



Twentieth SPREP Meeting

Apia, Samoa
17 – 20 November 2009



Agenda Item 10.2: Consideration of the procedure for the appointment of the SPREP Director

Purpose

1. To consider the procedure for the appointment of the SPREP Director.

Background

2. At the 19th SPREP Meeting (SM) there was vigorous debate over the selection of the next SPREP Director. The Meeting eventually agreed to the recommendation proposed by the Selection Advisory Committee (SAC). Spirited discussions also followed at the Ministers' Forum the following day but did not result in an overturn of the SM's recommendation. The position was then offered to the approved candidate. Ensuing negotiations however failed to result in the post being filled and the position was readvertised. This frustrating sequence of events raised concerns amongst Members regarding the adequacy of the selection process.

3. Several concerns were raised.

- (i) While membership is open and the composition of the SAC is constant for Apia-based missions, because of the costs involved, it is difficult for other Members to engage.
- (ii) As the SAC meets on average every 6 years, and the Chairperson changes in line with the annual appointment of the Chairperson of the SPREP Meeting, it is difficult for the SAC to establish a long term memory especially as it meets in closed session and does not disclose its procedures nor its minutes. In addition the Chairperson may or may not decide to utilise the services of the Secretariat.
- (iii) Conflict of interest situations may arise in terms of short-listed candidates and whether or not their nominating country is part of the interview panel.
- (iv) If the approved candidate does not accept the offer of the post of Director, options should be clearly spelt out.

4 Two other concerns appear to have been resolved. Firstly, it has been submitted in Working Paper 10.1 that the SPREP Meeting appoints the Director and not the Ministers' Forum. Secondly, where the SPREP Meeting is divided over the recommendation of the SAC, as occurred at the Special SPREP Meeting of 10 July this year, it is not open to the Meeting to make decisions by vote. The Meeting was referred to, and followed, Rule 11.1 of the Rules of Procedure of the SPREP Meeting which requires that decisions be taken by consensus.

Analysis

5. The procedure for the appointment of the SPREP Director is contained in the Rules of Procedure for Appointment of Director, 1994 (hereafter RoP) – see Attachment. The RoP can be amended at the discretion of the SPREP Meeting (SM) and amendments have been made on 3 occasions: 1998 (rules 5, 6, 7, 8), 2000 (rule 8) and 2001 (rule 8).

6. The RoP are fairly minimal. Rule 5 provides basic guidance, going into detail on only a couple of matters. Not surprisingly then, no specific mention is made of the concerns in paragraph 3 above. This does not mean those concerns can't be dealt with, as the nature of framework rules allows for flexibility. Although the SAC meets in closed session there are indications such concerns were dealt with by the then existing SAC. Without disclosure however it is not possible to determine whether any given shortcoming is due to the RoP or the way in which it has been implemented.

7. Confidentiality is the cornerstone of meetings of the SAC. Yet the SAC also needs to be able to justify its decisions and more importantly pass on its experiences to succeeding SACs and in doing so improve efficiency and consistency. For this to happen greater disclosure is required.

Conclusion

8. A balance needs to be reached between maintaining confidentiality and passing on procedural information to successive SACs. This could be achieved by the Chairperson of the SAC keeping a written record of process-related decisions and best practice. Candidate-specific information should not be disclosed. The information could be passed on to the Secretariat to maintain and pass on to successive chairpersons of the SAC. If warranted this information could be incorporated into the RoP by way of amendment.

Recommendation

9. The Meeting is invited to:

- **consider** the Rules of Procedure for Appointment of Director and **determine** whether changes are needed to the Rules or to the way they are implemented.