
CONSULTATION TOWARDS THE DEVELOPMENT OF A PROPOSAL FOR A PERMANENT PROCEDURE TO SELECT THE EXECUTIVE SECRETARY

PREPARED BY: THE CHAIR OF THE SMALL DRAFTING GROUP

ABOUT THIS REVISION

Rev1: The original document was revised to include some additional inputs on the recruitment procedure received from Members of the small drafting group and the Independent Chair of the (FAO) Council. A revised procedure that contained elements from FAO's current procedure for Article XIV Secretaries, inputs from members the small drafting group, and recent inputs from the Independent Chairperson of Council was been added at Annex 1.

Rev 2: As a result of ongoing discussions between the IOTC Chairperson, the Chair of the small drafting group and the Independent Chair of the (FAO) Council, Rev2 contains further responses to questions raised by the IOTC small drafting group chair during verbal consultations in October 2020 - see Annex 6. Notably, the FAO's explanations detail the usual process for reference checks within the FAO system and the reason that the FAO has no discretion on the role of the DG in the appointment process.

A revised recruitment procedure that includes FAO's most recent suggestions (as tracked changes) has been provided at Annex 1. Rev 2 includes:

- four proposals regarding the independent interview panel member, where the SDG Chair has proposed accepting the FAO's earlier suggestion that the independent chair be a the interview panel's discretion;
- new proposals from the FAO regarding gender/regional balance (paragraphs 6 and 7)
- minor amendments to the reference checks procedure (paragraph 9).
- New text suggestions from Japan.

Rev 3: This revision responds to feedback received from the IOTC Members during plenary. The amendments:

- Provide timelines which are generally consistent with FAO practice
- Involve the IOTC Chairperson in drafting the Vacancy Announcement
- Specify that the Vacancy Announcement will be posted for at least 46 days, unless the IOTC Commission requests longer (noting verbal advice from the FAO on 5/11 that this is possible).
- Specify where the Vacancy Announcement will be published
- -Increase the number of IOTC candidates in the shortlisting and interview process from 2 to 3 representatives.
- Decrease the number of shortlisted candidates to 7, noting that the interview panel will identify between 3 and 5 suitable candidates (and so the number of shortlisted candidates must be > 5).
- Removes the external interview panel member
- Retains the need to include a minimum of 1 female candidate in the shortlisting process, and retains the overarching requirement to consider gender and regional balance.
- Requires the FAO to share the outcomes of the referee checks with the 3 IOTC representatives on the interview panel on a confidential basis.

PURPOSE

To update the Commission on progress relating to the development of a proposal for a permanent procedure to select the IOTC Executive Secretary.

BACKGROUND

An updated procedure to select the IOTC Executive Secretary was proposed by the Commission in the 2014 amendments made to the IOTC Rules of Procedure; however, it was not acceptable to the FAO. As a result of this, FAO put an interim procedure in place for the selection of the incumbent Executive Secretary (in 2017) and requested the Independent Chair of the (FAO) Council to continue consultations with IOTC and FAO Management

towards obtaining agreement on a procedure that balances the functional autonomy of IOTC with the responsibilities borne by FAO for such Bodies and consistency with UN system practices.

In 2017 the Commission formed a small group to consult with the FAO on the development of a permanent procedure to select the IOTC Executive Secretary.

The current interim procedure to select the IOTC Executive Secretary is similar to that used by the FAO for senior staff appointments but with some adjustments so that the Article XIV bodies (such as IOTC) can be involved during interviews. This process was developed by FAO's Committee on Constitutional and Legal Matters and approved by the FAO Council to be used on an interim basis, until a more lasting solution that is acceptable to both FAO and IOTC can be found.

FAO NEGOTIATIONS WITH OTHER ARTICLE XIV BODIES

In 2019, the Commission noted that another Article XIV body (the Governing Body of the International Treaty on Plant Genetic Resources for Food and Agriculture, GB-ITPGRFA), was dealing with the same issues regarding the negotiation of a new appointment procedure for its Executive Secretary, and was keen to hear of the outcomes of that negotiation. However, the Small Drafting Group has been informed by the the Independent Chairperson of Council that the negotiation with GB-ITPGRFA has not progressed.

A NEW PROPOSED PROCEDURE TO SELECT THE IOTC EXECUTIVE SECRETARY

The latest proposed procedure to select the IOTC Executive Secretary is provided in Annex 1. This procedure contains elements from FAO's current procedure for Article XIV Secretaries, inputs from the small drafting group, and additional inputs the Independent Chairperson of Council.

In June 2020 the Independent Chairperson of Council wrote to the IOTC Chairperson (Annex 2) indicating that FAO Management is prepared to go beyond its current procedure. In this regard, he noted that FAO Management is supportive of his compromise proposal which provides for participation by an equal number of representatives of FAO Management and of the Article XIV Body in (i) the shortlisting of candidates to be interviewed and (ii) in the interview panel.

In August 2020, following consultations with the Small Drafting Group, the IOTC Chairperson wrote to the Independent Chairperson of Council seeking clarification on certain elements that she and the SDG anticipate that Commission Members may query (Annex 3). The Independent Chairperson of Council provided all but one clarification later in August (Annex 4) and the final clarification (to Annex 3, query 5) in October (Annex 5).

The IOTC Commission is invited to consider the revised procedure and bracketed text and decide whether or not to accept a revised text. If the IOTC responds positively to the procedure, it would need to be pre-approved within the FAO and the IOTC would need to amend its Rules of Procedure before submitting the procedure to the FAO Council for formal endorsement.

If the IOTC does not accept the proposed procedure, the Chairperson could provide the IOTC's views to the Independent Chairperson of Council to continue negotiations.

RECOMMENDATION/S

That the Commission:

1. **NOTE** paper IOTC-2020-S24-04_Rev1) outlining a possible revised procedure for the recruitment of the IOTC Executive Secretary.
2. **NOTE** the clarifications and additional information on the proposed procedure provided by the Independent Chairperson of Council in response to questions posed by the Small Drafting Group.
3. **DECIDE** whether the revised procedure is acceptable or whether negotiations should continue (and if so, on what aspects).

Annex 1

REVISED PROPOSED PROCEDURE FOR THE SELECTION AND APPOINTMENT OF THE IOTC EXECUTIVE SECRETARY

- 1) Within 30 days following a request from the IOTC Chairperson to commence a recruitment process, a Vacancy Announcement will be drafted by FAO technical departments in consultation with the IOTC Chairperson, with support of the Office for Human Resources (CSH).
- 2) The Vacancy Announcement will be issued and posted for at least 46 days unless the IOTC requests longer. The FAO will publish the Vacancy Announcement on the FAO website and the IOTC will publish it on its website and by Circular, and share the advertisement with other RFMOs and relevant organisations.
- 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 will be undertaken by the offices of the relevant Deputy Director-General and the relevant Director (D2) and three representatives of the Members of the IOTC to establish a shortlist of candidates for interview¹. 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.
- 5) An Interview Panel will be established, and composed of:
 - a) The relevant Deputy Director-General or Director (D2);
 - b) One Senior FAO officer;
 - c) Three representatives of the Members of the IOTC²; and
 - d) One representative of CSH. 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 will be conducted by the Interview Panel which will prepare a report. The Panel Report will identify a minimum of 3 and a maximum of 5 qualified candidates. If there is no female candidate 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 will be 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.
- 8) The Panel Report will be submitted for consideration by the Director-General.
- 9) Reference checks will be undertaken by CSH. A summary of the reference checks will be provided to the three representatives of the IOTC who will keep the information confidential.
- 10) The Director-General will identify one proposed candidate for appointment, whose name and curriculum vitae will be referred to the IOTC for approval in accordance with the provisions of the IOTC Agreement. The name and curriculum vitae will be transmitted to the IOTC Chairperson within ten weeks of the closure of the Vacancy Announcement.
- 11) Upon approval of the Body, an offer will be issued to the candidate. Should there be non-approval, the Director-General will propose to the Body another candidate recommended for appointment.
- 12) Upon acceptance, the Director-General will appoint the candidate.

Annex 2

¹ The representatives of the IOTC Commission shall be the Chairperson and Vice-Chairpersons of the Commission unless otherwise decided by the IOTC Commission.

² As above.

منظمة
الغذية والزراعة
للأمم المتحدة

联合国
粮食及
农业组织

Food and Agriculture
Organization of the
United Nations



Organisation des
Nations Unies pour
l'alimentation et
l'agriculture

Продовольственная и
сельскохозяйственная
организация
Объединенных Наций

Organización de las
Naciones Unidas para la
Alimentación y la
Agricultura

Viale delle Terme di Caracalla, 00153 Rome, Italy

Fax: +39 0657053152

Tel: +39 0657051

www.fao.org

Our Ref:

Your Ref:

الرئيس المستقل للمجلس
理事会独立主席
Independent Chairperson of the Council
Président indépendant du Conseil
Независимый Председатель Совета
Presidente Independiente del Consejo

Rome, 29 June 2020

Dear Ms Imende,

I am writing to you regarding the issue of long-term procedures for the selection and appointment of Secretaries of Article XIV Bodies. Such consultations, as you are aware, were mandated to the Office of the Independent Chairperson of the FAO Council (ICC) by the Council at its 155th Session in 2016.

In the intervening period, there have been discussions with a view to agreeing the proposed long-term procedures for the selection and appointment of Secretaries.

You will recall that in the case of the Indian Ocean Tuna Commission (IOTC), a small drafting group was established at the 21st Session of the Commission to develop a permanent procedure to appoint the Secretary of the Commission. The small drafting group's proposals were transmitted to the ICC by the IOTC Vice-Chairperson on 7 March 2018 for submission to the then upcoming Session of the Committee on Constitutional and Legal Matters (CCLM) and for feedback and advice from FAO by 12 March 2018. In light of the short deadline, I replied that FAO would not be able to meet the deadline but would provide comments in time for consideration by the Commission at its next Session. I also advised that it would not be possible to transmit the document to the CCLM, in view of the time needed to prepare documents for consideration by the Governing Bodies and bearing in mind that the 106th Session of the CCLM would be taking place from 12 to 14 March 2018; the week after receipt of the IOTC's communication.

However, at its 106th Session, the CCLM was informed of the communication received from the IOTC. Moreover, under cover of a Circular State Letter to Members of the IOTC on 6 April 2018, the FAO Secretariat presented detailed comments as well as its view that the proposed revised procedures did not offer viable solutions to the issues it had previously raised and seemed to reverse the roles clearly expressed in Article VIII (1) of the IOTC Agreement. It also considered that the proposals would introduce a cumbersome selection procedure.

At the IOTC's 23rd Session, it requested its small drafting group to continue consultations with the ICC and report back to the Commission at its 24th Session, scheduled for November 2020. The IOTC also noted that consultations with another Article XIV Body, the International Treaty on Plant Genetic Resources for Food and Agriculture (the Treaty), were underway regarding the suggestion made by the Chairperson of the Treaty to follow the procedure which UNEP uses for the appointment of the Secretary-

Ms Susan Imende Ugandi
Chairperson
Indian Ocean Tuna Commission

General of the CITES Convention. The IOTC noted therefore that any such procedure agreed to in this context would likely be put to the IOTC as a possible proposal.

I would also refer to our meeting on 3 February 2020, in which we had a fruitful discussion on this matter. I recall that at this meeting, you communicated the wishes of the IOTC that their Members be involved in both the interview panel as well as in the creation of the shortlist for interview.

I have since pursued consultations with the Governing Body of the Treaty and would like to take this opportunity to update you on the outcome of those consultations. At the outset I should like to say that the Bureau of the Treaty did not support the UNEP procedure which had been suggested earlier by their Chairperson. Consequently, the Governing Body of the Treaty, at its 8th Session in November 2019, provided guidance to the Bureau on the long-term procedures for the selection and appointment of its Secretary. The procedure outlined in this proposal provided for an interview panel consisting of four representatives of the Article XIV Body and three representatives of FAO. This interview panel would then prepare a shortlist of seven to ten candidates to be interviewed, and would then rank the top five candidates after interview according to FAO standards. The Director-General of the Organization would then appoint a candidate from among this ranked list, and present it to the Governing Body for approval. The full proposed procedure is included in Annex 1 to this letter.

In this context, I have shared with FAO Management the above proposal provided by the Governing Body of the Treaty, and I am pleased to share with you an update from FAO Management on a compromise proposal which I am confident that the Members of the IOTC will view as a positive development because it ensures the participation of representatives of Article XIV Bodies in (a) the shortlisting of candidates for interview and (b) in the interview of these candidates.

The following considerations were taken into account by Management when reflecting on the guidance provided by the Governing Body of the Treaty, and in providing its response:

While Article XIV Bodies enjoy a measure of functional autonomy in implementing their programmes of work, administratively they are integrated with FAO and in FAO, and operate under the framework of FAO, and commit FAO and all of its Members in all their activities, whether or not their programmes of work are funded entirely by their Membership. FAO Management further noted the legal and administrative responsibilities borne by the Organization, and noted that particular attention must be paid to the responsibilities of the Director-General of the Organization and his senior staff when balancing the autonomy of the Article XIV Bodies against the accountability of the Director-General that exists.

The staff of Article XIV Bodies are officials of FAO appointed by the Director-General and subject to the Staff Regulations and Rules of the Organization, and as such, they are accountable to the Director-General. This is confirmed in Article VIII (1) of the Agreement for the Establishment of the IOTC, which provides that the Secretary shall be appointed by the Director-General with the approval of the IOTC. Moreover, it is FAO, and the Director-General as its legal representative, who must address any liabilities arising from the activities of Article XIV Bodies. FAO and the Director-General are compelled to respond to the consequences of shortcomings and deficiencies in the performance or conduct of the Secretaries.

The Director-General's accountability to the Governing Bodies of the Organization under the Financial Regulations applies equally to all funds provided by Members, whether these are assessed contributions to the Regular Programme, voluntary contributions to the Organization's Programme of Work, or contributions to Article XIV Bodies. In light of this, it is Management's view that, when considering the need to balance the functional autonomy of Article XIV Bodies with the legal and administrative responsibilities borne by the Organization for them, particular attention must be given to the responsibilities of the Director-General and his senior staff in this context.

- 3 -

In view of the above considerations, and following careful consideration of the guidance provided by the Governing Body of the Treaty at its 8th Session in November 2019, FAO Management is unable to accept the proposal presented by the Treaty.

FAO Management considers that its initial proposal presented to the CCLM in 2016 (CCLM 103/2) was appropriate and struck a fair balance. However, in the hope that this matter can be brought to a satisfactory close, Management is prepared to go beyond this initial proposal. In this regard, it accepts my compromise proposal which provides for participation by an equal number of representatives of FAO Management and of the Article XIV Body in (i) the interview panel and (ii) in the shortlisting of candidates to be interviewed. The full proposal which foresees two representatives each plus an outside independent member is included in Annex 2 to this letter.

FAO Management believes that this compromise proposal adequately reflects the measure of functional autonomy enjoyed by Article XIV Bodies, while at the same time respecting the Basic Texts of the Organization and the Article XIV treaties.

In light of this development I would be happy to arrange a videoconference call to consult on this matter further. I hope that the compromise proposal is found agreeable, and that a mutually satisfactory solution to this matter will be soon achieved. I look forward to your response.

Yours sincerely,



Khalid Mehboob
Independent Chairperson of the Council

Annex 2: REVISED PROPOSED PROCEDURE FOR THE SELECTION AND APPOINTMENT OF SECRETARIES OF ARTICLE XIV BODIES

- 1) A Vacancy Announcement is drafted by technical departments with support of the Office for Human Resources ("OHR") 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 46 days.
- 3) A first review and screening of candidates is undertaken by OHR 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 the two representatives of the Members of the Article XIV Body to establish a shortlist of candidates for interview. The interview shortlist must contain at least ten candidates, including at least one female candidate.
- 5) An Interview Panel is established, which is composed of:
 - a) The relevant Deputy Director-General or Director (D2);
 - b) One Senior FAO officer;
 - c) Two representatives of the Members of the Article XIV Body;
 - d) One external member; and
 - e) One representative of OHR (for process support).
- 6) Interviews of shortlisted candidates are conducted by the Interview Panel which will prepare a report. The Panel Report will identify a minimum of five qualified candidates, including at least one female candidate. If there is no female candidate, the Panel Report must contain a justification for this omission.
- 7) The Panel Report is submitted for consideration by the Director-General.
- 8) Reference checks are undertaken by OHR and the managerial capabilities of the shortlisted candidates are reviewed by an external company.
- 9) The Director-General identifies one proposed candidate for appointment, whose name and curriculum vitae is referred to the relevant Article XIV Body for approval in accordance with the provisions of the treaty concerned.
- 10) 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 recommended for appointment.
- 11) Upon acceptance, the Director-General appoints the candidate.

Annex 3



Food and Agriculture
Organization of the
United Nations



Indian Ocean Tuna Commission
Commission des Thons de l'Océan Indien

5 August 2020

IOTC REF: IOTC2020-117

Mr Khalid Mehboob
Independent Chairperson of the Council
FAO ROME

Regarding discussions on the selection and appointment of the IOTC Executive Secretary

Dear Mr Mehboob

Thank you for your letter of 29 June 2020 concerning the long-term procedures for the selection and appointment of Secretariat of Article XIV bodies, in particular the proposed procedure annexed to your letter.

I appreciate the effort made by the FAO to understand and accommodate the concerns raised by the Indian Ocean Tuna Commission (IOTC), particularly concerning the shortlisting of candidates and adequate representation on the selection panel.

The Commission will hold its annual meeting from 2-6 November 2020 by virtual means. This will be next opportunity for the Commission to discuss this matter. However, as I am sure you can appreciate, given the constraints of a virtual meeting format, it is essential that I maximise the Commission's time effectively and find ways to focus the discussion in this extraordinary situation.

In this regard, I have reviewed your proposal and would welcome clarification on certain elements that I anticipate that Commission Members may query:

1. What is the rationale for a minimum of one female candidate referred to in paragraphs (4) and (6) of your proposed procedure? I note the UN has made a commitment to gender equity. Does the FAO have a non-discrimination policy to ensure that recruitment is undertaken in a way that promotes gender equity?
2. What happens if there are fewer than 10 shortlisted candidates? Will the process be repeated? It would be useful to know the rationale for increasing the shortlisted candidates from 7 candidates (as described in Annex 1) to 10 candidates, particularly if it is difficult to find 10 meritorious candidates.
3. Does the representative from OHR take part in the shortlisting process? It would be useful to have clarity on the role and function of this representative and the rationale for their formal inclusion in the panel.
4. Does the FAO intend to have any role in selecting the representatives of the Article XIV body, or would the IOTC Commission have this exclusive right?
5. What background and skills would the external member referred to in paragraph 5(d) be expected to have? What would their role be and how would this person be selected? I understand, based on earlier dialogues, that the external member will be jointly selected by the FAO and the IOTC Commission. It would be useful if this could be explicit in the procedure.
6. It would be useful to have clarity on why the ranking of shortlisted candidates (proposed in Annex 1) was not considered for inclusion in the FAO proposal in Annex 2.
7. I understand that referee checks and the 'managerial capabilities' test are an ordinary element of D1 recruitment within the FAO, and the results of these are only generally made available to the DG and not the Interview Panel. Is the process the FAO has described in Annex 2 consistent with the FAO's ordinary recruitment practices? It is not clear to how the outcomes of this process would be used, and the proposal would benefit from being explicit in this respect. It would also be useful to explore whether this step could be undertaken prior to the shortlisting process outlined in paragraph 4 as

Le Chantier Mall – PO Box 1011| Victoria, Seychelles | Tel: +248.4225.494 | IOTC-Secretariat@fao.org | www.iotc.org

Page 1 of 2

the interview panel would benefit from having this information available to them during the shortlisting process.

8. What would the situation be if the candidate chosen by the FAO Director-General is not approved by the IOTC, and the IOTC was then left without an Executive Secretary? It would be difficult to meet our organisation objectives without an Executive Secretary in place.

More broadly, in addition to the clarification above which would be gratefully received, it would be useful to reach a common understanding on the terms 'appoint' or 'appointment', and whether to not 'appointment' can reasonably include 'selection' as we work to resolve our understanding of the FAO and IOTC Commission's respective roles in the Executive Secretary recruitment process.

I welcome your clarification on the above matters by 24 August 2020 please to ensure the IOTC has sufficient time to consider this matter. Once received, I will transmit a copy of your proposal and your additional clarifications to the IOTC Commission for its consideration.

I look forward to our continued engagement with the FAO and bringing this important matter to a successful conclusion.

Yours sincerely



Susan Imende-Ungadi
IOTC Chairperson

Annex 4

منظمة
الأغذية والزراعة
للأمم المتحدة

联合国
粮食及
农业组织

Food and Agriculture
Organization of the
United Nations



Organisation des
Nations Unies pour
l'alimentation et
l'agriculture

Продовольственная и
сельскохозяйственная
организация
Объединенных Наций

Organización de las
Naciones Unidas para la
Alimentación y la
Agricultura

Viale delle Terme di Caracalla, 00153 Rome, Italy

Fax: +39 0657053152

Tel: +39 0657051

www.fao.org

Our Ref:

Your Ref:

الرئيس المستقل للمجلس
理事会独立主席
Independent Chairperson of the Council
Président indépendant du Conseil
Независимый Председатель Совета
Presidente Independiente del Consejo

Rome, 22 August 2020

Dear Ms Imende,

I am writing to you regarding your letter of 5 August 2020 and your request for clarification on the revised proposed procedure for selection and appointment of the Secretaries of Article XIV bodies.

I am happy to transmit herewith some clarifications provided in reply to your questions.

1. **Question:** What is the rationale for a minimum of one female candidate referred to in paragraphs (4) and (6) of your proposed procedure? I note the UN has made a commitment to gender equity. Does the FAO have a non-discrimination policy to ensure that recruitment is undertaken in a way that promotes gender equity?

Response: The presence of at least one female candidate in the interview shortlist was intended to ensure a minimum presence of female candidates for consideration. (experience has shown that female applicants for such positions were low in number, but if preferred the reference to one female candidate can be deleted.. It is however at the full discretion of the panel to include any higher number of female candidates, if they deem it appropriate.

FAO is committed to gender equality and women's empowerment as a key strategy to enhance the efficiency, relevance and impact of FAO's work. Director-General's Bulletin "FAO's Accountability and Commitment to Gender Equity" (No. 2020/07) was issued on 8 March 2020.

2. **Question:** What happens if there are fewer than 10 shortlisted candidates? Will the process be repeated? It would be useful to know the rationale for increasing the shortlisted candidates from 7 candidates (as described in Annex 1) to 10 candidates, particularly if it is difficult to find 10 meritorious candidates.

Response: I note your point, which has merit from a pragmatic perspective. We could consider a range between seven and ten best qualified candidates who meet the requirements of the vacancy

Ms Susan Imende Ugandi
Chairperson
Indian Ocean Tuna Commission

announcement would be shortlisted, with the number of candidates within that range to be determined by the panel.

3. **Question:** Does the representative from OHR take part in the shortlisting process? It would be useful to have clarity on the role and function of this representative and the rationale for their formal inclusion in the panel.

Response: The role of the OHR representative is exclusively to offer administrative and organizational support to the selection panel and he or she would have no role neither in interviewing nor in assessing candidates.

4. **Question:** Does the FAO intend to have any role in selecting the representatives of the Article XIV body, or would the IOTC Commission have this exclusive right?

Response: This would be a matter for the members of the IOTC only. The representatives of the Article XIV body on the panel would be selected by the members of the Body. Their names would be communicated to FAO.

5. **Question:** What background and skills would the external member referred to in paragraph 5(d) be expected to have? What would their role be and how would this person be selected? I understand, based on earlier dialogues, that the external member will be jointly selected by the FAO and the IOTC Commission. It would be useful if this could be explicit in the procedure.

Response: The external member of the selection panel will not represent either IOTC or FAO, and would not be an employee of either. He or she would be a Senior Official with experience in managerial matters in international organizations.

6. **Question:** It would be useful to have clarity on why the ranking of shortlisted candidates (proposed in Annex 1) was not considered for inclusion in the FAO proposal in Annex 2.

Response: The shortlisted candidates should all be sufficiently qualified for the role and appointable to the position. Upon completion of the interviews, the Panel will prepare the Interview Panel Report with recommended shortlisted candidates in alphabetical order - not in ranking order. However, when the Interview Panel Report is prepared, its overall assessments of individual candidates included in the shortlist uses suitable language to draw attention to any particular background, experience, skills and competencies of the top shortlisted candidates.

7. **Question:** I understand that referee checks and the 'managerial capabilities' test are an ordinary element of D1 recruitment within the FAO, and the results of these are only generally made available to the DG and not the Interview Panel. Is the process the FAO has described in Annex 2 consistent with the FAO's ordinary recruitment practices? It is not clear to how the outcomes of this process would be used, and the proposal would benefit from being explicit in this respect. It would also be useful to explore whether this step could be undertaken prior to the shortlisting process outlined in paragraph 4 as the interview panel would benefit from having this information available to them during the shortlisting process.

Response: In line with FAO procedures for recruitment, reference checks for candidates who might be considered for a position in the Organization are conducted. It is most common for the reference checking to be done after the interviews, in order to not create expectations for the candidates who are to be interviewed. Reference checks are only done at the final stage of the selection process once the top candidates for the position are identified by the Interview Panel and agreed by the Director-General. The reference checking is conducted with absolute

confidentiality and is not to be released to anyone. These are only for submission to FAO's senior management for assisting with appointment decisions.

In this respect, please note that the managerial capabilities test has recently been discontinued.

8. **Question:** What would the situation be if the candidate chosen by the FAO Director-General is not approved by the IOTC, and the IOTC was then left without an Executive Secretary? It would be difficult to meet our organisation objectives without an Executive Secretary in place.

Response: As stated in point 10 of the revised proposed procedure, "Should there be non-approval, the Director-General will propose to the Body another candidate recommended for appointment." The Panel Report would identify a minimum of five candidates as suitable for the position, as specified in the procedure in Annex 2, from which the Director-General would select the second candidate recommended for appointment by the Body.

Please also note that paragraph 2 of Annex 2 specified the vacancy announcement posting period of 46 days. This has been reduced to 30 days under relevant policies of the Organization.

I hope the clarifications presented here are useful. I remain at your disposal for further clarifications and questions that may arise after the proposed procedure has been considered by the IOTC Members.

Yours sincerely,



Khalid Mehboob
Independent Chairperson of the Council

Annex 5

منظمة
الغذية والزراعة
للأمم المتحدة

联合国
粮食及
农业组织

Food and Agriculture
Organization of the
United Nations



Organisation des
Nations Unies pour
l'alimentation et
l'agriculture

Продовольственная и
сельскохозяйственная
организация
Объединенных Наций

Organización de las
Naciones Unidas para la
Alimentación y la
Agricultura

Viale delle Terme di Caracalla, 00153 Rome, Italy

Fax: +39 0657053152

Tel: +39 0657051

www.fao.org

Our Ref:

Your Ref:

الرئيس المستقل للمجلس

理事会独立主席

Independent Chairperson of the Council

Président indépendant du Conseil

Независимый Председатель Совета

Presidente Independiente del Consejo

Rome, 7 October 2020

Dear Ms Imende,

I am writing to you regarding the issue of long-term procedures for the selection and appointment of Secretaries of Article XIV Bodies. In particular, I would like to provide clarification regarding your question sent to me on 27 August 2020 via email, in relation to the external member referred to in paragraph 5(d) of the compromise proposal under discussion.

Following discussion with the FAO Human Resources Division (CSH), I can confirm that the established procedure for selecting the external member of an interview panel for senior-level positions is by the respective Deputy Director-General, in consultation with the hiring unit, who identifies the external member. This candidate is then submitted for approval by the Director-General.

However, I would like to propose an adjustment to the current compromise procedure in relation to the external member of the Interview Panel, which I believe would satisfy any concerns of the IOTC membership. I propose that the external member on the Interview Panel would only be included should the Interview Panel itself feel the need for this external member. In this case, the Interview Panel would request FAO Human Resources Division to suggest two or three names and the Panel would then pick one of these candidates to serve as the external member on the Panel.

I am looking forward to further consultations with you on this matter.

Yours sincerely,

Khalid Mehboob

Independent Chairperson of the Council

Ms Susan Imende Ugandi
Chairperson
Indian Ocean Tuna Commission

Annex 6

منظمة
الغذية والزراعة
للأمم المتحدة

联合国
粮食及
农业组织

Food and Agriculture
Organization of the
United Nations



Organisation des
Nations Unies pour
l'alimentation et
l'agriculture

Продовольственная и
сельскохозяйственная
организация
Объединенных Наций

Organización de las
Naciones Unidas para la
Alimentación y la
Agricultura

Viale delle Terme di Caracalla, 00153 Rome, Italy

Fax: +39 0657053152

Tel: +39 0657051

www.fao.org

Our Ref.:

Your Ref.:

الرئيس المستقل للمجلس
理事会独立主席

Independent Chairperson of the Council
Président indépendant du Conseil
Независимый Председатель Совета
Presidente Independiente del Consejo

Rome, 26 October 2020

Dear Ms Imende,

I am writing to you regarding the issue of long-term procedures for the selection and appointment of Secretaries of Article XIV Bodies.

I am pleased to attach a document which responds to the questions raised by the Chairperson of the Indian Ocean Tuna Commission (IOTC) Small Drafting Group during our meeting. The document provides some clarifications with regard to the role of the Director-General in the proposed procedure, in accordance with the Basic Texts of the Organization. Clarifications are also provided with regard to reference checks and FAO's gender policy in line with the Organization's established procedures for the recruitment of senior level officials of the Organization. Moreover, I will be transmitting to you tomorrow the Summary Record of our videoconference meeting held on 20 October 2020.

In addition, a revised proposed procedure for the selection and appointment of Secretaries of Article XIV Bodies is included, which has been adjusted in light of the concerns of IOTC Members. It is my hope that the document providing clarifications on the procedure, as well as the revised proposed procedure, will be useful for the IOTC to conduct its internal consultations and to make an informed decision on this issue during its 24th Session to be held on 2 to 6 November 2020.

Finally, I would like to reiterate my willingness to be present at the Commission's 24th Session to provide any clarifications necessary to the proposed procedure under discussion.

I would like to express my appreciation for your availability to engage in consultations regarding the long-term procedures for the selection and appointment of Secretaries of Article XIV Bodies, and I am looking forward to participating in the IOTC's upcoming Session in November.

Yours Sincerely,

Khalid Mehboob
Independent Chairperson of the Council

Ms Susan Imende Ugandi
Chairperson
Indian Ocean Tuna Commission

Procedures for the selection and appointment of Secretaries of Article XIV Bodies

Questions communicated by the Chairperson of the Small Drafting Group of the Indian Ocean Tuna Commission (IOTC) on 20 October 2020, including responses by the FAO Secretariat

1. Why is the IOTC removed from taking part in reference checks in the proposed procedure under consideration?

The review of a candidate's background and references is a professional support function and necessarily carried out by a Human Resources Division which has experience in carrying out this administrative support role. This is in line with established FAO procedure for the recruitment of senior level vacancies at the Organization in which the Human Resources Division of FAO screens applicants before submitting a list of candidates to the relevant Deputy Director-General. This is a standard in both the FAO and the United Nations in general whereby initial screening of candidates is undertaken by a Human Resources division, which is mandated to receive and manage confidential personnel information.

2. Regarding paragraphs 9-11 of the proposed procedure, can you provide an explanation for the role of the Director-General in the procedure?

Paragraphs 9-11 of the proposed procedure reads as follows:

"9) The Director-General identifies one proposed candidate for appointment, whose name and curriculum vitae is referred to the relevant Article XIV Body for approval in accordance with the provisions of the Treaty concerned.

10) 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 recommended for appointment.

11) Upon acceptance, the Director-General appoints the candidate."

These provisions of the proposed procedure ensure that the legal provisions of the Basic Texts of the Organization and the relevant treaties, establishing the accountability of the Director-General to Article XIV Bodies and the FAO Governing Bodies, are adhered to.

The Basic Texts of FAO explicitly require that the Director-General of FAO appoint Secretaries of Article XIV Bodies. The Appendix to Resolution No. 46/57 set out in Section O of the Basic Texts of the Organization sets out the provisions that the relevant establishing instruments must include. Paragraph 32 (iii) specifies that *"the Secretary of each body shall be appointed by the Director-General and shall be administratively responsible to him..."* This is a mandatory requirement and, in the case of bodies which have autonomous budgets, *"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"*. In the case of the IOTC Agreement, this mandatory requirement is reflected as follows *"The Secretary of the Commission (hereinafter referred to as the "Secretary") shall be appointed by the Director-General with the approval of the Commission, or in the event of appointment between regular sessions of the Commission, with the approval of the Members of the Commission"*.

The provision that the Director-General appoints the Secretaries of Article XIV Bodies derives from the heavy burden of accountability of the Director-General with respect to the activities of these Bodies. According to the Basic Texts, the Director-General must report to the Governing Bodies of the

Organization on the operations of Article XIV Bodies. All expenditures of Bodies must be reflected in the financial statements of the Organization which are submitted to the Conference. Similarly, the Director-General must report to the FAO Governing Bodies on any recommendations of the Article XIV Bodies with policy implications which affect the programme or finances of Organization. The Basic Texts require that Article XIV Bodies are governed by the provisions of the Financial Regulations of the Organization and the Director-General is personally accountable to the Conference on the implementation of these Financial Regulations. As such, Article XIV Bodies are intrinsically part of the governance structure of the Organization, under which the Director-General is accountable to the FAO Governing Bodies. The critical role in the appointment of the Secretaries of the Director-General also derives from the Director-General's role as the legal representative of the Organization, bearing in mind that all legal actions of Article XIV Bodies and their legal personality derive solely from the Organization. Secretaries of Article XIV Bodies – employed as staff members of FAO – exercise authority delegated by the Director-General to administer and manage the secretariats and all the operations of these Bodies. All legal instruments are concluded for Article XIV Bodies in the name of FAO. Thus, the Director-General, as the legal representative of FAO, bears the full legal responsibilities arising from any binding legal arrangement which Article XIV Bodies may enter into, including contracts with service providers and with personnel. For the same reasons, it is the Director-General who is legally responsible for addressing any grievances of, and any misconduct by, the personnel of Article XIV Bodies. It is also the Organization which addresses any contractual disputes with providers of goods and services.

As such, it is necessary that the provisions in the Basic Texts and relevant treaties establishing that Director-General appoints the Secretaries of Article XIV Bodies be upheld. The last amendments to the proposed procedure reflect the greatest flexibility that can be achieved in light of these mandatory requirements.

3. Regarding the number of candidates which the Interview Panel submits to the Director-General:

- a) Why is there a need for the provision concerning the minimum of one female candidate? Is this standard FAO procedure?
- b) A larger number of candidates submitted by the Interview Panel to the Director-General would entail a greater margin of discretion by the Director-General. Is it possible to adjust the procedure to ensure that a fewer number of candidates are proposed by Interview Panel to the Director-General through the proposed procedure?

In FAO's procedure for the recruitment of senior level positions within the Organization, and in line with its Policy on Gender Equality, a provision is included in preparing the list of candidates to be interviewed where "due regard is given to gender and geographical balance". Furthermore, in cases where such balance has not been achieved, justification should be provided in the Panel Report. The requirement for gender balance is furthermore applied to both the shortlist of candidates to be interviewed, as well as the shortlist of candidates proposed to the Director-General.

In addition, the procedure may be adjusted to provide both a minimum and maximum number of candidates which the Interview Panel proposes to the Director-General to respond to the concerns of IOTC Members.

It is therefore proposed to adjust the language of paragraph 6, and the addition of a new paragraph 7, of the procedure for the selection and appointment of Secretaries of the IOTC, as follows:

"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, with due regard to gender balance.

7) Both the shortlisted candidates for interview as well as the three to five candidates submitted to the Director-General shall be compiled with due regard to gender and geographic balance, in line with the policy of the Organization. If such balance cannot be achieved, the Panel Report must contain a justification for this."

4. Regarding the external member, Members are in favour of the proposal in which the external member is included on the Interview Panel only if the Interview Panel itself considers it necessary. Is this still possible?

The inclusion of the external member in the Interview Panel ensures a level of independence and transparency in the procedure and is a standard procedure in FAO's recruitment practices for senior level vacancies. This external member is an independent expert invited to complement the Panel's technical expertise in the appropriate field. The inclusion of an external member is therefore considered a very important element in ensuring the integrity and professionalism of the selection process. This external member would have no relationship to FAO or the IOTC, in order to ensure complete independence and impartiality. It is proposed that the Human Resources Division, guided by the requirements in the Vacancy Announcement, provide two or three names from which the Interview Panel would select the external member on the Panel.

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

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.
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 the two representatives of the Members of the Article XIV Body to establish a shortlist of candidates for interview. The interview shortlist must contain at least ten candidates.
5. An Interview Panel is established, which is composed of:
 - a) the relevant Deputy Director-General or Director (D2);
 - b) one Senior FAO officer;
 - c) two 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 (for process support).
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.
7. Both the shortlist of candidates for interview as well as the three to five candidates submitted to the Director-General be 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.
8. The Panel Report is submitted for consideration by the Director-General.
9. Reference checks are undertaken by CSH.
10. The Director-General identifies one proposed candidate 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.
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 recommended for appointment.
12. Upon acceptance, the Director-General appoints the candidate.