Annex 1: Draft Terms of Reference for the SPREP Executive Board

1. Introduction

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 from 2017. In 2016 the 27th SPREP Meeting agreed to the establishment of an Executive Board to be the SPREP decision-making body in the alternate years of biennial SPREP Meetings and that it would:

a) Be a body to take key governance decisions in years alternate to the SPREP Meeting
b) Have membership based on Member representation and equity, including bilingualism
c) Be a mechanism that is cost effective and sustainable
d) Be a mechanism that is flexible to include other membership as necessary
e) Be a mechanism that ensures that the Secretariat remains accountable to Members
f) Work alongside existing governance mechanisms such as the Troika of the past, current and incoming Chairs of the SPREP Meeting and the Audit Committee.

The SPREP Rules of Procedure shall apply to the Executive Board. In applying the Rules the Chair shall be guided by the purpose and functions of the Executive Board.

2. Purpose

The Executive Board will serve as the governance mechanism for the key decisions of SPREP in years alternate to the SPREP Meeting.

3. Principles

The Executive Board is appointed, authorised and delegated by the SPREP Meeting to make decisions required annually in the alternate year to the SPREP Meeting. The Executive Board hence remains subordinate to the SPREP Meeting and cannot make decisions affecting SPREP that require the input of all SPREP Members or overturn decisions made by the SPREP Meeting.

The Executive Board will be guided by principles of environmental leadership, equity, transparency, accountability, flexibility, economy and sustainability and in line with the practices and procedures of the Pacific region.

4. Key Functions

The Executive Board will:

- make decisions required annually in the alternate year to the SPREP Meeting;
- adopt the report of the Director General on the operations of SPREP;
- adopt the Work Programme and Budget;
- adopt the Audit Report;
- make recommendations to Members;
- give directions to the Director General on the implementation of the work programme;
- approve rules and conditions for the appointment of the staff of the Secretariat;
- carry out tasks as directed by the SPREP Meeting of Officials; and
- carry out such other tasks not excluded by these Terms of Reference as are necessary for the effective functioning of SPREP until the next SPREP Meeting.

The SPREP Executive Board will not:

- appoint the Director General; and
- make a decision where there is no consensus.

5. Membership

The Executive Board shall comprise of the Troika and one representative from the regional subgroupings of Polynesia, Micronesia, Melanesia and Metropolitan and will include at least one French speaking Member. Membership of the regional subgroupings shall rotate by alphabetical order every two years. In the event the rotation of the regional subgroupings does not include at least one French speaking Member, an additional member will be chosen from a French speaking Member that shall be included by rotation in alphabetical order of French speaking members.

The representative from each subgrouping with the support of the Secretariat will be responsible for coordinating input to the meeting prior to it convening and reporting back to the respective regional subgroupings the outcomes of the meeting held.

6. Role of Secretariat

The Secretariat led by the Director General will be responsible for the organisation and servicing of meetings. The Secretariat will be responsible for making all necessary arrangements for such meetings and for the preparation and circulation at the proper time of the agenda and all other necessary documentation.

7. Term

Executive Board membership shall not exceed a term of two successive years. This shall not apply to the Troika.

In the process of alphabetical rotation for each regional subgrouping a member may defer their term on the Executive Board for a maximum of two years. The member will inform the Chair copied to the Secretariat in writing three months immediately after the SPREP Meeting has convened.

8. Participation

Sessions of the Executive Board shall be held in closed session, unless the Meeting decides otherwise.

Advisers and observers may, with the consent of the Chair, address the Meeting and participate in its discussions.

In line with the principles of equity, transparency and accountability all SPREP Members that are not Executive Board Members may submit through the Chair, written submissions they wish to be considered on any agenda item in the Meeting, which must be provided to the Secretariat at least three weeks prior to the Executive Board Meeting convening. Copies of all such comments received by the Secretariat will be distributed to all SPREP Members at least one week prior to that Meeting.

9. Chair and Vice-Chair

The Chair and Vice-Chair shall be chosen from the Troika as the current and incoming Chair respectively of the Meeting.

10. Frequency of meetings and language

The first meeting of the Executive Board will be immediately following the conclusion of the SPREP Meeting.

The Executive Board will hold at least one meeting with the Secretariat in the alternate years of the SPREP Meeting.

The language used will be in line with the Rules of Procedure of the SPREP Meeting and will convene in both English and French.

11. Decisions

In accordance with Article 4 of the SPREP Agreement, the work of the Executive Board shall be conducted on the basis of consensus of all Executive Board Members, taking into account the practices and procedures of the Pacific region.

In the event that a decision is required, that decision shall be taken by consensus of the Parties which consensus shall ensure that the views of all SPREP Members have been properly considered and taken into account in reaching that consensus.

12. Agenda and Report

The provisional agenda and working papers including annual Budget estimates for the following year will be circulated to all SPREP Members at least six weeks prior to the Executive Board Meeting.

All SPREP Members will be invited to submit their comments to the Secretariat at least three weeks prior to the convening of the Executive Board Meeting and copies of all such comments received by the Secretariat will be distributed to all Members at least one week prior to that Meeting.

The SPREP Executive Board Report adopted by the Meeting will be circulated by the Secretariat to all SPREP Members as soon as possible after each Executive Board Meeting.

13. Responsibilities

In line with the Fifth SPREP Meeting in 1992 which decided to assist smaller island members only with payment of travel and per diem expenses associated with the SPREP Meeting. The smaller island members eligible for assistance to attend the SPREP Executive Board are the Cook Islands, Federated States of Micronesia, Republic of Marshall Islands, Nauru, Niue, Tokelau and Tuvalu.

The Secretariat will provide one economy return airfare and daily subsistence assistance for the Smaller Island members when these are also members of the SPREP Executive Board.

The Secretariat will be responsible for all other costs associated with the hosting of the Meeting including provision of venue, access to meeting documents, refreshments, translation and interpretation services. The Secretariat will not bear costs for attendance of Members, unless otherwise stated.

In accordance with the principles of economy and sustainability the participation of observers and additional SPREP Members beyond membership of the Executive Board, shall be at no cost to the Secretariat.

14. Biennial Review

The effectiveness of the Executive Board will be reviewed biennially and reported to the SPREP Meeting by the Troika with the support of the Secretariat.

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