vote on a proposed amendment to the Agreement, as provided for in Article IX of the Agreement, the Commission may decide that absent Members be informed thereof and requested to vote by a written communication addressed to the Director-General of FAO within ninety days of the closing of the Session at which the proposal was put to vote, provided, however, that the vote must be either affirmative or negative and will not be valid if it were conditional. Such amendments will be considered as adopted only when the required majority has been obtained.

8. Voting arrangements and other related matters not specifically provided for by the Agreement or by these Rules shall be governed "*mutatis mutandis*", by the provisions of the General Rules of the Organization.

RULE IX

Committees

1. The Executive Committee shall consist of the Chairman, the Vice-Chairman and the immediately retired Chairman and two members elected by the Commission. The Secretary shall be an ex-officio member without vote. The Chairman shall be the Chairman of the Executive Committee. The Executive Committee shall:

- (a) Meet at least once a year between regular sessions;
- (b) In addition to the duties prescribed elsewhere under these Rules, direct the conduct of the business and affairs of the Commission

between its sessions, except that issues of policy, unless previously decided by the Commission shall be formulated by the Executive Committee as a motion and referred to the Members. Upon receipt by the Secretary of affirmative replies from a majority of the Members, the motion shall be considered adopted;

- (c) Prepare estimates of expenses for the next succeeding two years for presentation to the Commission for submission to the Organization, in accordance with the provisions of Article VIII-2 of the Agreement;
- (d) Co-ordinate the work of the committees and working parties;
- (e) Function as an editorial and publications committee.

2. The Commission may establish such committees or working parties as it deems necessary for the accomplishment of its tasks.

- (a) The terms of reference of such committees and working parties shall be laid down by the Commission at the time of their establishment.
- (b) Each committee or working party shall select a chairman from among its members, who shall act as rapporteur.
- (c) The committees and working parties shall report to the Commission through the Executive Committee either at the session at which they were appointed or at the next regular session, according to their terms of reference, and the Commission shall then decide whether or not they shall continue to operate during the ensuing period.

(d) The committees and working parties may from time to time set up such sub-committees as may be required to comply effectively with their terms of reference as laid down by the Commission.

3. The establishment of committees and working parties referred to in paragraph 2 above shall be subject to the provisions of Article III-3 of the Agreement.

4. Each committee or working party may adopt and amend its own rules of procedure, which shall be consistent with the Rules of Procedure of the Asia-Pacific Fishery Commission and the General Rules of the Organization. Such rules of procedure shall come into force upon approval by the Commission. In the absence of rules of procedure, the Rules of Procedure of the Asia-Pacific Fishery Commission shall apply "*mutatis mutandis*" to its committees and working parties.

RULE X

Budget and finance

1. Except as otherwise provided in these Rules, the Financial Regulations of the Organization, as implemented by the financial rules, Manual and memoranda and the procedures based thereon, shall apply to the Commission.

2. A proposed budget of the Commission for the next two succeeding financial years consisting of proposed expenses of the Secretariat, including publications and communications, and of the proposed travelling expenses of the Chairman, Vice-Chairman, the immediately retired Chairman and the two other members of the Executive Committee when engaged in the work of the Commission between its sessions shall, after approval by the Commission, be submitted to the Director-General for consideration in the preparation of the general budget estimates of the Organization.

3. When adopted by the Conference in its biennial session as part of the general budget of the Organization, the budget of the Commission shall constitute the limits within which funds may be committed for purposes approved by the Conference.

RULE XI

Participation by observers

1. Members 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 and its subsidiary bodies in an observer capacity, in accordance with the Statement of Principles adopted by the Conference relating to the granting of observer status to nations.

2. States that are not Members of the Commission nor Members or Associate Members of the Organization, but are Members of the United Nations, of any of its Specialized Agencies or the International Atomic Energy Agency may, upon request, and with the approval of the Council of the Organization and of the Commission, attend sessions of the Commission and its subsidiary bodies in an observer capacity, in accordance with the Statement of Principles adopted by the Conference relating to the granting of observer status to nations.

3. Participation of international organizations in the work of the Commission and the relations between the Commission and such organizations shall be governed by the relevant provisions of the Constitution and the General Rules of the Organization as well as by the rules and relations with international organizations adopted by the Conference or Council of the Organization.

4. Notwithstanding the provisions of paragraphs 1 and 2 above, the Commission and its subsidiary bodies may elect to hold meetings in private, without the attendance of observers. Except in these circumstances, observers may

participate fully in the discussions of the Commission and its subsidiary bodies.

5. In the furtherance of the activities provided for in Article IV (e) and (f) of the Agreement, arrangements may be made with governments that are not Members of the Commission.

RULE XII

Reports and recommendations

1. At each session, the Commission shall approve a report embodying its views, recommendations, resolutions and decisions, including, when requested, a statement of minority views.

2. The conclusions and recommendations of the Commission shall be transmitted to the Director-General of the Organization at the close of each session, who shall as soon as possible after the session circulate them through the Secretary to Members of the Commission, nations, Associate Members and international organizations that were represented at the session and make them available to other Member Nations and Associate Members of the Organization for their information.

3. Recommendations having policy, programme or financial implications for the Organization shall be brought by the Director-General to the attention of the Conference through the Council of the Organization for appropriate action.

4. The Director-General may request Members of the Commission to supply the Commission or the Director-General with information on action taken on the basis of recommendations made by the Commission.

5. Pending the formal transmission of the reports of the committees and working parties, as provided for in Article V of the Agreement, the Director-General may, at the request of the Executive Committee, transmit informally these reports to the Members of the Commission.

6. Reports of committees, technical papers and other documents shall be published as the Executive Committee may consider practicable.

RULE XIII

Recommendations to Members

1. The Commission may make recommendations for action by Members on any matters pertaining to the functions described in Article IV of the Agreement.

2. The Secretary shall receive on behalf of the Commission the replies of the Members in respect of such recommendations and shall prepare a summary and an analysis of such communication for presentation at the next session.

RULE XIV

Amendments to the Agreement

1. Proposals for the amendment of the Agreement as provided by Article IX of the Agreement may be made by any Member in a communication addressed to the Secretary. The Secretary shall transmit to all Members and to the Director-General a copy of such proposals for amendment immediately upon their receipt.

2. No action on a proposal for the amendment of the Agreement shall be taken by the Commission at any session unless it has been included in the provisional agenda of the session.

RULE XV

Suspension and Amendment of Rules

1. Subject to the provisions of the Agreement, any of the foregoing Rules, other than Rules III, IV, X, XI, XII and XIV, may be suspended on the motion of any delegation by a

two-thirds majority of the votes at any plenary meeting of the Commission, provided that announcement is made at a plenary meeting and copies of the proposal for suspension have been distributed to the delegations not less than 48 hours before the meeting at which action is to be taken.

2. Amendments of, or additions to, these Rules may be adopted on the motion of any delegation by a two-thirds majority of the membership of the Commission at any plenary meeting of the Commission, provided that an announcement is made at a plenary meeting and copies of the proposal for the amendment or addition have been distributed to delegations not less than 24 hours before the meeting at which action is to be taken.

3. The Executive Committee may propose amendments and additions to these Rules, and any such proposals may be considered at the next session of the Commission.

4. Any amendment to Rule XIV, which may be adopted in accordance with the provisions of paragraph 2 of this Rule, shall not become effective until the next session of the Commission.

RULE XVI

Official languages

The official languages of the Commission shall be English and French¹.

¹ The CCLM, at its 66th Session (May 1997), gave very careful consideration to the proposed amendment to Rule XVI of the Rules of Procedure of APFIC by which, in future, only the English language would be the official language of the Commission. The CCLM agreed that, from a strictly legal point of view, the amendment was not contrary to the Basic Texts of the Organization. Nevertheless, it was of the opinion that the best solution would be to recommend that the official languages remain English and French with the possibility for the Commission to decide on the working language or languages to be used at each of its sessions.

