



The International Treaty

ON PLANT GENETIC RESOURCES FOR FOOD AND AGRICULTURE



E

Item 16 of the Draft Provisional Agenda

FOURTH SESSION OF THE GOVERNING BODY

Bali, Indonesia, 14 – 18 March 2011

SELECTION AND APPOINTMENT OF MEMBERS OF THE EXECUTIVE BOARD OF THE GLOBAL CROP DIVERSITY TRUST AND POSSIBLE OPTIONS FOR THE SIMPLIFICATION OF THE *NORMAL SELECTION AND APPOINTMENT PROCEDURES*

Note by the Secretary

i) *At its Third Session, the Governing Body delegated the Bureau to select and appoint members of the Executive Board of the Global Crop Diversity Trust to replace members whose term expired during the period between the Third and Fourth Sessions of the Governing Body. The Governing Body also requested the Bureau, in conjunction with the Secretariat, to prepare a report for presentation at this Session, on possible options for simplification of the Normal Selection and Appointment Procedures.*

ii) *The present document contains the report of the selection and appointments made by the Bureau in the past intersessional period, and provides draft simplified procedures, as prepared by the Bureau in conjunction with the Secretariat, for consideration by the Governing Body.*

iii) *The Governing Body is being invited to take note of the new members of the Executive Board appointed by the Bureau in accordance with its request, and to consider the draft simplified Procedures for the Selection and Appointment of Members of the Executive Board of the Global Crop Diversity Trust, as developed and generally agreed upon by the Bureau. In this regard, possible elements of a Resolution are provided for consideration by the Governing Body.*

TABLE OF CONTENTS

		<i>Para.</i>
I.	Introduction	1 - 3
II.	Selection and appointments made in the past intersessional period	4 - 10
III.	The Constitution of the Trust and key features of the <i>Normal Selection and Appointment Procedures</i>	11 - 18
IV.	Options for simplified procedures	19 – 42
V.	Possible elements of a decision by the Governing Body	43

Appendix 1: Draft Procedures for the Selection and Appointment of Members of the Executive Board of the Global Crop Diversity Trust

*Appendix 2: Draft Resolution **/2011: Procedures for the Selection and Appointment of Members of the Executive Board of the Global Crop Diversity Trust*

I. INTRODUCTION

1. At its Third Session, the Governing Body delegated the Bureau to select and appoint members of the Executive Board (the Board) of the Global Crop Diversity Trust (the Trust) to replace members whose term expired during the period between the Third and Fourth Sessions of the Governing Body. The Governing Body requested the Bureau to consult with Contracting Parties on the nomination of candidates and with the Selection Committee appointed by the Donors' Council of the Trust to ensure regional balance and balance of skills.
2. The Governing Body also requested the Bureau, in conjunction with the Secretariat, to prepare a report for presentation at this Session, on possible options for simplification of the *Normal Selection and Appointment Procedures*.¹
3. The present document contains a report of the selection and appointments made by the Bureau in the past intersessional period, and provides draft simplified procedures, as prepared by the Bureau in conjunction with the Secretariat, for consideration by the Governing Body.

II. SELECTION AND APPOINTMENTS MADE IN THE PAST INTERSESSIONAL PERIOD

4. Prior to the first meeting of the Bureau in February 2010, the Secretary invited Bureau members to commence consultations with Contracting Parties in their respective regions for the identification of potential candidates for membership of the Board, in preparation for the discussion of the issue at the first meeting of the Bureau. Nominations and suggestions received by the Secretariat were collated and confidentially forwarded to the Bureau members for consideration before the meeting.
5. At its first meeting, the Bureau consulted with the Executive Secretary of the Trust, who informed it about the selection made by the Donors' Council of the Trust during its meeting at the end of year 2009, in order to enable the Bureau take into account the balance of expertise required. The Bureau then proceeded to elect, from among the nominated candidates, the two Board members that the Governing Body had mandated it to appoint. In voting for the candidates, the Bureau followed the General Rules for elections established by the FAO Conference.² This was carried out in two consecutive rounds of vote, each member voting for each of the two vacancies, one attributed to developing country candidates and the other assigned to non-developing country candidates.
6. At the end of the voting process, the two candidates elected were:
 - Ms. Åslaug Haga (Norway);
 - Mr. Ibrahim Assane Mayaki (Niger).
7. The Bureau requested the Secretary of the Governing Body to contact the elected candidates in order to confirm their willingness to serve. Accordingly, the Secretary contacted them, and they both accepted to serve on the Board of the Trust, respectively, in accordance with the timeline for the filling of the two vacancies in 2010 and 2011. The Chairperson informed the Executive Secretary of the Trust of these appointments.

¹ IT/GB-03/09/Report, *Appendix H*.

² Rule XIII of the Rules of Procedure of the Governing Body provides: "The provisions of the General Rules of the FAO shall apply *mutatis mutandis* to all matters not specifically dealt with under the Treaty or the present Rules".

8. The Bureau did not address the filling of unforeseen vacancies, as the issue did not arise.
9. In view of the possible simplification of the selection and appointment procedures, the Bureau did not start overseeing the process for the selection and appointments to be made in year 2012.
10. At its next meeting in November 2010, the Bureau, in response to the request made by the Governing Body, discussed options for simplified selection and appointment procedures. It did so by considering the elements that are detailed in the sections below.

III. THE CONSTITUTION OF THE TRUST AND KEY FEATURES OF THE NORMAL SELECTION AND APPOINTMENT PROCEDURES

11. According to Article 5 (1) of the Constitution of the Trust, and the Relationship Agreement with the Governing Body, four members of the Board are appointed by the Governing Body, at least two of whom shall be from developing countries. Four other members are appointed by the Donors' Council of the Trust, at least one of whom shall be from a developing country. It is to be noted that, in accordance with Article 5 (6) of the Constitution of the Trust, members of the Executive Board serve in their personal capacities.
12. According to Article 5 (2) of the Constitution of the Trust, the appointing parties shall, before making their appointments, consult with each other and the Board in order to ensure an adequate balance and range of skills for the Board.
13. To date, the Governing Body has approved two sets of procedures for the selection of members of the Board whom the Governing Body is tasked with appointing. At its First Session, the Governing Body agreed on *Normal Selection and Appointment Procedures* (normal procedures), based on a draft developed by the Interim Panel of Eminent Experts of the Trust.³ At the same time, it delegated the Bureau, on an interim basis, to select and appoint the first four members of the Executive Board. On that occasion, the Governing Body also stressed the need for governments to be consulted to suggest candidates and for regional balance to be taken into account.⁴
14. The Bureau appointed the first four members in February 2007, and the members took office thereafter. Following from an initial arrangement for staggered terms for members of the Board, two vacancies fell due in January 2010 and January 2011. Those two vacancies were filled by the Bureau in the past intersessional period in accordance with the request of the Governing Body at its Third Session.
15. The normal procedures require the Governing Body, at its regular session, to either delegate the Bureau or appoint a separate selection committee of restricted membership, to oversee the selection process, including for vacancies occurring during intersessional periods. The Donors' Council of the Trust is to appoint a selection committee prior or during the regular session of the Governing Body.
16. Furthermore, an initial joint meeting between the Bureau or the selection committee of the Governing Body and the selection committee of the Donors' Council is to be scheduled during the regular session of the Governing Body. The meeting is to discuss questions of procedures and balance of skills. The meeting shall be attended by members nominated, one each, by the FAO Director General and the Chair of the Consultative Group on International Agricultural Research. The first joint meeting shall be followed by sessions of the respective selection committees to determine their own candidates. A second joint meeting shall be held during the intersessional period to agree on a joint and balanced slate of candidates, whose appointments will finally be

³ See document IT/GB-1/06/14, *Relationship between the Governing Body and the Global Crop Diversity Trust*, Appendix 2, *Procedures for the appointment of members of the Executive Board of the Global Crop Diversity Trust*.

⁴ IT/GB-1/06/Report, paragraph 40.

made by the Governing Body at the following regular session and by the Donors' Council of the Trust prior to or at the same session.

17. The normal procedures anticipate and provide for close coordination between the Governing Body and the Donors' Council of the Trust in making their respective appointments. The joint meetings stipulated by the procedures are, in essence, the mechanism through which the consultation process that is envisaged in the Constitution of the Trust is facilitated.

18. In addition to the joint meetings, the normal procedures provide for the Governing Body, if it so wishes, to decide on procedures by which potential candidatures may be presented, and to agree, at its regular session, on a method for filling unforeseen vacancies that may occur during the intersessional period.

IV. OPTIONS FOR SIMPLIFIED PROCEDURES

19. The one core element common to both the *ad hoc* procedures established by the Governing Body and followed by the Bureau, and the normal procedures agreed upon at the First Session of the Governing Body but was never applied, is the requirement for consultations among appointing entities and the Board on the range and balance of skills, as stipulated in the Constitution of the Trust. It is, therefore, essential to reflect this core element in any simplified procedures the Governing Body may wish to consider.

20. The request of the Governing Body for the simplification of the normal procedures is recognition by the Governing Body that the normal procedures adopted by it earlier might be too cumbersome in practice, and may present significant logistic challenges and possible costs.

21. In this regard, the Governing Body would need to simplify the complex process and arrangements for consultations under the normal procedures, and envisage feasible as well as more flexible mechanisms for consultations.

22. So far, the Bureau has made two sets of appointments to the Board, using *ad hoc* procedures in accordance with the requests of the Governing Body. In both cases, the Bureau consulted with, and received inputs and suggestions from Contracting Parties from different regions, providing a wide array of excellent candidates from among whom the members of the Board were elected. The Bureau also consulted with the Donors' Council of the Trust as required. It is to be noted that both the management and the Board of the Trust have expressed their satisfaction with the process and outcomes in both cases.

23. The Governing Body may therefore wish to base its considerations on the experiences from these two sets of appointments under *ad hoc* procedures, and on a number of practical considerations.

24. In general, and from the two sets of appointments to the Board so far undertaken, it appears that delegation by the Governing Body to the Bureau is an effective and practical solution to carrying out the selection and appointment of relevant members of the Board during intersessional periods.

25. Consequently, instead of the current *ad hoc* and case-by-case assignment, the Governing Body may wish to consider formally delegating the Bureau to continue carrying out the selection and appointment of the members of the Board of the Trust, giving, from time to time, any additional specific instructions it wishes.

26. The Governing Body may also wish to note that the actual practice adopted so far has followed certain patterns. Those patterns relate to the timing of meetings, the distribution of candidates between developing countries and non-developing countries, and the consultative process.

27. With regard to the timing of meetings, it is to be noted that, as a result of the most recent appointments made by the Bureau, the next set of vacancies in the Board (one to be filled by the Donors' Council of the Trust and the other to be filled by the Governing Body) will occur in January 2012 and, after that, on a yearly basis.
28. In light of this, the cycle of the regular meetings of the Donors' Council of the Trust, the Bureau and the Governing Body would necessarily influence the designing of a feasible process of consultations. However, it is not possible to predict the timing of these meetings within a given year. There is also no correlation between the timing of the meetings and when the vacancies fall due, especially in the case of the Bureau and the Governing Body.
29. Notwithstanding the timing of its own meetings, and since it is now possible to know well in advance when regular vacancies on the Board will arise, the Governing Body may wish to decide that the appointments be made biennially, that is, for two consecutive years in advance of such vacancies arising, as the Bureau had done in the most recent appointments. This approach would be more efficient, avoiding the need to go through the process yearly, saving time and costs as well as reducing the workload necessary for making the relevant arrangements.
30. To this effect, the Governing Body may wish to request the Board to identify and notify it well in advance of any vacancy that will arise, say nine months, so that the Bureau would have sufficient time to respond accordingly. In so doing, the Board would need to include the profile of the candidate or candidates that it requires to address gaps left by retiring members, in terms of the skill set and whether they need to be from either a developing or a non-developing country.
31. With regard to the distribution between developing and non-developing countries, it is expected that the current distribution of two members each, as required by the Constitution of the Trust and further determined by the practice of the appointing entities, will be maintained.
32. Consequently, the remaining significant element to be considered, and to which efforts in the consultation process are to be directed, is the attainment of appropriate balance and range of skills. Accordingly, while the need for consultations remains of critical importance, a streamlined, flexible and more practical approach to achieving the same objectives as those of the normal procedures would be most expedient.
33. With regard to the issue of consultations between the appointing entities, joint meetings between the whole membership of the Donors' Council of the Trust and the Bureau (or the respective selection committees), with the possible participation of representatives of the Director General of FAO and the Chair of the Consultative Group on International Agricultural Research, appear to be highly impractical, due to the logistical challenges and unpredictable factors influencing the timing of meetings, and the availability of members.
34. The Governing Body may, therefore, wish to consider a more flexible process, so that consultations could take the form of written advice, phone calls or a personal representation and report at meetings. Where personal representation is considered necessary or feasible, the Bureau may invite the Chairperson or other representative of the Donors' Council of the Trust to attend its meeting, where the selection of Board members is on the agenda, to present and receive options for the balance and range of skills required by the Board. Similarly, the Bureau may request the Chairperson or any Vice-Chair to attend the meeting, or meetings, of the Donors' Council of the Trust where the selection or appointments of Board members is on the agenda to present and receive, on its behalf, options for balance and range of skills. In this regard, the Governing Body may wish to request the Donors' Council of the Trust to extend an invitation to the Bureau of the Governing Body to attend such a meeting.
35. It would be advisable that the simplified procedures establish, as a requirement, consultations with Contracting Parties by the Bureau on the nomination of candidates to undergo the selection process. However, the procedures should allow sufficient flexibility as to the modalities and timing of the consultations. In that case, the Bureau will decide on the modalities for consultations with Contracting Parties based on the actual timing of the various meetings and other relevant considerations.

36. Article 5 (3) of the Constitution of the Trust provides that “*vacancies among members by reason of retirement, death, incapacity, or any other cause shall be filled in the same manner as the original nomination and appointments*”. With regard to the method of filling unforeseen vacancies, the simplified procedures may also leave the options open so that the Bureau determines the criteria for filling unforeseen vacancies, if and when they arise, while adhering to the requirements for consultations with Contracting Parties and Donors’ Council of the Trust, and achieving the relevant distribution between developing and non-developing countries, as well as the balance and range of skills.

37. The Governing Body may, therefore, wish to include an additional paragraph to the simplified procedures to that effect, and may wish to consider the following text:

The Bureau will decide on the method for filling unforeseen vacancies, which are to be filled by it, that may arise during the intersessional period, for reasons such as retirement, death, incapacity or other such reasons.

38. It is to be expected, as has been the case in the previous selection processes, that more candidates may be nominated or suggested than the vacancy or vacancies to be filled at any given time. In such circumstances, the Bureau would have to, as it has done in the past, vote on the candidates. The Bureau has, by default, adopted the General Rules for elections established by the FAO Conference, since the Rules of Procedure of the Governing Body do not contain any provisions governing elections. It would be useful to expressly provide for this practice in the simplified procedures, for the avoidance of doubt.

39. With regard to the formal appointment of the selected candidate, the Governing Body may wish to consider authorizing the Chairperson to proceed and finalize the appointment processes soon after the members of the Board have been selected by the Bureau, without the need to wait for the session of the Governing Body. And having done so, the Chairperson will notify the Executive Secretary of the Trust, and inform the Governing Body at the session following such an appointment.

40. Finally, it is advisable that the selection and appointment procedures should be followed in such a manner as to avoid unnecessary public embarrassment to unsuccessful candidates for membership of the Board.

41. The normal procedures and the Constitution of the Trust anticipate close coordination and interaction between the Governing Body and Donors’ Council of the Trust in the course of each appointment. In light of this, the Governing Body may wish to consider it practical to recommend a single set of simplified procedures to which both the Governing Body and the Donors’ Council of the Trust could subscribe to. This approach was envisaged when the Governing Body agreed on the normal procedures at its First Session.

42. The Bureau at its third meeting also considered this approach useful and expedient. It developed and generally agreed upon draft simplified procedures that reflect all the elements elaborated above, and invited the Donors’ Council of the Trust to consider them. The Donors’ Council of the Trust, at its meeting of November 2010, agreed to adopt these simplified procedures and invited the Governing Body to consider them for adoption.

V. POSSIBLE ELEMENTS OF A DECISION BY THE GOVERNING BODY

43. The Governing Body is invited to consider the draft *Procedures for the Selection and Appointment of Members of the Executive Board of the Global Crop Diversity Trust* and the accompanying draft *Resolution*, which were both developed and generally agreed by the Bureau, as contained in *Appendixes 1 and 2*, respectively, to this document.

Appendix I

**DRAFT PROCEDURES FOR THE SELECTION AND APPOINTMENT OF MEMBERS
OF THE EXECUTIVE BOARD OF THE GLOBAL CROP DIVERSITY TRUST**

The following procedures apply to the selection and appointment of Members of the Executive Board of the Global Crop Diversity Trust (Executive Board).

**A. IDENTIFICATION AND NOTIFICATION OF VACANCIES ON THE
EXECUTIVE BOARD**

1. The Executive Board of the Trust will identify vacancies occurring in the Board well in advance of the vacancies occurring, and wherever possible at least 9 months in advance of the vacancy. The Board, after assessing the implications of the vacancies on the balance and range of skills of the Executive Board, will draw up the suggested profiles of the new members required to maintain that balance and range of skills. The Executive Board will communicate this information to the Chair of the Governing Body and the Chair of the Donors Council.
2. To the extent possible, the selection and appointment of new members to fill vacancies on the Executive Board will normally take place once every two years, and cover two consecutive yearly appointments, at times to be agreed upon between Bureau and the Donors' Council.

B. SELECTION AND APPOINTMENTS BY THE GOVERNING BODY

3. The Governing Body of the International Treaty on Plant Genetic Resources for Food and Agriculture (the Governing Body), unless it otherwise decides in future, authorizes its Bureau to carry out the selection of candidates for appointment as members to the Executive Board under Article 5 of the Constitution of the Global Crop Diversity Trust.
4. The Bureau will decide on its own procedures for the selection and appointment of members of the Executive Board to be appointed by the Governing Body.
5. The Bureau will decide on the procedures by which potential candidatures may be brought to its attention by Contracting Parties.
6. Where a vacancy to be filled by the Governing Body on the Board falls due or arises, and the Bureau calls for nominations and suggestions, and receives more candidates than the vacancy or vacancies to be filled at any given time, the Bureau shall select the candidate or candidates to fill the vacancy or vacancies through voting. In so doing, it shall adhere to the general Rules for Elections established by the FAO Conference, taking into account the requirements under Article 5 (1) (a) of the Constitution of the Trust.

C. SELECTION AND APPOINTMENTS BY THE DONORS' COUNCIL

7. The Donors' Council will decide on its own procedures for the selection and appointment of members of the Executive Board to be appointed by the Donors' Council.

8. The Donors' Council will decide on the method for filling unforeseen vacancies, which are to be filled by it, that may arise during the intersessional period, for reasons such as retirement, death, incapacity or other such reasons.

9. Where a vacancy to be filled by the Donors' Council falls due or arises, and the Donors' Council calls for nominations and suggestions, and receives more candidates than the vacancy or vacancies to be filled at any given time, the Donors' Council will select the candidate or candidates to fill the vacancy or vacancies through voting.

D. CONSULTATIONS AMONG THE APPOINTING ENTITIES

10. Where a vacancy to be filled by the Governing Body or the Donors' Council on the Executive Board falls due or arises, the Bureau and the Donors' Council, with other appointing entities, will hold consultations among themselves under Article 5 (2) of the Constitution of the Global Crop Diversity Trust, on the issue of balance and range of skills required by the Executive Board of the Global Crop Diversity Trust.

11. Consultations among the appointing entities for the purpose of achieving the balance and the range of skills required by the Executive Board of the Global Crop Diversity Trust may take the form of written advice, phone calls, other forms of electronic communication or personal representation and report at meetings.

12. Where personal representation is considered necessary or feasible by the Bureau, it may invite the Chairperson or other representative of the Donors' Council to attend its meeting, where the selection/appointment of members of Executive Board of the Global Crop Diversity Trust is on the agenda, to consult on options for the balance and range of skills required by the Executive Board of the Global Crop Diversity Trust. The date of a meeting of the Bureau where selection and appointment of members of the Board is on the agenda will be communicated to the Executive Secretary of the Trust within a reasonable time prior to the date of the meeting.

13. The Bureau, if invited by the Donors' Council, may request the Chairperson or any Vice-Chair of the Governing Body to attend the meeting, or meetings, of the Donors' Council where the selection/appointment of Board members is on the agenda to consult, on its behalf, on options for the balance and range of skills within the Executive Board of the Global Crop Diversity Trust.

E. FACTORS COMMON TO SELECTION AND APPOINTMENTS BY THE GOVERNING BODY AND THE DONORS' COUNCIL

14. In the consideration of candidates for appointment under these procedures, the Bureau and the Donors' Council should ensure that their functions are carried out in such a manner as to avoid unnecessary public embarrassment to unsuccessful candidates for membership of the Executive Board.

15. Upon the selection of a candidate or candidates by the Bureau or the Donors' Council, the Secretary of the Governing Body or the Chair of the Donors' Council, as the case may be, shall contact the candidate or candidates in order to confirm their willingness to serve on the Executive Board of the Global Crop Diversity Trust.

16. The appointment of any candidate or candidates selected by the Bureau will be made by the Chairperson of the Governing Body, on behalf of the Governing Body. The appointment of any candidate or candidates selected by the Donors' Council will be made by the Chair of the Donors' Council, on behalf of the Donors' Council.

17. Upon receiving the confirmation from the candidate or candidates of their willingness to serve, the Chairperson of the Governing Body and the Chair of the Donors' Council will communicate, in writing, to the Executive Board of the Global Crop Diversity Trust informing it of the appointment or appointments, and report to the Governing Body and the Donors' Council, as the case maybe, at their next sessions following such an appointment or appointments.

Appendix 2

DRAFT RESOLUTION **/2011**PROCEDURES FOR THE SELECTION AND APPOINTMENT OF MEMBERS OF THE EXECUTIVE BOARD OF THE GLOBAL CROP DIVERSITY TRUST**

THE GOVERNING BODY,

Recalling that the Global Crop Diversity Trust is an essential element of the Funding Strategy of the Treaty, and the importance of the Trust's work in safeguarding globally important crop diversity;

Reaffirming the need to maintain and further develop the relationship between the International Treaty and the Global Crop Diversity Trust in a complementary manner in order to achieve coherence of goals and activities;

Recalling that, under the terms of the Relationship Agreement between the Global Crop Diversity Trust and the Governing Body, the Governing Body shall appoint four members to serve on the Executive Board of the Global Crop Diversity Trust, of whom at least two shall be from developing countries;

Recognizing that, in accordance with Article 5 (6) of the Constitution of the Global Crop Diversity Trust, the members of the Executive Board of the Global Crop Diversity Trust shall serve in their personal capacities;

Recalling that the Governing Body, at its First Session, delegated to the Bureau the power of appointment of the first four members of the Executive Board of the Global Crop Diversity Trust to be appointed by the Governing Body;

Further recalling that the Governing Body, at its Third Session, also delegated to the Bureau the power to select and appoint members of the Executive Board of the Global Crop Diversity Trust to replace those members whose term would expire during the intersessional period between the Third and Fourth Sessions of the Governing Body, as well as the power to oversee the selection process for in the appointments to be made in 2012;

Further recalling that, in accordance with the Constitution of the Global Crop Diversity Trust, the parties appointing members of the Executive Board, before making such appointments, shall consult with each other and with the Executive Board with a view to ensuring that the Executive Board has the balance and range of skills necessary for it to perform its functions effectively;

Conscious of the need for the Procedures for the Selection and Appointment Members of the Executive Board of the Global Crop Diversity Trust to be simple and facilitate effective consultations between the parties appointing members of the Executive Board of the Global Crop Diversity Trust, in accordance with the Constitution of the Global Crop Diversity Trust;

1. **Adopts** these *Procedures for Selection and Appointment of Members of the Executive Board of the Global Crop Diversity Trust by the Governing Body*, as contained in the *Annex* to this Resolution, which hereby supersede the normal selection and appointment procedures adopted at its First Session;
2. **Delegates** to its Bureau, the power to select and appoint, on its behalf and in accordance with these Procedures, members of the Executive Board of the Global Crop Diversity Trust to fill any vacancies which may fall due or arise in the Executive Board of the Global Crop Diversity Trust, subject to any other decisions or additional directions the Governing Body may wish to give in the future; and
3. **Welcomes** the agreement of the Donors' Council of the Global Crop Diversity Trust to subscribe to these Procedures.