



The International Treaty

ON PLANT GENETIC RESOURCES FOR FOOD AND AGRICULTURE



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Item 14 of the Draft Provisional Agenda

FIFTH SESSION OF THE GOVERNING BODY

Muscat, Oman, 24 – 28 September 2013

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

EXECUTIVE SUMMARY

1. *At its Fourth Session, the Governing Body decided to postpone the decision regarding the simplification of the Normal Selection and Appointment Procedures for the members of the Executive Board of the Global Crop Diversity Trust, to this Fifth Session.*
2. *The present document reintroduces the draft simplified procedures, as presented to the Governing Body at its Fourth Session, as well as some additional options that the Bureau of this Fifth Session considered. The document also reports on extensions of terms made by the Bureau of this Fifth Session, on its own motion, for existing members of the Executive Board, in order to fill some impending vacancies.*
3. *Without prejudice to any other option that the Governing Body may decide to pursue based on the inputs made by the Bureau of this Fifth Session, the Governing Body may wish to consider again the draft simplified Procedures for the Selection and Appointment of Members of the Executive Board of the Global Crop Diversity Trust, in the version that was presented at the Fourth Session. Possible elements of a Resolution for the approval of the draft simplified Procedures are provided for the consideration of the Governing Body. The Governing Body is also invited to consider reviewing and ratifying the actions taken by the Bureau of this Fifth Session concerning members of the Executive Board.*

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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 **/2013: 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 had requested the Bureau, in conjunction with the Secretariat, to prepare a report for presentation at the Fourth Session, on possible options for simplification of the *Normal Selection and Appointment Procedures* (Normal Procedures) for the members of the Executive Board of the Global Crop Diversity Trust (Trust) that the Governing Body had approved at its First Session.¹
2. The report and draft simplified procedures were prepared and put before the Governing Body.²
3. Based on the views expressed, the Governing Body at its Fourth Session decided to postpone the decision regarding the draft simplified procedures to this Fifth Session.³
4. At the Third Session, the Governing Body had delegated to the Bureau the task of selecting and appointing members of the Executive Board to replace members whose term expired during the period between the Third and Fourth Sessions of the Governing Body, based on *ad hoc* procedures. At the conclusion of its Fourth Session, the Governing Body, differently from what was decided at the Third Session, was silent on the issue of appointment of members of the Executive Board whose terms was due before the Fifth Session of the Governing Body. Consequently, the Normal Procedures were still applicable.⁴
5. The present document reintroduces the draft simplified procedures, as presented at the Fourth Session. In addition, it refers to some additional options for the selection and appointment of members of the Executive Board of the Trust, which the Bureau of this Fifth Session outlined for the consideration of the Governing Body.
6. The document also contains the report of one extension and one renewal of terms made by the Bureau of this Fifth Session, on its own motion, for members of the Executive Board, in order to fill some impending vacancies in the Executive Board.
7. Section II of the document describes the current normative setting and the practice of the Governing Body to date. Section III borrows from the working document that was before the Governing Body at its Fourth Session to analyse options for simplification of the Normal Procedures, based on the current normative setting and the practice of the Governing Body and the Bureau.⁵ Section IV of the document refers to the other options for membership to the Executive Board that the Bureau of this Fifth Session outlined. Section V informs about Bureau's actions in the past intersessional period for the filling of impending vacancies in the Executive Board.

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

8. 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.

¹ IT/GB-03/09/Report, *Appendix H*.

² Document IT/GB-4/11/21, *Report on the selection of the members of the Executive Board of the Global Crop Diversity Trust, and possible options for the simplification of the normal selection and appointment procedures*.

³ IT/GB-4/11/Report, paragraph 35.

⁴ See footnote 1 above.

⁵ 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*.

9. 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.

10. At its First Session, the Governing Body agreed on *Normal Selection and Appointment Procedures*, based on a draft developed by the Interim Panel of Eminent Experts of the Trust.⁶ At the same time, it delegated to the Bureau, on an interim basis and applying *ad hoc* procedures, the task of selecting and appointing the first four members of the Executive Board. On that occasion, the Governing Body stressed the need for governments to be consulted to suggest candidates and for regional balance to be taken into account.⁷

11. The Bureau of the Second Session 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 of the Fourth Session in the intersessional period between the Third and Fourth Sessions of the Governing Body in accordance with the request of the Governing Body at its Third Session, where the Governing Body again delegated to the Bureau the task of making the selection and appointments upon consultation with Contracting Parties and the Donor Council with a view to ensuring regional balance and balance of skills.⁸

12. The Normal Procedures require the Governing Body, at its regular session, to either delegate to 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.

13. 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 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.

14. 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.

15. 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.

III. OPTIONS FOR SIMPLIFIED PROCEDURES

16. The one core element common to both the *ad hoc* procedures established by the Governing Body at its First and Third Sessions, and followed by the Bureaus, and the Normal Procedures agreed upon at the First Session but never applied, is the requirement for consultations among appointing entities and the Board on the range and balance of skills, as stipulated in the

⁶ IT/GB-1/06/14, *cit.*

⁷ IT/GB-1/06/Report, paragraph 40.

⁸ See footnote 1 above.

Constitution of the Trust. It is, therefore, essential to reflect this core element in any simplified procedures the Governing Body may wish to consider.

17. The request that the Governing Body made at its Third Session for the simplification of the Normal Procedures is the recognition that those procedures may be too cumbersome in practice, and present significant logistic challenges and possible costs.

18. 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.

19. As described above, the Bureaus of the Second and Fourth Sessions made two sets of appointments to the Executive Board, using *ad hoc* procedures in accordance with the requests of the Governing Body. In both cases, the Bureaus consulted with, and received inputs and suggestions from Contracting Parties from different regions, providing a wide array of candidates from among whom the members of the Executive Board were elected. The Bureau also consulted with the Donors' Council of the Trust as required.

20. 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.

21. In general, and from the two sets of appointments to the Board undertaken in years 2007 and 2011, 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 Executive Board during intersessional periods, if it is applied consistently and followed closely by all Regions.

22. Consequently, the Governing Body may wish to consider delegating to the Bureau the task of carrying out the selection and appointment of the members of the Executive Board, giving any additional specific instructions it wishes.

23. The Governing Body may also wish to note that the practice adopted by the Bureaus of the Second and Fourth Sessions 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.

24. With regard to the timing of meetings, it is to be noted that, as a result of the appointments made by the Bureau, two 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) occurs on a yearly basis.

25. 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.

26. 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 of the Fourth Session had done in 2011. 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.

27. To this effect, the Governing Body may wish to request the Executive Board to identify and notify it well in advance of any vacancy that will arise, say nine months, so that the Bureau, if delegated the task, would have sufficient time to respond accordingly. In so doing, the Executive 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.

28. 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.

29. 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.

30. 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 FAO Director-General 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.

31. 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, if the task is delegated in a biennium, to attend such a meeting.

32. The simplified procedures could also 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 may, with the support of the Secretariat of the International Treaty, arrange for modalities of consultations with Contracting Parties based on the actual timing of the various meetings and other relevant considerations.

33. 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 could 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.

34. The Governing Body may, therefore, wish to include a 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.

35. 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 did in the past, vote on the candidates. The Bureau, 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.

36. With regard to the formal appointment of the selected candidate, the Governing Body may wish to consider authorizing its 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.

37. Finally, 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.

38. 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.

39. The Bureau of the Fourth Session had developed and generally agreed upon draft simplified procedures reflecting all the elements elaborated above, and had invited the Donors' Council of the Trust to consider them. The Donors' Council of the Trust had agreed to those simplified procedures and had invited the Governing Body to consider them for adoption. At the Fourth Session, the Governing Body decided to postpone the decision regarding the simplification of the Normal Procedures to this Fifth Session.

40. The Bureau of this Fifth Session did not reach consensus on the simplification of the Normal Procedures. Some members considered that the draft procedures that were examined but not endorsed by the Governing Body at its Fourth Session should be put before the Governing Body again for its consideration. Therefore, without prejudice to any other option that the Governing Body may decide to pursue based on other inputs made by the Bureau of this Fifth Session, which will be presented in the next section of the document, the draft simplified *Procedures for the Selection and Appointment of Members of the Executive Board of the Global Crop Diversity Trust*, in the version that was presented at the Fourth Session, are presented again to the Governing Body at this Fifth Session. *Appendix 1* to this document contains such draft simplified Procedures. Should the Governing Body determine that the draft simplified Procedures be the most suitable option, possible elements of a Resolution for the approval of those Procedures are provided in *Appendix 2* to this document.

IV. OTHER OPTIONS

41. Some members of the Bureau of this Fifth Session, while not agreeing on the simplification of the Normal Procedures, introduced other possible options to maintain the membership to the Executive Board. Those options are the following:

- *ex-officio* membership by the Chairperson of the Governing Body, without the right to vote;⁹
- membership by the Chairperson of the Governing Body with the right to vote;

⁹ In accordance with Article 5, paragraphs (1) and (3), of the Constitution of the Trust, the Executive Board features three *ex officio* members, namely: 1) one appointed by the Director-General of FAO; 2) one member appointed by the Chair of the CGIAR; 3) the Executive Secretary of the Trust. The former two serve in their technical capacity and do not have the right to vote. To date, the practice of the Executive Secretary of the Trust has been to invite the Secretary of the Governing Body to meetings of the Executive Board as an observer.

- membership by at least one Vice-Chairperson of the Governing Body with the right to vote;
- membership by two Vice-Chairpersons of the Governing Body and by two experts on plant genetic resources.

42. The above options were introduced within the Bureau without any further details. For instance, it is not clear from the last option how and by whom the two “experts on plant genetic resources” would be selected and appointed. Similarly, no analysis was carried out as to the compatibility of those options with the current normative setting. Therefore, the options are reported in this document merely as presented within the Bureau, for the consideration of the Governing Body.

V. ACTIONS TAKEN BY THE BUREAU IN THE PAST INTERSESSIONAL PERIOD

43. During the past intersessional period, due the cycle of the existing terms and an unforeseen event, vacancies fell due in the membership of the Executive Board, upon which the Bureau acted to address.

44. In a telephone call held in December 2011, following the request by the Secretary for guidance in preparation of the relevant agenda item in this Fifth Session of the Governing Body, the Bureau agreed to the continuation of Sir Peter Crane, whose term would have expired at the end of 2011.

45. At its meeting in March 2012, the Bureau also decided to renew the term of Ms. Åslaug Haga, whose term would have expired at the end of 2012.

46. At the same meeting, on its own motion, the Bureau also decided to commence a process, based on the *ad hoc* procedures used for the set of appointments made in 2010, so that the nominations to fill vacant positions on the Executive Board would be brought to this Fifth Session of the Governing Body for endorsement.¹⁰ However, the process was not followed up by the Bureau at its subsequent meeting in March 2013.

47. Two positions in the Executive Board are currently vacant, namely the position of Sir Peter Crane, who, after the extension granted by the Bureau of this Fifth Session, completed his second term at the end of 2012, and the position of Dr Wangari Maathai, who passed away in 2011 and whose six year-term would have expired at the end of 2012.¹¹ One position in the Executive Board will become vacant at the end of 2013, namely the position of Mr Ibrahim Mayaki, who is ending his first three-year term.

48. In addition to those three positions, Ms. Haga has been appointed as the new Executive Secretary of the Trust and, in her new capacity, sits *ex officio* in the Executive Board. Accordingly, her previous position in the Executive Board has also, unforeseenly, become vacant and would have to be filled, presumably for the remainder of her second term (i.e. until 2015).

VI. ELEMENTS FOR THE CONSIDERATION OF THE GOVERNING BODY

49. The Governing Body is invited:

- a) to consider the draft *Procedures for the Selection and Appointment of Members of the Executive Board of the Global Crop Diversity Trust* and, should it wish to approve

¹⁰ IT/GB-5 Bureau/1/12/Report, paragraph 37.

¹¹ In accordance with Article 5(3) of the Constitution of the Trust, members of the Executive Board shall serve for terms no more than three years. Sir Peter Crane was appointed by the Bureau of the Governing Body in 2007 to serve for two terms of two and three years respectively. After the continuation granted by the Bureau of this Fifth Session, his position would have to be filled in 2013 in order to respect the above constitutional provisions.

them, the accompanying draft *Resolution*, as contained, respectively, in *Appendixes 1* and *2* to this document;

- b) to consider the other options for membership to the Executive Board, as outlined by the Bureau of this Fifth Session, and, should it agree on any of the options, to determine the next steps with a view to making the corresponding normative and practical arrangements;
- c) to consider the current and upcoming vacancies in the Executive Board that the Governing Body is to fill;
- d) to consider reviewing and ratifying the actions taken by the Bureau of this Fifth Session concerning the members of the Executive Board.

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 may be, at their next sessions following such an appointment or appointments.

DRAFT RESOLUTION **/2013
PROCEDURES FOR THE SELECTION AND APPOINTMENT OF MEMBERS OF THE EXECUTIVE BOARD OF THE GLOBAL CROP DIVERSITY TRUST

THE GOVERNING BODY,

- (i) **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;
- (ii) **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;
- (iii) **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;
- (iv) **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;
- (v) **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;
- (vi) **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;
- (vii) **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;
- (viii) **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;

Hereby,

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 the Bureau of its Sixth Session, the power to select and appoint, on its behalf and in accordance with these Procedures, members of the Executive Board to 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. **Requests** the Secretary to forward these Procedures to the Donors' Council of the Global Crop Diversity Trust for approval.