

**Convention on the Conservation and Management of Highly Migratory Fish Stocks
in the Western and Central Pacific Ocean**

Preparatory Conference for the Establishment of the Commission

Draft Agenda Item V : Draft Organisational Structure of the Commission

I INTRODUCTION

1. One of the functions of the Preparatory Conference under paragraph 6(d) of the resolution establishing the Preparatory Conference is to “make recommendations concerning the Secretariat of the Commission in accordance with the relevant provisions of the Convention”. In addition, pursuant to paragraph 3 of the resolution, the Preparatory Conference may “provide for an interim secretariat to support its work”. The present paper addresses some of the organisational and administrative issues associated with the structure of the Secretariat of the Commission as well as the question of an interim secretariat to support the work of the Preparatory Commission.

2. Section 4 (Articles 15 and 16) of the Convention provide for the establishment, staffing and functions of the Secretariat of the Commission. Under Article 15 of the Convention, the Secretariat of the Commission shall consist of an Executive Director and such other staff as the Commission may require. The Executive Director, who shall be the chief administrative officer of the Commission, shall be appointed for a term of four years and may be re-appointed for a further term of four years. The functions of the Secretariat include the following:

- (a) receiving and transmitting the Commission’s official communications;
- (b) facilitating the compilation and dissemination of data necessary to accomplish the objective of this Convention;
- (c) preparing administrative and other reports for the Commission and the Scientific and Technical and Compliance Committees;
- (d) administering agreed arrangements for monitoring, control and surveillance and the provision of scientific advice;
- (e) publishing the decisions of and promoting the activities of the Commission and its subsidiary bodies; and
- (f) treasury, personnel and other administrative functions.

3. Article 16 of the Convention provides as follows:

“(1) The staff of the Commission shall consist of such qualified scientific and technical and other personnel as may be required to fulfil the functions of the Commission. The staff shall be appointed by the Executive Director.

(2) The paramount consideration in the recruitment and employment of staff shall be the necessity of securing the highest standards of efficiency, competence and integrity. Subject to this consideration, due regard shall be paid to the importance of recruiting the staff on an equitable basis between the members of the Commission with a view to ensuring a broad-based Secretariat.”

4. The above, or similar, provisions are common to most agreements establishing international secretariats and are based on the provisions contained in the Charter of the United Nations. Additional provisions concerning the Commission Secretariat are found in Article 15(5) of the Convention, which provides that, in order to minimize costs to the members of the Commission, the Secretariat shall be cost effective. Furthermore, the setting up and the functioning of the Secretariat shall, where appropriate, take into account the capacity of existing regional institutions to perform certain technical functions. This implies that an evolutionary approach should be taken to the establishment of the Secretariat of the Commission; the size of the Secretariat and the balance of professional skills required should be based on the actual needs of the Commission at the time it comes into being. At the same time, however, the Commission should take into account the expected medium-term requirements of the Secretariat as the Commission develops and its activities progress.

II INDICATIVE STRUCTURE OF THE SECRETARIAT

5. While firm decisions on the actual size of the Secretariat that will be needed upon establishment of the Commission may not be required at this stage, staff and related costs will nonetheless be a key element of the budget of the Commission and it may be advisable for the Preparatory Conference to reach agreement at a relatively early stage on a model Secretariat. In addition, the costs of the operation of the Secretariat will depend to a great extent on the location of the headquarters of the Commission, which is yet to be decided. Professional staff employed by the Commission should be internationally recruited through open and fair competition. However, in keeping with international practice, staff selected for employment by the Commission should normally be nationals of members of the Commission.

6. In a paper prepared by the MHLC Secretariat for the Sixth Session of MHLC, it was proposed that Secretariat staffing consist of four internationally recruited and 3

locally recruited staff.¹ The paper suggested the following numbers of staff and respective FAO grades.²

Commission Secretariat

<i>Functional title</i>	<i>FAO Grade</i>
Executive Director	D-1
<i>Internationally-recruited staff</i>	
Technical analyst	P-4
Information technology officer	P-3
Finance and administration officer	P-3
<i>Staff recruited at locality rates</i>	
Secretarial assistant	GS-5
Administrative assistant	GS-4
Driver	GS-2

7. These staffing levels may be reviewed as the Preparatory Conference progresses and the actual responsibilities and needs of the Secretariat become more clearly defined. Staff numbers and the levels at which they are remunerated should also be subject to periodic review by the Commission to ensure that staffing is appropriate to the Commission's needs.

8. The staff structure set out above would enable the Secretariat to administer the Commission on a day to day basis, provide conference-servicing facilities and fulfil the basic coordination functions prescribed in the Convention but would not extend to, for example, operating a regional observer programme or VMS. The structure is a minimalist one which does not reflect the full responsibilities of the Secretariat under the Convention if the Secretariat were to be required to carry out all of those responsibilities, including, for example, operating a regional observer programme and a vessel monitoring system.

9. The functions expected of the Secretariat depend to a large degree upon the extent to which the Commission enters into cooperative agreements with other relevant organisations and the nature of these arrangements. Under Article 20(5) of the Convention, the Commission may enter into relationship agreements with such organisations as may be appropriate, such as the Pacific Community and the South Pacific Forum Fisheries Agency, with a view to obtaining the best available scientific and other

¹ MHLC/Inf.2/Rev.2, Sixth Session, Honolulu, Hawaii, 11-19 April 2000.

² These are included for comparison purposes only.

fisheries-related information to further the attainment of the objectives of the Convention. If the Commission were to decide not to enter into such arrangements, it is possible that additional technical staff would be required in the Secretariat. Such questions would also depend on decisions by the Commission on the level of functions to be delegated to the Secretariat in the initial years of establishment.

10. Consideration needs to be given to the important question of the appropriate salary and allowance scale for professional staff in the Commission Secretariat. In order to ensure that high calibre staff are recruited and retained, staff should receive international rates of remuneration and enjoy commensurate terms and conditions of employment. It was on this basis that the earlier MHLC Secretariat paper suggested that UN standard salary costs be used to estimate Secretariat staffing costs.³ A copy of the MHLC paper as well as with the FAO salary scales will be available from the Secretariat at the First Preparatory Conference in Christchurch.

11 Article 15(5) of the Convention is also relevant in that it provides for the Commission Secretariat to be cost effective. Remuneration levels may also depend on the location of the Secretariat. A further consideration for an organisation located within the region may be to the desirability of maintaining parity among other regional organisations. The Pacific regional organisations have recently completed work to harmonise the terms and conditions of service and benefits available to staff working in the five organisations in the Pacific region, namely the Forum Secretariat, SOPAC, SPC, SPREP and FFA. A copy of the recommended Pacific Regional Organisations remuneration and grading structure will also be available from the Preparatory Conference Secretariat in Christchurch.

III INTERIM ARRANGEMENTS

13. The Preparatory Conference will also need to consider the question of interim secretariat arrangements to support its work. The secretariat for the first session of the Preparatory Conference has been provided by the Government of New Zealand, as host of the Conference. One possibility would clearly be to rely on the host government of each future session of the Preparatory Conference to provide an ad hoc secretariat. While this may, at first sight, be the lowest cost option, it may not be conducive to continuity and efficiency and it may also impose an unfair burden on the host countries. For this reason, the Conference may wish to consider other options, including the possibility of making interim appointments of key personnel or requesting participants to nominate a small number of individuals who may be tasked with carrying out the functions of an interim secretariat pending entry into force of the Convention. Such functions would include:

- (a) preparation of background papers and reports as required for the Preparatory Conference;

³ MHLC/Inf.2/Rev.2, Sixth Session, Honolulu, Hawaii, 11-19 April 2000.

- (b) transmission of the official communications of the Preparatory Conference;
- (c) preparation of the reports of the Preparatory Conference;
- (d) organizational work and liaison with host governments for future sessions of the Preparatory Conference;
- (e) assisting the Chairman of the Conference in all tasks to facilitate Conference outcomes.

14. As far as possible, the interim secretariat should be independent of any particular participating government, although it is inevitable that the Conference will rely heavily on the cooperation of host governments to facilitate its work. A third possibility might be to task an existing regional organization with providing secretariat assistance to the Conference. In considering this option, the Preparatory Conference would need to take into account questions such as the membership coverage of such organisations and the resource implications for such organisations.

15. It is expected that the costs of an interim secretariat would be minimal, and could be funded by voluntary contributions in accordance with paragraph 12 of the resolution establishing the Preparatory Conference. Such costs would be limited to the actual costs associated with performing secretariat duties, including the costs of attending sessions of the Conference, consultancy fees and miscellaneous administrative expenses. The Preparatory Conference is invited to give consideration to possible options for an interim secretariat for the Conference and to agree on an appropriate mechanism for funding the work of the interim secretariat

IV RECOMMENDATIONS

16. With respect to the organization of the Commission Secretariat, the Preparatory Conference may wish to use the structure proposed in paragraph 6 of this document as an initial starting point for the purposes of evaluating the structure of the Secretariat on entry into force of the Convention. Decisions on questions of organisational structure will be important to assist work on the development of the Commission budget. The Preparatory Conference is also invited to give consideration to the issue of the most appropriate salary scales and terms and conditions of employment for the Commission. Again these will have important implications for the budget of the Commission. Decisions relating to the administrative and financial considerations addressed in this paper should be made as soon as possible in order to facilitate the timely establishment of the Commission. A sufficient lead time needs to be allowed to put administrative and financial arrangements in train in advance of the entry into force of the Convention..

17. To facilitate further consideration of the matter, the Conference may wish to request for its next session a study of the initial functions of the Secretariat and the Commission following entry into force and draft terms of reference for each staff position

in the proposed Secretariat. Such a report might also include recommendations relating to the development of cooperative arrangements with other organisations.