



CCSBT -EC/0810/09

## 9. Governance Arrangements- Role of Chair

### Purpose

To discuss the role of the Chair and Commissioners in the Extended Commission's governance arrangements.

### Background

The CCSBT's Rules of Procedure provide for:

- Annual rotation of meetings among Members - Rule 2, paragraph 2(b)
- Selection of a Chair and Vice-chair for an annual meeting by the delegates attending the previous meeting who remain in office until the election of the Chair and Vice-chair for the subsequent meeting. The Chair and Vice-chair must come from different Members - Rule 4, paragraph 1

In practice, the Extended Commission combines the two provisions selecting the Chair from the country in which the subsequent meeting will be held and the Vice-chair from the country of the next rotation.

An individual/s has not always been nominated at the time. The Extended Commission has frequently noted that the Chair and the Vice-chair will come from nominated Members. As a result the CCSBT has not had a Chair or Vice-chair for extended periods of time. For example, at CCSBT14 in October 2007, the meeting concluded with no individual being nominated for either the Chair from New Zealand or the Vice-chair from Korea for CCSBT15. New Zealand nominated a chair some 10 weeks after the meeting and Korea has yet to advise of the Vice-chair. New Zealand's nomination also came with a caveat saying that their nomination could be affected by New Zealand elections in 2008.

Fluency in English has also been an issue in the nomination process for the Chair and Vice Chair. In the past English fluency has played a significant part in Members' decisions on the individual to be nominated leading to last minute nominations prior to annual meetings. In addition, the primacy of English fluency has resulted in nominations of individuals with no on-going connection to the management of the southern bluefin tuna fishery.

These arrangements effectively acknowledge that the Chair and Vice-chair positions' main functions are to chair the annual meetings leaving it to the Executive Secretary to manage Extended Commission business between annual meetings. It is an

entirely workable arrangement if it is the Members' collective view that the Extended Commission's role in the management of the southern bluefin tuna fishery is to be a minimalist one. It is also not inappropriate in the context of the CCSBT's more limited scope and size compared to other RFMOs.

However in 2008, internal management issues involving the Secretariat required executive decision making by the Chair who had up to this time no involvement in day to day Extended Commission business. As a result the Chair has asked for the Extended Commission's governance arrangements relating to the term and role of the Chair to be discussed at CCSBT15.

## **Discussion**

### Arrangements in Other RFMOs

#### **CCAMLR**

Chair is elected for two years on an alphabetical rotation principle. There has been some attempts to change this but not with any great prospects of success before there has been a full rotation. The commitment of the Chair from the nominating member has varied. The Executive Secretary's role/relationship has fluctuated with the level of commitment.

#### **ICCAT**

The Chair is elected for two years with the option of a second two year term. The Chair has been decided by consensus among the heads of delegation and this seems to have been a successful mechanism.

ICCAT is a large and complex organisation with multiple fish species and many members with substantially different stages of development. The Secretariat's role is very much influenced by these factors. Secretarial support and institutional issues occupy most of the Secretariat's time and a strong working relationship has developed between the Executive Secretary and the Chair. Contact is frequent.

#### **IATTC**

Up to 2005 the Chair was appointed at the meeting and stayed in the role up to the next meeting. The involvement of the Chair in the day to day management of the Commission varied depending on the interest of the person involved. Quite often the interest was minimal. After 2005, IATTC agreed to change its rules of procedure to allow the appointment of the Chair for a two year period with the intention of strengthening the Chair's role. However, this has not been formalised and there have been a series of one year appointments since the decision in 2005.

IATTC has a much larger operational role than the other tuna-RFMOs. The Secretariat operates an observer program, has regional offices and maintains an in house scientific research capability. The Executive Secretary has extensive operational management responsibilities, which do not involve the Chair.

## **WCPFC**

The Chair is elected for a period of two years with the option for renewal for a further two years. The WCPFC is currently operating with its inaugural Chair and Executive Secretary and in this formative stage, the office holders have had a close working relationship.

## **IOTC**

The Chair is elected every second year and cannot be appointed for a third term.

The common feature of the other RFMO arrangements (including IATTC's decision, not practice) is that they all provide for the chair to be appointed for two years largely for reasons of continuity and strengthening of the role. However, the effectiveness of the arrangement has still relied on the commitment of the nominated individual and the commitment from the nominating member.

A notable feature of the selection of the Chairs where there is no rotation principle is that they have tended to come from the more "senior" members of each RFMO.

The benefits from a two year term and closer day to day involvement with the Executive Secretary are dependent on the size, structure and circumstances of the RFMO. A large and complex organisation like ICCAT has a very large secretarial function and complex "political" interactions impacting on its work. An involved/committed Chair enables the Executive Secretary to deal with these "political" tensions. Similarly, an organisation like the WCPFC, which is currently establishing itself and introducing fisheries management measures that will impact differently on a broad cross section of members, would derive considerable benefit from the engagement of a committed Chair.

The benefits to an organisation like CCSBT, are likely to be less. The CCSBT does not have a complex structure and "political" issues tend to be managed bilaterally. The activities that engage the chair in ICCAT and the WCPFC are far less prevalent in the CCSBT as it currently operates. If, however, the CCSBT Secretariat became more actively involved in the administration of the fishery, this would change.

### Commitment from the Chair

A system of appointing a chair for two years with options for extension to enhance the role of the Chair would require a greater commitment to the position than has prevailed in the past. A nomination would require:

- commitment from the individual to be available for the full period of the appointment and to make the CCSBT role part of their normal duties where they worked
- the nominee's country to accept the diversion of time to CCSBT business

This commitment has been made for some other RFMOs but in circumstances where the role has had a broader scope than would be demanded by the CCSBT and the nominating country has extensive on-going involvement in the fisheries being managed.

## English/Japanese Fluency

Meetings of the CCSBT can be managed in either Japanese or English by the Chair. A Chair, appointed with a more extensive involvement in the CCSBT than is now the case, would have to have fluency in one of these languages. This would advantage Australia, New Zealand and Japan in the selection of the Chair. The other members might find it more difficult to locate someone with the necessary language skills who could make a more extensive commitment than is now the case.

The current rotation arrangements with little demands on the Chair's time outside meetings, enables non-English/Japanese speaking members to look more widely in their civil services for suitable individuals. Conversely, this may result in a Chair who is less familiar with the activities and operation of the CCSBT.

## Selection Tensions

Selection of an individual to be the Chair of an RFMO can sometimes be very fraught. Organisation politics can be involved. This is particularly so where members may feel disadvantaged in putting an appropriate person forward.

The current rotation arrangements avoid these tensions.

## **Pros and Cons**

The advantages of appointing Chairs for two years and giving them more responsibility for CCSBT activities are:

- the role of the Chair would be strengthened
- it would enable more CCSBT business to be conducted between annual meetings
- an increased level of commitment to the position would result
- Chairs are more likely to be selected for expertise related to the functions of the CCSBT
- continuity

The disadvantages are:

- some members might be disadvantaged in nominating individuals
- "political" considerations might be introduced into the selection process
- the inclusiveness of the current rotational arrangement would be lost

In considering the need for any changes to the current arrangements and giving weightings to the pros and cons outlined above, the following issues might be taken into account:

- apart from the difficulties experienced in 2007, the existing arrangements have been effective
- is the CCSBT's scope and size be sufficient to warrant a more active role for the Chair
- assuming that the CCSBT's scope and size would not require the level of engagement as for other RFMOs, would members be prepared to make the commitment of appropriate people
- is the CCSBT willing to accept that some members could be disadvantaged

**Prepared by the Secretariat**