

Eighth Session of the Assembly  
25-26 April 2023, Seoul, Republic of Korea

## Agenda Item 6

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### Term and Tenure of the Executive Director

#### I. Background and Introduction

1. The Assembly at the Fifth Session held on 25-27 October 2021 in Seoul by hybrid mode, endorsed resuming the works of the Executive Director Selection Committee (EDSC) in 2022, and a series of meetings of the EDSC was organized accordingly. Following continuous discussions at the foregoing sessions of the EDSC, the 7<sup>th</sup> Meeting of the EDSC took note of the issues raised by the Member Countries regarding the terms and tenure of the Executive Director (ED).
2. The proposal on the amendment of the Rules of Procedures of the EDSC submitted to the Meeting by the Philippines in writing suggests that the ED's term be three years of fixed term (**Annex-1**). The proposal explains that the term of two-year is too short to show the ED's performance while four-year is too long.
3. The Meeting viewed that the EDSC does not have the mandate to deliberate change of the legal instrument, i.e., the Agreement on the Establishment of the Asian Forest Cooperation' (AFoCO Agreement), however the matter should be reported to the Assembly for further consideration and guidance (**Annex-2**).
4. The EDSC agreed to keep on record the proposed amendment for further consideration and discussion at the Assembly.

#### II. Observations

5. The Secretariat, in consultation with the President of the Assembly, should report the issue mentioned above to the immediate session of the Assembly. As there is a motion from the Party/Parties, the matter is duly conveyed to the Assembly for consideration by the Assembly.
6. The Assembly may take note of the proposal from the Philippines to have a three (3)-year fixed term for the tenure of ED. In reference to the relevant paragraphs of the AFoCO Agreement, it is viewed that the proposed fixed-term of ED entails amendment of the AFoCO Agreement. The Secretariat observed that it is not practical to amend the AFoCO Agreement considering the legal and administrative procedures that need to be undertaken, unless the

Assembly agrees by consensus to amend the concerned paragraphs.

7. Therefore, the Secretariat is in view that the Assembly may consider defining the length of the renewable term stipulated in Paragraph 1 of Article 9 of the AFoCO Agreement, i.e., “and renewable for not more than one (1) term.” In order to accommodate the foregoing proposals of the Executive Director’s term at the EDSC, the Assembly may define the renewable term as: renewal of one time by a yearly base up to two (2) years.

8. Clear guidance and decision of the Assembly on the interpretation of the renewable term will enable the EDSC to make due consideration during its deliberation for renewal when applicable.

*(Excerpt)*

*Agreement on the Establishment of the Asian Forest Cooperation*

**Article 8 The Secretariat**

*(Excerpt from paragraph 7)*

The Assembly shall decide on the proposed amendments to the Agreement and approve the membership of new Parties by consensus.

**Article 9 The Secretariat**

*(Excerpt from paragraph 1)*

The Executive Director shall hold the office for a term of two (2) years, and renewable for not more than one (1) term.

**Article 20 Amendments**

*(Excerpt from paragraph 1)*

Amendments to the Agreement shall be adopted in accordance with Paragraph 7 of Article 8 of this Agreement.

*(Excerpt from paragraph 2)*

Amendments shall enter into force on the thirtieth (30<sup>th</sup>) day after the date of deposit of the fifth (5<sup>th</sup>) instrument of ratification, acceptance or approval of the amendments.

**III. Points for Consideration**

9. The Assembly may wish to consider and define the length of the renewable term of the Executive Director as appropriate in order to enable the EDSC to make due consideration during its deliberation for the renewal of an Executive Director when applicable.

*Queries on the content of the document may be addressed to:*

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Seventh Meeting of  
The Executive Director Selection Committee  
13-14 July 2022, Seoul (Hybrid)

## Agenda 4

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### **SUGGESTED REVISION IN THE RULES OF PROCEDURES (Inputs from the Philippines)**

1. The incumbent Executive Director (ED) of AFoCO need not apply for renewal of its term as this provision is contained already in the Article 9 of the Agreement “The ED shall hold a term of two (2) years and renewable for another term”
2. The process should be:
  - a. The AFoCO Secretariat shall submit to the ED Selection Committee what has been the accomplished (accomplishments) by the ED and the Secretariat during his term including his innovations (if any), and the type of leadership.
  - b. The ED Selection Committee will then review and deliberate the submitted document by the Secretariat and vote whether to renew or not the term of the incumbent ED for another two (2) years
  - c. In case the Committee, decided to renew the term of the incumbent ED, the latter will be called by the Committee Enbanc to offer the renewal and decide to accept or otherwise.
  - d. Should the Committee decide not to renew, the Committee will immediately proceed with the Search for new ED. This way, the Committee will be free of politics and the incumbent ED will not have to be embarrassed by being denied as he signified his intention to renew his term
3. On the other hand, the Committee/Assembly may also consider reviewing the term of Executive Director of AFoCO Secretariat which is currently at two (2) years renewable for another term of two (2) years. Per experience of the current Executive Director (ED Ricardo L. Calderon), the 2-year term is too short for the ED to implement all his plans

and programs considering that the first 6 months of his term is a period of adjustment in a new and foreign work environment, not to mention attending numerous courtesy visits to various diplomatic missions and partners in Seoul. Then almost six (6) months before the end of his term (middle of the second year), he needs to present the accomplishments, and undergo the process of selection/renewal to be undertaken by the ED Selection Committee. On the other hand, 4-year term (assuming ED was given a chance to renew his term) is already quite long which might result in reduction of effectiveness, efficiency and performance of the Executive Director. Thus, we proposed that the tenure of ED be for three (3)-year fixed term.

## **Annex-2**

### **Excerpt from the Summary Record of 7<sup>th</sup> ED Selection Committee Meeting on ED's Term**

#### Term of the Executive Director

11. The Committee also took note that a two-year term for an Executive Director position is too short as elaborated in the incumbent Executive Director's statement. The Committee recalled that the term of the Executive Director is provided under the governing instrument of the organization which is the Agreement on the Establishment of the Asian Forest Cooperation Organization (AFoCO). The Meeting viewed that the Committee does not have the mandate to deliberate on the interpretation of the governing instrument however the matter will be reported to the Assembly for further consideration and guidance.