

166th Session of the Council

Selection and Appointment of Secretaries of Article XIV Bodies

Secretariat responses to written inputs by the Council

Since the publication of document CL 166/18, further consultations have been held by the Independent Chairperson of the Council with regard to the selection and appointment of Secretaries of Article XIV Bodies. In particular, further consultations have taken place with the General Fisheries Commission for the Mediterranean (GFCM) and the International Treaty on Plant Genetic Resources for Food and Agriculture (the Treaty).

Following the 17 March 2021 videoconference meeting between the ICC and the Chairperson and Bureau of the Treaty, the Chairperson submitted a revised proposed procedure to the ICC on 2 April 2021. This proposal contained the following adjustments to the ICC compromise procedure:

- the vacancy announcement issued for 30 days;
- the two representatives of the Treaty to serve on the Panel selecting candidates for interview and the Interview Panel to be “one from developed and one from developing countries”;
- the representatives of the Treaty on the Interview Panel to be not necessarily the same as those in the Panel selecting candidates for interview;
- the external member to serve on the Interview Panel to be selected by the Bureau of the Treaty and FAO from among three candidates proposed by CSH;
- the representative of CSH on the Interview Panel is without the right to participate in decision-making;
- the Panels shall make every effort to reach decision by consensus; and
- should the first candidate submitted by the Director-General to the Treaty be unacceptable to the Treaty, the second candidate proposed by the Director-General must be identified in the Panel Report.

Following consultation with FAO Management, the ICC communicated to the Chairperson of the Treaty on 20 April 2021 that the majority of the above-mentioned adjustments do not result in substantive modifications of the selection and appointment procedure in the ICC compromise proposal and, thus, have in principle been considered as acceptable.

One adjustment, however, with regard to the selection of the external member to serve on the Interview Panel, was viewed with concern by FAO Management. The selection of the external member, as an independent and technical expert, is a technical one to adhere to recruitment procedure best practices. It is believed that the external member on the Interview Panel should be selected by the Interview Panel itself, from among three candidates proposed by the Office of Human Resources (CSH). The Interview Panel is tasked with conducting the interviews and the preparation of the Panel Report and therefore should also be entrusted with the selection of the external member, in the view of FAO Management.

The ICC informed in his reply that FAO Management has accepted a proposal by the Indian Ocean Tuna Commission (IOTC) to increase the number of representatives of the Article XIV Body and FAO Management from two to three, respectively, in the Panel selecting candidates for interview and in the Interview Panel, for consideration by the Treaty as well.

With regard to the GFCM, on 14 April 2021, the Heads of Delegations of the GFCM held an ad-hoc videoconference meeting, at which the ongoing issue of the selection and appointment procedure for their Executive Secretary was discussed. The FAO Legal Counsel and the Independent Chairperson of the Council (ICC) attended this meeting to offer guidance and clarification to the ongoing consultations.

The ICC clarified the financial and administrative responsibilities of the Director-General for the work of Article XIV Bodies and its Secretaries, and noted his compromise procedure aimed to balance such responsibilities with the functional autonomy of the GFCM. The ICC informed that FAO Management has accepted a proposal by the IOTC to increase the number of representatives of the Article XIV Body and FAO Management from two to three, respectively, in the Panel selecting candidates for interview and in the Interview Panel. The Legal Counsel also clarified the legal requirements emanating from the Basic Texts of the Organization and the GFCM Framework. The Heads of Delegations of the GFCM noted their willingness to set up an *ad-hoc* Task Force in order to facilitate and expedite the ongoing consultations on this matter, and ensure coordination with the ICC and FAO Management in order to resolve this issue as soon as possible.

In response to Brazil, FAO Management is of the view that the same procedure for the selection and appointment of Secretaries should apply to the three Article XIV Bodies engaged in the negotiations.

Once an agreement is reached with the three Article XIV Bodies engaged in the negotiations procedure for the selection and appointment of their respective Secretary, that procedure would apply solely to those Article XIV bodies.

The Council Document 166/18 invites the Council “*to consider whether, if consensus is not reached in a timely manner, consultations should be initiated by Management with the Members of the Bodies concerned to support a transition of those Bodies to operate as entities outside the FAO legal framework, and to request Management to report thereon at its 168th Session.*” The procedures to be followed to achieve this outcome were considered in the past with respect to the IOTC where a complex and unprecedented situation had arisen. In May 2006, IOTC members expressed the view that the separation of the IOTC from FAO was necessary to make the IOTC a more effective and efficient body. The procedures were addressed, in particular, by the CCLM at its 81st Session (April 2007) and, subsequently, by the Council at its 132nd Session (June 2007). However, most Members of the Council were of the view that such separation was not necessary, and recalled that some IOTC countries present at the Eleventh Session of the IOTC held in Mauritius (from 13-18 May 2007) were not in favour of a change in status of IOTC as a Statutory Body of FAO.¹

In response to the European Union, regarding information on the possibility to transform these bodies into entities that operate outside FAO's structure, this is available in document [CCLM 107/3](#), Part IV entitled *Mechanisms to Establish Entities Outside the FAO Framework*.

¹ CL 132/REP