



**Food and Agriculture
Organization of the
United Nations**



The International Treaty
**ON PLANT GENETIC RESOURCES
FOR FOOD AND AGRICULTURE**

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Item 15 of the Provisional Agenda
SIXTH SESSION OF THE GOVERNING BODY
Rome, Italy, 5 – 9 October 2015
Report on the Functional Autonomy of the International Treaty within the Framework of FAO

Executive Summary

This document provides an update since the Fifth Session of the Governing Body on the review of Article XIV Bodies by FAO governing bodies, other developments of relevance to the International Treaty and the decisions and guidance provided by the Bureau of the Sixth Session.

Guidance Sought

The Governing Body is invited to take note of the relevant developments and delegate to the Chairperson of the Seventh Session to follow up and discuss with the Director-General of FAO and the senior management of the Organization any relevant issues and needs to continue implementing and further improving the functional and operational autonomy of the Treaty during the 2016-2017 biennium.

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I. INTRODUCTION

1. At its Fifth Session, the Governing Body requested the Bureau of the Sixth Session through Resolution 12/2013 on Matters Relevant to the Treaty Arising from the FAO Reform Process to “facilitate contacts with the FAO Management for the recognition of the functional autonomy of the International Treaty, according to the criteria already identified by the Committee on Constitutional and Legal Matters and the other governing bodies of FAO”; and to “continue to review the list of the functional needs of the International Treaty on the basis of the elements already identified by past Bureaus and forward it for the consideration and adoption of the Sixth Session of the Governing Body”.

2. This document provides an update since the Fifth Session of the Governing Body on the review of Article XIV Bodies by FAO governing bodies, other developments of relevance to the International Treaty and the decisions and guidance provided by the Bureau of the Sixth Session.

II. RELEVANT DEVELOPMENTS SINCE GOVERNING BODY FIFTH SESSION

Independent Review of the Immediate Plan of Action for FAO Renewal (IPA)-related Governance Reforms

3. During 2014, an independent review of the Immediate Plan of Action for FAO Renewal (IPA)-related Governance Reforms was conducted by the Office of Evaluation (OED) of FAO.

4. The IPA, approved by the 35th (Special) FAO Conference in 2008, included 76 actions aimed at reforming FAO’s governance mechanism. IPA Actions 2.68 and 2.69 addressed issues of relevance to FAO statutory bodies and Article XIV Bodies in particular.

These were:

2.68 Conferences of parties to treaties, conventions and agreements such as Codex and the IPPC (incorporated under FAO statutes) may bring issues to the attention of the Council and Conference through relevant the Technical Committee (Basic Text Change)

2.69 Undertake a review with a view to making any necessary changes to enable those statutory bodies which wish to do so to exercise financial and administrative authority and mobilise additional funding from their members, while remaining within the framework of FAO and maintaining a reporting relationship with it.

5. As part of the review, a questionnaire to focus on IPA Actions 2.68 and 2.69 was sent to the relevant statutory bodies, including the International Treaty. Based on the information gathered from relevant stakeholders, a draft report was prepared and presented to FAO governing bodies at the end of 2014, namely at the Joint Meeting of the 116th Session of the Programme Committee and 156th Session of the Finance Committee in November 2014, and the 150th Session of the Council in December 2014.¹

6. The conclusions and proposals on the statutory bodies in the draft report noted that “limited progress ha[d] been made in terms of granting them [statutory bodies] more autonomy of operation and decision-making on administrative and financial issues, and this may be due to insufficient communication between the Secretaries and the ADGs concerned”. It is also noted that “Conventions and Agreements in the areas contributing to FAO’s Goals and Strategic Objectives need an environment in which they can thrive and that this would in turn enhance the Organization’s work at the global level.”

7. The Council welcomed the final report of the Independent Review at its 151st Session in March 2015, and recalling its previous guidance, requested the Management to give timely

¹ <http://www.fao.org/3/a-ml749e.pdf>, pages 41-43

consideration to these matters and also report on these matters, from time to time. The suggestion made by the Open-ended Working Group on the Evaluation of FAO Governance Reforms reiterated that “[m]ore progress on a number of issues [regarding Article XIV bodies] would enable the Article XIV bodies to make a greater contribution to FAO’s Goals and Strategic Objectives, which would in turn enhance the results of the Organization’s work.”²

8. During the current biennium the Secretariat of the International Treaty has been hosted in the Office of the Assistant Director General of the Agriculture and Consumer Protection Department of FAO. This Office has proactively strengthened communication with the Secretariat of the International Treaty and with other secretariats on a regular basis and established an enabling working framework which takes into account the functional needs of the International Treaty.

Review of procedures for the establishment and abolition of Statutory Bodies – Implementation of Conference Resolution 13/97

9. The Committee on Constitutional and Legal Matters (CCLM), at its 99th session in October 2014, examined a document entitled “*Review of procedures for the establishment and abolition of Statutory Bodies – Implementation of Conference Resolution 13/97*”³.

10. While noting the differentiated nature of existing statutory bodies and appreciating the complexity of the issue under review, the CCLM confirmed that Conference Resolution 13/97 continues to be applicable and relevant, taking into account the need to streamline existing statutory bodies, avoid proliferation of statutory bodies and achieve efficiency gains.

11. The CCLM agreed to forward the draft Conference Resolution entitled “*Review of FAO Statutory Bodies*”⁴ to the Council for subsequent transmission to the Conference for approval. The CCLM also decided to recommend that this Resolution, as well as Conference Resolution 13/97, be inserted in Volume II of the Basic Text of the Organization,⁵ given the importance of this matter.

12. At its 150th Session in December 2014, the Council approved the Report of the 99th Session of the CCLM, and in particular endorsed the draft Conference Resolution and decided to forward it to the Conference for approval and recommended that this Resolution, as well as Conference Resolution 13/97, be inserted in Volume II of the Basic Texts of the Organization.

FAO Communication guidelines

13. To ensure the FAO’s corporate identity, during 2014, the Office for Corporate Communication of the FAO (OCC) undertook to develop corporate guidelines in relation to communication, namely the *FAO logo policy and guidelines* (on the use of logo for various means of communication, such as publications, website, visiting cards), and the *FAO.org policy and guidelines* (on website). Draft guidelines have been circulated within the organization for review and comments. The Treaty Secretariat has submitted necessary inputs on both draft guidelines to address and ensure that the greater functional autonomy and increased delegation of authority of the International Treaty recognized by relevant FAO governing bodies be reflected in the development and implementation of such guidelines.

² <http://www.fao.org/3/a-mm732rev1e.pdf>

³ <http://www.fao.org/3/a-ml631e.pdf>

⁴ <http://www.fao.org/3/a-ml808e.pdf>, Appendix 3 (pages 26-27)

⁵ <http://www.fao.org/docrep/meeting/022/K8024e.pdf#page=64>, *Principles and procedures which should govern conventions and agreements concluded under articles XIV and XV of the constitution, and commissions and committees established under article VI of the constitution* (pages 175-194).

Donor relations and resource mobilization

14. FAO has a corporate resource mobilization and management strategy to guide and align resource mobilization efforts to the FAO Strategic Framework in a coordinated and harmonized way, and ensure that contacts with resource partners be conducted in a disciplined manner.

15. Given the voluntary nature of contributions from the Contracting Parties to all funds of the Treaty, the Secretary is obliged, following the recommendations of the Governing Body, to make substantial efforts to secure sufficient funds to ensure the effective Treaty implementation. Continuous and consistent contact and consultation with donors is a necessity in this regard to ensure successful resource mobilisation, especially in the current difficult economic environment where many donors become increasingly reluctant to provide funds.

16. It should be also noted that the review process of the Treaty's Multilateral System, which has been conducted during the 2014-2015 biennium through the work of the *Ad-Hoc* Open-ended Working Group to Enhance the Functioning of the Multilateral System, would require a significant injection of financial resources to the Benefit-sharing Fund to realise its 4th project cycle, if the credibility of the Treaty systems is to be maintained and consolidated. For this the Governing Body has decided and funded significant capacities and activities of the Secretariat on resources mobilization, including in the core staffing table of the Secretariat.

17. In the context of resource mobilization, the Governing Body "urges ... the private sector and foundations to give highest priority to support the Benefit-sharing Fund" of the Treaty and its other funds. In 2013 the FAO Strategy for Partnerships with the Private Sector was adopted, which provides that "*private sector entities may provide human, logistics, managerial and financial resources to specific activities*" and establishes a FAO risk management process in three steps (preliminary screening, review, decision, monitoring and reporting). The Strategic Plan for the Implementation of the Benefit-sharing Fund foresees significant financial contributions from the private sector (11%), which are noted in the Financial Rules of the Treaty.

FAO Geographic Mobility Programme

18. Since 2014, FAO has been developing a geographic mobility programme to allow the organization to enable better workforce planning, to increase knowledge sharing across the organization and to provide opportunities for varied experience and career development. The FAO Geographic Mobility Programme was published as an annex to the Bulletin 2015/07 of the Director-General on 19 February 2015. For the time being, the Office of Human Resources has informed that staff members recruited under Article VI and Article XIV should not be considered for mobility reassignments.

III. CONSIDERATIONS AND GUIDANCE OF THE BUREAU OF THE SIXTH SESSION OF THE GOVERNING BODY

19. At its first meeting in March 2014, the Bureau of the Sixth Session discussed under Agenda Item 6 Matters relevant to the Treaty arising from the FAO reform and review of statutory bodies. In the Report of the meeting the Bureau noted the ongoing FAO reform process and the review of statutory bodies and its implications for the operational efficiency of the Treaty and the Secretariat of the Governing Body.

20. At that meeting the Bureau agreed that the reform process presented a good opportunity to enhance the operational efficiency and cost-effectiveness of the Secretariat through streamlining of administrative procedures, while remaining within the framework of FAO.

21. The Bureau requested the Chair of the Sixth Session of the Governing Body, when meeting with the Director General and senior management of FAO, to sensitize them on the activities and functional needs of the Treaty, as reflected in the list of functional needs compiled by the Bureau and the Treaty Committees in previous biennia and which was attached to the

Report of the meeting.

22. At the second meeting of the Bureau in March 2015, the Chairperson of the Sixth Session reported on a number of administrative issues he had discussed with the Director-General on 6 October 2014 and informed that he had sent a letter to thank the Director-General for having kindly made the necessary arrangements discussed.

IV. GUIDANCE SOUGHT

23. The Governing Body is invited to:

Take note of the recent developments related to the functional and operational autonomy of the International Treaty within the framework of FAO;

Delegate to the Chairperson of the Seventh Session of the Governing Body, in consultation with the Bureau, to follow up and discuss with the Director General of FAO, and the senior management of the Organization, on any relevant issues and needs aimed at improving and implementing the functional and operational autonomy of the Treaty within the framework of FAO.