



PROTOCOL
TO ELIMINATE
ILLCIT TRADE IN
TOBACCO PRODUCTS

**MEETING OF THE PARTIES TO THE PROTOCOL
TO ELIMINATE ILLICIT TRADE IN TOBACCO PRODUCTS**

**FCTC/MOP/3/14
22 June 2023**

**Third session
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Provisional agenda item 7.7**

Appointment of the Head of the Convention Secretariat

Report by the Bureau

Purpose of the document

The present report contains the joint recommendations of the Bureau elected by the Ninth session of the Conference of the Parties to the WHO Framework Convention on Tobacco Control (WHO FCTC) and the Bureau elected by the Second session of the Meeting of the Parties to the Protocol to Eliminate Illicit Trade in Tobacco Products to improve the process of appointment of the Head of the Convention Secretariat, in accordance with decisions FCTC/COP9(9) and FCTC/MOP2(9).

Action by the Meeting of the Parties

The Meeting of the Parties is invited to note the present report and consider adopting the annexed draft decision.

Contribution to the Sustainable Development Goals (SDGs): All SDGs; in particular SDG 3 and Target 3.a as well as SDG 16.

Link to Workplan and Budget item: None.

Additional financial implications if not included in the Workplan and Budget: None.

Related document(s): FCTC/COP/10/23; Rules of Procedure of the Meeting of the Parties to the Protocol to Eliminate Illicit Trade in Tobacco Products.

BACKGROUND

1. The present report was prepared by the Bureau of the Conference of the Parties (COP) to the WHO Framework Convention on Tobacco Control (WHO FCTC) and the Bureau of the Meeting of the Parties (MOP) to the Protocol to Eliminate Illicit Trade in Tobacco Products in accordance with decisions FCTC/COP9(9) and FCTC/MOP2(9). The decisions mandated the Bureaus to further consider the reports FCTC/COP/9/18 and FCTC/MOP/2/13 (prepared pursuant to decisions FCTC/COP8(8) and FCTC/MOP1(12)), and to agree on joint recommendations to improve the appointment process of the Head of the Convention Secretariat, to be reported to the Tenth session of the Conference of the Parties (COP10) and the Third session of the Meeting of the Parties (MOP3) to the Protocol.

2. The present report contains joint recommendations by the Bureau elected by the Ninth session of the COP (COP9) and the Bureau elected by the Second session of the MOP (MOP2) in relation to:

(a) proposed amendments to the process of selection and appointment of the Head of the Convention Secretariat and criteria for the selection of candidates for the position of Head of the Convention Secretariat, taking into account recommendations made by the Bureau elected by the Eighth session of the COP (COP8) and the Bureau elected by the First session of the MOP (MOP1) in reports FCTC/COP/9/18 and FCTC/MOP/2/13;

(b) proposed amendments to improve the process of appointment of the Head of the Convention Secretariat by permitting a single renewal of term of the Head of the Convention Secretariat, under a less cumbersome process and with appropriate and favourable performance evaluation, which could apply with immediate effect (should the proposed decisions be adopted by COP10 and MOP3); and

(c) recommendations to facilitate the process of selection and appointment of the Head of the Convention Secretariat.

3. In addition, the present report provides updates on the evaluation of the current Head of the Convention Secretariat (whose mandate expires on 1 March 2024) and on the recruitment of the Head of the Convention Secretariat (for a four-year mandate to begin 1 March 2024), while ensuring confidentiality of data.

4. A draft decision reflecting possible amendments to improve the process of appointment of the Head of the Convention Secretariat and for the single renewal of the term of office is annexed to the present report.

JOINT RECOMMENDATIONS TO IMPROVE THE PROCESS OF SELECTION AND APPOINTMENT OF THE HEAD OF THE CONVENTION SECRETARIAT

Amendments pursuant to reports FCTC/COP/9/18 and FCTC/MOP/2/13

5. The COP9 and MOP2 Bureaus took note of and further considered the concerns and recommendations that were highlighted in reports FCTC/COP/9/18 and FCTC/MOP/2/13. Those reports, prepared by the COP8 and MOP1 Bureaus pursuant to decisions FCTC/COP8(8) and FCTC/MOP1(12), contained recommendations based on: (a) the experience gained and comments received from Parties intersessionally; and (b) any other matters that should be considered for future appointments.

6. The COP9 and MOP2 Bureaus recommend that the following changes be incorporated in a revised process of selection and appointment of the Head of the Convention Secretariat:

- (a) *equal status of the Bureaus of the COP and of the MOP in the process*: articulate the role of the Bureau of the MOP as one of an equal decision-maker rather than one of consultation;
- (b) *second suitable candidate*: recommend the first two candidates, in order of priority, should it be necessary to resort to a second candidate;
- (c) *observers*: clarify that these are the Regional Coordinators, not Members of MOP Bureau;
- (d) *transparency*: clarify that Regional Coordinators will inform Parties in respect of the selection and appointment process, respecting confidentiality, and that the schedule and content of the information to be shared are to be validated by the Bureaus;
- (e) *selection criteria*: clarify that the criteria articulated in decisions FCTC/COP8(8) and FCTC/MOP1(12) are “provisional”, and should be refined to include Protocol elements; and
- (f) *due diligence*: screen candidates not only in relation to Article 5.3 of the WHO FCTC, but also in relation to other commercial interests related to the implementation of the Protocol.

7. In relation to the selection criteria, the COP9 and MOP2 Bureaus recommend that:

- (a) these be categorized according to whether they should be assessed as “documentary criteria” or “criteria to be evaluated during an interview”, permitting flexibility for criteria to be included in both categories;
- (b) specific background and knowledge in tobacco control be required;
- (c) expert knowledge of English, as one of the six official languages of the World Health Organization (WHO), be required, and that intermediate knowledge of a second official language be desired;
- (d) reference be added to ensure that the ability of candidates to protect the Convention and the Protocol extends to vested interests of economic and commercial actors whose main business is related to implementation of the Protocol; and
- (e) editorial changes be made to ensure the consistency of the criteria with the terms of the job description for advertisement of the post by WHO.

8. The Office of the Legal Counsel of WHO has confirmed that these recommendations could be procedurally accommodated in a WHO-supported recruitment process.

Amendments to streamline the procedure for a single renewal of the term of office of the Head of the Convention Secretariat

9. At their first joint meeting, the COP9 and MOP2 Bureaus agreed that it would be advisable to explore the possibility of introducing a process for renewal of a single term of office for the Head of the Convention Secretariat that was less burdensome than the full recruitment process currently required

pursuant to decisions FCTC/COP8(8) and FCTC/MOP1(12), but that was nonetheless dependent on a favourable performance evaluation.

10. After the exploration of good practice in relation to the renewal of the mandate of the Director-General of WHO and similar positions in other United Nations agencies, and following consultations with WHO on the matter, the Bureaus agreed that the most analogous example was found in the United Nations Environment Programme (UNEP).

11. UNEP administers or provides secretariat functions for 15 multilateral environmental agreements and 20 entities, including conventions and their protocols. A recent example could be considered a suitable one: the extension of the term of office of the Executive Secretary of the Convention on Biological Diversity (CBD). Based on a decision of the Conference of the Parties to the CBD, and in alignment with United Nations recruitment rules and procedures, the Bureau makes a recommendation to the Executive Director of UNEP for the reappointment of the Executive Secretary prior to the end of her/his term of office. During this process, the Executive Director of UNEP and the President of the Conference of the Parties to the CBD engage in consultations, including with the Bureau of the Conference of the Parties to the CBD. The President of the Conference of the Parties to the CBD then formally communicates the result in writing to the UNEP Executive Director, following which the reappointment of the Executive Secretary is recommended to the Executive Director of UNEP, and is ultimately confirmed by the United Nations Secretary-General.

12. The Bureaus agreed that the above example would be suitable for the appointment of the Head of the Convention Secretariat for the WHO FCTC and the Protocol, provided that:

- (a) the process for appointment of the Head of the Convention Secretariat, including a single renewal of a term of office, is agreed by the COP and by the MOP;
- (b) the process would preserve the role of the COP and MOP Bureaus to make a recommendation, through the COP and MOP Presidents, to the Director-General of WHO, who would make the appointment;
- (c) the process would remain transparent and objective; and
- (d) the process would continue to respect WHO rules regarding recruitment and performance.

13. The Bureaus thus recommend that the process of appointment of the Head of the Convention Secretariat be amended to specify that the term of office of the Head of the Convention Secretariat shall be for a period of four years, with the possibility of a single renewal for a further four years following an appropriate and favourable performance evaluation of the incumbent Head of the Convention Secretariat and a joint recommendation for renewal to the Director-General of WHO by the Bureau of the COP and the Bureau of the MOP. The Bureaus further recommend that the amendment apply with immediate effect, should COP10 and MOP3 decisions be adopted.

14. WHO has confirmed that the proposed approach is in keeping with WHO Staff Regulations and Rules.

Facilitating the implementation of the process of selection and appointment of the Head of the Convention Secretariat

15. The Bureaus also considered practical elements to facilitate the implementation of the process of selection and appointment of the Head of the Convention Secretariat, without additional amendment of the process, and recommend that:

- (a) balanced representation of Members of the COP and MOP Bureaus on the selection panel be ensured (for example, six in total, with three COP and three MOP Bureau Members, including the two Presidents, and seeking to achieve equitable representation of WHO regions), as agreed jointly by the Bureaus;
- (b) language skills be assessed before the selection of the shortlist of no more than six candidates, using documentation and additional relevant means;
- (c) due diligence in relation to Article 5.3 of the WHO FCTC and other commercial interests related to the implementation of the Protocol, and other selection criteria, as well as any background and reference checks, be conducted early in the process and, in any event, before the submission of the shortlist of candidates to the selection panel;
- (d) a declaration of interest be required of all shortlisted candidates in keeping with the forms required of the Convention Secretariat and in accordance with WHO practice;
- (e) confidentiality and declaration of interest documents be signed by all participants in or observers to the selection process of the Head of the Convention Secretariat;
- (f) means to receive input from observers be developed by the selection panel in order to facilitate the task of the selection panel in taking note of comments made by observers; and
- (g) the content and timing of the information to be shared with Parties by the Regional Coordinators be determined by the selection panel (prior to validation by the Bureaus); and that a note containing that information could be distributed to the Regional Coordinators.

16. WHO has confirmed that these recommendations are in keeping with WHO Staff Regulations and Rules.

THE EVALUATION OF THE HEAD OF THE CONVENTION SECRETARIAT

17. Considering that the term of office of the current Head of the Convention Secretariat expires on 1 March 2024, an evaluation of performance of the Head was undertaken. Pursuant to decision FCTC/COP7(15), the Head of the Convention Secretariat must be evaluated in respect of the delivery of treaty and technical activities by a panel composed of the Members of the Bureau in office and of the immediately preceding Bureau, and by the Director-General of WHO in respect of administrative and staff management matters (and technical activities as appropriate). The COP9 and MOP2 Bureaus agreed to use that approach for the evaluation of the performance of the Head of the Convention Secretariat in respect of both treaties.

18. Following the procedure established by FCTC/COP7(15), the COP and MOP Bureaus would submit their performance evaluation report to the Director-General of WHO, who appoints the Head of the Convention Secretariat following the recommendation of the Bureaus, in accordance with the Rules

of Procedure of the COP and of the MOP, decision FCTC/COP1(10), and subsequent decisions of the COP and MOP.

19. In keeping with decision FCTC/COP7(15) and past practice, at the time of drafting the present report the Bureaus are conducting the evaluation based on:

(a) a matrix containing the evaluation of performance of the Head of the Convention Secretariat by the Members of the COP9, COP8, MOP2 and MOP1 Bureaus;¹ and

(b) an interview conducted by six designated Members of the COP9, COP8, MOP2 and MOP1 Bureaus.

20. An evaluation report by the COP9, COP8, MOP2 and MOP1 Bureaus based on the above two elements, including a possible recommendation to renew the mandate of the incumbent for a single term, is expected to be finalized and submitted to the Director-General of WHO by 1 September 2023, in accordance with decision FCTC/COP7(15).

UPDATE ON THE RECRUITMENT OF THE HEAD OF THE CONVENTION SECRETARIAT

21. Pending a decision by COP10 and MOP3 in respect of streamlining the process for renewal of the mandate of an incumbent Head of the Convention Secretariat for a single term, the regime established by decisions FCTC/COP8(8) and FCTC/MOP1(12) currently applies. Since the mandate of the incumbent Head of the Convention Secretariat expires on 1 March 2024, that regime requires that a recruitment process be launched for the position prior to COP10 and MOP3.

22. The COP9 and MOP2 Bureaus agreed that to complete the recruitment process established by decisions FCTC/COP8(8) and FCTC/MOP1(12) it was necessary to incorporate lessons learnt from the last cycle of recruitment and appointment of the Head of the Convention Secretariat, as well as adjustments to ensure the equal status in the process of the COP and MOP Bureaus.

23. The current regime requires that a job description be submitted to the Director-General of WHO no later than eight months prior to the end of the contract of the incumbent, and that the Director-General of WHO advertise the post no later than 30 days after receiving the job description. The COP9 and MOP3 Bureaus have initiated this process, such that the job description (which includes notification that there is an incumbent in the position) was submitted to the Director-General by 1 July 2023, thus permitting the Director-General to advertise the post by 1 August 2023.

24. Should the recruitment process proceed as anticipated, the COP and MOP Bureaus will have received the shortlist of candidates prior to COP10 and MOP3, but the interview phase will not have commenced. As recommended by the Bureaus, COP10 and MOP3 may decide with immediate effect to streamline the process of renewal of the mandate of incumbent Head of the Convention Secretariat, based on a favourable performance evaluation. Should COP10 and MOP3 make that decision, and should the current Head of the Convention Secretariat have expressed an interest in and been recommended for a single additional term, the recruitment process underway will be cancelled at the conclusion of COP10 and MOP3 and prior to the interview phase of shortlisted candidates. The COP9

¹ Twenty-two of the 24 Members of the COP9, COP8, MOP2 and MOP1 Bureaus completed the matrix; one Member of the COP8 Bureau could not complete their term due to a decision made within the United Nations on official relations with the Party, and one Member of the MOP1 Bureau did not respond.

and MOP2 Bureaus have verified that this approach is in keeping with WHO Staff Regulations and Rules.

DRAFT DECISION TO IMPROVE THE PROCESS OF APPOINTMENT OF THE HEAD OF THE CONVENTION SECRETARIAT

25. A draft decision, reflecting the proposed amendments to the process of selection and appointment of the Head of the Convention Secretariat and a single renewal of the term of office of an incumbent, and in relation to the criteria for the selection of candidates for the position of the Head of the Convention Secretariat, is annexed to the present report. The draft decision is based on, and amends the text of, decision FCTC/MOP1(12).

26. Should the MOP agree to the text proposed for operative paragraph 1(g) of the draft decision contained in the annex of the present report, the Bureau recommends that Rule 24ter of the Rules of Procedure of the MOP be amended, as follows:

“...the functions of the Bureau shall include the following: (a) to [~~consult~~] [**make a recommendation, jointly**] with the Bureau of the Conference of the Parties, [~~in relation to the recommendation the latter shall make~~] to the Director-General of WHO regarding the appointment of the Head of the Secretariat, ...”

27. The proposed amendment is recommended by the Bureau in document FCTC/MOP/3/13 in respect of possible amendments to the Rules of Procedure of the MOP. An amendment with similar effect is being recommended by the Bureau of the COP at COP10 in document FCTC/COP/10/21.

28. It is also recalled, that, in documents FCTC/COP/9/18 and FCTC/MOP/2/13, the COP8 and MOP1 Bureaus recommended that procedures be established for a temporary absence of a Head of the Convention Secretariat. Consequently, the Bureau recommended in document FCTC/MOP/3/13 that Rule 24ter of the Rules of Procedure of the MOP be further amended so that it accounts for periods when a temporary Head of the Convention Secretariat may be required, as a means to ensure the optimal functioning of the Convention Secretariat, as well as to promote continued transparency. An amendment with similar effect is recommended by the Bureau of the COP at COP10 in document FCTC/COP/10/21.

ACTION BY THE MEETING OF THE PARTIES

29. The MOP is invited to note the present report and consider adopting the annexed draft decision.

ANNEX

**DRAFT DECISION:
APPOINTMENT OF THE HEAD OF THE CONVENTION SECRETARIAT
AND RENEWAL OF THE TERM OF OFFICE**

The Meeting of the Parties (MOP),

Recalling decisions FCTC/COP1(10) on the establishment of a permanent secretariat of the Convention, FCTC/COP4(6) on the Head of the Convention Secretariat, FCTC/COP5(20) on the role of the Bureau of the Conference of the Parties (COP) to the WHO Framework Convention on Tobacco Control (WHO FCTC), FCTC/COP5(21) on the appointment and renewal of the term of office of the Head of the Convention Secretariat, FCTC/COP6(22) on the process for appointment and renewal of the term of office of the Head of the Convention Secretariat, FCTC/COP8(8) on the appointment of the Head of the Convention Secretariat and renewal of the term of office, and FCTC/COP9(9) on the appointment of the Head of the Convention Secretariat;

Recalling also decisions FCTC/MOP1(12) and FCTC/MOP2(9) on the appointment of the Head of the Convention Secretariat;

Having considered the report and recommendations of the Bureau of the COP and the Bureau of the MOP on the appointment of the Head of the Convention Secretariat as submitted and contained in document FCTC/MOP/13/14;

Underscoring the importance of a rigorous, transparent and merit-based process to attract the best candidates, and ensure the selection of the most qualified individual,

1. DECIDES to establish the following process for the selection and appointment of the Head of the Convention Secretariat, and the following conditions for the renewal of the term of office:
 - (a) the Bureau of the COP and the Bureau of the MOP – in consultation with the Regional Coordinators of the COP and of the MOP, and the WHO Secretariat – shall prepare a job description for the position of Head of the Convention Secretariat and the selection criteria for the selection of candidates, taking into consideration the provisional selection criteria as contained in the annex to this decision, and adjusting them to the needs of the WHO FCTC and the Protocol to Eliminate Illicit Trade in Tobacco Products. The job description shall be based on the existing job description, Article 24 of the WHO FCTC and Article 34 of the Protocol, as well as relevant COP and MOP decisions;
 - (b) the Bureau of the COP and the Bureau of the MOP shall submit the job description, including the selection criteria, to the Director-General of WHO no later than eight months before the contract of the incumbent ends;
 - (c) the Bureau of the COP and the Bureau of the MOP shall invite the Director-General of WHO: to advertise the post of Head of the Convention Secretariat, as submitted by the Bureaus, no later than 30 days after receiving it; to ensure wide circulation of the advertised post, including by informing and inviting Parties to the WHO FCTC and to the Protocol to encourage qualified candidates from all WHO regions to apply using the WHO standard form for a curriculum vitae,

limited to 3500 words; and to utilize the WHO Secretariat services to screen applications and perform reference checks;

(d) WHO Secretariat services shall forward to the Bureau of the COP and the Bureau of the MOP a complete list of all applications received, along with recommendations as to which candidates should be shortlisted and brief reasons for the recommendations;

(e) the Bureau of the COP and the Bureau of the MOP, with the support of one representative of the Director-General of WHO, shall decide on an initial shortlist of no more than six candidates to be interviewed, whom it considers to be the most qualified taking into account the job description and the selection criteria and reflecting, to as great an extent as possible, equitable representation of WHO regions;

(f) the WHO Secretariat services shall for transparency purposes communicate the list of candidates and the shortlist of candidates to be interviewed to the Parties of the WHO FCTC and to the Protocol, through a dedicated and protected website to ensure at the same time the confidentiality of the process;

(g) following the interviews, the Bureau of the COP and the Bureau of the MOP shall select the suitable candidates and recommend the first two candidates, in order of priority, to the Director-General of WHO;

(h) the Regional Coordinators of the COP and of the MOP will be invited to observe the complete selection process and will facilitate two-way communication with the Parties in their respective regions, as validated by the Bureaus in respect of the schedule and content of information to be shared and ensuring that confidentiality of the process is respected;

(i) the appointment of the Head of the Convention Secretariat shall be made by the Director-General of WHO, in consultation with the President of the COP and the President of the MOP;

(j) the term of office of the Head of the Convention Secretariat shall be for a period of four years, with the possibility of a single renewal for a further four years following an appropriate performance evaluation of the incumbent Head of the Convention Secretariat and a joint recommendation for renewal to the Director-General of WHO by the Bureau of the COP and the Bureau of the MOP;

(k) the above process shall be applicable with immediate effect, if also adopted by the Conference of the Parties to the WHO FCTC.

ANNEX (TO THE DRAFT DECISION)

**CRITERIA FOR THE SELECTION OF CANDIDATES FOR THE POSITION
OF HEAD OF THE CONVENTION SECRETARIAT****A. Documentary criteria¹**

1. Strong background and knowledge on technical and regulatory issues and substantive experience in tobacco control, public health and international cooperation.
2. Experience in international health, including working with international organizations and Member States, and maintaining strong links with the international tobacco control community, and preferably working experience in developing countries.
3. Proven ability to deal effectively with the media, academic groups, United Nations entities, industry, political leaders and civil society, as well as public health and anti-illicit trade specialists.
4. Demonstrable competence in organizational management and financing for complex health-related organizations, including the ability to analyse organizational problems and find adequate solutions as well as to effectively mobilize resources to support the implementation of the Convention and the Protocol.
5. A strong commitment to the objectives and implementation of the Convention and the Protocol, as well as to evidence-based promotion and protection of public health, in accordance with the principles of the Convention and the Protocol.
6. A health record compatible with carrying out the duties of the post.
7. Proven integrity and independence, including the ability to protect the Convention and the Protocol from commercial and other vested interests of the tobacco industry, and vested interests of economic and commercial actors whose main business is related to implementation of the Protocol.
8. Required expert knowledge in English, as one of the six official languages of WHO, and desirable intermediate knowledge in a second official language.

B. Criteria for assessment during the interview

9. Demonstrable leadership skills and experience, including the ability to translate into action the COP and MOP vision for the Convention and the Protocol.
10. Excellent communication and advocacy skills, including the ability to build consensus and the commitment to improve coordination with relevant United Nations entities.
11. Sensitivity to cultural, social and political differences.

(XX plenary meeting, XX November 2023)

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¹ Documentary criteria may also be taken into account for assessment during the interview.