

166th Session of the Council
Written Correspondence Procedure – inputs from Members - English version
Item 18 - Selection and Appointment of Secretaries of Article XIV Bodies

Member Name	Comments
<p style="text-align: center;">Dominican Republic – Member (Wed 14/04/2021 16:00)</p>	<p>The Dominican Republic welcomes the update on the procedure for the selection and appointment of the Secretaries of Article XIV Bodies, which allows each Chair to submit the name of the candidate chosen by a panel to the Director-General for the purpose of appointment, pursuant to the aforementioned procedures.</p> <p>We acknowledge the efforts made by the Independent Chairperson of the Council to have the Governing Bodies and the Article XIV Bodies review and agree upon the procedure for the selection, appointment and term of office of their respective Executive Secretaries. Such a procedure will make it possible to speed up the processes involved and thus improve the efficiency of the bodies in question following lengthy consideration by them.</p> <p>We support adoption of the proposed procedure.</p>
<p style="text-align: center;">The United States of America – Member (Wed 14/04/2021 16:56)</p>	<p>The United States appreciates the Independent Chairperson of the Council’s significant and long-term engagement and consultations on this matter, and efforts to resolve the appointment procedures for Article XIV Body Secretaries with concerned bodies. We support finding a consensus on a lasting agreement with these entities. We understand that since the publication of the paper (CL 166/18), consultations have continued in a fruitful and constructive manner, including with further correspondence from the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA) that indicates an agreement is near. We would like to see relevant updates in this regard reflected in the document.</p> <p>With this progress in mind, the United States recommends that consultations continue, with urgency, to bring this matter to a close. We further recommend that when agreement is reached with these bodies, that the updated procedures are made available to all Article XIV Bodies for adoption, for streamlined processes.</p> <p>Specifically in response to a suggested Council action in Paragraph 25 of (CL 166/18), the United States cannot support the jettisoning or transitioning of the concerned Article XIV Bodies to operate outside FAO’s legal authority and objects to this approach. The United States believes in the case of at least one of the concerned Article XIV bodies, transitioning the entity to operate outside of FAO’s legal framework would be complex because of specific treaty language, and could involve necessary amendments to the treaty and/or FAO’s Constitution.</p> <p>We are encouraged by the flexibility and spirit of compromise demonstrated by all of the relevant parties and encourage consultations to continue in this spirit, in order to reach a consensus for a lasting arrangement.</p>
<p style="text-align: center;">Argentina – Member (Wed 14/04/2021 16:58)</p>	<p>Regarding this item on the agenda, Argentina would like to refer to point C of document CL166/18, which refers to the procedure for selecting the Secretary of the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA). It should be recalled in this regard that on 2 April 2021, the Chairperson of the ITPGRFA Bureau</p>

	<p>submitted a compromise proposal on the procedure for selecting the Secretary of the ITPGRFA, which is endorsed by all regions represented by the ITPGRFA Bureau.</p> <p>Therefore, we would very much like to hear FAO's opinion on this matter with a view to finalizing discussions on this issue.</p>
<p>Brazil – Member (Wed 14/04/2021 16:58)</p>	<p>Brazil underscores the need for a timely solution to this protracted matter, and reiterates its support to the work of the Independent Chairperson of the Council. Brazil is actively contributing to consensus building, both as a Member of FAO and as a Member of the ITPGRFA. Brazil notes that the next meeting of the Governing Body of the ITPGRFA is scheduled to take place in December 2021, and might be postponed to 2022, due to the pandemic.</p> <p>Brazil would like to ask for clarification on the following:</p> <ul style="list-style-type: none"> • Does FAO Management believe it is necessary or desirable that the exact same procedures for selection and appointment of Secretaries apply to the three Article XIV Bodies engaged in the negotiations? • Could FAO confirm that, once agreement is reached with the three Article X IV Bodies engaged in the negotiations, it would apply solely to those bodies, while the <i>status quo</i> would be maintained regarding other Article XIV Bodies? • Did any Article XIV Body express interest in operating as entities outside the FAO legal framework?
<p>Australia – Member (Wed 14/04/2021 17:09)</p>	<p>Australia notes the request for the 166th Session of the Council to provide conclusive guidance in order to bring this matter to a close. However, we also note that, at the time of submitting these comments (14 April 2021), consultations with these bodies is still ongoing but that, in the main, good progress has been made. We thank the Independent Chairperson of the Council (ICC) and the Legal Counsel for their efforts in this regard and we welcome the cooperation and constructive negotiation demonstrated by all parties involved.</p> <p>For the Indian Ocean Tuna Commission (<u>IOTC</u>) process, Australia notes that the Commission, guided by Australian leadership, has worked diligently with the FAO and that a majority of the text has now been agreed. We also understand that the Commission is set to consider a revised compromised text in June 2021, which preserves a clear role for the IOTC Membership to participate in recruitment, but which also ensures that the Director-General's accountability and liabilities to the FAO are effectively managed.</p> <p>For the International Treaty on Plant Genetic Resources for Food and Agriculture (<u>ITPGRFA</u>), Australia understands a revised compromise proposal has now been forwarded to the FAO by the Bureau of the Treaty for consideration. We also understand that, like the IOTC, the ITPGRFA Bureau are confident that the issue is close to being resolved, pending feedback from the FAO and final agreement by the Governing Body.</p> <p>Taking the above positive progress for at least two of the bodies into consideration, Australia recommends that a final effort to conclude these discussions is made over coming months and, in the event a resolution cannot be achieved, the issue be brought to the attention of the Council in line with the request made by the 165th Session of the Council. In this regard, we take the opportunity to register that we do not support the proposal outlined in paragraph 25 of CL 166/18 to transition Bodies to operate outside of the FAO legal framework in the event consensus is not achieved.</p>

<p>Canada – Member (Wed 14/04/2021 22:27)</p>	<p>Canada strongly believes in the principle that the Members of the Treaty retain a preponderant role in the selection of the Secretary of the Treaty.</p> <p>Canada proposes the following improvements to Annex A of document CL 166/18:</p> <ul style="list-style-type: none"> • Para.2: The text should specify that the Vacancy Announcement should be issued “to all Treaty Parties”, with enough time provided to communicate names to the Human Resources Division. • Para.4: Canada prefers the wording that was used for the IOTC: “... the interview shortlist would contain at least [seven/ten] candidates including at least one female candidate. If there is no female candidate in the shortlist, the Panel Report must contain a justification. The list should be regionally and gender balanced;” • Para.5: Canada prefers “The Interview Panel ... is composed of ... (c) three representatives of the Members...”
<p>European Union – Member (Wed 14/04/2021 23:10)</p>	<p>I am honoured to write to you on behalf of the European Union and its 27 Member States, on the above-mentioned agenda item of the 166th Session of the FAO Council.</p> <p>We welcome the engagement of the involved parties in trying to reach a consensus on a lasting arrangement for the selection and appointment of Secretaries of the Article XIV Bodies.</p> <p>Taking into consideration the arguments listed and the evaluation conducted by the Committee on Constitutional and Legal Matters (CCLM), we are looking forward to the evaluation conducted by all parties on the revised proposed procedure set out in Annex 1 to document CL 166/18. We stand ready to reach a consensus and bring the matter to a closure.</p> <p>We would nonetheless like to express concern about the way parts of the CCLM report (document CL166/11) are reflected in document CL 166/18, particularly in paragraphs 12 and 25 thereof. In fact, these paragraphs give the impression that the CCLM urges the Council to bring the matter to a closure without mentioning the fundamental element “subject to consensus been reached”. We would request that the content of the CCLM report be adequately reflected in the documents for this Council.</p> <p>To better inform Members about the possible options, in case of lack of consensus, we request information on the possibility to transform these bodies into entities that operate outside FAO's structure.</p>