

## **ITEM 6 Strategic Decisions on Project composition, challenges and future directions**

The project wishes to draw attention of the Steering Committee Members to the following strategic issues for the period beginning Jan 2020 – ending Dec 2021. These issues are:

### **a. Approval of the ‘no cost-extension of the Project Period by UNEP (Executing Agency).**

The request for the no-cost extension of the Project Cooperation Agreement (PCA) was endorsed by the Steering Committee on 31 January 2020 during the third Steering Committee Meeting. The decision of the Steering Committee required legal standing for which we had to request UNEP to approve. UNEP approved the request for no-cost extension of the PCA on 31 July 2020 and signed by SPREP on 28 August 2020. The new ending date of the project is 31 December 2021.

### **b. Extension of Contractual Agreement of Project Staff.**

Currently the Project has three (3) positions for full time staff which are the (i) ABS Legal Adviser; (ii) ABS Capacity Building Officer; and (iii) ABS Financial and Technical Assistant.

The position of Capacity Building Officer and the Technical and Finance Assistant are currently filled with their contractual agreement finishing in October 2020 (ABSCDO) and June 2021 (ABSTFO) These contracts are expected to be renewed by the end of September, 2020, as per the conditions of PCA extension (Part 8).

The contract agreement for the Legal Adviser position will end on 4 October 2020.

### **c. End of Contract for ABS Legal Adviser- 4 October 2020.**

The ABS Legal Adviser will complete her three-year contract on 4 October 2020. The position of the Legal Adviser is proposed not to be advertised, since activities required is near completion. Please refer to *Annex 1* for further justifications.

The re-distribution of the ABS Legal Adviser Salary is also attached for approval.

### **d. Budget Implications on Project Extension**

The COVID-19 Pandemic has put the regional Access and Benefit Sharing Project (UNEP/SPREP) under significant limitations, particularly with capacity building measures. While SPREP continued to identify solutions and technical assistance that was rendered remotely during the period of Feb 2020- June 2020, nevertheless the new normal meant that all countries including the executing entity had to be proactive in adapting to the changing way of doing business. The project continued to provide remote assistance through online modalities such as webinars and encouraging use of online resources and tools developed by its collaborators and partners for maximisation of benefits during the current situation.

As a result of the pandemic many scheduled national capacity building workshops and two regional ABS Trainings (regional workshop) had to be postponed or cancelled (still under review). These workshops and capacity building measures puts emphasis on the need for mobilisation of strategies (policies or legislation) and helps countries to adopt interim measures as we draw them to full implementation of the Protocol in the Pacific.

The budgetary implications for project extension are described in two specific categories (i) Personnel and (ii) Activities. For personnel the budget for the extended period shall approximately cost USD \$360,000 (15 months). The cost reflects all necessary benefits and SPREP deductions.

The balance from the saving shall make up for the activities. The current project for 2020 budget is estimated to cost \$ 668,229 USD. Noting that the project balance as of date is \$ 1.2 million USD (TBC), there shall be enough money to undertake key activities and pay staff in the extended period.

#### **e. Notable Challenges**

Major challenges in 2020 are as follows:

- i. Covid 19 pandemic and travel restrictions.
- ii. Travel budget is always limited therefore prioritisation of meetings and workshops.

### **RECOMMENDATIONS**

**The Steering Committee is invited to endorse the following recommendations:**

- 1. The re-distribution of the ABS LA salary to capacity building activities and project personnel.**

#### **Annex 1: Justifications for Recommendation 1 above**

In view of the no cost extension granted to the ABS Regional Project, the following paper is submitted as justifications to the adjustments to project staff contracts and salaries:

## **1. The position of the ABS Legal Adviser**

1.1 It is recommended that this position currently filled by ‘Ofa Kaisamy (ABS LA) to be dissolved from the project staff structure and not to be taken up for advertising and recruitment upon completion of her contract on 4 October 2020.

1.2 This recommendation is based on the cost benefit analysis of the project in the 12-month extended period, noting that a significant number of project deliverables from the ABS Legal Adviser have been achieved already. However, the committee is advised that there are some activities going in the future (2020-2021) that may require inputs from a legal expert at various intervals of the project implementation such as facilitation of regional trainings, workshops and technical assistance to member countries.

1.2 Additionally, Mr. Rahul Chand ABS Capacity Building Officer is noted to have completed his Masters in Environmental Law and required experience on matters dealing with implementation of Access and Benefit Sharing in the Pacific Region which favors the above recommendation for existing staff to share the left-over task of the Legal Adviser. (See note on salary distribution)

1.3 A small sum of money has been reserved in the revised work plan of the project to undertake short term consultancies should the need arise for legal assistance in the event that existing staff from the project and SPREP Legal Team are unable to commit sufficient time for any such deliverables.

1.4 In addition to this, the time from the date of finalizing the advertisement, to actual advertisement, short listing, constituting the panel for interviews and getting a new officer on board may take at least minimum of 1-3 months depending on the time of the year. In view of the current COVID 19 situation and whether the successful incumbent will be able to begin anytime soon is also under great concern. The cost for recruitment and whether a suitable candidate for the said position will be willing to take up 12-month contract where there is no opportunity for further extension must be seriously discussed in view of the above recommendations.

## **2. The position of ABS Capacity Building Officer**

2.1 The position of Capacity Building Officer and the Technical and Finance Assistant are currently filled with their contractual agreement finishing in October 2020 (ABSCDO) and June 2021 (ABSTFO) These contracts are expected to be renewed by the end of September, 2020, as per the conditions of PCA extension (Part 8).

2.2 The Capacity Building Officer, Rahul Chand is currently based in Fiji and remotely working due to the COVID 19 lockdown and border closure. A lot of uncertainties exist into when things will normalize and the said officer may be able to physically move back into Samoa. So far, the arrangement has been working well with him as it is with many other SPREP staff currently working remotely. SPREP is fully



cognizant of the situation and has been working closely with the staff and supervisors to ensure that minimal disruptions are caused from these arrangements.

2.3 Furthermore, the key activities on capacity building cannot really have significant changes even if facilitated from Samoa due to the current border closures and therefore strategies have been identified to deal with the situation. SPREP considers this arrangement to be a unique way for working and something that shall in time to come become more prominent with travel and budgetary constraints.

2.4 The arrangement with staff working remotely adheres to strict outcome driven, continuous communication with supervisors, full support and knowledge of Human Resources, technology accessibility such as skype, MS Team and Zoom and regular updates and briefing to Heads of Division. This is not a permanent arrangement and SPREP through its Human Resources Department is closely monitoring the situation to bring back all its staff when it is safe and prudent to do so.

### **3. Salary Distribution**

3.1 The recommendation for salary redistribution pertains to the allocation that was made available for ABS Legal Adviser. In view of the above recommendation (refer to point 1.0, above) it is therefore reasonable to allocate this fund towards key expense items in the project that have been running in a very small budget.

3.2 The ABS Legal Adviser salary is thus redistributed towards travel, workshops and meetings such as the interregional exchange, national and sub-regional workshops and communication materials.

3.3 Attention is also drawn to increases in salary of ABS Capacity Building Officer and ABS Finance and Technical Assistant in view of added responsibilities, the increase is made in view of the recommendation stated in part 1, above from the salary of the ABS Legal Adviser.