



SC1-10
Agenda item 11
For input post meeting

Issued: 8 July 2016

Preliminary Consultation Draft System Council Rules of Procedure

Purpose

This document provides a *preliminary consultation draft* of System Council Rules of Procedure (“Rules”) to provide operational guidance to facilitate the transparent and effective management of CGIAR System Council deliberations and actions.

No action on this document is required at the 1st System Council meeting.

The paper sets out a proposed timetable to seek inputs into the Rules. If the System Council is supportive of the suggested approach, proposed final Rules would be developed submitted to the System Council in advance of its 2nd meeting.

Document category: Working document of the System Council

There is no restriction on the circulation of this document

Background

1. Articles 7.1 and 7.8 of the CGIAR System Framework (“**Framework**”) call for rules of procedure for the System Council which provide for the location and arrangements for the conduct of meetings, including the convening of extraordinary meetings and which set out the circumstances requiring a decision by electronic means using a no objection procedure in lieu of a meeting.
2. The *preliminary consultation draft* Rules of Procedure (“**Draft Rules**”) set out at Appendix 1 include these provisions as well as the customary provisions on requirements for conducting Council business and procedures for voting, among other provisions.
3. Recognizing that many Funders will have been familiar with the Rules of Procedure of the former Fund Council, Appendix 2 sets out in tabular form, the index of the Draft Rules, and how that compares with the index of the former Fund Council Rules of Procedure.
4. Appendix 2 demonstrates that the majority of the former topics are covered in the Draft Rules, albeit in a different order to have more consistency with the final text of the Framework, as agreed between the Funders and Centers on 17 June 2016.
5. However, by reason of the transition to the new CGIAR System and a number of material changes in the overall governance framework, it was necessary to delete certain sections and incorporate very new ones.

Proposed approach to finalization

6. In recognition of the relatively short time between the commencement of operations of the Council and its first meeting on 12 July, the Draft Rules are being issued as a *preliminary consultation draft* only, with the System Management Office proposing the following timetable for their finalization and approval by the System Council of final Rules of Procedure.

Step	Date	Proposed action
1	Tuesday 12 July 2016	Preliminary consultation draft System Council Rules of Procedure noted as an item for Council input after the 1 st System Council meeting
2	Friday 22 July 2016	Proposed informal call with Council members or their representatives to respond to questions and provide additional background

Preliminary Consultation Draft – System Council Rules of Procedure
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Step	Date	Proposed action
3	Friday 5 August 2016	End date for stakeholder inputs on the preliminary consultation draft rules
4	Tuesday 16 August 2016	2 nd consultation draft Rules of Procedure circulated to System Council, Active Observers and other invited guests
5	Tuesday 30 August 2016	End date for stakeholder inputs on 2 nd consultation draft Rules of Procedure
6	Monday 12 September 2016	Proposed System Council Rules of Procedure issued as a working document of the 2 nd System Council meeting
7	[TBC]	2 nd System Council meeting – discussion and decision on the proposed System Council Rules of Procedure

7. Should this approach be endorsed, the System Management Office will take the necessary steps to move forward with the consultation phase.

Appendix 1
Preliminary consultation draft
12 July 2016



Rules of procedure of the System Council¹

¹ As adopted by the System Council on [date].

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Introduction

The System Council comprising representatives of the Funders of the CGIAR System and representatives of developing countries (together, the “System Council members”) is a strategic decision-making body that keeps under review the strategy, mission, impact and continued relevancy of the CGIAR System. Membership terms and the roles and responsibilities of System Council members are set forth in the *CGIAR System Framework*, approved by the Funders and Centers on 17 June 2016. These rules of procedure provide operational guidance to facilitate the transparent and effective management of System Council deliberations and actions.

1. Scope of the rules of procedure and definitions

1.1 Scope

These rules of procedure are subject to, and shall be construed in conformity with, the CGIAR System Framework².

1.2 Definitions

In these rules of procedure:

- a) “Active Observers” means those entities identified in [Article 3 of the CGIAR System Framework](#) and which have the right to participate in deliberations of the System Council and to propose agenda items and make presentations for such deliberations. An Active Observer does not have a right to vote.
- b) “Centers” means those independent research organizations that are recognized as CGIAR Research Centers contributing knowledge, technical expertise, and resources in support of the CGIAR Strategy and Results Framework.
- c) “CGIAR System Organization” or “System Organization” means the international organization governed by the CGIAR System Charter, with its organs being the System Management Board and System Management Office.
- d) “Chair” means the Chair of the System Council.
- e) “Charter” means the legal instrument governing the CGIAR System Organization.
- f) “Co-Chair” means the Co-Chair of the System Council.
- g) “Executive Director” means the Executive Director of the CGIAR System Organization.
- h) “Funders” means those entities that contribute funding to Centers in support of the

The CGIAR System Framework was approved by the funders of the CGIAR System and the Centers on 17 June 2016 <http://library.cgiar.org/bitstream/handle/10947/4371/CGIAR%20System%20Framework%20-%20WEB.pdf?sequence=1>

CGIAR Strategy and Results Framework and to the activities of the CGIAR System Organization, either through the CGIAR Trust Fund or through bilateral contributions.

- i) “Independent Evaluation Arrangement” or “IEA” means the functionally and operationally independent service advising the System Council, and defined in the CGIAR System Framework.
- j) “Independent Science and Partnership Council” or “ISPC” means a standing panel of experts appointed by the System Council to serve as an independent advisor to the System Council on science and research matters, as further defined in the CGIAR System Framework.
- k) “Internal Audit Function” means the arrangements agreed between the System Council and the System Management Board to provide independent and objective assurance and advisory services to the System Council and the System Management Board.
- l) “System Council Secretary” means the staff member appointed by the Executive Director to act as secretary of the System Council.
- m) “System Management Board” means the governing body of the System Organization described in [Articles 7-9 of the CGIAR System Charter](#).

2. Frequency, place and notice of meetings

2.1 Meetings in ordinary session

- a) Meetings in ordinary session shall be held at such times as the System Council shall determine, provided that the System Council shall hold at least two (2) meetings in ordinary session a year.
- b) The System Council discusses, prior to the closure of each meeting, the timing and venue of the next two meetings.
- c) The System Council Secretary gives notice to all System Council members, Active Observers and other participants of the dates and venue of each meeting, together with a draft provisional agenda as per [Article 7.1\(b\)](#) below, at least four (4) weeks prior to the meeting.

2.2 Extraordinary meetings

- a) Extraordinary meetings shall be held at times and venues decided by the Chair after consulting its members or as requested by at least six System Council members.
- b) The System Council Secretary gives notice to all System Council members, Active Observers and other participants of the dates and venue of each meeting, together with a draft provisional agenda, at least two (2) weeks prior to the meeting, unless such notice period is waived by the System Council members for urgent business.

2.3 Virtual participation

System Council members, Active Observers and other participants may, if necessary and feasible, participate in meetings by videoconference or teleconference.

3. Selection and role of members representing constituencies

3.1 Selection

- a) Each constituency shall agree upon its process to select its voting member and alternate in accordance with [Article 4.2 of the CGIAR System Framework](#).
- b) If requested by the constituency, the System Management Office can assist with the selection process.

3.2 Role

- a) System Council members or their respective alternates representing a constituency act on behalf of the constituency and are responsible for consulting with the System Council members of the constituency about pending decisions by the System Council, including by no objection, and for keeping them informed of the System Council's actions, particularly as regards the interests of the constituency.
- b) If requested by the constituency, the System Management Office can assist in facilitating intra-constituency communication.

4. Attendance

4.1 System Council members, alternates and substitutes

- a) System Council members shall make every reasonable effort to participate in all meetings of the System Council.
- b) In the event a System Council member is unable to attend a specific meeting, it may be represented by its alternate who, in the absence of the System Council member, can take decisions on matters before the System Council.
- c) If both a System Council member and its alternate are unable to attend a meeting, the System Council member may be represented by a substitute provided this substitute is granted a duly signed delegation of authority by the System Council member which is communicated to the System Council Secretary prior to the meeting. In this case, the substitute can take decisions on matters before the System Council.

4.2 Other participants

- a) In addition to the standing invitees referred to in [Article 3.3 of the CGIAR System Framework](#), the Chair may invite, following informal consultation with System Council members, other individuals who may add value to the System Council's business to attend System Council meetings as observers.

- b) Active Observers may ask for the floor or be invited by the Chair to make verbal interventions. Other observers may be invited by the Chair to make verbal interventions. Neither Active Observers nor other observers participate in decision-making.
- c) Each System Council member may identify a maximum of two support staff to attend System Council meetings, provided that they cover the associated costs.
- d) CGIAR System Organization staff and other resource persons identified by the Executive Director may attend System Council meetings to provide support to the System Council.

4.3 Closed sessions

- a) The Chair will determine when System Council meetings should be held in closed session or when attendance should be otherwise restricted. Closed sessions shall, whenever possible, be announced in advance and indicated on the provisional agenda of the meeting.
- b) The Chair may decide not to invite Active Observers to all or part of a closed session if the System Council needs to hold in-confidence business discussions.
- c) The Chair may decide to exclude System Council members from all or part of a closed session only under exceptional circumstances where the presence of that System Council member would jeopardize the System Council's ability to hold free and fair discussions, and only after informal in-confidence consultation among the members of the System Council.
- d) The Chair may invite any other person to attend a closed session when this person may, in the opinion of the Chair, advance the System Council's discussion or otherwise support the matter under discussion.

5. Conduct of business

5.1 Quorum

- a) The Chair verifies a quorum at the beginning of each meeting.
- b) Any meeting without the necessary quorum may not make decisions and may be adjourned by the Chair.

5.2 Points of order

- a) A System Council member or Active Observer may at any time raise a point of order, which shall be immediately decided by the Chair in accordance with these rules of procedure.
- b) A System Council member or Active Observer may object to the ruling of the Chair. The objection shall be immediately put to the vote, and the ruling of the Chair shall stand unless overruled [by a majority of those members casting an affirmative or negative vote, as an exception to the two-thirds (2/3) majority vote rule referred to in [Article 7.6 of the CGIAR System Framework](#)].

- c) A System Council member or Active Observer may not, in raising a point of order, speak on the substance of the matter under discussion.

5.3 Motions

A System Council member may present any of the following motions, which the Chair may put to the vote with or without debate:

- a) to close the debate on the item under discussion and call for a vote on its merits;
- b) to adjourn the debate on the item under discussion;
- c) to adjourn the meeting; or
- d) to suspend the meeting.

5.4 Reconsideration of proposals

When a proposal has been adopted or rejected, it may not be reconsidered at the same session unless the System Council [, by a two-thirds (2/3) majority of the members casting an affirmative or negative vote,] so decides.

6. Decision-making

6.1 Consensus and voting rules

- a) All decisions shall normally be reached by consensus between the voting members of the System Council. The Chair articulates the consensus view.
- b) If all efforts to reach a consensus on a particular matter have been exhausted and no agreement has been reached, a vote may be called in accordance with [Articles 7.5 and 7.6 of the CGIAR System Framework](#).
- c) Each voting member of the System Council shall have one (1) vote.

6.2 Method of voting

- a) Subject to paragraph (b) of this Article, the System Council shall normally vote by show of hands, but any member may request a roll call.
- b) Voting in the case of elections shall be by secret ballot. The System Council may also decide to conduct voting by secret ballot on any other matter at any time.
- c) The Chair shall announce the commencement of voting, after which no System Council member or Active Observer shall be permitted to intervene until the result of the vote has been announced, except on a point of order in connection with the process of voting.

6.3 Voting without a meeting

- a) Whenever the Chair considers that a decision on a particular question should not be postponed until the next meeting in ordinary session of the System Council and does not warrant the calling of a special meeting, the System Council Secretary shall transmit to each voting System Council member, by electronic means, and copying all non-voting System Council members, Active Observers and other observers, a motion embodying the proposed decision with a request for a vote on a no objection basis.
- b) Questions raised by System Council members in connection with “no objection” decisions are sent to the System Council Secretary and all voting System Council members (with copies to all System Council non-voting members, Active Observers and other observers), as are all answers and clarifications provided by the Chair or System Council Secretary.
- c) Any substantive change to a proposed decision communicated by the System Council Secretary, as instructed by the Chair, starts a new review period as specified at the time of the change.
- d) An objection by any voting System Council member to a proposed decision precludes a decision. If an objection has been received, the Chair will work through the objection with the objecting System Council member directly. If the objecting System Council member upholds his/her objection following discussion with the Chair, the Chair may, in its discretion, consider adding the matter to the provisional agenda of the subsequent System Council meeting. The System Council Secretary shall circulate all written comments and objections to voting System Council members and notify all voting System Council members of the action taken pursuant to this paragraph (with copies to all non-voting System Council members, Active Observers and other observers).
- e) Notwithstanding the time periods set out in [Article 7.8 of the CGIAR System Framework](#), shorter periods may, on an exceptional basis, be prescribed by the Chair when a System Council decision is needed on an urgent matter, [provided that the shorter period is at least four (4) days] [or] [provided that the fourteen (14) calendar day period set out in [Article 7.8 of the CGIAR System Framework](#) is affirmatively waived by all voting System Council members for urgent business]. An objection by any voting System Council member to a specified review period also precludes a decision pending consent to a revised time period.
- f) At the expiration of a specified review period that receives no objection, the decision is deemed approved. The System Council Secretary records the outcome of the vote and notify the System Council members, all Active Observers and other observers of such outcome within one (1) business day of the vote.

7. Agenda

7.1 Provisional agenda

- a) The Chair, in collaboration with the Executive Director and the System Council Secretary, shall draw up the draft provisional agenda for each meeting of the System Council. The draft provisional agenda may include a consent agenda, consisting of non-controversial items that do not need to be discussed by the System Council but that require formal System Council adoption.
- b) A copy of such draft provisional agenda, together with the notice of the meeting as per [Article 2.1\(c\)](#) above, shall be transmitted to the System Council members, the Active Observers and other participants at least four (4) weeks prior to each meeting in ordinary session.
- c) Changes or additions to the draft provisional agenda of a meeting in ordinary session may be proposed by any System Council member or any Active Observer provided that these are communicated in writing or by electronic means not later than three (3) weeks prior to the meeting. Such proposed changes or additions are considered and incorporated as appropriate.
- d) The System Council Secretary shall communicate the final provisional agenda including any changes or additions to the members of the System Council, Active Observers and other meeting participants by electronic means at least two (2) weeks prior to a meeting in ordinary session.
- e) Items may be removed from any consent agenda on the request of any one member of the System Council or Active Observer made at least one (1) week prior to the meeting. Items not removed shall be submitted as a group for adoption by the System Council without discussion. Removed items may be taken up either immediately after or placed later on the agenda at the discretion of the System Council.

7.2 Adoption of the agenda

- a) At the beginning of each meeting, the System Council adopts the agenda for that meeting on the basis of the final provisional agenda.
- b) At this time, items can be added to the agenda only in highly exceptional cases, and the Chair summarizes any decisions taken since the previous meeting. At this time, System Council members may also present any matters arising from the record of the previous meeting.
- c) Any agenda item that is not completed at a meeting is automatically included in the provisional agenda of the next meeting, unless otherwise decided by the System Council.

8. Transmittal of documents

8.1 Transmittal to System Council members

- a) Subject to paragraph c) of this Article, with regard to meetings in ordinary session, the System Council Secretary will transmit to all System Council members, in addition to the final provisional agenda referred to in [Article 7.1\(d\)](#) above, any documentation relating to the final provisional agenda of the meeting at least two weeks prior to the meeting.
- b) Subject to paragraph c) of this Article, with regard to extraordinary meetings, such documentation shall be transmitted as soon as possible prior to the meeting.
- c) Where an agenda item involves the review of CGIAR Research Program or Platform [or other funding] proposals, the proposal and any advisory documents are submitted at least four weeks prior to the meeting.

8.2 Transmittal to Active Observers and other participants

Active Observers and other meeting participants to a System meeting receive the same documents as System Council members, unless otherwise decided by the Chair.

9. Records and disclosure

9.1 Provisional agenda

The System Council Secretary shall ensure that the provisional agenda of each meeting of the System Council is posted on the website of the CGIAR System Organization in advance of the meeting.

9.2 Summary of decisions and summary of meeting

- a) The summary of the System Council meeting shall be prepared and communicated as follows:
 - i) The System Council Secretary shall prepare a draft summary of each meeting of the System Council within ten (10) business days of the closure of the meeting. There shall be no verbatim records of meetings.
 - ii) The draft summary shall be sent to all voting members of the System Council for review and comment within seven (7) business days after distribution of the draft summary.
 - iii) The System Council Secretary prepares a revised summary of the meeting taking into account any comments received and sends the revised summary to the voting members of the System Council for approval on a no-objection basis, copying all other meeting participants for their information, within seven (7) business days after distribution of the revised summary.

- iv) The System Council Secretary shall ensure that a summary of the decisions taken at the System Council meeting is posted on the website of the CGIAR System Organization within three (3) business days of the closure of the meeting.
 - v) The approved summary of each meeting of the System Council shall be communicated to all Centers and shall be posted on the website of the CGIAR System Organization within two (2) business days of approval.
- b) Discussion summaries of closed sessions are not posted, but decisions taken in closed sessions may be posted if there is no objection from System Council members.

9.3 Permanent records

The final agenda, summary of decisions, approved summary of each System Council meeting and all documents submitted to the System Council shall be retained in the permanent records maintained by the System Management Office.

9.4 General disclosure

Unless a document or any information provided as part of the System Council's business to the System Management Office contains an explicit, written indication that it is confidential, such document or information may be made publicly available or disclosed to third parties.

10. Chair

10.1 Functions of the Chair

- a) The Chair shall perform the functions assigned to her or him by the CGIAR System Framework, by these rules of procedure and by the System Council.
- b) The Chair shall devote such time as may be necessary to ensure the effective functioning of the System Council.
- c) The Chair shall preside over all meetings of the System Council and shall supervise all matters with which the System Council is concerned. He or she shall provide leadership to the System Council and ensure its proper performance.
- d) The Chair represents the System Council in external fora.
- e) The Chair, in the exercise of his or her functions, remains under the authority of the System Council.

10.2 Functions of the Co-chair

- a) At each meeting, the System Council appoints a meeting Co-chair from among its voting members for the [following] meeting. To ensure broad representation, the position of Co-chair is expected to change from one meeting to another.

- b) The Co-chair presides over some sessions of the meeting as agreed with the Chair.

11. Committees

11.1 Decisions and recommendations

- a) [Committees established by the System Council have no decision-making authority, which belongs to the System Council, unless expressly provided for in the System Council approved terms of reference of a specific committee. Working groups and other subsidiary bodies of the System Council have no decision-making authority.] [or] [Committees, working groups or other subsidiary bodies established by the System Council have no decision-making authority, which belongs to the System Council].
- b) Committees, working groups and other subsidiary bodies will provide reports or recommendations to the System Council in their areas of responsibility, as directed by the System Council at the time of their establishment. They will strive to make recommendations by consensus. Failing consensus, their recommendations are made by a $\frac{3}{4}$ majority of their members.

11.2 Committee chair

The System Council appoints a qualified candidate to chair each subsidiary body taking into account the purpose and mandate of the body concerned.

11.3 Committee meetings

- a) Committees, working groups and other subsidiary bodies are expected to hold their meetings through the most efficient means, such as in conjunction with System Council meetings or through electronic means.
- b) The System Council Chair may attend meetings of all committees, working groups and other subsidiary bodies of the System Council, but shall not have a vote in such meetings.

11.4 Committee support

The System Management Office provides support for the business and meetings of committees, working groups and other subsidiary bodies.

11.5 Records

Records of the meetings of committees, working groups and other subsidiary bodies of the Board are handled in the manner described in the approved terms of reference establishing the body.

12. System Council support

12.1 System Management Office

- a) As per [Article 11\(b\) of the CGIAR System Charter](#), the System Management Office supports the System Council, organizes and supports its meetings and meetings of its committees, working groups and other subsidiary bodies.
- b) As per [Article 11\(d\) of the CGIAR System Charter](#), the System Management Office also monitors implementation of System Council decisions.

12.2 System Council Secretary

- a) The Executive Director, in consultation with the Chair, appoints a staff member of the CGIAR System Organization to act as System Council Secretary.
- b) The main responsibilities of the System Council Secretary include:
 - i. Attending meetings of the System Council;
 - ii. Maintaining a full set of official documents pertaining to the System Council, including the official records of meetings of the System Council and subsidiary bodies established by the System Council;
 - iii. Serving as secretary at meetings of the System Council, and at meetings of the subsidiary bodies of the System Council as appropriate;
 - iv. In coordination with the Chair, notifying System Council members of meetings of the System Council and its subsidiary bodies;
 - v. Coordinating and distributing papers and other relevant documentation for meetings of the System Council and subsidiary bodies;
 - vi. Maintaining all System Council policies and procedures; and
 - vii. Performing such other functions, including record keeping functions, as the System Council may request.

13. Standards of performance

13.1 Meeting preparation

The members of the System Council are expected to prepare adequately for all System Council meetings and relevant meetings of subsidiary bodies: a significant time commitment is expected.

13.2 Due care and diligence

Each member of the System Council shall, in the performance of his/her functions as a member of the System Council, conduct himself/herself with due care and diligence and shall abstain from any acts of fraud, gross negligence or criminal intent.

13.3 Confidentiality

- a) Each member of the System Council, Active Observer and other participant in System Council deliberations shall preserve the confidentiality of information that is expressly marked as or orally indicated to be confidential and to which he/she has had access during the performance of his/her duties.
- b) No member of the System Council, Active Observer or other participant in System Council deliberations shall use such confidential information for his or her financial gain or other direct or indirect advantage.

13.4 Ethics and conflicts of interest

- a) System Council members and Active Observers are required to adhere to the System Council's policy on ethics and conflicts of interest.
- b) At each meeting, all meeting participants will disclose any conflict of interest they may have in relation to any items on the agenda, in accordance with the CGIAR System Organization's policy on ethics and conflicts of interest.
- c) In case of a dispute on whether a situation represents a conflict of interest, the Chair resolves the matter in consultation with the other System Council members and Active Observers.

13.5 Self-evaluation

The System Council shall review periodically its own performance and shall take such action as may be necessary to improve it.

14. Miscellaneous

14.1 Language

English shall be the official language of the System Council. Meetings are conducted in English. Documentation submitted to the System Council or System Management Office for consideration is in English. Records of meetings are published in English.

14.2 Travel and expenses

System Council members from developing countries can be reimbursed for reasonable travel and accommodation expenses incurred from attending any System Council meeting through funds allocated by the System Council from the CGIAR Trust Fund and paid out through the System Management Office in accordance with the CGIAR System Organizations' policies and procedures.

14.3 Privileges and immunities

Nothing in these rules of procedure is intended to be a waiver of, or impair or limit, any privileges

or immunities of any System Council member, Active Observer or other participant, all of which are expressly reserved.

14.4 Adoption, amendments and suspension of the rules of procedure

These rules of procedure become effective on the date of their adoption by the System Council. These rules of procedure may be amended or suspended in accordance with the provisions contained herein. The System Management Office maintains and distributes the record of any amendments to these rules of procedure.

14.5 Overriding authority of the CGIAR System Framework

In the event of any conflict between any provision of these rules of procedure and any provisions of the CGIAR System Framework, the provisions of the CGIAR System Framework shall prevail.

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Appendix 2

Index comparison 'Draft Rules' and former Fund Council Rules of Procedure

Preliminary consultation draft System Council Rules of Procedure (initial draft 6 July 2016)		Equivalent provision in former Fund Council Rules of Procedure (last amended 25-26 April 2013, FC9)	
Article	Title	Article	Title
	Introduction	1	Same title
1	<u>Scope of the rules of procedure and definitions</u>	--	----
2	Frequency, place and notice of meetings	2	Same title
3	Selection and role of members representing constituencies	4	Same title
4	Attendance	3	Membership and Participation
		13	Executive Sessions
5	Conduct of business	5	Quorum
6	Decision-making	14	Decision-making
		15	Decisions without a Meeting
7	Agenda	6	Same title
8	Transmittal of documents	7	Same title
9	Records and disclosure	18	Record of Meetings
		20	Disclosure
10	Chair	8	Chair
		12	Conduct of Meetings and Self-Evaluation
11	Committees	9	Same title
12	System Council support	10	Executive Secretary and Fund Office
13	Standards of performance	12	Conduct of Meetings and Self-Evaluation
		16	Conflicts of Interest
14	Miscellaneous	17	Expenses
		19	Language
		21	Privileges and Immunities
		22	Adoption of and Amendments to the Rules of Procedure
N/a	<i>Role of ISPC is to be set out in a Terms of Reference and not these Rules</i>	11	<i>Independent Science and Partnership Council</i>