

Main rights and responsibilities of Centers in CGIAR

(based on the Consortium Constitution and CGIAR funding agreements - see footnotes for specific references to Constitution)

I. General

The *Consortium of International Agricultural Research Centers* (**CGIAR Consortium**) is an independent international organization with full international legal personality,¹ whose members (**Centers or CGIAR Consortium members**), which are independent legal entities, are engaged in research for a food secure future. The CGIAR Consortium operates under the authority of a legally constituted board, the Consortium Board (**CB**)², and in accordance with the internal operating rules set forth in the Consortium Constitution (**Constitution**).

The Centers have certain rights and responsibilities as CGIAR Consortium members which are set out in the Consortium Constitution.

The Centers also have rights and responsibilities as participants in CGIAR Research Programs (**CRPs**), whether as Lead Center or a Program Participant. These rights and responsibilities are set forth and flow from applicable CGIAR funding agreements, such as the Joint Agreement (between the Fund Council and the CGIAR Consortium), Consortium Performance Agreements (between the CGIAR Consortium and Lead Center related to a CRP), Program Implementation Agreements (between the CGIAR Consortium and Lead Center related to a CRP) and Program Participant Agreements (between Lead Center and Program Participants related to a CRP).

II. Main rights and responsibilities of Centers as CGIAR Consortium members

A. Rights of Centers as CGIAR Consortium members

1. **SRF and CRPs.** Centers have the potential to serve as a Lead Center of a CRP. Centers also have the right to submit proposals for CRPs to the Consortium Board for consideration and potential funding from the CGIAR Fund.³ Centers have the right to secure bilateral funding to fund their research, including CRPs⁴, and receive Window 3 funds directly from Fund donors for use within the scope of the Strategy and Results Framework (**SRF**).
2. **CGIAR Consortium governance.** Centers have a number of rights in connection with the CGIAR Consortium's governance, as follows: the right to (i) be consulted by the Consortium Board for advice and feedback⁵; (ii) participate in meetings of the Board for agenda items in which member issues are to be discussed⁶; (iii) elect nominated CB members⁷; (iv) appoint one observer (non-voting) to the CB to represent the interests of the Centers⁸; (v) cast a (non-binding) "no confidence" vote in the CB⁹; (vi) remove CB members (under exceptional circumstances,

¹ Art. 1(1).

² Art. 6.

³ Art. 15(5)(b).

⁴ Art. 15(6)(a).

⁵ Art. 15(5)(a).

⁶ Art. 15(5)(e).

⁷ Art. 15(7)(a).

⁸ Art. 15(8)(a).

⁹ Art. 15(8)(c).

such as gross negligence of duties, fraud or criminal activity)¹⁰; (vii) propose and approve amendments to the Constitution¹¹; and (viii) admit nominated members to the CGIAR Consortium.¹²

3. **Information.** Centers have the right to receive the Annual Report from the CGIAR Consortium about its activities¹³ and receive a copy of all required reporting from the Consortium Board and Office to the Fund.¹⁴
4. **Other.** Centers have the right to develop and propose shared services and other means to improve efficiency and effectiveness.¹⁵

B. Responsibilities of Centers as CGIAR Consortium members

1. **SRF and CRPs.** When conducting research related to a CRP and the SRF, Centers have several main responsibilities. Centers must operate efficiently¹⁶ and in alignment with the SRF.¹⁷ Centers must execute high-quality research in accordance with applicable CRP performance agreements¹⁸ and follow common policies and standards for CRP design and execution.¹⁹ Centers must report on research impact and efficiency to the CGIAR Consortium, on the basis of common standards/criteria set by the CB and/or the Consortium CEO.²⁰ Centers must monitor and evaluate all bilaterally-funded projects and send copies of annual reports prepared on bilaterally-funded projects to the CB.²¹
2. **Governance and management.** Centers have responsibilities in conducting their own governance and management, including acting in accordance with the Constitution²² and operating efficiently and partnering with each other.²³ Centers must also submit to the CGIAR Consortium's review of the efficiency and optimal organization structure of Centers. The CGIAR Consortium may take appropriate actions, including any opportunities for Center realignment or sharing of field facilities and infrastructure, including through the development of common services and infrastructure. The CGIAR Consortium's authority does not extend to Centers that have an intergovernmental status and whose governing authority lies with the Member States of the Center.²⁴

¹⁰ Art. 15(8)(d).

¹¹ Art. 15(8)(e).

¹² Art. 15(7)(d).

¹³ Art. 8(5).

¹⁴ Art. 15(5)(c).

¹⁵ Art. 15(5)(d).

¹⁶ Art. 15(4)(e).

¹⁷ Art. 15(4)(e).

¹⁸ Art. 15(4)(c).

¹⁹ Art. 8(2)(c)(i), 14(1), and 15(2).

²⁰ Art. 15(4)(f).

²¹ Art. 15(4)(g) and 15(6)(b).

²² Art. 15(4)(a).

²³ Art. 15(4)(b).

²⁴ Art. 8(2)(c)(iv).

III. Main rights and responsibilities of Centers as CRP participants (Lead Centers or Program Participants)

A. Rights of Centers as CRP participants

1. **SRF and CRPs.** Centers are eligible to receive CRP funding from Windows 1, 2 and 3 of CGIAR Fund. Centers may suspend or terminate performance under a CRP if funds are not disbursed from CGIAR Fund or if there is a breach of applicable agreements by the other party.

B. Responsibilities of Centers as CRP participants

1. **Responsibilities regardless of source of funds.** Based on applicable CRP performance agreements, Centers have certain key responsibilities, regardless of the source of funding. These include: (i) comply with all applicable CRP agreements; (ii) manage CRP in compliance with CRP proposal; (iii) comply with Common Operational Framework (COF) and other Consortium policies and guidelines; (iv) responsible to the CGIAR Consortium (if a Lead Center) and to the Lead Center (if a Program Participant) in implementing CRPs; (v) obtain reasonable liability insurance for CRP activities; (vi) submit Annual CRP Progress Report and applicable financial reports (and final report for a completed CRP) (submit reports to the CGIAR Consortium if a Lead Center and to the Lead Center if a Program Participant; and (vii) deliver on activities, outputs and outcomes described in CRP proposal (with ability to make changes to CRP, as proposed and approved, under specific limited conditions).
2. **Responsibilities for use of Window 1 and 2 Funds.** Centers have certain key responsibilities regarding the use of Window 1 and 2 Funds, including: (i) responsible to the CGIAR Consortium if a Lead Center and to the Lead Center if a Program Participant; (ii) ensure appropriate attribution to Fund Donors; (iii) handle funds with integrity: no fraud, drug trafficking, terrorist activities, discrimination against the disable, lobbying or political activity, etc.; (iv) flow down all applicable requirements to Program Participants; and (v) return unspent/uncommitted Window 1 & Window 2 Funds upon completion of CRP.
3. **Responsibilities for use of Window 3 Funds and Bilateral Funds.** For use of Window 3 Funds, Centers are responsible to Fund Donors and to the CGIAR Consortium, which can take corrective measures if necessary and determines if Window 3 Funds are used within scope of SRF. Centers are responsible directly to the Fund Donors for the use of Bilateral Funds in accordance with bilateral fund agreements. Window 3 and Bilateral Funding should, in all but exceptional cases, include full recovery of the respective Center's costs for the funded activities, in accordance with established CGIAR Consortium policies on cost recovery.²⁵
4. **CRP management and internal controls.** In addition to the responsibilities noted above, Centers have certain other management and internal control responsibilities that flow from CRP funding agreements. Some of the key responsibilities include the following:
 - a. **CRP management**
 - Unless specified in CRPs or approved by the CGIAR Consortium, Centers may not make material changes to CRPs, change budget line item in Total Budget by more than 10% or USD500,000 (whichever is lower) or increase Fund Council-Allocated Component or Total Budget without approval of the CGIAR Consortium and Fund Council;
 - Carry out all regulated research activities under high standards (set with reference to internationally accepted practices) and in accordance with applicable laws and regulations.

²⁵ Art. 15(6)(a).

b. Internal controls

- Manage all financial aspects related to CRPs in accordance with CGIAR Financial Guidelines (COF);
- Carry on operations in accordance with sound administrative, technical, financial, economic, environmental and social standards and practices under the supervision of qualified and experienced management assisted by competent staff in adequate numbers;
- Maintain financial management systems and prepare financial statements in accordance with consistently applied accounting standards;
- Report information that indicates the need for further scrutiny of the use of Window 1 and 2 Funds (including non-frivolous allegations that funds have been used for corrupt, fraudulent, collusive, obstructive or coercive practices, or in ways other than as provided in applicable agreements). (Lead Center reports information to the CGIAR Consortium and Program Participants report information to the Lead Center);
- Buy into Tier 1 of the IAU shared service as the Consortium's responsibilities related to the prevention of fraud, proper use of funds etc., require visibility on system-wide risks and quality assurance aspects of center audits.