

Interim Panel of Eminent Experts for the Establishment of the Global Crop Diversity Trust

Report of the Fourth Meeting

Nyon, Switzerland, 10-11 June 2004

The Interim Panel of Eminent Experts for the Establishment of the Global Crop Diversity Trust, at the invitation of the Government of Switzerland, held its fourth meeting in Nyon, Switzerland from 10-11 June 2004.

The following Members of the Panel were present:

- Lukas Brader, (Vice-Chair and acting Chair for the meeting), Director-General, International Institute of Tropical Agriculture (retired);
- Andrew Bennett, Executive Director, Syngenta Foundation;
- Tewolde Berhan Gebre Egziabher, Director General, Environmental Protection Agency, Ethiopia;
- Lewis Coleman, President, Gordon and Betty Moore Foundation;
- Walter Fust, Ambassador, Director General, Swiss Agency for Development and Cooperation;
- Geoffrey Hawtin, Interim Executive Secretary, Interim Panel of Eminent Experts and Panel Member, *ex officio*;
- Chebet Maikut, Chair of the Science and Technology Committee of the International Federation of Agricultural Producers and President of the Uganda National Farmers' Federation;
- Mohammad Roozitalab, Chairman, Global Forum for Agricultural Research and Deputy Director General, Agricultural Research and Education Organization, Islamic Republic of Iran;
- Setijati D. Sastrapradja, Senior Scientist, Indonesian Institute of Sciences.

Members of the Interim Panel of Eminent Experts, who were unable to attend, sent their regrets:

- Fernando Gerbasi, Ambassador, Chairman of the Interim Panel of Eminent Experts;
- Ismail Serageldin, Director, Library of Alexandria, Egypt

The following attended as observers:

Brad Fraleigh, Seed and Plant Genetic Resources Service, FAO;
Emile Frison, Director-General, IPGRI;
Ismail Abdel Galil Hussein, Professor, President, Desert Research Center,
Egypt;
Mahmoud Solh, Director, Plant Production and Protection Division, FAO;
Katharina Jenny, Programme Officer, Natural Resources and Environment
Division, Swiss Agency for Development and Cooperation;
Julian Laird, Director for Development, Global Crop Diversity Trust;
John Lovett, Emeritus Professor, Former Chief Executive Officer, The Grains
Research and Development Corporation, Australia;
Gerald Moore, Legal advisor, Global Crop Diversity Trust;
Angela Oberholzer, Swiss Agency for Development and Cooperation;
Ruth Raymond, Global Crop Diversity Trust and IPGRI;
Clive Stannard, Secretariat of the Commission on Genetic Resources for
Food and Agriculture acting as Interim Committee for the Treaty;
Jane Toll, Coordinator, CGIAR Systemwide Genetic Resources Programme,
IPGRI;
Donelle Wheeler, Counsellor, Development Cooperation, Australian
Delegation to the OECD.

Introduction

The Panel was informed that its Chairman, Ambassador Fernando Gerbasi, was unable to attend, for health reasons. He had accordingly suggested that Lukas Brader, Vice-Chair of the Interim Panel of Eminent Experts, chair the meeting and this was agreed. The IPEE sent its best wishes for a speedy recovery to Ambassador Gerbasi.

Lukas Brader welcomed the members of the Interim Panel of Eminent Experts and observers and thanked the Government of Switzerland, and Ambassador Fust, for hosting the meeting.

Matters arising from the Report of the Third Session

In reviewing the report of its third meeting, the Executive Secretary informed the IPEE that it was proposed to consult the Rome-based international agricultural agencies and the Italian Government to determine the best mechanism for enabling the Trust to work out of Rome, under the umbrella of FAO, IPGRI or IFAD, for a

period of up to five years, while the interest of governments in hosting the Trust was being explored. The IPEE approved this proposal, and asked that a report on this matter be given to its next meeting.

In relation to the treatment of the Donors` Council in the report of IPEE-3, it was noted that the proposal had not been, as stated, an Australian Government proposal. For this reason, the record was corrected to read as follows (instead of “Their proposal was presented to the Panel”),

“They outlined for the Panel`s consideration a series of questions about possible parameters for, and various directions along which such a Donors` Council could proceed”.

Status of the Establishment Agreement

The IPEE was informed that in addition to the signatures received from Cape Verde, Egypt, Jordan and Togo, it was hoped that a number of countries would be in a position to sign the Establishment Agreement on the occasion of the entry into force of the International Treaty on Plant Genetic Resources for Food and Agriculture, on 29 June 2004, which would greatly advance the process of legally establishing the Trust. It hoped that this would be completed by the time of the Second Meeting of the Interim Committee for the Treaty, in November 2004. It noted that the proposed Relationship Agreement between the Governing Body of the International Treaty and the Executive Board of the Trust was a key instrument for providing the Trust with global recognition.

Profile of the Executive Board and Staggering of the Terms of Members

The IPEE reviewed the proposed “Profile of the Executive Board” and the proposed staggering of the terms of the members of the Executive Board, and adopted these, as given in *Appendix 1*. It recognized the importance of the consultation process between the bodies charged with appointing members of the Board, in order to achieve the right overall mix of skills on the Board.

Draft Rules of Procedure of the Executive Board

The IPEE reviewed and adopted draft Rules of Procedure for the Executive Board, as given in *Appendix 2*.

Reporting to the 10th Session of the Commission on Genetic Resources for Food and Agriculture and the 2nd Session of the Commission on Genetic Resources for Food and Agriculture acting as Interim Committee for the International Treaty

The IPEE agreed on the outline of the Report that the Interim Executive Secretary should submit to the second meeting of the Interim Committee for the Treaty, in November 2004.

It noted that the Interim Committee would need to agree on the process by which the first Executive Board would be constituted and, in particular, the arrangements by which it would appoint four members to this Executive Board. It accordingly agreed that the Executive Secretary should inform its Chairman, Ambassador Gerbasi, of the need to ensure that such arrangements were put in place at the 2nd meeting of the Interim Committee, and suggested that he write to the Chairs of the G77 and OECD in FAO in due course, bringing this to their attention. The Interim Committee should be requested to nominate representatives, which might be its Bureau, who would consult with the other nominating bodies, with the aim of completing the appointments to the Executive Board by late 2004 or early 2005. It was agreed that such appointments could be provisional, pending final approval by the Governing Body at its first meeting and that the period for which any member served in a provisional capacity should not count towards the overall period of his or her membership (as given in Table 1 in *Appendix 1*) once the appointment had been confirmed.

The IPEE stressed the importance of the second meeting of the Interim Committee to announce the first grants by the Trust, and to generate support for the Trust.

Establishment of the Donors` Council

The IPEE reviewed and adopted the draft decision for the consideration of the Executive Board, establishing the Donors` Council, which is given in *Appendix 3*. It agreed that the Donors` Council should be convened on an interim basis, and requested the Interim Executive Secretary to invite all present donors to the Trust to join the Donors` Council. It requested Australia and Egypt to convene the first meeting of the Donors` Council in September/October 2004. It requested, in particular, that the Interim Donor Council be in a position to play its constitutional role

in the nomination of the Executive Board, in consultation with the other nominating bodies, by late 2004 or early 2005.

Communications Strategy for the Trust

The IPEE commended the good progress that had been made to date in the development of the communications strategy for the Trust and recognized that an effective strategy targeting key audiences would be crucial for success. In this, attention should be paid not only to donors, but to the beneficiaries of the Trust, including small farmers in developing countries.

It agreed that a Communications Working Group should be established and charged to develop the comprehensive communications strategy. The Working Group should include members of the IPEE and the secretariat, and professional communications experts, as appropriate. The revised strategy should be presented at IPEE-5. Ambassador Fust undertook to prepare draft terms of reference for such a group. The Interim Executive Secretary would circulate this to the IPEE for comments.

The IPEE reviewed and agreed a calendar of key meetings in 2004 and 2005, at which the Trust should aim to be present. This is attached as *Appendix 4*.

Fundraising Update

The IPEE received a report on the current status of fund-raising, and discussed strategies for approaching donors and securing donations. In this context, it recognized the importance of being able to accept ear-marked donations, and adopted the following principles in this regard:

The Trust is pleased to accept earmarked donations provided:

- the donor understands the ways in which the donation will be used – transparency is a principle of the Trust;
- the ability of the Trust to fulfil its mission is not jeopardised;
- the earmarked donation does not impact negatively on the ability of the Trust to raise further funds;
- the authority of the IPEE and subsequently the Executive Board at all times is paramount.

The IPEE welcomed the proposal of Ambassador Fust, that he identify occasions at which the Trust could be presented and contributions solicited, especially the Davos

World Economic Forum in January 2005. It requested him to make any relevant arrangements, with the assistance of the Interim Executive Secretary. It also requested other IPEE members to identify occasions on which they could make presentations on the Trust. The secretariat will provide members on such occasions with tailored information packages.

Finance and Investment Management

Lewis Coleman, Chair of the Interim Finance and Investment Committee, reported on the meeting of the committee that had taken place on 9 June. A Draft Business Plan and Financial Model were under preparation and would be distributed to members within a few weeks for comment, with the aim of adopting them at IPEE-5.

The IPEE approved on an interim basis the Draft Financial Regulations attached as *Appendix 5* and agreed that the Trust would operate under these regulations until IPEE-5 when they would be considered in more detail with the aim of adopting them.

The Finance and Investment Committee recommended inviting tenders from three to five fund managers, to act as custodians of, and to invest the first US \$ 25 million. The IPEE agreed to this, and to the Finance and Investment Committee investing up to this sum, after the evaluation of bids. It agreed that bidders should be set a target return of 8% per year on the capital (averaged over the previous six quarters), net of costs, which (under present conditions) would allow an annual spending of 5% of the value of the capital and maintenance of purchasing power in the endowment.

It was recalled that at IPEE-3, the Interim Panel of Eminent Experts had approved the allocation of 10% of the proceeds of the endowment fund (i.e. ½ % of the 5% annual spending) for the operations of the Trust. Furthermore the panel had agreed that in the initial phase of the establishment of the Trust, it would be reasonable, if necessary, to devote a higher percentage than this to cover operational expenses.

The IPEE also reviewed and approved a proposed Policy on Indirect Expenses and Overhead Cost Recovery, as given in *Appendix 6*. This should be reviewed after three years. This policy would accordingly be used in developing the business plan.

It agreed that a half-day should be devoted to discussing the various aspects of finance and Investment management at IPEE-5.

Fund Allocation Strategies and Initial Grants

The IPEE reviewed a number of papers on fund allocations strategies and initial grants.

IPEE-4 approved interim eligibility criteria, attached as *Appendix 7*, in order to be able to evaluate proposals and approve the first grants at IPEE-5. The criteria should be reviewed in the light of the experience gained. Suggestions were made for improving the presentation of the criteria and the paper will be revised and put before IPEE-5. The IPEE felt that the possibility and nature of Trust support for critical collecting activities might need to be addressed, but that in doing so the role of other actors needed to be taken into account.

IPGRI and FAO presented the results of the work of the joint Technical Advisory Group in developing the fund allocation strategies, and described the possible early capacity-building and upgrading activities that the IPEE might consider for approval at its next session. The IPEE commended IPGRI and FAO for their very effective collaboration, and for the wide consultation that they had undertaken in exploring both the regional and crop dimensions. The IPEE requested that an itemized, timed and costed analysis of the activities needed to complete the process be prepared, as a basis on which to seek donor support for these specific activities.

The IPEE approved an indicative list of possible grants, and agreed that they should all be further investigated, and a set of proposals for decision prepared for IPEE-5. It recalled that initial project design questions had been addressed in paper 7.3 of IPEE-3, and requested that this work be advanced, for this purpose. Provision should be made, in this context, for the evaluation of project outcomes.

It noted with pleasure that the estimated funds currently available for strategy development and for disbursement for capacity building and upgrading amounted to about US \$ 1.2 million per year.

Appointment of the Executive Secretary

The Search Committee established at IPEE-3 had met and prepared a draft International Call for the Position of Executive Secretary. It was agreed that Lukas Brader, Chair of the Search Committee, would finalize and circulate the draft, for comments, with the aim of making it public in mid-July, and calling for applications by mid-September. This is attached, as *Appendix 8*.

Other Business

Having noted the importance of the support that IPGRI and FAO in particular had given to the work of the IPEE, it was suggested that draft partnership agreements between them and the Trust be developed, for the consideration of the Executive Board. It requested that these drafts be made available to IPEE-5. It noted that a Memorandum of Understanding with a Rome-based organization might be required, to provide for the proposed interim period that the Trust would stay in Rome.

Date and Place of IPEE-5

The IPEE decided that that IPEE-5 should be convened in Rome, on 13-14 October 2004. It suggested that the Donors' Council might wish to meet back-to-back with IPEE-4, and that if so a joint session should be arranged.

Closing

The IPEE recorded a vote of thanks to the Swiss Government for its great generosity, and in particular to Ambassador Fust, Katharina Jenny and Angela Oberholzer for hosting and organizing the meeting so effectively.

Profile of the Executive Board and the Staggering of Terms

Introduction

The following desired profile of the Executive Board and scheme for staggering the terms of appointment of its members was agreed at the fourth meeting of the Interim Panel of Eminent Experts. It is to be shared with the Governing Body/Interim Committee of the International Treaty, the Donors' Council, the Director General of FAO and the Chair of the CGIAR for their consideration in making their initial appointments to the Executive Board.

Balance of skills, backgrounds and experience

The Executive Board members should be individuals of stature and integrity, and have a capacity to deliver. In order to carry out its functions effectively, the Board needs to include a broad mix of skills and backgrounds among its membership. Thus in establishing the Executive Board it is proposed that consideration be given to appointing individuals that have one or more of the following areas of expertise:

- Fundraising
- Investment
- Financial management
- Grant-making
- *Ex situ* plant genetic resources conservation
- Use of plant genetic resources
- Plant genetic resources policy
- Environment and development
- Communications and public awareness
- Legal matters
- Planning, monitoring and evaluation
- Organizational management

A good balance among people having experience of different sectors of society is also important for the effective functioning of the Executive Board. To the extent possible, members should be appointed such that there is, collectively, broad experience of the following sectors:

- Government
- Private corporations
- Civil society – including farmers' organizations

- Philanthropic foundations
- Finance
- Research
- Development
- Academia
- Media

To be effective, the Executive Board also needs to have a good mix of different social and cultural backgrounds. This is also important for maintaining the confidence of a wide range of stakeholders, South and North, including those that own, maintain or use plant genetic resources as well as those who donate funds. Thus, to the extent possible, there should be an attempt to achieve a balance among the following:

- Countries in different stages of development
- Geographic regions
- Gender
- Race and culture

Staggering of terms

The Executive Board members appointed by the Governing Body of the International Treaty and the Donors' Council will normally be appointed for a first term of three years, renewable for a second three-year term. However, Article 5(5) of the Constitution states:

To ensure continuity of policies and operations, the terms of members of the Executive Board shall be staggered. Members of the initial Board shall be appointed for such terms as the Interim Panel of Eminent Experts shall determine.

In order to achieve this, it is proposed that the initial terms of membership be staggered as follows:

- One of the four members appointed by each of the Governing Body of the International Treaty and the Donors' Council be given a term of one year, followed by a second three-year term;

- One of the four members appointed by each of the Governing Body of the International Treaty and the Donors' Council be given a term of two years, followed by a second three-year term; and
- Two the four members appointed by each of the Governing Body of the International Treaty and the Donors' Council be given terms of three years, with one of them being non-renewable and the other given a second three-year term.

Furthermore, if the Executive Board decides to appoint two additional members, as provided for in the Constitution, their initial appointments could both be for terms of three years renewable for a second three-year term. However, their initial term would start only in year 2, to allow the Executive Board decide on the appointments at its meeting in year 1.

Under the proposed scheme, in all cases where second appointments are given these would be for terms of three years.

Under such a scheme, there would be continuity for the first three years, after which 2 new board members would be appointed in each of the subsequent 5 years. By the end of this time, i.e. by the 9th year, normal attrition and turnover should ensure an adequate staggering of appointments thereafter. The proposed scheme as outlined above is presented in Table 1.

Table 1. Proposed 1st and 2nd terms of appointment of Executive Board members*

Position appointed by:	year 1	year 2	year 3	year 4	year 5	year 6	year 7	year 8
Governing Body of IT	1 st	2 nd	2 nd	2 nd	new member			
Governing Body of IT	1 st	1 st	2 nd	2 nd	2 nd	New member		
Governing Body of IT	1 st	1 st	1 st	2 nd	2 nd	2 nd	new member	
Governing Body of IT	1 st	1 st	1 st	new member				
Donors' Council	1 st	2 nd	2 nd	2 nd	new member			
Donors' Council	1 st	1 st	2 nd	2 nd	2 nd	New member		
Donors' Council	1 st	1 st	1 st	2 nd	2 nd	2 nd	new member	
Donors' Council	1 st	1 st	1 st	new member				
Executive Board	-	1 st	1 st	1 st	2 nd	2 nd	2 nd	new member
Executive Board	-	1 st	1 st	1 st	2 nd	2 nd	2 nd	new member
Total number of new appointees	8	2	0	2	2	2	2	2

*The Director General of FAO and the Chair of the CGIAR will determine the terms of the Executive Board members they appoint. The Executive Secretary will serve as an *ex officio* member for the period of his/her office.

RULES OF PROCEDURE OF THE EXECUTIVE BOARD
OF THE GLOBAL CROP DIVERSITY TRUST

1. *Scope of the Rules of Procedure and definitions*

- 1.01. These Rules of Procedure are subject to, and shall be construed in conformity with, the provisions of Article 6 (Functions and Powers of the Executive Board) of the Constitution of the Global Crop Diversity Trust.
- 1.02. In these Rules of Procedure –
“Trust” means the Global Crop Diversity Trust;
“Board” means the Executive Board of the Trust;
“Chairperson” means the Chairperson of the Board;
“Vice-Chairperson” means the Vice-Chairperson of the Board.

2. *Appointment and terms of office of Members of the Board*

- 2.01. Subject to Article 5(5) of the Constitution, Members of the Board appointed by the Governing Body of the International Treaty, by the Donors’ Council or by the Board shall be appointed for terms expiring at the end of the third annual meeting following the Member’s appointment.
- 2.02. Members of the Board are eligible for reappointment for a second term, but shall not serve more than two successive terms, except that a member elected as Chairperson may have his or her term extended by the Board, provided that he or she shall serve for no more than eight successive years on the Board.
- 2.03. Vacancies among Members of the Board by reason of retirement, death, incapacity, or any other cause shall be filled in the same manner as the original appointments. A new

member appointed to replace a member during the latter's term may be appointed for the remaining term of the member being replaced or for some other term of no more than three years.

- 2.04. The Board shall review periodically its own performance and shall take such action as may be necessary to improve it.

3. Non-liability of Members of the Board

- 3.01. No Member of the Board shall be personally liable for the debts, liabilities, or obligations of the Trust.
- 3.02. The Board shall ensure that adequate provision is made for the indemnification by the Trust of Members of the Board against liability for acts carried out by them in the performance of their functions as Members, other than acts of gross negligence or criminal intent.

4. Meetings of the Board

- 4.01. **Regular meetings.** Regular meetings shall be held at such times as the Board shall determine, provided that the Board shall hold at least one regular meeting a year, including a designated Annual Meeting.
- 4.02. **Special meetings.** Special meetings shall be held:
- (i) by decision of the Board;
 - (ii) by decision of the Chairperson of the Board after consultation with the Executive Secretary; or
 - (iii) upon the request of any five members of the Board
- 4.03. **Place of meetings.** The meetings of the Board shall be held at the Headquarters of the Trust, unless otherwise decided by the Board.

4.04. **Date of Opening:**

- (i) Each regular meeting normally shall be held on a date fixed by the Board at the previous meeting.
- (ii) Unless otherwise determined by the Chairperson after consultation with the Board, special meetings of the Board shall normally be convened within eight weeks of the receipt by the Secretary of the Board of a valid request for such a meeting, at a date and place fixed by the Chairperson of the Board in consultation with the Executive Secretary.

4.05. **Notification of date of opening:**

- (i) The Secretary of the Board shall communicate the date fixed for the opening of each meeting to the members of the Board and further participants referred to in paragraph 5.02 of these Rules.
- (ii) Such notification shall be sent:
 - in the case of a regular meeting, at least six weeks in advance;
 - In the case of a special meeting at least two weeks in advance.

5. Representation and Attendance

5.01. **Members of the Board:**

- (i) The members of the Board (other than the Executive Secretary and the members appointed by the Director-General of the Food and Agriculture Organization of the United Nations, hereinafter referred to as "FAO" and the Chair of the Consultative Group on International Agricultural Research, hereinafter referred to as the "CGIAR"), serve in a personal capacity and are not considered, nor do they act as, official representatives

of governments or organizations. The capacity in which members who are appointed by the Director-General of FAO and the Chair of the CGIAR act shall be determined respectively by the Director-General of FAO and the Chair of the CGIAR. Subject to paragraph (ii) below, no individual member may be represented by a substitute at meetings. Members attending meetings may not be accompanied by advisers or assistants.

- (ii) The Executive Secretary is an ex officio member with full voting rights. If the Executive Secretary is unable to participate in a meeting of the Board, he or she may appoint a senior staff member of the Trust as his/her representative. Any such representative shall not have the right to vote.
- (iii) The members appointed by the Director-General of FAO and the Chair of the CGIAR are non-voting members of the Board.

5.02. **Observers:**

The Chairperson on behalf of the Board may invite observers, individuals or representatives of pertinent or interested organizations to participate, fully or temporarily in meetings of the Board without the right to vote or to formulate proposals for action. The Chairperson will determine when Board meetings should be held in closed session or when attendance should be otherwise restricted.

6. Standards of performance of Members of the Board

- 6.01. Each Member of the Board shall, on taking office,
 - (i) make a written commitment to act on all matters concerning the Trust and the functioning of the Board

with the proper interests of, and loyalty to, the Trust in mind;

- (ii) disclose in writing his or her membership of other bodies relevant to the operation of the Trust.

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

6.03. Each Member of the Board shall preserve the confidentiality of information of a confidential nature to which he or she has had access during the performance of his/her duties.

6.04. No Member of the Board shall use any confidential information to which he or she has had access during the performance of his/her duties for his or her financial gain or other direct or indirect advantage.

6.05. No Member of the Board shall take part in any decision of the Board on a matter in which he or she, or any member of his or her family, has a personal financial interest. A Member of the Board shall declare any such financial interest to the Chairperson wherever possible before the meeting at which the matter is to be discussed.

6.06. Should a Member of the Board have a conflict of interest other than a financial conflict of interest relative to any business before the Board, he or she shall declare it to the Chairperson who will decide on the extent of the member's allowable participation in the Board's deliberation on that business.

7. Chairperson of the Executive Board

7.01. Elections and term of office:

- (i) The Chairperson shall normally be elected for a three-year term from among the voting Members other than the Executive Secretary. The Board shall aim to accommodate this three-year term as Chairperson within the two terms of three years each as a Board member.
- (ii) The Board may re-elect the Chairperson for a second term of not more than an additional three years.
- (iii) The Board shall, where possible, identify and elect its future Chairperson at a meeting of the Board approximately one year in advance of the date that the person shall assume office as Chairperson of the Board.
- (iv) The Vice-Chairperson shall be elected annually by the Board.
- (v) The Chairperson and Vice-Chairperson shall hold office until their successors are elected.

7.02. Functions of the Chairperson

- (i) The Chairperson shall perform the functions assigned to her or him by the Constitution, by these rules and by the Board.
- (ii) The Chairperson shall preside over all meetings of the Board and shall supervise all matters with which the Board is concerned. He or she shall provide leadership to the Board and ensure its proper performance.

7.03. Functions of the Vice-Chairperson of the Executive Board:

- (i) The Vice-Chairperson shall perform the functions assigned to her or him by these rules or by the Board, as well as those delegated to her or him by the Chairperson.
- (ii) The Vice-Chairperson shall preside at meetings of the Board in the event that the Chairperson cannot be present or is otherwise unable to act as Chairperson, and in such an event shall have the same powers and responsibilities as the Chairperson.

7.04. Acting Chairperson of the Executive Board:

If both the Chairperson and the Vice-Chairperson of the Board cannot be present at a meeting of the Board or are otherwise unable to act, the Board shall elect an Acting Chairperson, who shall preside over the meeting and shall exercise the same powers and responsibilities as the Chairperson at that meeting.

8. Secretary of the Board

8.01. The Executive Secretary may appoint a staff member of the Trust to act as Secretary of the Board.

8.02. The Executive Secretary shall act as Secretary of the Board until such time as he or she has appointed another staff member of the Trust to act as Secretary of the Board.

8.03. The main responsibilities of the Secretary of the Board include:

- (i) maintaining a full set of official documents pertaining to the Board, including the official records of meetings of the Board and subsidiary bodies established by the Board;

- (ii) serving as secretary at meetings of the Board and subsidiary bodies of the Board;
- (iii) in coordination with the Chairperson and the Executive Secretary, notifying Board members of meetings of the Board and its subsidiary bodies;
- (iv) coordinating and distributing papers and other relevant documentation for meetings of the Board and subsidiary bodies;
- (v) maintaining the Board Policies and Procedures Manual; and
- (vi) Assisting the Chairperson and members and the Chairpersons and members of subsidiary bodies of the Board in logistical arrangements.

9. Agenda

9.01. Provisional agenda:

- (i) The Secretary to the Board, in consultation with the Chairperson and the Executive Secretary, shall draw up the provisional agenda for each meeting of the Board.
- (ii) The provisional agenda for each regular meeting shall include all items required by these rules or proposed, not later than six weeks before the commencement of the session, by:
 - (a) the Board;
 - (b) the Chairperson and any other member of the Board;
 - (c) a subsidiary organ of the Board; or
 - (d) the Executive Secretary.

- 9.02. **Supplementary items.** Any member of the Board may propose supplementary items to be induced in the agenda for a regular meeting.
- 9.03. **Communication of provisional agenda and supplementary list.** The Secretary to the Board shall communicate the provisional agenda including the supplementary items for each meeting and the documentation relating to items thereon to the members of the Board and other participants at least four weeks before the commencement of a regular meeting and at least two weeks before a special meeting.
- 9.04. **Transparency.** The Secretary to the Board shall ensure the proper transparency of the proceedings of the Board and shall in particular ensure that
- (i) The provisional agenda of each meeting of the Board is posted on the website of the Trust in advance of the meeting;
 - (ii) The summary record of the meeting and all non-confidential papers considered by the meeting are posted on the website of the Trust as soon as possible after the meeting.
- 9.05. The Board shall determine what categories or types of papers shall be considered confidential for the purpose of the preceding paragraph. Such determination shall be published on the website of the Trust.
- 9.06. **Adoption of the agenda:**
- (i) At the beginning of each meeting the Board shall adopt the agenda for that meeting on the basis of the provisional agenda.

- (ii) During a meeting the Board may revise the agenda by adding, deleting, deferring or amending items.

10. Conduct of Business

10.01. **Quorum.** A majority of the voting members, including at least two members appointed by the Governing Body of the International Treaty and at least two members appointed by the Donors' Council, shall constitute a quorum for Board Meetings.

10.02. **General powers of the Chairperson of the Executive Board:**

- (i) In addition to exercising the powers conferred upon her or him by the Constitution and Rules of Procedure, the Chairperson shall declare the opening and closing of each meeting of the Board, direct the discussion, ensure observance of these rules, accord the right to speak, put questions to the vote and announce decisions. The Chairperson, subject to these rules, shall have complete control of the proceedings of the Board and over the maintenance of order at its meetings. He or she shall rule on points of order and may propose to the Board the adjournment of a meeting.
- (ii) The Chairperson, in the exercise of her or his functions, remains under the authority of the Board.

10.03. **Points of order:**

- (i) A member may at any time raise a point of order, which shall be immediately decided by the Chairperson in accordance with these rules. A member may appeal against the ruling of the Chairperson. The appeal shall be immediately put to the vote, and the ruling of the Chairperson shall stand unless overruled by a majority

of those members casting an affirmative or negative vote.

- (ii) A member may not, in raising a point of order, speak on the substance of the matter under discussion.

10.04. **Motions.** A member may present any of the following motions, which the Chairperson may put to the vote with or without debate and which shall have precedence in the indicated order over all proposals and other motions before the meeting:

- (a) to suspend the meeting;
- (b) to adjourn the meeting;
- (c) to adjourn the debate on the item under discussion; or
- (d) to close the debate on the item under discussion.

10.05. **Reconsideration of proposals.** When a proposal has been adopted or rejected, it may not be reconsidered at the same session unless the Board, by a three-fourths majority of those voting members casting an affirmative or negative vote, so decides.

11. Voting

11.01. **Voting rights.** Each member of the Board shall have one vote, except for the members appointed by the Director-General of FAO and the Chair of the CGIAR, who are non-voting members.

11.02. **Majority required:**

- (i) All decisions shall normally be reached by consensus. If all efforts to reach a consensus on a particular matter have been exhausted and no agreement has been

reached, the Chairperson may put the proposal to a vote.

- (ii) Where the Chairperson of the Board puts a proposal to a vote, the majority required shall be a two-thirds majority of those voting members casting an affirmative or negative vote. Members who abstain from voting are considered as not voting.

11.03. **Method of voting:**

- (i) Subject to paragraph (ii) of this Section, the Board shall normally vote by show of hands, but any member may request a roll call.
- (ii) Voting in the case of elections shall be by secret ballot.

11.04. **Conduct during voting.** The Chairperson shall announce the commencement of voting, after which no member shall be permitted to intervene until the result of the vote has been announced, except on a point of order in connection with the process of voting.

11.05. **Voting without meeting.** Whenever the Chairperson, after consultation with the Vice-Chairperson, considers that a decision on a particular question should not be postponed until the next regular meeting of the Board and does not warrant the calling of a special meeting, the Secretary to the Board shall transmit to each member, by any rapid means of communication, a motion embodying the proposed decision with a request for a vote. Votes shall be cast during such period as the Chairperson prescribes. At the expiration of the established period, or of any extended period the Chairperson may prescribe, the Secretary to the Board shall record the results and notify the members. The motion shall be

considered adopted by the Board only if it receives the positive vote of all members of the Board.

12. *Subsidiary bodies*

- 12.01. The Board shall establish a Finance and Investment Committee composed of such members as it may appoint. The Executive Secretary may attend meetings of the Finance and Investment Committee, but shall not have a vote in such meetings.
- 12.02. The Board may establish on a permanent or ad hoc basis such other committees, working groups or other subsidiary bodies as it deems necessary for the performance of its functions.
- 12.03. The Board shall specify the terms of reference of any such committees or working groups. The Board may also assign particular items for further study and reporting back to the Board.
- 12.04. The terms of reference and membership of any permanent subsidiary body established by the Board shall be annexed to these Rules of Procedure.
- 12.05. The provisions of these Rules of Procedures shall apply to the procedure of any subsidiary body established by the Board, as appropriate, subject to such modifications as the Board may decide.
- 12.06. The Chairperson may attend meetings of all subsidiary bodies of the Board, but shall not have a vote in such meetings.

13. Miscellaneous Provisions

13.01. Records:

Records of the meetings of the Board shall be made and kept by the Secretary to the Board. Such records may also be made and kept of the meetings of subsidiary organs or bodies if the Board so decides. There shall be no verbatim records of meetings.

13.02. Records - preparation and adoption:

- (i) The Secretary to the Board shall prepare a draft record on the work of each meeting of the Board, setting out, inter alia, any recommendations and decisions adopted as well as the principal reasons therefore.
- (ii) The draft record shall be submitted as soon as possible to the Chairperson and the Executive Secretary who may, within three weeks of their receipt, submit suggestions for additions and amendments.
- (iii) The draft record, with any such addition or amendment incorporated, shall be distributed promptly to the members of the Board for their comments, which should reach the Secretary to the Board within two weeks. Having incorporated the final Board comments, the Board Secretary will distribute the draft record to all participants in the meeting.
- (iv) The draft record, as revised in accordance with paragraph (iii) of this Section, shall be submitted to the Board for approval at the subsequent meeting.

13.03. **Language:** English shall be the official language of the Board.

13.04. **Privacy of meetings:**

- (i) Meetings of the Board and of its subsidiary bodies shall be held in open or closed sessions.
- (ii) Participation in closed sessions is normally restricted to members of the Board. As may be necessary, however, the Chairperson may invite other relevant persons to attend closed sessions.
- (iii) The Chairperson will determine when Board meetings shall be held in closed session. Closed sessions shall be announced in advance and shall be indicated, whenever possible, on the agenda of the meeting. In determining closed sessions, the Chairperson of the Board will make a distinction between closed sessions for outsiders and for staff of the Trust.

13.05. **Travel, honorarium and other payments to members for Board business.**

The Board shall adopt and periodically review regulations governing the mode of travel, the reimbursement of costs incurred in connections with Board members' attendance at meetings of the Board and its subsidiary bodies, and the payment of an honorarium to Board members for attendance at meetings of the Board and its subsidiary bodies or, as approved by the Chairperson, for undertaking Board business. Such regulations shall be annexed to these Rules of Procedure.

14. Amendment and Suspension of Rules of Procedure

These Rules may be amended or suspended by the affirmative vote of at least two-thirds of all voting members, provided that the amendment or suspension is in conformity with the Constitution of the Trust, if 24 hours notice of the proposal for amendment or suspension has been given, which may be waived if no member objects.

Donors' Council

DRAFT DECISION OF THE EXECUTIVE BOARD

This paper proposes a draft decision for the establishment of the Donors' Council, to be considered by the Executive Board of the Global Crop Diversity Trust.

A Donors' Council is hereby established under Article 10 of the Constitution.

1. The Donors' Council shall be composed of no more than 20 members in accordance with the following scheme:
 - a. Donors with the largest paid up contributions¹ in the following categories:
 - o Governmental institutions in developed countries (6 members)
 - o Governmental institutions in developing countries (6 members)
 - o corporations and foundations (2 members)
 - o non-government organizations or individuals (2 members)
 - o intergovernmental organizations (2 members)
 - b. Two additional donors elected by the Donor Forum constituted in accordance with section 2 in order to ensure overall balance between donors.
 - c. Subject to paragraph D below, members of the Donors' Council shall hold office for terms of three years and shall be eligible for re-election or re-selection as the case may be.
 - d. The members of the first Donors' Council shall be appointed by the Interim Panel of Eminent Experts. Half of the members of the first Council, as decided by ballot, shall hold office for a term of 18 months.

¹ The donors with the largest paid up contributions shall be determined at the time of establishment of the Donors' Council and thereafter whenever the term of office of a member of the Donors' Council expires, in accordance with lists of contributions drawn up by the Executive Secretary. The lists shall be prepared on the basis of the cumulative total of contributions paid into the Trust. In the case of equal contributions, preference shall be given to the earliest contributions.

- e. Where there is a vacancy among members of the Donors' Council by reason of retirement, death, incapacity, or any other cause, a new member shall be appointed by the donor concerned to replace the previous member for the remainder of his or her term.
 - f. The Executive Board, in consultation with the Donors' Council, will keep under review the composition of the Donors' Council and eligibility criteria for membership of both the Donors' Council and the Donor Forum.
2. The Donor Forum shall be composed of all donors to the Trust with a minimum contribution (one-time or cumulative) of US\$ 50,000 who signify in writing to the Chairman of the Donors' Council their wish to be considered members of the Donor Forum.
 3. The Donors' Council shall exercise its functions in accordance with the Constitution of the Trust and the procedures of the Donors' Council.
 4. In accordance with Article 10.3 of the Constitution, the Donors' Council shall establish its own procedures and the procedures for the appointment of its members.
 5. In carrying out its functions, the Donors' Council shall take into account the relevant deliberations of the Donors' Forum and shall ensure that the Forum is kept fully informed on all matters related to the business of the Council.
 6. Members of the Donors' Council and of the Donor Forum shall bear their own costs of participation. Costs of operation shall be allocated among their members by the respective bodies.

The Executive Board, recognizing that the Donors' Council has the authority to establish its own procedures, suggests that the Donors' Council may wish to decide that decisions should be made by the Donors' Council by consensus. In the event that consensus is not achievable, decisions should be taken by a two-thirds majority of the members present and voting.

Calendar of key meetings of potential interest to the Trust

2004

- International Year of Rice
- Tidewater meeting of development ministers, 20-22 June, Massachusetts
- Global Compact Leaders Summit, 24 June, New York, USA
- American Seed Trade Association, Annual meeting, 26-30 June, Philadelphia
- NEPAD Multi-Stakeholder Dialogue, 25-26 June, Addis Ababa, Ethiopia
- African Union Summit, 6 - 8 July 2004, Addis Ababa, Ethiopia
- Pan-American Seed Seminar, 12-14 July, Asuncion, Paraguay
- Society for Conservation Biology, 30 Jul-2 Aug, Columbia University, USA.
- Agricultural Biotechnology International Conference, 12-15 September, Cologne, Germany
- Asian Seed Congress, Sept 13-17, Seoul, Korea
- CropLife America, Annual Meeting, Sept 26-29, Las Vegas, USA.
- European Seed Association Annual Meeting, 10-13 October
- International Crop Science Congress (4th), 26 Sep-1 Oct, Brisbane, Australia
- World Food Prize International Symposium, 14-15 October, Des Moines, USA
- World Food Day, 16 October, Rome, Italy and elsewhere.
- CGIAR AGM: Oct 25-29, Mexico
- Tri-Societies Meeting, ASA-CSSA-SSSA, Oct. 31-Nov. 4, Seattle, USA
- World Rice Research Conference, 4–6 Nov, Tokyo, Japan
- IUCN World Conservation Congress (3rd), 17-25 Nov, Bangkok, Thailand
- FAO Commission, 15-17 Nov, Rome, Italy
- Interim Committee for the International Treaty, 18–20 Nov, Rome, Italy
- FAO Council, 22-27 Nov, Rome, Italy

2005

- International Conference on Biodiversity, Paris, France, 24 - 28 January
- World Economic Forum, 26-30 January, Davos, Switzerland
- XVII International Botanical Congress 18-23 July 2005 Vienna, Austria

Global Crop Diversity Trust
DRAFT FINANCIAL REGULATIONS

1. Applicability

- 1.01. These regulations shall govern the financial administration of the Global Crop Diversity Trust.
- 1.02. These regulations are subject to, and shall be construed in conformity with, the provisions of the Constitution of the Trust.
- 1.03. In implementing these regulations and in its general financial management, the Trust shall apply generally accepted international accounting standards.

2. The Financial Period

- 2.01. The financial period of the Trust shall be the calendar year.

3. The Budget

- 3.01. The Executive Secretary shall be responsible for the financial management of the Trust.
- 3.02. The Executive Secretary shall prepare and submit to the Annual Meeting of the Executive Board a multi-year strategic plan, and an annual budget for the ensuing financial period consistent with that plan.
- 3.03. The annual budget shall cover income, donations, expenses and capital expenditures for the financial period to which they relate, and shall be presented in United States dollars.

- 3.04. The annual budget shall be accompanied by such information, annexes or explanatory statements as may be requested by the Executive Board, and such further annexes or statements as the Executive Secretary may deem appropriate.
- 3.05. The Executive Secretary shall, no later than sixty days before the close of the financial period, dispatch the annual budget for the ensuing financial period to Members of the Executive Board.

4. Accounts

- 4.01. The Executive Secretary shall maintain such accounts as are necessary and shall prepare a statement of accounts at the end of each quarter of the financial period, which shall show, in United States Dollars:
- (i) The income of the Trust including income from investments and from new funds raised;
 - (ii) The status of the endowment funds;
 - (iii) The status of non-endowment funds;
 - (iv) A statement of investments currently held and the investment returns achieved;
 - (v) A statement of profit and loss and a statement of change in financial position;
 - (vi) The assets and liabilities of the Trust;
 - (vii) An analysis of variance to budget.
- 4.02. The Executive Secretary shall submit the statement of accounts and other financial statements for each year

to the auditors not later than ninety days following the end of the financial period to which they relate.

- 4.03. The Executive Secretary shall submit to the Annual Meeting of the Executive Board the audited statement of accounts and other financial statements for the preceding financial period.

5. Custody of Funds

- 5.01. The Executive Secretary shall designate the bank or banks in which funds in the custody of the Trust shall be kept.

6. Investment of Funds

- 6.01. The Executive Secretary shall invest moneys not needed for current requirements in accordance with Article 16.3 of the Constitution and any investment policy adopted by the Executive Board under Article 6.3(i) of the Constitution, seeking, wherever practicable, the advice of any Finance Committee or other competent subsidiary body established under Article 6.4 of the Constitution for the purpose of advising on financial and investment matters.

7. Internal Control

- 7.01. The Executive Secretary shall :
- (i) establish detailed financial rules and procedures in order to ensure:
 - (a) effective financial administration and the exercise of economy; and
 - (b) effective custody of the funds and other physical assets of the Trust;

- (ii) Except where advance or progress payments are specifically provided for in the contract, as may be required by normal commercial practice and the interests of the Trust, ensure that all payments are made on the basis of supporting vouchers and other documents which show that services or goods have been received and have not previously been paid for;
- (iii) Designate the officers, and other persons as appropriate, who may receive moneys, incur commitments or obligations and make payments on behalf of the Trust;
- (iv) Maintain an internal financial control, which shall provide an effective current examination and/or review of financial transactions in order to ensure:
 - (a) the regularity of the receipt, custody, and disbursement of all funds and other resources of the Trust;
 - (b) the conformity of disbursements with the budget approved by the Executive Board; and
 - (c) the effective use of the resources of the Trust.

7.02. Commitments or obligations shall not be incurred and disbursements shall not be made unless an appropriate authorization has been made in writing under the authority of the Executive Secretary.

7.03. The Executive Secretary may make such *ex gratia* payments as he or she deems to be necessary. A statement of such payments shall be submitted with the statement of accounts.

7.04. The Executive Secretary may, after full investigation, authorize the writing off of losses of cash, supplies, equipment and other assets, or the establishment of a reserve in respect of such losses. A statement of all such losses

written off or reserves established during the financial period shall be submitted to the External Auditor with the statement of accounts.

- 7.05. The Executive Secretary shall establish rules for the procurement of equipment, supplies and other requirements, including rules governing the invitation of tenders.

8. Approval of Grants

- 8.01. The Executive Secretary shall prepare submissions to the Executive Board for the approval of grants in accordance with procedures to be approved by the Executive Board.
- 8.02. The grant preparation and approval procedures shall take into account the need to ensure full participation of all stakeholders, transparency, inclusiveness, accountability and effectiveness in facilitating the development of a ration system of ex situ germplasm collections.
- 8.03. Subject to section 8.04, all grants shall be approved by the Executive Board.
- 8.04. The Executive Board may delegate authority to the Executive Secretary to approve grants up to an amount determined by the Executive Board, subject to such conditions as the Executive Board may determine. Any such delegation of authority shall be in writing.

9. External Audit

- 9.01. The Executive Board, on the advice of the Finance and Investment Committee, shall appoint an independent auditor

from among competent international accounting firms, and shall approve the independent auditor's annual audit plan.

- 9.02. The independent auditor shall perform such audit on an annual basis as he or she deems necessary to certify:
- (i) That the statement of accounts and other financial statements are in accord with the books and records of the Trust;
 - (ii) that the financial transactions reflected in the statements have been in accordance with the rules and regulations, the budgetary provisions and other applicable directives;
 - (iii) that the securities and moneys on deposit and on hand have been verified by certificate received direct from the Trust's depositaries or by actual count;
 - (iv) that the internal controls, including the internal audit, are adequate in the light of the extent of reliance placed thereon;
 - (v) that procedures satisfactory to the independent auditor have been applied to the recording of all assets, liabilities, surpluses and deficits.
- 9.03. The audit shall be conducted in conformity with generally accepted common auditing standards and, subject to any special directions of the Executive Board.
- 9.04. The independent auditor may make observations with respect to the efficiency of the financial procedures, the accounting system, the internal financial controls and, in general, the administration and management of the Trust

- 9.05. The independent auditor shall be completely independent and solely responsible for the conduct of the audit.
- 9.06. The Executive Board may request the independent auditor to perform certain specific examinations and issue separate reports on the results.
- 9.07. The Executive Secretary shall provide the independent auditor with the facilities he or she may require in the performance of the audit.
- 9.08. The independent auditor and his or her staff shall have free access at all convenient times to all books, records and other documentation which are, in the opinion of the independent auditor, necessary for the performance of the audit.
- 9.09. The independent auditor shall express and sign an opinion on the financial statements.
- 9.10. The independent auditor shall prepare a report on the audit of the annual statement of account and other financial statements and on any matters on which a specific examination has been requested by the Executive Board under section 9.06.
- 9.11. The independent auditor's reports shall be submitted to the Executive Board, which shall make such reports available to the Donors' Council and to the Governing Body of the International Treaty.

10. Delegation of Authority

- 10.01. The Executive Secretary may delegate to other officers of the Trust such authority as he or she considers

necessary for the effective implementation of these Regulations.

11. Amendment and Suspension of Financial Regulations

- 11.01. These Financial Regulations may be amended or suspended by the affirmative vote of at least two-thirds of all voting members, provided that the amendment or suspension is in conformity with the Constitution of the Trust, if 24 hours notice of the proposal for amendment or suspension has been given, which may be waived if no member objects.

Global Crop Diversity Trust Indirect Expenses and Overhead Costs Recovery

1. Funding managed by the Global Crop Diversity Trust falls into three categories:
 - A. The endowment fund
 - B. Funds for upgrading and capacity building, and
 - C. Funds to cover the operations of the Trust itself, including the costs of the Executive Board, the Secretariat and the outsourcing of activities such as the development and updating of funding strategies and priorities, the preparation and peer review of proposals and monitoring grants.
2. While some donors provide funds that may be applied to any category and activity at the discretion of the Trust, most donors allocate their funds to a specific category or categories.
3. In all three categories, the Trust may receive funds that are either unrestricted for use within the category concerned or that are restricted, or 'earmarked', by the donor for a specific purpose or activity.
4. The Trust aims to ensure that the both the direct and indirect costs incurred in implementing a restricted grant are fully covered, and are not subsidized by donors of unrestricted funds.
5. Wherever possible, all the direct costs of an activity covered by a restricted grant will be charged to that activity and will be identified in the budget and activity accounts accordingly. In addition, the Trust will also charge an overhead on restricted grants as a contribution to the indirect costs associated with the activity concerned. In cases where the direct costs associated with a specific activity are not fully covered, the difference will be made up by adding the amount concerned to the overhead charge.
6. The Trust will not charge an overhead on funds that are unrestricted or that are provided in category A – i.e. funds donated to the endowment. Costs associated with managing the endowment will be recovered directly from the

returns received from investing the endowment. The Trust's operating costs that are not covered through direct recovery or overheads on restricted funds will also be covered from the interest on the endowment.

7. The Trust uses a percentage rate method of calculating indirect cost recovery. The percentage rate is set each year by the Executive Board on the recommendation of the (interim) Finance and Investment Committee² and will be a percentage not more than that computed using the method shown in Attachment 1.
8. The rate will be applied to all elements of the budget of each restricted grant, excluding capital acquisitions.
9. A flat overhead of 4% will be charged on all capital items to cover the administrative costs associated with acquisition.
10. The Trust's external auditors will audit the calculated rate annually.
11. The Executive Secretary has the discretion to vary the rate charged on a particular project in consideration of special circumstances. In such instances, an appropriate record will be made of the circumstances.
12. The Executive Secretary will report annually to the Board on the level of cost recovery achieved.

² For 2004 and 2005 the overhead target rate is set at 15%

PERCENTAGE OVERHEAD RATE CALCULATION METHOD

Overhead Expenses

Sum of:

Executive Board

Donors' Council

Secretariat salaries and on-costs

Office Operating Expenses

Contracts for Technical Services

Total Overhead Expenses = **x**

Direct Expenses

Total Expenses (excluding Capital)

(total funds disbursed to grantees plus total operations) = **y**

Restricted Direct Expenses

(total restricted expenses less overhead component) = **z**

Total Direct Expenses = **y - x + z**

Overhead Percentage Rate = $\frac{x \times 100}{y - x + z}$

Global Crop Diversity Trust Interim Eligibility Criteria for Funding

All collections receiving support from the Trust must be able to meet the four interim eligibility principles:

- *The plant genetic resources are of crops included in Annex 1 or referred to in Article 15.1 (b) of the International Treaty*
- *The plant genetic resources are accessible under the internationally agreed terms of access and benefit sharing provided for in the multilateral system as set out in the International Treaty*
- *Each holder of plant genetic resources for food and agriculture commits to its long term conservation and availability*
- *Each recipient of funds from the Trust shall undertake to work in partnership with the aim of developing an efficient and effective global conservation system*

In addition to meeting these principles, the following criteria must also be met before a collection is deemed eligible for long-term, on-going funding. Collections which are deemed important and in need of support by the Trust, will be eligible to receive funds for upgrading and capacity building so that they are able to meet these criteria.

The criteria will be used by the Trust in making its initial grant awards and will be reviewed and revised as necessary following experience with their application.

1) That the legal status of the collection and holder are such that their ability to meet the eligibility principles with respect to access and benefit-sharing, and their commitment to long-term conservation are assured

The Trust needs to be assured that the collection is held in conformity with relevant international and national conventions and laws. The collection holder must be able to demonstrate an ability to meet the terms of the second eligibility principle, that the material is accessible under the terms of access and benefit sharing provided for in the multilateral system set out in the International Treaty. Furthermore, the holder should be able to demonstrate a commitment to the long-term conservation of the

material in question. In order to be satisfied of these issues, questions that need to be addressed include:

- Is the country in which the collection is located a party to the International Treaty on Plant Genetic Resources for Food and Agriculture?
- Is the collection holder legally bound by the terms of the multilateral system of the Treaty at the national level, (e.g. by virtue of its status as a government institution) or, if not, are legally binding arrangements in place at the national level that will ensure conformity with these terms?
- If there is no legally binding mechanism at the national level, are other arrangements in place to ensure conformity with the terms of the multilateral system of the International Treaty with respect to access and benefit sharing, e.g. an agreement with the Governing Body of the International Treaty under Article 15 of the Treaty?
- Is there documented evidence of commitment to long-term conservation, e.g. through legal statutes, institutional constitutions or mandates, published institutional strategic plans, or national conservation strategies or action plans?

2) That the collection is important and to some extent threatened

The Trust aims to support plant genetic resources that, collectively, cover the major part of the crop gene pool in question. They should be viable and healthy, and safety-duplicated - avoiding unnecessarily replication. Priority will be given to those materials that are under greatest threat. In evaluating these issues, the following questions need to be considered:

- As judged by experts, what proportion of the collection can be regarded as being genetically close to the originally collected population or bred sample?
- As judged by experts, what proportion of the gene pool in the country or region in question, and of the global gene pool, does the collection represent? Where, and how important are the other major collections?
- To what extent and where is the material duplicated? Is this part of a 'formal' scheme of safety duplication?
- What proportion is regularly regenerated under conditions identical or similar to the conditions under which it was originally grown? Are samples regenerated in a manner which maintains their genetic integrity?
- What are the major threats to the material under consideration? Are these judged to be potential or actual threats? Of major or minor consequence? Of

long term or immediate impact? Can these threats be alleviated and if so how?

- Is the material judged to be of good viability and free from health problems?

3) That the facilities in which the collection is maintained are adequate to ensure long-term conservation

In order to receive long-term support from the Trust, a collection holder must be able to demonstrate that the facilities available are up to the task. Where this is not the case, but the material is otherwise judged to be eligible, the Trust will consider providing support for upgrading. In addressing this issue the following questions will be considered:

- In the judgement of experts, are the facilities acceptable for achieving long-term conservation of the species in question? Do the facilities meet the Trust's standards?³
- Does the collection holder have systems in place to regularly monitor and adequately maintain the facilities?

4) That the recipient has the human resources and management systems needed to maintain the plant genetic resources and can demonstrate conformity with agreed scientific and technical standards of management

In order to receive long-term support from the Trust, a recipient must be able to demonstrate that the institution in question has the necessary human resources and management systems in place. Where this is not the case, but the material is otherwise judged to be eligible, the Trust will consider providing support for upgrading and capacity building. In addressing this issue the following questions will be considered:

- How many staff members are available to carry out the required work? What are their areas of expertise, level of training and experience? Are these judged to be adequate for the task at hand?
- Is the recipient able to manage the collection in conformity with the Trust's scientific and technical standards with respect to all key activities including storage, regeneration, germplasm health, distribution, characterization, evaluation and documentation?
- Are quality control systems in place and judged to be adequate?

³ The Trust intends to produce guidelines on appropriate scientific and technical standards with respect to conservation facilities and management.

- Are all records of conservation, distribution and general management of the collection available and verifiable?

5) That the recipient has effective links to users of plant genetic resources

The Trust aims to ensure that the plant genetic resources whose conservation it supports actively contribute to sustainable agricultural development and the achievement of food security. Thus it is vital that recipients are able to demonstrate strong and effective links with key user groups including rural communities, individual farmers, professional plant breeders, researchers and others. Where such links are weak, a recipient must be able to demonstrate a willingness to strengthen them. The Trust is willing to provide support for this. In order to be able to assess the ability of the PGR manager to adhere to this criterion, the following questions will be considered:

- What is the collection holder's record with respect to the distribution of samples? How many samples have been distributed, over what time period and to whom?
- Does the collection holder maintain records on the quality, usefulness and actual use made of the material distributed?
- Does the collection holder take steps to analyze, on a regular basis, the usefulness of the service it provides to users? With what results? Has this resulted in any concrete steps to strengthen links with users?
- Does the genebank actively promote its material with farmers and/or plant breeders and if so how? How effective is this promotion judged to be?
- Have any requests for material ever been refused, and if so why?
- Is the information and documentation on the material sufficient, readily available and judged useful for identifying appropriate material?
- Is the material healthy and available in sufficient quantity? Are quarantine procedures judged to be efficient and effective?
- What other links are there with the user community, e.g. are farmers and/or professional plant breeders represented on the Board or other governance or management mechanisms of the genebank? Do genebank managers and staff participate in the planning of local, national or regional research and development strategies and priorities?

6) That the recipient is willing to act in partnership with others to achieve a rational system of conservation

A key objective of the Trust is to contribute to the development of an efficient and effective (i.e. rational) global system of *ex situ* conservation of plant genetic resources. A willingness to collaborate with others, e.g. through a willingness to share facilities, resources and information, is essential to achieving this objective. Partnership may also be important for carrying out certain essential services which may be performed better somewhere else than at the institution where a collection is held. An assessment of the collection holder's ability to meet this criterion, which is also enshrined in the 4th eligibility principle, will include a consideration of the following questions:

- Is the genebank/collection holder involved in collaborative activities with the holders of other collections, e.g. through national, regional or crop networks? If so, what is the extent, nature and effectiveness of this collaboration?
- Is the genebank/collection holder involved in collaborative activities with plant breeders, farmers or other users of the material, e.g. in regeneration characterization and evaluation? If so, what is the extent, nature and effectiveness of this collaboration?
- Does the holding institution have official agreements with other institutes, e.g. for safety duplication or other services such as regeneration, characterization, evaluation and information management?
- How effective is the collaboration as evaluated by the various partners concerned?

7) That the recipient has adequate mechanisms and procedures to ensure sound financial management and accountability

It is important that any institution receiving funds from the Trust be able to adequately manage them and account for their use. In assessing this, the following questions will be considered:

- What past experience does the recipient have in handling funds from external donors and accounting for them? Were any problems encountered and if so what was their nature and what were the consequences? What steps were taken, if any, to remedy any shortcomings?
- What financial accounting and administrative procedures does the recipient have in place and how effective are they?
- What internal and external financial and administrative control mechanisms are in place? Do they give adequate assurance that the funds provided will be managed soundly and that it will be possible to hold the recipient accountable for their use?

International call for the position of Executive Secretary of the Global Crop Diversity Trust

The Global Crop Diversity Trust is an international fund being established by FAO and IPGRI on behalf of the Consultative Group on International Agricultural Research, to support the long-term conservation of the world's most important collections of crop diversity.

The Executive Secretary of the Global Crop Diversity Trust is responsible to the Executive Board for the strategic direction, management and operation of the Trust and for assuring that its objective, programmes and plans are properly developed and carried out. He/she is the chief executive officer of the Trust and, subject to the supervision of the Executive Board, will have full power and authority to direct the work of the Trust and its Secretariat.

The Executive Secretary implements the decisions taken and recommendations made by the Executive Board, and in particular shall, under the supervision of the Executive Board:

- a) develop a strategic plan for the operation of the Trust;
- b) plan and implement resource mobilization and fundraising;
- c) develop annual programme and budget submissions and prepare the Annual Report of the Trust;
- d) prepare other matters for decision, approval or adoption by the Executive Board;
- e) manage the planning, direction and execution of the Trust's activities;
- f) develop and implement a strategy for public awareness and communication;
- g) recruit and manage the staff of the Trust;
- h) keep and have available for review by the Executive Board, financial accounts and records on a current basis;
- i) ensure that an independent audit of the financial records takes place each year;
- j) keep the Chairperson of the Executive Board advised on matters of consequence that relate to the Trust; and
- k) perform such other functions as are delegated to her/him by the Executive Board.

Candidates must have leadership and managerial capabilities, as well as experience in working with the international donor community. Candidates for the position must preferably also have a good understanding of global crop diversity matters.

The position, which is expected to begin in June/July 2005, will be based at the Trust's interim headquarters in Rome, Italy. The Trust will provide an internationally competitive salary and benefits package commensurate with that of staff having similar responsibilities in equivalent international organizations. Further information on the Trust can be found on www.startwithaseed.org. For additional information contact the Interim Executive Secretary Geoff.Hawtin@fao.org.

Applications to be sent before 15 September to SDC Personnel Division, Mr Patrik Schwitter, Swiss Agency for Development and Cooperation, Freiburgstrasse 130, CH-3003 Bern, Switzerland.