



**United Nations  
Environment  
Programme**

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EXECUTIVE COMMITTEE OF  
THE MULTILATERAL FUND FOR THE  
IMPLEMENTATION OF THE MONTREAL PROTOCOL  
Forty-third Meeting  
Geneva, 5-9 July 2004

**TERMS OF REFERENCE OF THE EXECUTIVE COMMITTEE  
(Follow-up to Decision 42/48)**

**Report of the Chair of the Executive Committee**

This note is to advise the Executive Committee of the actions that have been so far taken in response to Decision 42/48.

Firstly, a meeting was held with Dr. Klaus Töpfer on 15 June 2004 in the Ministry of Foreign Affairs, International Trade and Worship of Argentina.

Dr. Töpfer was provided with a copy of the letter attached as Annex I to this document and was asked for advice and feedback on the issue of the amendment to the Terms of Reference of the Executive Committee related to the process of appointment of the Chief Officer of the Secretariat of the Multilateral Fund. Dr. Töpfer indicated that he will provide a written response to this letter.

Dr. Töpfer indicated during the meeting that he had discussed the matter with the Secretary General of the United Nations. He added that the Multilateral Fund is a body of the United Nations system and therefore UN rules concerning personnel selection apply to the Fund.

According to UN rules and regulations, the Secretary General of the United Nations has the exclusive authority to make the final decision on staff appointments. The Secretary General could seek views on the staff to be appointed.

Secondly, communication was initiated with the Office of the Secretary-General of the United Nations.

For reasons of economy, this document is printed in a limited number. Delegates are kindly requested to bring their copies to the meeting and not to request additional copies.

A letter, similar to the one given to Dr. Töpfer, was sent to the Secretary-General of the United Nations, Mr. Kofi Annan, and copied to the Chef de Cabinet, Mr. Iqbal Riza, the Assistant Secretary-General for Human Resources Management, Mrs. Rosemary Mc Creery, and the Under-Secretary-General for Legal Affairs and Legal Counsel, Dr. Hans Corell (Annex II).

Mrs. Mc Creery confirmed receipt of the letters and indicated that a reply would be sent as soon as possible.



**MULTILATERAL FUND**  
FOR THE IMPLEMENTATION OF THE MONTREAL PROTOCOL  
*Executive Committee*

15 June 2004

Sir,

I have the honour to refer to the Multilateral Fund for the Implementation of the Montreal Protocol and to its Executive Committee.

In my capacity as Chair of the Executive Committee of the Multilateral Fund for the Implementation of the Montreal Protocol, I am writing to you in relation to the Terms of Reference of the Executive Committee approved by the Parties at their Second Meeting, in particular to paragraph 10 (k) which states:

“To nominate, for appointment by the Executive Director of UNEP, the Chief Officer of the Fund Secretariat, who shall work under the Executive Committee and report to it”

During the Fifteenth Meeting of the Parties to the Montreal Protocol on Substances that deplete the Ozone Layer held in November 2003, while noting the report of the then Chairman of the Executive Committee, the Parties decided through Decision XV/48, *inter alia*:

“To consider amending, at the Sixteenth Meeting of the Parties, the relevant provision of the terms of reference of the Executive Committee relating to the nomination and appointment of the Chief Officer, taking into account the proposals of the Chair of the Executive Committee given in the annex to the present decision, and also those made by other Parties;” and

“To request the Executive Committee to enter into consultations with the United Nations Secretariat and the Executive Director of the United Nations Environment Programme on that matter and to report thereon to the Sixteenth Meeting of the Parties”.

Annex (to the above Decision): Add the following understanding on paragraph 10 (k) of the terms of reference of the Executive Committee: “The Executive Committee should prepare a short list of the eligible candidates, together with its recommendation, from which the Secretary-General would make a final selection.”

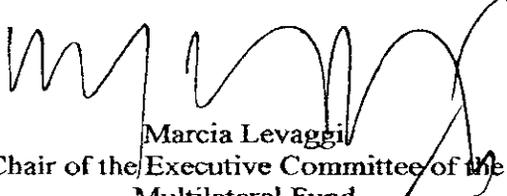
Mr. Kofi Annan  
Secretary-General  
United Nations  
New York, N.Y.  
United States of America

Following the discussion on this issue, the Executive Committee at its Forty-second Meeting held in March 2004, decided to request the Chair, on behalf of the Executive Committee, to enter into consultations with the Secretary-General of the United Nations, the Executive Director of UNEP, the United Nations Office of Human Resources Management, and the United Nations Office of Legal Affairs, regarding the terms of reference of the Executive Committee and the legal and administrative implications related to this matter, and to report to the Committee at a future meeting.

Pursuant to the above decisions, I am seeking your advice on this matter; in particular, whether the proposal to amend the Terms of Reference of the Executive Committee as indicated in the annex to Decision XV/48 does not contravene the United Nations rules for appointment of senior staff.

I would be grateful for your views and those of the copyees and I would welcome the opportunity to discuss with your office or other relevant staff in New York at your earliest convenience.

Accept, Sir, the assurance of my highest consideration.

  
Marcia Levaggi  
Chair of the Executive Committee of the  
Multilateral Fund

cc: Mr. Iqbal Riza, Chef de Cabinet of the Secretary-General, UN  
Ms. Rosemary McCreery, ASG for Human Resources Management, UN  
Dr. Hans Corell, Under-Secretary-General for Legal Affairs and the Legal Counsel, UN



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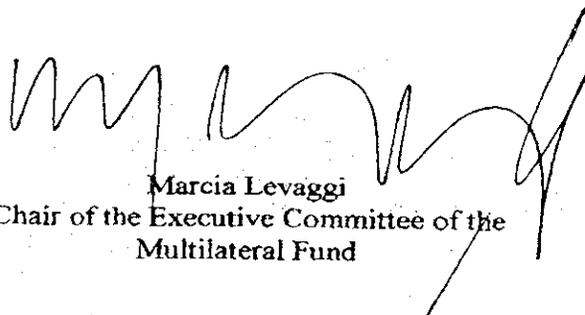
Dr. Klaus Toepfer  
Executive Director  
United Nations Environment Programme  
Nairobi  
Kenya

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Marcia Levaggi  
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