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AGRICULTURE



Treaty Series No. 59 (1987)

Agreement ✓
**on the Reconstitution of the
Commonwealth Agricultural Bureaux
as C A B International
with Agreed Minute**

London, 8 July 1986

[The United Kingdom instrument of ratification was deposited on 14 May 1987 and the Agreement entered into force on 4 September 1987]

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
June 1988*

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Treaty Series No. 59(1987), Cm. 383 has been
re-issued to include the Agreed Minute.

**AGREEMENT
ON C A B INTERNATIONAL**

The Governments parties to this Agreement,

Desiring to promote the advancement of agriculture and allied sciences through the provision of information, scientific and related services on a world-wide basis; and

Wishing to reconstitute the organization known as the Commonwealth Agricultural Bureaux, which was first established in 1928 and reconstituted in 1981;

Have agreed as follows:

ARTICLE I

Establishment

The Commonwealth Agricultural Bureaux is hereby reconstituted under the name C A B INTERNATIONAL (hereinafter referred to as "the Organization").

ARTICLE II

Purpose and Functions

- (1) The purpose of the Organization shall be to provide information, scientific and related services in agriculture and allied sciences on a world-wide basis.
- (2) Without prejudice to the generality of paragraph (1) of this Article, the Organization shall have the following functions:
 - (a) to collect and collate information and to disseminate it through journals and other media;
 - (b) to provide identification, taxonomic and biological control services;
 - (c) to facilitate the exchange of ideas and information between research workers in agriculture and related disciplines;
 - (d) to undertake training activities;
 - (e) to co-operate with other international organizations, as well as other international and national entities whether public or private, in the provision of its services; and
 - (f) to undertake such other activities and provide such other services as may advance its purpose.

ARTICLE III

Membership

The members of the Organization shall consist of:

- (a) the Governments listed in the Schedule hereto which have signed and ratified or accepted this Agreement, or the Governments in respect of which a notification has been deposited, as provided in Article XVII of this Agreement; and
- (b) other governments, which:
 - (i) have been admitted to membership, on such terms and conditions as the Organization may determine, by the affirmative vote of at least two-thirds of the member governments taken at a Review Conference, at a meeting of the Executive Council or by a postal vote of the member governments; and
 - (ii) have acceded to this Agreement as provided in Article XVII of this Agreement.

ARTICLE IV

Legal Status, Privileges and Immunities

(1) The Organization shall have legal personality and, in particular, shall have the capacity:

- (a) to contract;
- (b) to acquire, and dispose of, immovable and movable property; and
- (c) to institute legal proceedings.

(2) The Organization shall enjoy in the territory of each member government such privileges and immunities as may be necessary to enable the Organization to fulfil its purpose and carry out the functions entrusted to it. The specific privileges and immunities referred to in this paragraph shall be defined in separate agreements to be entered into between the Organization and member governments when the prospect of activities of the Organization in the territory of such member governments makes such agreements appropriate.

ARTICLE V

Facilitation Measures

Each member government shall take appropriate measures to facilitate the movement of specimens, equipment, materials, publications and other items by the Organization in the performance of its functions.

ARTICLE VI

Structure

The Organization shall comprise:

- (a) the Review Conference;
- (b) the Executive Council; and
- (c) the Directorate, including the institutes and bureaux.

ARTICLE VII

Review Conference

(1) The Review Conference shall be responsible for reviewing the work and determining the general policies of the Organization.

(2) The Review Conference shall be composed of representatives from each member government.

(3) The Review Conference shall be convened:

- (a) in accordance with a resolution of the preceding Review Conference;
- (b) in every fifth year, by six months' notice to member governments from the Director General; or
- (c) when two-thirds of the members of the Executive Council request a meeting of the Review Conference, by three months' notice to member governments from the Director General indicating the subjects to be discussed.

(4) The Review Conference shall establish its own rules of procedure.

ARTICLE VIII

Executive Council

- (1) The Executive Council shall be responsible for the direction of the general operations of the Organization. In between meetings of the Review Conference, the Executive Council shall monitor the implementation of the policies and decisions of the Review Conference.
- (2) Without prejudice to the generality of paragraph (1) of this Article, the Executive Council shall have the following functions:
 - (a) to appoint the Director General of the Organization;
 - (b) to appoint, on the recommendation of the Director General, the Directors within the Organization including those of the institutes and bureaux;
 - (c) to appoint, on the recommendation of the Director General, the external auditors;
 - (d) to review and approve the annual accounts and budget of the Organization prepared by the Director General;
 - (e) to authorize borrowings by the Organization and the securing of such borrowings against the property of the Organization; and
 - (f) to authorize the conclusion of agreements and arrangements with other international organizations.
- (3) Except as provided in Article III of this Agreement, the Executive Council may delegate any of its functions and responsibilities to committees or to the Director General. The Executive Council shall act through the Director General who shall be responsible for the implementation of the policies and decisions of the Executive Council.
- (4) The Executive Council shall be composed of one representative from each member government. The Executive Council shall elect from among its members a Chairman who shall hold office for one year.
- (5) The Executive Council shall meet at least once a year and at such other times as it shall deem necessary. Any member of the Executive Council may request the Chairman to convene a meeting which shall then be convened as soon as is reasonably practicable. The Director General shall give members of the Executive Council adequate notice of the meetings of the Executive Council and of the subjects to be discussed.
- (6) The Executive Council shall establish its own rules of procedure.

ARTICLE IX

Directorate

- (1) The Director General shall be the chief executive of the Organization and shall be responsible for the conduct of the general business of the Organization in accordance with the policies and decisions of the Review Conference and the Executive Council.
- (2) Without prejudice to the generality of paragraph (1) of this Article, the Director General shall:
 - (a) be responsible for the administration and the appointment of all staff of the Organization subject to the provisions of Article VIII, paragraph (2)(b) of this Agreement;
 - (b) prepare the annual report of the Organization;
 - (c) prepare the annual budget of the Organization, which shall be submitted to the Executive Council for approval;
 - (d) prepare the annual accounts of the Organization, which shall, after audit, be submitted to the Executive Council for approval;
 - (e) report to the Executive Council from time to time on the activities of the Organization; and
 - (f) represent the Organization in its dealings with third parties, and enter into such agreements and arrangements on behalf of the Organization as the Executive Council shall authorize.

ARTICLE X

Decisions

- (1) The Review Conference and the Executive Council shall make every effort to arrive at decisions by way of consensus.
- (2) In the absence of consensus, decisions shall be made by a simple majority of the member governments present and voting unless otherwise provided in this Agreement or in rules of procedure. Where a rule of procedure specifies a qualified majority for a decision, that rule may be amended only by a vote representing such a majority.
- (3) Each member government shall have one vote.

ARTICLE XI

National Implementing Agencies

Each member government shall designate, by notification to the Director General, the ministry, department or agency of such member government which shall be responsible for dealing with the Organization on matters arising under this Agreement.

ARTICLE XII

Finance

- (1) The expenses of the Organization shall be met out of funds derived from:
 - (a) the contributions of member governments;
 - (b) the sale of publications and services;
 - (c) gifts and endowments;
 - (d) borrowings; and
 - (e) income from other sources.
- (2) The Review Conference shall, by an affirmative vote of at least two-thirds of the member governments representing not less than fifty per cent of the then prevailing financial contributions of member governments to the expenses of the Organization, recommend to the member governments the percentage levels of their contributions to the expenses of the Organization.
- (3) Except as the Executive Council may otherwise decide, a member government which is in arrears for more than eighteen (18) months in the payment of its contributions shall not be entitled to receive membership services until such time as its contributions have been paid.

ARTICLE XIII

Withdrawal

- (1) Any member government may withdraw from the Organization at any time by delivering a notice in writing to the Government of the United Kingdom of Great Britain and Northern Ireland (hereinafter referred to as "the Depositary"), which shall immediately inform the member governments and the Director General of such notice.
- (2) Withdrawal by a member government shall become effective twelve (12) months after the date on which the notice has been received by the Depositary or on the expiration of such longer period as may be specified in the notice.

ARTICLE XIV

Dissolution of Organization

- (1) The Organization may terminate its operations by a resolution of the Review Conference approved by a vote of at least two-thirds of the member governments representing not less than fifty per cent of the then prevailing financial contributions of member governments to the expenses of the Organization.

(2) In the event of dissolution, the Executive Council shall appoint a liquidator. The assets of the Organization shall be distributed among, and the liabilities of the Organization including any liabilities to the Organization's staff superannuation schemes shall be met by, the member governments in such proportions as shall reflect their total financial contributions to the expenses and assets of the Organization.

ARTICLE XV

Amendments

(1) Any member government may propose amendments to this Agreement for consideration by the Review Conference. An amendment may be adopted by a resolution of the Review Conference approved by a vote of at least two-thirds of the member governments representing not less than fifty per cent of the then prevailing financial contributions of member governments to the expenses of the Organization.

(2) The Depositary shall circulate to the member governments for their acceptance each amendment adopted by the Review Conference. An amendment shall enter into force for the member governments accepting the amendment on the date on which two-thirds of the member governments have deposited their instruments of acceptance with the Depositary. The Depositary shall inform all member governments of the entry into force of an amendment.

ARTICLE XVI

Memorandum on the Commonwealth Agricultural Bureaux

Upon the entry into force of this Agreement, the Memorandum on the Commonwealth Agricultural Bureaux which came into effect on 1 April 1981 shall cease to have effect.

ARTICLE XVII

Final Provisions

(1) The original of this Agreement shall be held by the Depositary in London and remain open for signature by the Governments listed in the Schedule thereto.

(2) This Agreement shall be subject to ratification or acceptance by the signatories. Instruments of ratification and acceptance shall be deposited with the Depositary.

(3) This Agreement shall enter into force on the date on which at least twelve (12) of the Governments listed in the Schedule hereto have deposited their instruments of ratification or acceptance with the Depositary¹. For a Government listed in the Schedule hereto which signs and ratifies or accepts this Agreement subsequent to its entry into force, this Agreement shall enter into force on the date on which it deposits its instrument of ratification or acceptance with the Depositary.

(4) This Agreement shall also be open for accession by any governments which have been admitted to membership in accordance with the provisions of Article III, paragraph (b) of this Agreement. For any such government, this Agreement shall enter into force on the date on which it deposits its instrument of accession with the Depositary.

(5) Any government may, when depositing its instrument of ratification, acceptance or accession or at any later date, by notification to the Depositary declare that this Agreement shall also apply to any self-governing States which are in free association with it or to any territories for whose international relations it is responsible and whose governments have informed that government that they wish to participate in this Agreement. The governments of such self-governing States or such territories in respect of which a notification is made shall be members of the Organization, either individually or collectively as specified in the notification. For governments of any such self-governing

¹ The Agreement entered into force on 4 September 1987.

States or such territories in respect of which such a notification is made after the entry into force of this Agreement, the Agreement shall enter into force on the date when that notification is received by the Depositary.

(6) The Depositary shall inform the Governments listed in the Schedule hereto and any other governments which accede to this Agreement of each signature, ratification, acceptance, accession and notification and of the entry into force of this Agreement.

In witness whereof the undersigned representatives, being duly authorized thereto by their respective Governments, have signed this Agreement.

Done at London, this 8th day of July 1986 in a single original, which shall be deposited in the archives of the Government of the United Kingdom of Great Britain and Northern Ireland which shall transmit certified copies thereof to all the signatory and acceding Governments and to C A B INTERNATIONAL.

SCHEDULE

Governments of:

Australia
People's Republic of Bangladesh
Republic of Botswana
Brunei Darussalam
Canada
Republic of Cyprus
Fiji
Republic of Ghana
Co-operative Republic of Guyana
Republic of India
Jamaica
Republic of Kenya
Malawi
Malaysia
Mauritius
New Zealand
Federal Republic of Nigeria
Independent State of Papua New Guinea
Republic of Sierra Leone
Solomon Islands
Democratic Socialist Republic of Sri Lanka
United Republic of Tanzania
Commonwealth of the Bahamas
Republic of The Gambia
Republic of Trinidad and Tobago
Republic of Uganda
United Kingdom of Great Britain and Northern Ireland
Republic of Zambia
Zimbabwe
Dependent Territories of the United Kingdom

SIGNATURES AND RATIFICATIONS

<i>State</i>	<i>Date of signature</i>	<i>Date of deposit of instrument of ratification or acceptance (AC)</i>
Australia	8 July 1986	31 July 1986
Bangladesh	12 Mar. 1987	13 May 1987
Botswana	25 Nov. 1986	28 Jan. 1987
Cyprus	17 July 1987	17 July 1987(AC)
Fiji	1 Apr. 1987	3 June 1987
Ghana	14 Sept. 1987	
Guyana	8 July 1986	18 Dec. 1986
Jamaica	11 Sept. 1987	
Kenya	16 June 1987	13 Nov. 1987
Malawi	4 Dec. 1986	6 Mar. 1987
Malaysia	8 July 1986	11 Mar. 1987
Mauritius	8 July 1986	
New Zealand	8 July 1986	4 Sept. 1987‡
Nigeria	24 July 1986	
Papua New Guinea	8 July 1986	
Sierra Leone	8 July 1986	
Solomon Islands	8 July 1986	10 Nov. 1987
Sri Lanka	21 Oct. 1986	27 Feb. 1987
Tanzania	17 Feb. 1987	
Trinidad and Tobago	28 May 1987	23 June 1987
United Kingdom*†	8 July 1986	14 May 1987
Zimbabwe	8 July 1986	27 Nov. 1987(AC)

* The United Kingdom instrument of ratification includes Anguilla, Hong Kong and Montserrat.

† By notification dated 3 August 1987 the Agreement was applied to Bermuda, Falkland Islands, British Virgin Islands and St. Helena.

‡ The Instrument of ratification by the Government of New Zealand contains the declaration that the Agreement does not apply to the Cook Islands, Nieu and Tohelau.

AGREED MINUTE

The Government of the United Kingdom of Great Britain and Northern Ireland and the Commonwealth Agricultural Bureaux/CAB INTERNATIONAL,

Having regard to the changes which will be made in the constitution of the Commonwealth Agricultural Bureaux by the Agreement on CAB INTERNATIONAL, done at London today, whereby, in particular, the Commonwealth Agricultural Bureaux will henceforth be known as CAB INTERNATIONAL,

Hereby confirm that the changes as aforesaid will not affect the continued application of the Headquarters Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Commonwealth Agricultural Bureaux, done at London on 5 August 1982.

Signed in duplicate in London this 8th day of July 1986.

For the Government of the United
Kingdom of Great Britain and
Northern Ireland:

YOUNG

For the Commonwealth Agricultural
Bureaux/CAB INTERNATIONAL:

DON MENTZ



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