

Proposal for a permanent PILOM Secretariat

Overview

1. The purpose of this paper is to put forward practical proposals for consideration by PILOM regarding the establishment of a permanent Secretariat. These proposals are made in light of the *Pacific Islands Law Officers Meeting Review* (PILOM Review) by the Pacific Islands Forum Secretariat, which recommends increased engagement of PILOM with other regional mechanisms, a meeting structure focussed on identifying, discussing and addressing key issues arising for law officers in the region, and a year-round contribution to law and justice in the region. The Review also recommends the establishment of a Secretariat equipped to support the role and operation of the 'new' PILOM. This paper makes some suggestions for PILOM consideration about the location, structure, role and responsibilities of the PILOM Secretariat, and the resources needed for the Secretariat to fully support PILOM in its expanded role.

Location

2. At PILOM in 2005, it was agreed that a standing PILOM Secretariat should be established. At the time the secretariat function was to have been provided by the University of the South Pacific's Institute of Justice and Applied Legal Service in Suva, Fiji. The Institute has since been disbanded in a restructure of the USP Law School.

3. The PILOM Review recommends that PILOM choose the best location for its Secretariat and presents options to house the secretariat within:

- the USP law school at the Suva or Port Vila campus
- the Pacific Islands Forum Secretariat, or
- a member country's law office.

4. The location of the Secretariat is an issue that PILOM should consider carefully, taking into account the ability of the Secretariat to effectively coordinate matters between meetings with host countries each year.

5. Locating the Secretariat in a central Pacific Island country would assist its coordination role by being proximate to work being carried out in other forums in the Pacific. The Pacific Islands Forum, its committees and working groups are highly relevant to PILOM and for that reason those linkages would be important. It may also be worth forming linkages with the Pacific Islands Chiefs of Police, the Oceania Customs Organisation and the Pacific Immigration Directors' Conference, which are also located in Suva. The PILOM Secretariat would be best placed to engage with regional organisations from within the Forum Secretariat. The PILOM Secretariat could leverage off the connections the Forum Secretariat has already established with these and other regional organisations.

6. Locating the Secretariat in a place that is independent of member countries would also allow it to focus clearly and impartially on regional issues. This will become increasingly important if PILOM is to have an issues-based agenda.

7. Another consideration is the nature of the relationship between the PILOM Secretariat with USP. As there is no clear role for USP at PILOM, USP would merely be acting as a host for the Secretariat. Without further clarification of roles USP would not be the best placed body to host PILOM to meaningfully engage on relevant issues, aside from the ability to draw on relevant research and legal facilities. For this reason it would seem that the main advantage of locating the Secretariat at USP is its central physical location, and use of research facilities.

8. Due to the advantages of location and better engagement with the Forum and other Pacific region organisations, this paper proposes that the Secretariat be located with the Pacific Islands Forum Secretariat in Fiji.

Proposal 1: That the PILOM Secretariat be located with the Pacific Islands Forum Secretariat in Fiji

Staffing and structure

9. Three regional organisations provide useful structures for comparison with a PILOM Secretariat: the Pacific Islands Chiefs of Police, the Oceania Customs Organisation and the Pacific Immigration Directors' Conference. These organisations convene a senior officials' meeting each year for heads of agencies to discuss issues of mutual interest, and identify and adopt strategic plans on the basis of which the relevant Secretariat can progress the organisation's objectives throughout the year. Each of these organisations has a standing Secretariat consisting of at least a Secretariat Coordinator and an Administrative or Research Officer, and in some cases seconded officers from member countries on one-year placements.

10. As a starting point, it appears that PILOM would have sufficient work for a permanent Secretariat constituted by Coordinator and one Administrative Officer. Over time and as necessary, these officers could be supplemented through secondment positions from member countries.

11. Initially the Administrative Officer could be responsible for tasks including:

- managing the administration of the office
- providing general secretariat services and support to PILOM, the PILOM Chair and host authorities, including in the organisation of the annual meeting
- maintaining the records of PILOM, including minutes of its annual meeting and records of correspondence, and making them accessible to members as required, and
- preparing an annual financial report to PILOM on the expenses of the office.

12. The Secretariat Coordinator could be responsible for tasks including:

- facilitating the implementation of PILOM resolutions
- establishing an information and communication network for PILOM members
- working with the PILOM host to develop an issues-based agenda, identifying a list of regional priorities and consulting PILOM members prior to each PILOM meeting
- working with a subcommittee to develop guidelines for PILOM, for consideration by PILOM in 2007. The guidelines will clarify PILOM's objectives and role, membership and eligibility, handling of requests by external bodies to attend and any necessary rules of procedure
- convening and supporting working groups or subcommittees, and
- reporting to the PILOM annual meeting on the work carried out by the Secretariat in the past year.

Proposal 2: That the PILOM Secretariat be staffed initially by a Coordinator Secretariat and an Administrative Officer.

Proposal 3: That the Secretariat be required to submit an annual report to PILOM.

13. The Secretariat staff could be recruited through a process organised by the Forum Secretariat. The recruitment panel could include a representative of the Forum Secretariat, and two representatives nominated by PILOM members. Employment contracts could be in accordance with the conditions offered to Forum Secretariat equivalent staff. Seconded staff could be paid at the level of the member with a living allowance for operating in Fiji.

14. In terms of accountability, the PILOM Secretariat Coordinator position could be responsible to the Deputy Secretary General of the Forum for their employment performance and day-to-day management. The Administrative Officer would be accountable to the Coordinator.

Proposal 4: That the Pacific Islands Forum Secretariat conduct the recruitment processes for both positions, and that the recruitment panel comprise a Forum Secretariat representative and two PILOM members.

Proposal 5: That the Secretariat staff be employed by the Pacific Islands Forum Secretariat, in positions created for and funded by PILOM.

Roles and responsibilities

15. The terms of reference for the Secretariat agreed to by PILOM in 2005 are quite broad and in addition to specific tasks, they give the Secretariat a mandate to undertake activities that PILOM may direct from time to time. Together with the recommendations of the PILOM Review, the terms of reference provide a substantive workload for the Secretariat. The roles and responsibilities of PILOM as a forum, PILOM participants and the Pacific Islands Forum Secretariat will need to clearly set out the role of each body.

16. PILOM could direct the work of the Secretariat through a statement of priorities and objectives. For example PILOM could, each year, consider issues of regional importance from a wide-ranging agenda of law and justice priorities, and then adopt

- a three-year strategic plan, and
- an annual work plan.

This approach would provide direction for the Secretariat, which would then coordinate and progress work on the tasks identified in the work plan.

17. If PILOM considers it necessary, a Management or Steering Committee could be established to provide strategic advice and guidance to the Secretariat about the direction and focus of PILOM's activities, and to oversee the governance of the organisation between annual conferences. Such a Committee could be composed of, for example, five PILOM members, and be chaired by the PILOM host for the forthcoming meeting. The Committee's role could facilitate both the strategic direction of the Secretariat, the move to an issues-based agenda for PILOM, and the regional integration with the Forum Regional Security Committee Meeting and other regional mechanisms recommended in the PILOM Review.

18. The Terms of Reference and the recommendations of the PILOM Review already provide a very comprehensive and detailed description of the breadth of responsibilities which could be allocated to the PILOM Secretariat. The responsibilities of the PILOM Secretariat could be summarised as constituting the following key roles:

- implementation of PILOM resolutions
- information sharing
- regional liaison, and
- secretariat services.

19. The advantage with information sharing function of the PILOM Secretariat involves establishing and maintaining a network of persons working on regional issues between PILOM meetings. It would also provide an opportunity to locate relevant information and more easily make contacts without having to establish a relationship bilaterally.

Proposal 7: That PILOM consider adopting both a three year Strategic Plan and an annual work plan to direct the Secretariat's activities.

Proposal 8: That the role of the Secretariat be to

- i. facilitate implementation of resolutions passed by PILOM at its annual meeting in accordance with the PILOM Strategic Plan and annual Work Plan***
- ii. provide an information-sharing and communication network for PILOM members***
- iii. provide a focal point for liaison with other regional law and justice mechanisms, and***
- iv. provide a full range of secretariat support services to PILOM members, the PILOM chair and PILOM host authorities.***

Proposal 9: That the performance of the PILOM Secretariat be reviewed after three years to determine its effectiveness in carrying out its role.

Timing and funding

20. It would be useful to have a functioning Secretariat that is able to progress the PILOM agenda over the next twelve months.

Proposal 10: That PILOM consider options for securing funding for the permanent Secretariat to be:

- ***established as quickly as possible, and***
- ***funded by an appropriate division of costs between members***

Conclusion

21. Tangible and prompt action needs to be taken in and after this meeting to set up a PILOM Secretariat. Once these steps have been completed, PILOM will become an effective body in which members can engage on, and achieve outcomes with, law and justice issues in the Pacific region.