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Executive Committee

RENEGOTIATION OF THE INTERNATIONAL NATURAL RUBBER AGREEMENT, 1987

Articles 3, 4, 5, 6, 8, 9, 10, 11, 13, 16, 17, 18 and 19 referred
by the Executive Committee to the Legal Drafting Committee

CHAPTER III. ORGANIZATION AND ADMINISTRATION

Article 3

Establishment, headquarters and structure of the International Natural Rubber Organization

1. The International Natural Rubber Organization, established by the International Natural Rubber Agreement, 1979, shall continue in being for the purpose of administering the provisions and supervising the operation of this Agreement.
2. The Organization shall function through the International Natural Rubber Council, its Executive Director and its staff, and such other bodies as are provided for in this Agreement.
3. Subject to the requirement in paragraph 4 of this article, the headquarters of the Organization shall be in [Kuala Lumpur], unless the Council, by special vote, decides otherwise.
4. The headquarters of the Organization shall at all times be located in the territory of a member.

Article 4
Membership in the Organization

1. There shall be two categories of membership, namely,
 - (a) Exporting; and
 - (b) Importing.
2. The Council shall establish criteria regarding a change by a member in its category of membership as defined in paragraph 1 of this article, taking fully into account the provisions of articles 24 and 27. A member which meets such criteria may change its category of membership subject to the agreement of the Council by special vote.
3. Each contracting party shall constitute a single member of the Organization.

Article 5
Membership by intergovernmental organizations

1. Any reference in this Agreement to a "Government" or "Governments" shall be construed as including a reference to the European Community and to any intergovernmental organization having responsibilities in respect of the negotiation, conclusion and application of international agreements, in particular commodity agreements. Accordingly, any reference in this Agreement to signature, ratification, acceptance or approval, or to notification of provisional application, or to accession shall, in the case of such intergovernmental organizations, be construed as including a reference to signature, ratification, acceptance or approval, or to notification of provisional application, or to accession, by such intergovernmental organizations.
2. In the case of votes on matters within their competence, such intergovernmental organizations shall exercise their voting rights with a number of votes equal to the total number of votes attributed, in accordance with article 14, to their member States. In such cases, the member States of such intergovernmental organizations shall not exercise their individual voting rights.

CHAPTER IV. THE INTERNATIONAL NATURAL RUBBER COUNCIL

Article 6

Composition of the International Natural Rubber Council

1. The highest authority of the Organization shall be the International Natural Rubber Council, which shall consist of all the members of the Organization.
2. Each member shall be represented in the Council by one delegate, and may designate alternates and advisers to attend sessions of the Council.
3. An alternate delegate shall be empowered to act and vote on behalf of the delegate during the latter's absence or in special circumstances.

Article 8

Delegation of powers

1. The Council may, by special vote, delegate to any committee established under article 18 the exercise of any or all of its powers which, in accordance with the provisions of this Agreement, do not require a special vote of the Council. Notwithstanding this delegation, the Council may at any time discuss and decide any issue that may have been delegated to any of its committees.
2. The Council may, by special vote, revoke any power delegated to a committee.

Article 9

Cooperation with other organizations

1. The Council may make whatever arrangements are appropriate for consultation or cooperation with the United Nations, its organs and specialized agencies, and other intergovernmental organizations as appropriate.
2. The Council may also make arrangements for maintaining contact with appropriate international non-governmental organizations.

Article 10

Admission of observers

The Council may invite any non-member Government, or any of the organizations referred to in article 9, to attend as an observer any of the meetings of the Council or of any committee established under article 18.

Article 11
Chairman and Vice-Chairman

1. The Council shall elect for each year a Chairman and a Vice-Chairman.
2. The Chairman and the Vice-Chairman shall be elected, one from among the representatives of exporting members and the other from among the representatives of importing members. These offices shall alternate each year between the two categories of members, provided, however, that this shall not prohibit the re-election of either or both, under exceptional circumstances, by special vote of the Council.
3. In the temporary absence of the Chairman, he shall be replaced by the Vice-Chairman. In the temporary absence of both the Chairman and the Vice-Chairman or the permanent absence of one or both of them, the Council may elect new officers from among the representatives of the exporting members and/or from among the representatives of the importing members, as appropriate, on a temporary or permanent basis as may be required.
4. Neither the Chairman nor any other officer presiding at a meeting of the Council shall vote at that meeting. The voting rights of the member he represents may, however, be exercised in accordance with the provisions of paragraph 3 of article 6, or paragraphs 2 and 3 of article 15.

Article 13
Sessions

1. As a general rule, the Council shall hold one regular session in each half of the year.
2. In addition to sessions in circumstances specifically provided for in this Agreement, the Council shall also meet in special session whenever it so decides or at the request of:
 - (a) The Chairman of the Council;
 - (b) The Executive Director;
 - (c) A majority of the exporting members;
 - (d) A majority of the importing members;
 - (e) An exporting member or exporting members holding at least 200 votes;
or
 - (f) An importing member or importing members holding at least 200 votes.

3. Sessions shall be held at the headquarters of the Organization, unless the Council, by special vote, decides otherwise. If on the invitation of any member the Council meets elsewhere than at the headquarters of the Organization, that member shall pay the additional costs incurred by the Council.

4. Notice of any sessions and the agenda for such sessions shall be communicated to members by the Executive Director, in consultation with the Chairman of the Council, at least 30 days in advance, except in cases of emergency when notice shall be communicated at least 10 days in advance.

Article 16

Quorum

1. The quorum for any meeting of the Council shall be the presence of a majority of exporting members and a majority of importing members, provided that such members hold at least two thirds of the total votes in their respective categories.

2. If there is no quorum in accordance with paragraph 1 of this article on the day fixed for the meeting and on the following day, the quorum on the third day and thereafter shall be the presence of a majority of exporting members and a majority of importing members, provided that such members hold a majority of the total votes in their respective categories.

3. Representation in accordance with paragraph 2 of article 15 shall be considered as presence.

Article 17

Decisions

1. All decisions of the Council shall be taken and all recommendations shall be made by distributed simple majority vote, unless otherwise provided for in this Agreement.

2. Where a member avails itself of the provisions of article 15 and its votes are cast at a meeting of the Council, such member shall, for the purposes of paragraph 1 of this article, be considered as present and voting.

Article 18
Establishment of committees

1. The following committees established by the International Natural Rubber Agreement, 1979, shall continue in being:

- (a) Committee on Administration;
- (b) Committee on Buffer Stock Operations;
- (c) Committee on Statistics; and
- (d) Committee on Other Measures.

Additional committees may also be established by special vote of the Council.

2. Each committee shall be responsible to the Council. The Council shall, by special vote, determine the membership and terms of reference of each committee.

Article 19
Panel of experts

1. The Council may establish a panel of experts from the rubber industry and trade of exporting and importing members.

2. Any such panel would be available to provide advice and assistance to the Council and its committees, particularly on buffer stock operations and on the other measures referred to in article 43.

3. The membership, functions and administrative arrangements of any such panel would be determined by the Council.