

166th Session of the Council

Selection and Appointment of Secretaries of Article XIV Bodies

The Council at its 165th Session requested that I continue my consultations regarding the long-term procedures for the selection and appointment of Secretaries of Article XIV Bodies. The Council also requested that a document be submitted to the 166th Session of the Council, which outlines areas where consensus cannot be reached and including information on alternative proposals made. Document CL 166/18 responds to this request and provides information on my consultations with the three Article XIV Bodies concerned: the Agreement for the Establishment of the Indian Ocean Tuna Commission (“IOTC” or “the Commission”), the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA) and the Agreement for the Establishment of a General Fisheries Commission for the Mediterranean (GFCM).

As noted in my Interim Report to the 165th Session of the Council (CL 165/INF/7), I communicated my compromise proposal (Annex 1 of CL 166/18) to the Chairpersons of the three Article XIV Bodies concerned in June 2020. I have since held numerous consultations with the Article XIV Bodies through videoconference meetings with the Chairpersons, through correspondence and through attending Governing Body Sessions of the Article XIV Bodies which discussed this matter. As the document before the Council reflects, I have also been in close consultation with FAO Management to ascertain points of consensus on the procedure for the selection and appointment of Article XIV Bodies.

In particular, I would like to highlight some positive progress made since the last Session of the Council. In January this year, I contacted the three Chairpersons of the concerned Article XIV Bodies, informing of the decision of the 165th Session of the Council and inviting them to discuss the compromise proposal in separate videoconference meetings. I held meetings with all three Chairpersons in January and February 2021, pointing to the request of the Council to be presented with information regarding areas where consensus cannot be reached and information on alternative proposals made. As such, I urged that specific areas of concern be identified and communicated in order to present to the Council, at its 166th Session, with the necessary document and to move forward the consultations.

Moreover, in the context of these negotiations, I am pleased to report progress on the identification of a long-term procedure for the selection and appointment of the Secretary of the IOTC. As outlined in paragraphs 13-16 in document CL 166/18, three specific areas of concern were identified as requiring further consultation between the FAO and the IOTC, while the remainder of the revised proposed procedure was considered agreed upon between the parties. Following the IOTC’s letter of 2 March 2021, requesting further clarifications on the three points identified, I informed the Chairperson of the IOTC in a letter dated 27 March 2021 of FAO Management’s agreement to two adjustments to the proposed procedure; (i) the addition of a written statement by the Director-General confirming that reference checks have been undertaken once a candidate is identified and referred to the IOTC; and (ii) the increase of representatives of FAO and the IOTC, respectively, in the Selection and Interview Panel from two to three.

In addition, a virtual consultation with the Contracting Parties of the GFCM is scheduled to take place in April 2021 in order to identify specific areas of concern regarding the revised proposed procedure under consultation. Finally, the ITPGRFA has held further internal consultations among its Bureau and the Chairperson of the Treaty has assured that they are in the final stages of consultations and that a formal response will be provided at the earliest possible opportunity.

The Committee on Constitutional and Legal Matters, at its 112th Session, looked forward to prompt resolution of this matter in the upcoming consultations of the ICC and confirmed its readiness to hold an additional Session to be able to bring the matter to a closure at the next Council Session (CL 166/11, paragraph 12). The Council is invited to review the document CL 166/18, and to provide conclusive guidance on the matter in order to bring it to a closure.

Mr Khalid Mehboob, Independent Chairperson of the Council