

**No. 25571**

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**MULTILATERAL**

**Agreement on CAB International (with schedule). Concluded at London on 8 July 1986**

*Authentic text: English.*

*Registered by the United Kingdom of Great Britain and Northern Ireland on 11 January 1988.*

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**MULTILATÉRAL**

**Accord concernant CAB International (avec annexe). Conclu à Londres le 8 juillet 1986**

*Texte authentique : anglais.*

*Enregistré par le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord le 11 janvier 1988.*

## AGREEMENT<sup>1</sup> ON CAB 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;<sup>2</sup>

<sup>1</sup> Came into force on 4 September 1987, the date on which at least 12 of the Governments listed in the schedule have deposited their instruments of ratification or acceptance with the Government of the United Kingdom of Great Britain and Northern Ireland, in accordance with article XVII (3):

<i>State</i>	<i>Date of deposit of the instrument of ratification or acceptance (A)</i>
Australia .....	31 July 1986
Bangladesh .....	13 May 1987
Botswana .....	28 January 1987
Cyprus .....	17 July 1987 A
Fiji .....	3 June 1987
Guyana .....	18 December 1986
Malawi .....	6 March 1987
Malaysia .....	11 March 1987
New Zealand .....	4 September 1987
(With a declaration of non-application to the Cook Islands, Niue and Tokelau.)	
Sri Lanka .....	27 February 1987
Trinidad and Tobago .....	23 June 1987
United Kingdom of Great Britain and Northern Ireland .....	14 May 1987
(With declaration of territorial application in respect of Anguilla, Hong Kong and Montserrat.)	

In addition, by a notification dated 3 August 1987, the Government of the United Kingdom of Great Britain and Northern Ireland has declared, in accordance with article XVII(5), that the Agreement would also apply to Bermuda, the Falkland Islands and St. Helena.

Subsequently, the Agreement came into force for the following Governments on the date of the deposit of their instruments of ratification or acceptance, in accordance with article XVII (3):

#### RATIFICATIONS and ACCEPTANCE (A)

*Instruments deposited with the Government of the United Kingdom of Great Britain and Northern Ireland on:*

10 November 1987

SOLOMON ISLANDS

(With effect from 10 November 1987.)

13 November 1987

KENYA

(With effect from 13 November 1987.)

27 November 1987 A

ZIMBABWE

(With effect from 27 November 1987.)

<sup>2</sup> The activities of the Commonwealth Agricultural Bureaux (or CAB), which, until 1948, were known as the Imperial Agricultural Bureaux, were first undertaken on the basis of a Scheme adopted by the Imperial Agricultural Research Conference in 1928. Over the years, the volume and complexity of the operations of CAB increased, and it became necessary to review their constitutional framework and operational arrangements. In 1981 a Memorandum of Understanding was drawn up which gave CAB formal status as an international organization. This Memorandum, which is referred to in Article XVI of the 1986 Agreement, was not considered by the members of CAB to be a formal agreement binding in international law. The aforementioned Article XVI simply makes clear that the Memorandum has now been replaced by the 1986 Agreement. (Information provided by the Government of the United Kingdom of Great Britain and Northern Ireland.)

Have agreed as follows:

*Article I. ESTABLISHMENT*

The Commonwealth Agricultural Bureaux is hereby reconstituted under the name CAB 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<sup>1</sup> 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 Depositary. 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 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.

<sup>1</sup> See note 2 on p. 56 of this volume.

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 CAB 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



For the Government of Australia:

A. R. PARSONS

For the Government of the People's Republic of Bangladesh:

MIR SHAWKAT ALI

12 March 1987

For the Government of the Republic of Botswana:

G. U. S. MATLHABAPHIRI

25 November 1986

For the Government of Brunei Darussalam:

For the Government of Canada:

For the Government of the Republic of Cyprus:

T. PANAYIDES

17 July 1987

For the Government of Fiji:

S. W. KEPA

1 April 1987

For the Government of the Republic of Ghana:

JOSEPH ABBEY

14 September 1987

For the Government of the Co-operative Republic of Guyana:

C. J. E. BARKER

For the Government of the Republic of India:

For the Government of Jamaica:

H. S. WALKER

11 September 1987

For the Government of the Republic of Kenya:

S. KOSGEI

16 June 1987

For the Government of Malawi:

C. M. MKONA  
4 December 1986

For the Government of Malaysia:

DATUK JAMALUDDIN A. BAKAR

For the Government of Mauritius:

G. NATH

For the Government of New Zealand:

BRYCE HARLAND

For the Government of the Federal Republic of Nigeria:

G. DOVE-EDWIN  
24 July 1986

For the Government of the Independent State of Papua New Guinea:

I. F. TARUA

For the Government of the Republic of Sierra Leone:

V. E. SUMNER

For the Government of the Solomon Islands:

YOUNG

For the Government of the Democratic Socialist Republic of Sri Lanka:

CHANDRA MONERAWALA  
21 October 1986

For the Government of the United Republic of Tanzania:

A. B. NYAKYI  
17 February 1987

For the Government of the Commonwealth of the Bahamas:

For the Government of the Republic of The Gambia:

For the Government of the Republic of Trinidad and Tobago:

BASIL A. INCE  
28 May 1987

For the Government of the Republic of Uganda:

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

YOUNG

BELSTEAD

For the Government of the Republic of Zambia:

For the Government of Zimbabwe:

Dr. MUCHEMWA MUREERWA

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