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The Pacific environment, sustaining our livelihoods and natural heritage in harmony with our cultures.

Twenty Eighth SPREP Meeting

Apia, Samoa

19 – 21 September 2017

Agenda Item 8.1: Governance arrangements for Biennial SPREP Meetings

Purpose

1. To present Members with the draft Terms of Reference for the Executive Board as discussed at the 27th SPREP Meeting and delegated to the Friends of the Chair for the Terms of Reference for the Executive Board. The Friends of the Chair consists of Australia, Cook Islands, France, New Caledonia, French Polynesia, New Zealand, Niue and Tokelau which met on 27 January, 12 May and 07 July, 2017 respectively. Refer to **Annex 1** for the draft Terms of Reference and **Annex 2** for the record of meetings.

Background

2. To improve Secretariat efficiencies, the 26th SPREP Meeting in 2015 agreed that the governing council of the SPREP Meeting would convene every two years hosted by the Secretariat in Samoa, commencing directly after the SPREP Meeting in 2017. The same meeting also approved the SPREP Troika Terms of Reference (TOR).
3. The proposed governance arrangements were discussed by Members at the 27th SPREP Meeting. Members agreed to the establishment of an Executive Board (EB) to be the SPREP decision-making body in the alternate years of the biennial SPREP Meetings; the Executive Board would be comprised of the Troika plus four additional Members representing Melanesian, Micronesian, Polynesian and Metropolitan Members, each selected within their constituencies.
4. Furthermore Members agreed the Secretariat, in conjunction with the Friends of the Chair would develop a terms of reference for the Executive Board based on the following key principles:
 - a) A body to take key governance decisions in years alternate to the SPREP Meeting;
 - b) Membership based on Member representation and equity, including bilingualism;
 - c) A mechanism that is cost effective and sustainable;
 - d) A mechanism that is flexible to include other membership as necessary;
 - e) A mechanism that ensures that the Secretariat remains accountable to Members;
 - f) Other existing governance mechanisms (Troika and Audit Committee) remain.

Draft Terms of Reference

5. The Friends of the Chair with the support of the Secretariat have prepared for the consideration of Members a draft Terms of Reference (TOR) for the SPREP Executive Board which have incorporated the key principles identified from the 2016 SPREP Meeting, the SPREP Agreement (1993) and the Rules of Procedure for the SPREP Meeting (1993).
6. As noted in the SPREP Agreement and Rules of Procedure, the SPREP Meeting since establishment has convened in both English and French as the official languages of SPREP.
7. The Rules of Procedure will serve as a guide to the Chair of the Executive Board in accordance with the purpose and functions of the proposed TOR. The Executive Board will remain subordinate to the SPREP Meeting and may only consider items outlined in the TOR or where authority has been directed by the SPREP Meeting of Officials. Furthermore the Executive Board cannot appoint the Director General or make decisions which require consensus of all SPREP Members.
8. Noting the proposed draft TOR the incoming Executive Board will consist of the Troika of Palau, Papua New Guinea and Niue; and a representative by subgrouping in rotational alphabetical order of Australia for the Metropolitan members; American Samoa for Polynesia; Fiji for Melanesia; Commonwealth of Northern Marianas for Micronesia; and France for French speaking members. Subject to the approval of SPREP Members the first meeting of the Executive Board will convene immediately after the 28th SPREP Meeting concludes on Thursday 21 September 2017.

Impacts of the SPREP Meeting convening biennially and the Executive Board

9. With the SPREP Meeting convening biennially the Friends of the Chair may also wish to consider other factors that will impact on the work of SPREP under the new arrangements of the Executive Board.

Term of Director General

10. The term of the Director General being in alignment with the new biennial arrangements will be discussed in a closed session under **Agenda Item 10.1: SPREP Director General's Performance Assessment.**
11. The term of the Director General (DG) is for three years with the right of renewal based upon performance. At present with the Executive Board convening in 2018 the first three year term of the current Director General will be completed at the end of 2018. Members will need to consider whether the SPREP Meeting should consider delegating the authority of the Director General's term to the Executive Board or what alternative arrangements must be considered.

12. The current draft of the TOR notes the Executive Board does not have the delegated authority to appoint the Director General as this decision requires the consensus of SPREP Members. While the DG was appointed for commencement of duties in 2016 the issue of a term extension subject to performance, as is the current practice must be considered by SPREP Members.
13. The other issue that must be considered is the consequential impact the decision may indirectly have on the term of the Deputy Director General (DDG) and other staffing which is currently three years with the right of renewal subject to performance and whether they are core staff positions and/or there is available resourcing. At present with the exception of the DG position all appointments are made by the DG including the DDG upon recommendation of a panel.
14. New configurations of the term proposed for the DG by members of the Friends of the Chair to be considered include a term of four plus two years or a four plus four year term, subject to performance and approval of SPREP Members.

Term of Troika

15. The maximum term of the SPREP Troika is for three years under the current SREP Troika Terms of Reference approved by the SPREP Meeting in 2015. To align to the SPREP Meeting convening biennially Members may wish to consider extending the maximum term from three to four years to enable Troika Members the opportunity to chair at least one SPREP Meeting noting the alphabetical rotation. Based on the draft TOR of the Executive Board a matrix of the future Troika and Executive Board members has been provided in **Annex 3**.
16. For comparative purposes **Annex 4** reflects the configuration of the Troika with an extended term of four years. With the extended term of the Troika to four years rotation from 2017 to 2029 Tokelau will be the only Troika member to not serve as a Chair of a SPREP Meeting due to membership of Troika being three members and maximum term of four years. However the Chair of the Executive Board is an important governance role for SPREP and will be pivotal in supporting the continuation of key SPREP business in the alternate years to the SPREP Meeting.

Principles of Equity

17. The configuration and maximum term of members on the Executive Board has been considered by the Friends of the Chair, particularly with respect to the principle of equity including representation of French speaking members and flexibility for additional members that may wish to attend. A key issue however for rotation is the larger membership of Polynesian members which are the majority of SPREP Members of 9 compared with Micronesian of 7, and Melanesian equal with Metropolitan members of 5 each.

Biennial Work Programme and Budget

18. The draft TOR incorporates the SPREP Budget in terms of reporting and deadline for submission to all Members and the Executive Board. The Secretariat have undertaken the Work Plan and Budget to align with the biennial timing of SPREP Meetings including budget estimates that will be revised annually, particularly for the second year in the Biennial Budget (e.g. 2019). It is anticipated that there will be supplementary changes to the original estimates provided in the biennial figures as more projects and funding are confirmed in the year preceding (2018) of the concerned Budget year.

SPREP Meeting

19. As noted in the decision of the 26th SPREP Meeting in 2015 Members agreed that the governing council of the SPREP Meeting would convene every two years hosted by the Secretariat in Samoa. The decision was to minimise budget costs and staff time allocated for meeting preparations.
20. The next SPREP Meeting will convene in Samoa in 2019 and will include a ministerial component. The draft Performance Implementation Plan and Results Framework 2018/2019 is presented in **Agenda Item 7.1** for endorsement and reporting of implementation of the PIP will be ongoing. The 2017 PMER will be reported to the 2018 Executive Board and the 2018 PMER to the SPREP Meeting in 2019.

Conclusion

21. The Friends of the Chair have considered the guidance provided by the 27th SPREP Meeting and included the principles of environmental leadership, equity, transparency, accountability, flexibility, economy and sustainability.
22. This paper is referred by the Friends of the Chair to the SPREP Meeting for consideration.

Recommendations

23. The Meeting is invited to:
 - **consider and approve** the draft terms of reference for the Executive Board;
 - **consider extending** the SPREP Troika term from three to four years;
 - **consider** the term of the Director General to be in alignment with the biennial arrangements of the SPREP Meeting under **Agenda Item 10.1 SPREP Director General's Performance Assessment;**
 - **note** the incoming Executive Board will consist of the Troika of Palau, Papua New Guinea and Niue; and subgroupings by alphabetical rotation of Australia for the Metropolitan members; American Samoa for Polynesia; Fiji for Melanesia; Commonwealth of Northern Marianas for Micronesia; and France for French speaking members; and
 - **note** the first Executive Board Meeting to convene immediately after the 28th SPREP Meeting on Thursday 21 September 2017.
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