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**E****Item 18 of the Provisional Agenda****SIXTH SESSION OF THE GOVERNING BODY****Rome, Italy, 5 – 9 October 2015****Renewal of the Term of Office of the Secretary of the Treaty**

## PROCEDURE FOR THE RENEWAL OF THE TERM OF OFFICE THE SECRETARY

### BACKGROUND

1. The International Treaty on Plant Genetic Resources for Food and Agriculture (the Treaty) provides in Article 20 that the Secretary of the Governing Body “*shall be appointed by the Director-General of FAO, with the approval of the Governing-Body*”.<sup>1</sup> This Article of the Treaty is also reflected in Rule III of the Rules of Procedure of the Treaty.<sup>2</sup>

2. At its First Session in 2006, the Governing Body of the Treaty adopted *Procedures for the Appointment of the Secretary of the Governing Body of the International Treaty and Terms of Reference of the Secretary of the International Treaty on Plant Genetic Resources for Food and Agriculture*<sup>3</sup>. Under the Appointment Procedures, the Secretary was selected by a Screening Committee established by the Governing Body and composed of the Bureau of the Governing Body and two representatives nominated by the Director-General of FAO. The nomination proposed by the Screening Committee was subsequently submitted to the Governing Body for approval for on-forwarding to the Director-General for appointment.<sup>4</sup> Paragraph 8 of the Appointment Procedures also provided that “[e]xceptionally, on a specific mandate of the Governing Body, the Chair of the Governing Body shall propose the candidate to the Director-General of FAO, on the basis of a recommendation of the Screening Committee, without prior approval of the Governing Body”.<sup>5</sup> The Resolution set the duration of the term of office of the Secretary at four years, renewable without limitation<sup>6</sup>. This procedure was implemented in 2006.

3. However, the Governing Body of the Treaty did not establish any procedures for the possible renewal of the appointment of the Secretary. In 2010, the FAO Secretariat followed an *ad hoc* procedure of consultation of the Bureau of the Treaty, as a result of which the Director-General extended the appointment of the Executive Secretary for a term of four years. In 2014, as the second term of office of the Secretary was drawing to a close, the FAO Secretariat proposed an interim extension of the appointment of the Secretary, pending review of the matter by the Governing Body and approval of a procedure to that effect. The purpose of this document is to propose such a procedure.

4. It is the considered view of FAO that this matter requires appropriate guidance from the Governing Body in order for the FAO Secretariat to be able to formulate sound proposals. It is also the view of FAO that it would be appropriate to place the matter in a broader context, and to examine the issue of the renewal of the term of office of the Secretary in conjunction with the appointment procedures and the tenure of the incumbent.

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<sup>1</sup> Article 20 of the Treaty mirrors paragraph 32(iii) of the *Principles and Procedures which should govern Conventions and Agreements Concluded under Articles XIV and XV of the Constitution, and Commissions and Committees Established under Article VI of the Constitution* (the Principles and Procedures), “*the basic texts of bodies established under Article XIV of the Constitution shall specify that (...)the Secretary of each body shall be appointed by the Director-General and shall be administratively responsible to him. In the case of bodies referred to in paragraph 33(c) [i.e. bodies that, in addition to being financed by the Organization, have autonomous budget], the basic texts may specify that the Secretary shall be appointed by the Director-General after consultation with, or with the approval or concurrence of, the members of the body concerned*”. FAO Basic Texts, Part O, Appendix.

<sup>2</sup> Rule III reads as follows : “*In accordance with Article 20.1 of the Treaty, the Director General of the FAO shall appoint, with the approval of the Governing Body, a Secretary of the Governing Body to perform the functions included in Articles 20.2 to 20.5 of the Treaty. The Secretary shall be assisted by such staff as may be required.*”

<sup>3</sup> IT/GB-1/06/REPORT, Appendices J.1.

<sup>4</sup> IT/GB-1/06/REPORT, Appendix J.2, paragraph 7.

<sup>5</sup> IT/GB-1/06/REPORT, Appendix J.2, paragraph 8.

<sup>6</sup> IT/GB-1/06/REPORT, Appendix J.1 under the Terms of reference - “*The Term of Office is four years, renewable.*”

### PROCEDURE FOR THE RENEWAL OF THE TERM OF OFFICE

5. As regards a possible procedure for the renewal of the appointment of the Secretary, two options could be considered, depending on whether the renewal would rely essentially on the Director-General of FAO and on the Governing Body, consistent with Article 20 of the Treaty, or on whether authority for renewal would be delegated to the Director-General and the Bureau or to any other body established by the Governing Body.

6. Under a first option, the Director-General could propose to the Governing Body the renewal of the appointment of the Secretary taking into account his/her performance.

7. Under a second option, a renewal procedure relying on inter-action between the Bureau and the Director-General, including an assessment of his/her performance, could be envisaged. In making any recommendation, the Bureau would take into account any views that the Director-General might submit on the performance of the incumbent. The Bureau could make a recommendation of extension to the Director-General who would act on that basis.

### PROPOSAL TO CONSIDER BOTH THE ISSUE OF THE APPOINTMENT AND RENEWAL OF THE APPOINTMENT OF THE SECRETARY

8. In examining this matter, and in the context of discussions within the FAO Secretariat, it turned out that a number of inter-related considerations impinge upon the treatment of the matter which it might be useful to approach in a broader, expanded context.

9. A first consideration is related to the fact that authority to approve the appointment of the Secretary, and also by implication authority to approve the renewal, is explicitly vested in the Governing Body of the Treaty under its Article 20. This is also consistent with the Resolution adopted by the Governing Body, at its First Session in 2006, which clearly asserted that authority to approve the appointment of the Secretary was a matter for the Governing Body and that, “*exceptionally*”, “*on a specific mandate from the Governing Body*”, the Chair of the Governing Body would propose a candidate to the Director-General of FAO, on the basis of a recommendation of a Screening Committee, without the prior approval of the Governing Body. On the other hand, for practical reasons and reasons of convenience, in view of the fact that the Governing Body of the Treaty meets only once every two years it could be difficult not to provide for some involvement of the Bureau or another committee of more restricted membership, in the process. A related solution might consist in designating a body with broader composition than the current Bureau of the Treaty, thus ensuring greater inclusiveness and transparency.

10. A second consideration is related to the fact that it may be appropriate to consider the renewal of the appointment of the Secretary in connection with the procedures for the appointment of the Secretary as it may be difficult to consider both matters in isolation. In fact, the reason for which this matter is now before the Governing Body of the Treaty is that, whereas the Governing Body in 2006 approved a procedure for the appointment of the Secretary and made provision for a term of four years, the Governing Body did not approve a procedure for the renewal of the appointment of the Secretary. A possible approach to the matter might consist in revisiting the matter in a holistic manner and deal both with a new or revised procedure for the appointment of the Secretary and the renewal of the appointment of the Secretary.

11. A third consideration is that there might be merit, in any case, drawing upon experience gained in simplifying the procedures for the appointment and the renewal of the appointment of the Secretary. The Director-General could, following the procedure normally applied for the appointment of staff members, including Secretaries of a number of other bodies, arrange for the issuance of a Vacancy Announcement and propose a qualified candidate or a list of qualified candidates to the Governing Body. This would reflect the fact that the position of Secretary of the Treaty is entirely financed by the FAO Regular Programme and that substantial resources from the Regular Programme are allocated to the Treaty. This process could be carried out with the assistance of the Bureau and

other Members of the Governing Body or any other committee established by the Governing Body, as considered appropriate. The recommended candidate or a list of recommended candidates would be eventually referred to the Governing Body for approval or decision. In the same vein, there could be a simplified procedure for the renewal of the appointment of an incumbent secretary, either on the basis of a recommendation by the Director-General to the Governing Body, or by the Director-General in consultation with the Bureau, as mentioned above (cf. paragraph 5).

12. Finally, in the same spirit of facilitating and streamlining both processes, the term of office of four years which was established in 2006 would be maintained. However, provision could be made for the Secretary to be appointed for a term of four years renewable only once.

#### SUGGESTED ACTION BY THE COMMITTEE

13. The Governing Body is invited to review this document and make such comments thereon as deemed appropriate. In light of the foregoing, the Governing Body is, in particular, invited to provide guidance:

- (a) on a suitable procedure for appointment and renewal of the appointment of the Secretary;
- (b) on the duration of his/her term of office;
- (c) on a calendar for the implementation of the proposal.

14. The Governing Body is invited to note:

- (a) that the appointment of the current Secretary would be extended until the next session of the Governing Body and
- (b) that the current incumbent would be allowed to take part in the next selection process of the Secretary of the Treaty.

## DRAFT RESOLUTION

### SELECTION AND APPOINTMENT OF THE SECRETARY OF THE TREATY ON PLANT GENETIC RESOURCES FOR FOOD AND AGRICULTURE (THE “TREATY”)

#### INTRODUCTION

The Governing Body noted the desirability of establishing new procedures for the selection and appointment of the Secretary of Treaty on Plant Genetic Resources for Food and Agriculture under Article 20.1 of the Treaty, whereby “*The Secretary of the Governing Body shall be appointed by the Director-General of FAO, with the approval of the Governing Body.*” The Governing Body further noted the desirability of establishing procedures for the renewal of the appointment of the Secretary.

The Governing Body agreed to the following procedures for the selection and appointment of the Secretary of the Treaty (A), for the renewal of the appointment (B) and to address related matters (C).

#### A. SELECTION AND APPOINTMENT OF THE SECRETARY OF THE TREATY

1. The Director-General will issue, in conformity with FAO’s procedures, a Vacancy Announcement incorporating the Terms of Reference for the Secretary of the Treaty agreed upon by the Governing Body at its First Session in 2006 and set out in Appendix J.1 to the Report of that session (Document IT/GB-1/06/Report). The Vacancy Announcement will be publicized with a view to reaching the greatest possible number of candidates.
2. The applications received will be screened by the Office of Human Resources (OHR) of FAO which will establish a list of qualified candidates.
3. The list of qualified candidates will be assessed by a Selection Panel consisting of the Deputy-Deputy Director-General, Natural Resources, the Assistant-Director-General, Agriculture and Consumer Protection Department, one official of OHR, the Chair and one Member of the Bureau of the Governing Body.
4. The Selection Panel will rely on the assistance of the Agriculture and Consumer Protection Department, as may be required. Should there be a large number of applicants, the Selection Panel may request the Agriculture and Consumer Protection Department to make a pre-assessment of the candidates and submit a short-list of candidates to the Selection Panel. In the assessment of the candidates, paramount consideration will be given to the essential requirements of competence and technical qualifications as set out in the Vacancy Announcement and the Terms of Reference of the Secretary of the Treaty, having due regard to gender and geographic representation. The Selection Panel will interview the short-listed candidates.
5. The Selection Panel will recommend to the Governing Body a minimum of 1 (one) and a maximum of 3 (three) candidates.
6. The Governing Body will review the candidatures and recommend one candidate for appointment by the Director-General. As necessary, the Governing Body shall agree on the procedures for the recommendation, which may include hearing the candidates.

#### B. RENEWAL OF THE APPOINTMENT OF THE SECRETARY OF THE TREATY

1. Prior to expiry of the first term of office of the Secretary, the Director-General, taking into consideration the performance of the Secretary, and in consultation with the Chairperson, will make a recommendation to the Bureau regarding the renewal of the Secretary’s appointment, for endorsement. **[Possible addition:** The recommendation will be referred to the Governing Body for approval].
2. In anticipation of the expiry of the second term of office of the Secretary, or in case of proposed non-renewal of the appointment of the Secretary, and taking into consideration the time required for its implementation, the procedure set out in Section A of this Resolution will apply.

**C. RELATED ISSUES**

1. The Secretary is appointed for a term of four years, which may be renewed only once for another term of four years.
2. The procedures outlined in this Resolution shall apply to the selection and appointment of a Secretary on the occasion of the Seventh Session of the Governing Body in 2017 (GB-7).
3. The current Secretary will be allowed to apply for the position of Secretary in 2017.
4. The procedures set out in this Resolution supersede and replace those adopted by the Governing Body at its First Session in 2006 (set out in Appendix J.2 to the Report of that session (Document IT/GB-1/06/Report)).