



The International Treaty

ON PLANT GENETIC RESOURCES FOR FOOD AND AGRICULTURE



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DRAFT REVIEWED OPERATIONAL PROCEDURES FOR THE BENEFIT-SHARING FUND, INCLUDING THE DRAFT POLICY ON CONFLICT OF INTEREST

EXECUTIVE SUMMARY

1. This document contains the *Draft Reviewed Operational Procedures for the use of resources under the direct control of the Governing Body* and the *Draft Policy on Conflict of Interest and related Standards of Conduct for the Benefit-sharing Fund*.
2. The *Draft Reviewed Operational Procedures* and the *Draft Policy on Conflict of Interest* provided in this document were elaborated by the *Ad Hoc Advisory Committee on the Funding Strategy* and contained in the Report of its seventh meeting. The Report was published online on the Treaty website and circulated to the National Focal Points through a notification.
3. The Governing Body is invited to finalize the review of the Operational Procedures and to adopt the Policy on Conflict of Interest.

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I. INTRODUCTION

1. The Operational Procedures of the Benefit-sharing Fund were adopted by the Governing Body of the Treaty at its Second Session (2007), as Annex 3 of the Funding Strategy of the Treaty. The Operational Procedures contain principles, the project cycle and selection criteria for the use of resources under the direct control of the Governing Body.
2. At its Fourth Session, the Governing Body requested the *Ad Hoc* Advisory Committee on the Funding Strategy to provide advice on the review of the Operational Procedures. Following advice from the Bureau, such review by the Committee was based, *inter alia*, on the *Report of lessons learned*¹ during the first and second rounds of the project cycle.
3. The Committee advised the Governing Body to finalize the review of the Operational Procedures on the basis of the draft provided in *Appendix 1* of this document. The Committee agreed first to continue refining the list of criteria through electronic communications and subsequently to discuss the matter at its second resumed meeting, if convened. The Co-Chairs of the Committee will provide an update on progress made since the publication of this document to the Governing Body.
4. The Bureau of the Fifth Session of the Governing Body requested a policy of conflict of interest to be prepared for use in the screening, appraisal and approval steps of the project cycle. Background information is provided in lesson learned # 7 of the *Report on lessons learned*.²
5. The Committee welcomed the preparation of a policy of conflict of interest for the Benefit-sharing Fund. It reviewed the draft policy and thanked the Secretariat for having prepared a clear, simple and brief policy. The Committee submitted to the Bureau the *Draft Policy to manage conflict of interest and standards of conduct: Benefit-sharing Fund*, in *Appendix 2* of this document, and recommended it become used as soon as possible. The Bureau took note of the *Draft Policy* and requested the Secretary to forward it to the Governing Body, for its consideration.
6. The Governing Body is invited to finalize the review of the Operational Procedures and to adopt the *Policy* on conflict of interests in support of the Operational Procedures. The draft Resolution on the Funding Strategy, which includes the elements related to the Operational Procedures, is provided in document IT/GB-5/13/7.

¹ IT/ACFS-7/12/4.

² *Ibid.*

APPENDIX I

**DRAFT REVIEWED OPERATIONAL PROCEDURES FOR THE USE OF RESOURCES
UNDER THE DIRECT CONTROL OF THE GOVERNING BODY**

[This *Annex* contains Principles, Project Cycle and Selection Criteria.]

I. Principles

These operational procedures are based on the following principles:

- Transparency and impartiality.
- Simplicity and accessibility.
- Efficiency and effectiveness.
- Quality and technical merit.

II. Project Cycle

The Governing Body delegates the authority for the execution of the project cycle during the biennium to the [Bureau]. There will normally be a new round of the project cycle every biennium.

The project cycle will consist of:

1. Opening a call for proposals
 - a. issued by the [Governing Body], in the official languages of the Treaty, and containing relevant information and procedures – priority areas; submission forms for pre-proposals and project proposals; eligibility, appraisal and screening criteria; timing and deadlines; expected funds available; crops addressed; requirements to projects funded by the Governing Body; main legal and financial provisions of project agreements;
 - b. advertisement on the Treaty website and through the national focal points and relevant regional bodies;
 - c. responsibility: prepared by the Secretariat, under the guidance of the [Bureau].
2. Submission of pre-proposals
 - a. in any of the Treaty languages plus a translation in either [Arabic,]English, French or Spanish;
 - b. according to an agreed format and within agreed deadlines;
 - c. [target: [2-3] pages;]
 - d. addressing the screening criteria;
 - e. responsibility: Contracting Parties or legal or natural persons,³ in consultation with the Contracting Party or Contracting Parties in question. The formal submission should be by Contracting Party or Parties in question to the Secretary of the Governing Body;
3. Screening and response to pre-proposals

³ Any governmental or non-governmental organization, including genebanks and research institutions, farmers and farmers' organizations, and regional and international organizations, based in countries that are Contracting Parties to the International Treaty, may apply for funding under the Benefit-sharing Fund.

- a. according to screening criteria published in the call – eligibility criteria and relevant criteria established as part of the call for proposals;
 - b. response to be provided within agreed timelines;
 - c. in accordance with the Policy of Conflict of Interests;
 - d. [responsibility: [Bureau], [on the basis of preparatory work by the Secretariat.] [The Bureau might work through email, and make its final decisions in a regular meeting]];
4. Submission of project proposals from approved pre-proposals
- a. in any of the Treaty languages plus a translation in either [Arabic,]English, French or Spanish;
 - b. according to an agreed submission form of project proposals and within agreed deadlines
 - c. addressing the appraisal criteria;
 - d. recipient and channels of payment will be identified;
 - e. list of submissions to be made public;
 - f. Helpdesk to be provided to support preparation of proposals, [including language facilities for Arabic;]
 - g. responsibility: Contracting Parties or legal or natural persons, in consultation with the Contracting Party or Contracting Parties in question. The formal submission should be by Contracting Party or Parties in question to the Secretary of the Governing Body.
5. Appraisal of project proposals
- a. ranking of project proposals according to appraisal criteria published in the call;
 - b. portfolio of project proposals meeting the requirements prepared for approval within agreed deadlines;
 - c. portfolio to be made public;
 - d. in accordance with the Policy of Conflict of Interests;
 - e. responsibility: a panel of experts designated ,from a Roster, by the [Bureau] in consultation with their Regions. The panel of experts will work without remuneration with resources provided under the core administrative budget for any meeting necessary. Terms of Reference of the Panel to be made public.
6. Approval of projects for funding within the project cycle
- a. according to the funds at the disposal of the Governing Body in that project cycle and the recommendations of the Panel of Experts;
 - b. [according to other possible considerations, such as geographical balance];
 - c. in accordance with the Policy of Conflict of Interests.
 - d. portfolio to be made public.
 - e. responsibility: [Governing Body, or, if delegated, the Bureau.]
7. Signature of project agreements and disbursement
- a. disbursement according to procedures adopted by the Governing Body;
 - b. project agreements providing relevant legal and financial provisions and requirements from the Governing Body
 - c. responsibility: Secretary and senior management of executing institutions.
8. Reporting and monitoring
- a. according to procedures adopted by the Governign Body;
 - b. responsibility: The executing entity develops the monitoring products and deposits them with the Secretary.

9. Independent Evaluation
 - a. use of standard evaluation procedures based on norms and standards of the United Nations Evaluation Group;
 - b. evaluation of the sustainable effects and impacts of projects or groups of projects, providing accountability on results and aiming at facilitating the further development of the Funding Strategy;
 - c. evaluation of the components of the Funding Strategy addressed under this annex will be periodically commissioned by the Governing Body;
 - d. according to evaluation procedures adopted by the Governing Body.
 - e. responsibility: the Governing Body.

[III. Selection Criteria

This section of the Operational Procedures provides a general framework of selection criteria being used in the appraisal of project proposals. The precise criteria for appraisal of project proposals in each round of the project cycle will be published in the Call for Proposals.

1. Project relevance.
 - a. Are the priorities of the Funding Strategy and the strategic principles and priorities established by the Governing Body for the allocation of funds at its disposal clearly incorporated and represented in the proposed goals and expected outputs of the proposal?
 - b. [Is the project contributing to a rational global conservation system? Is the project contributing to the Millennium Development Goals, in particular goals 1 and 7?]
 - c. What is the relevance of the project to a country's or region's priorities in its plans and programmes for PGRFA? What information is available on such priorities?
 - d. [Does the project duplicate activities already carried out or underway? Does the project complement activities already carried out or underway?]
2. Feasibility
 - a. Is the proposed activity feasible in terms of resources and timing? In particular, is the budget adequate to fully cover the proposed activities and produce the expected results?
3. Effectiveness and efficiency
 - a. Are the anticipated project costs warranted against the expected project results and benefits?
 - b. [Are the types of activities most effective towards achieving the project's net results, its outcome and impact?]
4. Benefits and beneficiaries.
 - a. Who are the immediate beneficiaries?
 - b. Will the results of the proposed project, directly or indirectly, reach the proposed beneficiaries?
 - c. [What is the potential contribution of the project to economic development?]
5. Team composition and capacity.
 - a. Can the capacity of the team be considered sufficient? Does the team include partners with different disciplines?
 - b. [Does the project proposal foresee use of available local expertise?]
6. Collaboration.
 - a. What is the extent of collaboration promoted by the project proposal?
 - b. [How does this collaboration contribute to the effectiveness and efficiency of the project?]
 - c. Is there counterpart funding or input in kind by the applicant?
7. Planning and Monitoring.
 - a. Have proper milestones and indicators been incorporated in the project proposal?

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- b. [Does the proposal indicate how project progress will be monitored and its impact assessed?]
 - c. To what extent is the expected positive impact measurable?
 8. Sustainability.
 - a. [How sustainable are the activities and beneficial changes introduced by the project?]
 - b. Is technology transfer and capacity building realized?
 - c. Has a training component been incorporated?
 9. Geographic extension.
 - a. How wide is the geographic scope and impact of the proposed project?
 - b. [What is the global and/or regional importance of the project in achieving the objectives of the Treaty?]
 10. Crop relevance.
 - a. What is the contribution of the crop or crops, for which activities are proposed, to global or regional food security and sustainable utilization?
 - b. What is the relevance of the crop or crops, for which activities are proposed, to the quality and diversity of the human diet or animal feed?
 - c. [What is the contribution of the proposed project to conservation and utilization of the crop's or crops' gene pool?]
 - d. Is the project addressing the conservation and/or utilization of a crop in one of its centres of diversity?
 - e. [To what extent is the gene pool covered by the proposed project activities threatened at a national, regional or global level?]

APPENDIX 2

DRAFT POLICY ON CONFLICTS OF INTEREST AND RELATED STANDARDS OF CONDUCT FOR THE BENEFIT-SHARING FUND

A. COVERAGE

1. This policy applies to any member of intergovernmental or expert bodies involved in the screening of pre-proposals or the appraisal or approval for funding of project proposals by the Benefit-sharing Fund.
2. It is the responsibility of each individual covered by this policy to observe its terms. Individuals who are covered by this policy will normally be notified of this, but if any individual is in doubt as to its application to her or him, she or he should verify with the Secretary. Any individual or institution not covered by this policy that considers there may be an actual or potential conflict with any pre-proposal or proposals should refer such case to the Secretary. The Secretary will inform the Chair or Co-Chairs of the relevant intergovernmental or expert body.
3. Partners and other institutions involved in the operations of the Benefit-sharing Fund and its project cycle should avoid entering into cases of conflict of interest when structuring the partnership with the Fund and making their contributions to the project cycle. They should acknowledge at all times that the Benefit-sharing Fund is under the direct control of the Governing Body.

B. GENERAL PROCEDURE***When a conflict arises***

4. This policy relies on each individual to consider whether she or he may have, or be perceived to have, any actual or potential conflict with any proposal that is being considered by the Benefit-sharing Fund.
5. Examples of a conflict of interest are:
 - To be actively involved in the future execution of the project, in particular as part of the project staff or team;
 - To be employed by the same institution as the applicant institution or its partners in the project implementation;
 - To work closely with the applicant institution or its partners in the project implementation, for example as a co-author or PhD Supervisor, or to have worked closely in the last 4 years;
 - To hold a current position on the governing body of or an honorary position with the applicant institution or its partners in the project implementation;
 - To receive personal remuneration from the applicant or its partners in the project implementation;
 - To entertain personal/family relationship with any of the project staff or team.

6. The above list of examples is not exhaustive. These are only intended as examples and not as a complete or exhaustive list. Conflict situations may include situations beyond those indicated above that an individual is required to declare under this policy.

7. In considering whether a conflict arises, an individual should treat the interests of anyone with whom the person subject to this policy has a significant personal relationship as if they were the individual's own interests. This will include any partner, anyone living in the same home and anyone whose financial affairs the individual has responsibility for.

General procedure for managing conflicts

8. If an individual has an actual or potential conflict of interest in any pre-proposal or proposal that is being considered by the Benefit-sharing Fund:

(1) the individual should disclose the conflict to the Secretary in writing;

(2) the individual must abstain from any decisions relating to that pre-proposal or proposal. In particular:

(a) she or he shall not be involved in the process of screening of the pre-proposal, appraisal or approval of a project proposal;

(b) she or he shall not receive any documentation relating to that pre-proposal or project proposal;

(c) she or he shall not take part in any decisions taken in relation to such a pre-proposal or proposal; and,

(d) she or he shall abstain from the relevant part of any meeting where the pre-proposal or proposal is considered.

(e) she or he shall be replaced by another representative from the Region, whenever possible.

9. All individuals serving under any capacity in the process of screening the pre-proposals, appraisal or approval of project proposals, are required to facilitate the management of any potential or actual conflict of interest, as the Secretary may require. Any dispute about whether a conflict may exist may be referred to the Chair of the Governing Body for a decision or, in the case of disputes relating to a Chair of the Governing Body in that capacity, to one of the Vice-Chairs of the Governing Body.

Policy for funding in relation to members of intergovernmental or expert bodies

10. The following policy for funding of the activities of members of decision-making committees shall apply:

(1) Members of intergovernmental or expert bodies may continue to hold any funding they hold from the Benefit-sharing Fund at the time of appointment.

(2) Members of intergovernmental or expert bodies involved in a new round of the project cycle shall abstain from applying for new funding under such round.

C. CODE OF CONDUCT

Advice on pre-proposals and proposals

11. Members of intergovernmental or expert bodies involved in the screening of pre-proposals or the appraisal or approval for funding of project proposals by the Benefit-sharing Fund may be asked to provide general support, mentoring and guidance to colleagues in applicant institutions that may be seeking funding from the Benefit-sharing Fund. There is no objection to this support being provided, nor to members sharing publicly available information about the policies or procedures of the Benefit-sharing Fund, if requested. Members shall not disclose any non-public available information, such as details of proposals or rating by experts of individual proposals.

12. If a member is approached for specific advice (including technical advice) on an application to the Fund, the member may provide such advice (subject to the restriction in paragraph 11 above) but shall disclose this fact to the Secretary. The member will be regarded as having a conflicting interest in that application.

Discussions outside meetings

13. A member shall not, prior to a meeting of an intergovernmental or expert body, discuss any pre-proposal or project proposal which is to be considered at that meeting with any other member responsible for the consideration of that pre-proposal or project-proposal. If a member has any such discussion, she or he must report this to the Secretary at, or before the start of the meeting.

Confidentiality of pre-proposals or proposals, and decision-making

14. The contents of papers and correspondence relating to pre-proposals and project proposals are strictly confidential. Members of intergovernmental or expert bodies also have the right to expect that the Treaty Secretariat and other members will treat their comments with confidentiality. Accordingly, all members of the intergovernmental or expert bodies:

- (1) Shall keep papers secure and not disseminate them to anyone.
- (2) Shall not discuss pre-proposals or project proposals with anyone else (including colleagues based at the member's host institution and referees) without prior permission from the Secretary.
- (3) Shall keep the identity of applicants and experts assigned to individual pre-proposals or proposals confidential at all times.
- (4) Shall not discuss with applicants, either in connection with the applicants' own pre-proposal or project proposal or any other application, or anyone else any aspect of the deliberations or recommendations regarding an application. Feedback will be provided as appropriate by the Secretariat. Members shall refuse any requests for information or for an explanation of how a particular decision was reached – all such requests must be referred to the Secretariat.

15. Members of intergovernmental or expert bodies who are approached by individuals or organizations for information on the status or outcome related to their specific pre-proposals or project proposals should always refer all such enquiries to the Secretariat.