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COUNCIL

Hundred and Sixty-eighth Session

29 November-3 December 2021

Report of the 114th Session of the Committee on Constitutional and Legal Matters (26 November 2021)

Executive Summary

The Committee on Constitutional and Legal Matters (CCLM) brings to the attention of the Council its findings and recommendations on the:

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

Suggested action by the Council

The Council is requested to approve the revised Procedure for the selection and appointment of Secretaries of Bodies established under Article XIV of the FAO Constitution as set out in **Annex I** of this Report.

Queries on the substantive content of this document may be addressed to:

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I. Introduction

1. The Hundred and Fourteenth Session of the Committee on Constitutional and Legal Matters (CCLM) was held on 26 November 2021.
2. The Session, open to silent observers, was chaired by Ms Alison Storsve, who welcomed all the participants.
3. The following Members joined the Session:
 - Ms Lamia Ben Redouane (Algeria)
 - Ms Julie Émond (Canada)
 - H.E. Ms Mónica Robelo Raffone (Nicaragua)
 - Ms Nina P. Cainglet (Philippines)
 - Ms Zora Weberová (Slovakia)
4. The following Members did not join the Session: H.E Mr Khaled Ahmad Zekriya (Afghanistan) and Mr Esala Nayasi (Fiji).
5. The Session was convened in virtual modality, with all Members participating virtually, on an exceptional basis, taking into account that only one item was submitted to the CCLM's review and due to the COVID-19 pandemic and associated public health concerns.
6. The CCLM followed the modalities applied to the CCLM 110th Session, as reflected in the Note from the Chair (Annex 1 to CL 164/2), and agreed to suspend the rules that may be incompatible with the virtual setting, in accordance with Rule VII of the Rules of Procedure.

II. Item 1: Opening of the Session and Adoption of the Agenda (CCLM 114/1)

7. The CCLM Members took note of the arrangements for the Session and approved its Agenda.

III. Item 2: Procedure for the Selection and Appointment of Secretaries of Bodies established under Article XIV of the FAO Constitution (CCLM 114/2)

8. The CCLM considered document CCLM 114/2 "*Procedure for the Selection and Appointment of Secretaries of Bodies established under Article XIV of the FAO Constitution*".
9. It commended the Independent Chair of the Council for the extensive informal consultations conducted and, noting the consensus reached with the three Article XIV Bodies concerned and FAO Management on a long-term procedure for the selection and appointment of Secretaries of Article XIV Bodies, welcomed the resolution of the matter.
10. The CCLM considered that the Procedure set out in **Annex 1** to this Report, as amended, is consistent with the Basic Texts of the Organization.
11. The Committee recommended that the Council endorse the proposed Procedure for the selection and appointment of Secretaries of Article XIV Bodies set out in **Annex I** to this Report.
12. The Committee, while noting this observation was not a strictly legal or constitutional matter, suggested that the Council encourage the Article XIV bodies to be ambitious in recruiting to reflect gender parity in the practical implementation of this revised Procedure.

IV. Item 3: Any other matters

13. No other matter was raised under this item.

Annex I**Revised proposed procedure for the selection and appointment of Secretaries of Article XIV Bodies¹**

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.²
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 other Interview Panellists 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 for appointment one candidate, from the proposed candidates identified in the Panel Report, 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.

¹ Annex I to CL 168/17.

² [Unless the Article XIV Body requests for a longer period up to maximum 45 days].

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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.