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COMMITTEE ON CONSTITUTIONAL AND LEGAL MATTERS

Hundred and Fourteenth Session

Rome, 26 November 2021

Procedure for the Selection and Appointment of Secretaries of Bodies established under Article XIV of the FAO Constitution

I. Introduction

1. At its 113th Session the Independent Chairperson of the Council (ICC) provided the CCLM with an oral update on his consultations with the Chairpersons of the concerned Article XIV Bodies¹ and FAO Management, regarding the proposed long-term procedure for the selection and appointment of Secretaries of Article XIV Bodies. Noting the positive updates provided by the ICC, the Committee looked forward to prompt resolution of this matter and confirmed its readiness to hold an additional Session of the Committee to review the consensus reached on a long-term procedure for the selection and appointment of Secretaries of Article XIV Bodies (“the Procedure”) prior to the next Council Session.

2. The ICC has informed the CCLM Secretariat that a consensus has been reached on a long-term procedure. **Annex 1** to this document sets out the text that would appear to have the agreement of FAO Management and the Article XIV Bodies concerned.

3. The Procedure, submitted for consideration of the CCLM, is the outcome of extensive consultations held by current and former ICCs, starting in 2016, with the Chairpersons of the concerned Article XIV Bodies and FAO Management.²

4. The Procedure is consistent with the authority of the Director-General to appoint the staff of the Organization³ and 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 Constitution⁴ which, in turn, implement the rules of Article XIV of the Constitution. These provide that Secretaries of Article XIV Bodies are appointed

¹ Indian Ocean Tuna Commission (IOTC); General Fisheries Commission for the Mediterranean (GFCM) and the International Treaty on Plant Genetic Resources for Food and Agriculture (the Treaty).

² CL 168/17 Selection and Appointment of Secretaries of Article XIV Bodies.

³ Article VIII of the FAO Constitution.

⁴ Basic Texts, Volume II, Part O, Appendix.

Documents can be consulted at www.fao.org

by the Director-General and for Bodies which have autonomous budgets, this appointment may take place “*after consultation with, or approval or concurrence of, the members of the body concerned*”.⁵ The Procedure is intended to ensure alignment with these provisions of the Basic Texts, as reflected in the Article XIV treaties establishing those Bodies.

II. Suggested action by the Committee

5. The Committee is invited (i) to endorse the Procedure set out in the Annex for on-forwarding to the 168th Session of the Council for adoption; and (ii) to provide any views it may have on the subject-matter.

⁵ Basic Texts, Volume II, Part O, Appendix, Paragraph 32(iii) that reads as follows: “32. *The statutes of bodies established under Article VI of the Constitution and the basic texts of bodies established under Article XIV of the Constitution shall specify that: [...] iii 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), 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*”; Paragraph 33 c) reads: “33. *Bodies established under Article XIV of the Constitution fall into one of the three following categories: [...] (c) bodies that, in addition to being financed by the Organization, have autonomous budgets*”.

Annex I

Revised proposed procedure for the selection and appointment of Secretaries of Article XIV Bodies⁶

1. A Vacancy Announcement is drafted by technical departments with support of the Human Resources Division (“CSH”) as is done for all senior (D1 and above) staff positions. The draft Vacancy Announcement is shared with the Chairperson of the Body concerned who is invited to provide views thereon.
2. The Vacancy Announcement is issued and posted for 30 days.⁷
3. A first review and screening of candidates is undertaken by CSH based on the minimum criteria and qualifications set out in the Vacancy Announcement.
4. A second review is undertaken by the offices of the relevant Deputy Director-General and the relevant Director (D2) and three representatives of the Members of the Article XIV Body to establish a shortlist of candidates for interview. The interview shortlist must contain at least seven candidates including at least one female candidate. If there is no female candidate in the shortlist, the Panel Report must contain a justification. If the interview shortlist does not contain seven candidates, the Report must contain a justification.
5. An Interview Panel is established, which is composed of:
 - a) the relevant Deputy Director-General or Director (D2);
 - b) two Senior FAO officers;
 - c) three representatives of the Members of the Article XIV Body;
 - d) one external member, to be selected by the Interview Panel from among three candidates proposed by CSH; and
 - e) one representative of CSH, without the right to participate in decision-making. The role of the CSH representative is to offer administrative support to the panel. He/She will not be involved in interviewing or assessing the candidates.
6. Interviews of shortlisted candidates are conducted by the Interview Panel, which will prepare a report. The Panel Report will identify a minimum of three and a maximum of five qualified candidates. If no female candidate is selected at this stage, the Panel Report must contain a justification.
7. Both the shortlist of candidates for interview as well as the three to five candidates submitted to the Director-General is compiled with due regard to gender and geographic balance in line with the policy of the Organization. If this balance is not achieved, the Panel Report must contain a justification for this. All efforts should be made to reach a decision by consensus.
8. Reference checks are undertaken by CSH.
9. The Panel Report is submitted for consideration by the Director-General.
10. The Director-General identifies one candidate, from the proposed candidates identified in the Panel Report, for appointment, whose name and curriculum vitae are referred to the relevant Article XIV Body for approval in accordance with the provisions of the treaty concerned. The name and curriculum vitae, and a written statement that reference checks have been conducted, will be transmitted to the Article XIV Body Chairperson, who will keep the information confidential, within ten weeks of the closure of the Vacancy Announcement.

⁶ Annex I to CL 168/17.

⁷ [Unless the Article XIV Body requests for a longer period up to maximum 45 days].

11. Upon approval of the Body, an offer is issued to the candidate. Should there be non-approval, the Director-General will propose to the Body another candidate, identified in the Panel Report, recommended for appointment. In case none of the candidates identified in the Panel Report are approved by the Body, the Vacancy shall be reissued.
12. Upon acceptance, the Director-General appoints the candidate.