REQUEST FOR QUOTATION (RFQ)

FOR SERVICES

Project Title:	**Specialised advice to act as independent internal investigator into allegations involving the Pacific Community**
Nature of the services	Undertake independent and impartial investigations into allegations raised against the Pacific Community, its staff and/or its contractual partners
Location:	Noumea and/or home based
Date of issue:	27/01/2025
Closing Date:	12/02/2025
SPC Reference:	RFQ 25-7565

Contents

Part 1: INTRODUCTION

1.1 About the Pacific Community (SPC)

The Pacific Community (SPC) is the principal scientific and technical organisation of the Pacific region, established by treaty in 1947 with the signing of the *Agreement Establishing the South Pacific Commission* (the Canberra Agreement).

Our unique organisation covers more than 20 sectors and is renowned for knowledge and innovation in such areas as fisheries science, public health surveillance, geoscience and conservation of plant genetic resources for food security.

For more information about SPC and the work that we do, please visit our website: https://www.spc.int/.

1.2 SPC's procurement activities

SPC's procurement activities are guided by the principles of high ethical standards, value for money, open competition and social and environmental responsibility and are carried out under our Procurement Policy.

For further information or enquiries about SPC's procurement activities, please visit the procurement pages on our website: https://www.spc.int/procurement or email: procurement@spc.int

1.3 SPC's Request for Quotation (RFQ) Process

At SPC, procurement valued at more than EUR 2,000 and less than or equal to EUR 45,000 requires an evaluation of at least three quotations to determine the offer that provides the best value for money through a Request for Quotation (RFQ) process.

This RFQ sets out SPC's requirements for a project and it asks you, as a bidder, to respond in writing in a prescribed format with pricing and other required information.

Your participation confirms your acceptance of SPC's conditions of participation in the RFQ process.

Part 2: INSTRUCTIONS TO BIDDERS

2.1 Background

SPC invites you to submit a quotation to deliver the services as specified in Part 3.

SPC has compiled these instructions to guide prospective bidders and to ensure that all bidders are given equal and fair consideration. Please read the instructions carefully before submitting your bid. For your quotation to be considered, it is important that you provide all the prescribed information by the closing date and in the format specified.

2.2 Submission Instructions

You must **submit your quotation and all supporting documents** in English or in French and as an attachment to an email sent to williama@spc.int and with the subject line of your email as follows: **Submission** RFQ 25-7565 - Legal Services investigation. The email should also be copied to **rfq@spc.int.**

The supporting documents expected in this RFQ are:

- The Conflict-of-Interest Declaration form completed;
- Technical proposal;
- Financial proposal;
- CVs of legal specialists;

- References of past experiences.

Your submission must be clear, concise and complete and should only include a quotation and information that is necessary to respond effectively to this RFQ. Please note that you may be marked down or excluded from the procurement exercise if your submission contains any ambiguities or lacks clarity.

Bids will be evaluated on the basis of information received by **11:59 pm Noumea time** on **12/02/2025**.

2.3 Evaluation & Contract Award

Each quotation validly received will be assessed against the evaluation criteria matrix set out in Part 4. Any changes in the evaluation criteria will result in the RFQ process being re-issued.

SPC may award the contract once it has determined that a bidder has met the prescribed requirements and the bidder's proposal has been determined to be substantially responsive to the RFQ documents, provide the best value for money (highest cumulative score) and best serve the interests of SPC.

In the event of a bid being accepted, procurement will take place under SPC's General Terms and Conditions of Contract and depending on the value or nature of the procurement, the award will be made by issuing a purchase order or a signed and dated contract, or both.

2.4 Key Contacts

Please contact SPC should you have any doubt as to what is required or if we can help answer any questions that you may have.

William Ahern Legal Counsell will be your primary point of contact for this RFQ and can be contacted at williama@spc.int. You should copy any communications into **rfq@spc.int**.

Details will be kept of any communications between SPC and bidders. This assists SPC to ensure transparency of the procurement process. While SPC prefers written communication in the RFQ process, at any point where there is phone call or other conversation, SPC expects to keep a file note of the exchange, with all forms of communication with prospective bidders to be retained as source documents for the procurement of the services.

2.5 Key Dates

Please see the proposed procurement timetable in the table below. This timetable is intended as a guide only and while SPC does not intend to depart from the timetable, it reserves the right to do so at any stage.

STAGE	DATE
FQ sent to potential vendors	27/01/2025
RFQ Closing Date	12/02/2025
Award of Contract	26/02/2025
Commencement of Contract	3/03/2025
Conclusion of Contract	2/03/2026

2.6 Legal and compliance

Confidentiality: Unless otherwise agreed by SPC in advance or where the contents of the RFQ are already in the public domain when shared with the bidder, bidders shall at all times treat the contents of the RFQ and

any related documents as confidential. SPC will also treat the information it receives from the bidders as confidential.

Conflict of interest: Bidders must take all necessary measures to prevent any situation of conflict of interest. You must notify SPC in writing as soon as possible of any situation that could constitute a conflict of interest during the RFQ process. If you have any familial connection with SPC staff, this must be declared, and approval will then be sought for you to engage in the RFQ process. In support of your response to this RFQ, you must submit to SPC the Conflict-of-Interest Declaration form available on our procurement page website: https://spc.int/procurement.

Breach of this requirement can result in SPC terminating any contract with a successful bidder.

Currency, validity, duties, taxes: Unless specifically otherwise requested, all proposals should be in EURO and must be net of any direct or indirect taxes and duties, and shall remain valid for 120 days from the closing date. The successful bidder is bound by their proposal for a further 60 days following notification they are the preferred bidder so that the contract may be awarded. No price variation due to escalation, inflation, fluctuation in exchange rates, or any other market factors shall be accepted at any time during this period.

No offer of contract or invitation to contract: This RFQ is not an offer to contract or an invitation by SPC to enter into a contract with you.

Privacy: The bidder is to comply with the requirements of applicable legislation and regulatory requirements in force for the use of personal data that is disclosed for the purposes of this RFQ. SPC will handle any personal information it receives under the RFQ in line with its Privacy Policy, and the Guidelines for handling personal information of bidders and grantees.

Warranty, representation, assurance, undertaking: The bidder acknowledges and agrees that no person has any authority to give any warranty, representation, assurance or undertaking on behalf of SPC in connection with any contract which may (or may not) follow on from this RFQ process.

2.7 Complaints process

Bidders that consider they were not treated fairly during any SPC procurement process may lodge a protest. The protest should be addressed to complaints@spc.int. The bidder must provide the following information: (1) full contact details; (2) details of the relevant procurement; (3) reasons for the protest, including how the alleged behaviour negatively impacted the bidder; (4) copies of any documents supporting grounds for protest; (5) the relief that is sought.

Part 3: TERMS OF REFERENCE

3.1 Background/context

The Pacific Community (SPC) is the principal scientific and technical organisation in the Pacific region, proudly supporting economic and social development since 1947. We are an international development organisation owned and governed by our 27 country and territory members.

SPC is an **intergovernmental organisation** founded by independent States through the establishment and adoption of a **multilateral treaty**.

This specificity enables the organisation to operate at a **supranational level** and to carry out our activities throughout our territorial scope.

The founding treaty for SPC is the **Canberra Agreement** 1947[1]. The founding treaty establishes the organisation high-level function and operation standards (territorial scope, membership, powers and function, the role of the Secretariat, etc.).

As an **intergovernmental organisation**, SPC has a wide range of capabilities within its regional scope and guarantees its **independence** and ability to operate effectively in the region. This status also confers on SPC a number of **privileges and immunities** granted to the organisation by its members under its founding treaty and international custom. These privileges and immunities enable SPC to preserve the independence of its action, to facilitate the implementation of its mandate and to allow the entire regional community to benefit from its activities.

SPC is a subject of international law and is therefore governed by public international law.

This legal framework includes:

- International treaties applicable to SPC: the Canberra Agreement and Host Country Agreements bilaterally concluded with certain members.
- Internal rules of the organisation: Regulations adopted by the governing bodies and Policies adopted by the Director-General. All internal rules of the organisation must be aligned with the common legal framework applicable to all intergovernmental organisations in the world.
- General Principles of international law and custom.
- Specific standards applicable to intergovernmental organisations such as public procurement rules or international public service law.

For more information about SPC's status and governance, please refer to **Annex 1**.

The selected service providers will be engaged under a preferred supplier agreement (PSA), which will define the terms of collaboration and remuneration. Under this agreement, the organisation will contract internal investigator(s) as needed to undertake internal investigations into alleged misconduct by SPC, its staff and/or its contracting partners.

[1] The Canberra Agreement and its amendments can be found in SPC Governance Compendium: https://www.spc.int/digitallibrary/get/zes7n

3.2 Purpose, objectives, scope of services

The tasks of the internal investigator can include:

• Prepare a Standing Operating Procedure document for conducting internal SPC investigations:

Prepare a Standard Operating Procedure (SOP) document that sets out best practices, guidelines and processes for carrying out internal investigations, generally and within SPC's policies and procedures, to serve as a guide for the conduct of internal investigations into allegations involving SPC. The investigator may also be required to develop template investigations reports and/or recommendations for action to the SPC Executive.

• Conduct internal investigations in conformity with SPC's applicable rules and policies:

Investigate allegations of misconduct made against SPC, its staff and/or its contracting partners, including fraud, corruption, and other breaches of SPC's internal rules and policies. Ensure compliance with relevant procedures and standards, including Chapter XI (Work culture and behaviours) and Chapter XII (Investigations and disciplinary action) of SPC's Manual of Staff Policies, while gathering and assessing all relevant evidence to form a clear understanding of the situation.

• Conduct interviews and documentary review:

Carry out interviews with staff, witnesses, and other relevant parties in accordance with internal policies and protocols. Collect, document, and evaluate facts and evidence to ensure an accurate representation of the case and support the investigation's objectives, while respecting the principles of procedural fairness and do no harm, as required by Chapter XII (Investigations and disciplinary action) of SPC's Manual of Staff Policies.

• Manage sensitive allegations:

Handle all confidential information with utmost discretion and professionalism, ensuring that sensitive allegations, including with respect to sexual misconduct and other forms of abuse, are addressed in line with internal confidentiality and privacy standards. Maintain objectivity and fairness throughout the process, safeguarding the integrity of the investigation.

• Prepare investigation reports:

Produce clear, thorough, and well-structured reports that outline the investigation's findings, key evidence, and provide actionable recommendations. These reports will be crucial for management's decision-making and any potential follow-up actions.

• Provide expert advice on investigation strategy:

Advise on the strategic approach to investigations, suggesting appropriate methods and tools to use. Help identify key issues early in the process and ensure the investigation remains focused, thorough, and aligned with organisational policies.

• **Collaborate with relevant stakeholders:**

Work closely with human resources, legal teams, and other relevant departments. Ensure the coordination of efforts throughout the investigation process, providing updates and contributing to the development of solutions based on the investigation's outcomes.

• **Provide any other relevant requests for legal advice that might arise from time to time**

3.3 Reporting and contracting arrangements

The internal investigator will:

- Report to and communicate regularly with the Senior Legal and Governance Counsel and the Legal Counsel of the SPC Legal and Governance Team regarding the investigation.
- The internal investigator(s) may be required to travel to SPC headquarters in Noumea as needed (e.g. to conduct interviews) and at SPC's (reasonable) expense. Outside of these potential travel obligations, the internal investigator(s) will primarily work from their home base.

3.4 Skills and qualifications

The internal investigator is required to have:

State diploma in law (minimum 5 years of study)

Proven experience in conducting internal investigations in an international context

- Extensive experience in conducting internal investigations within international environments, such as international corporations, international organisations, government departments etc.
- Knowledge of the procedures, legal frameworks, and ethical standards governing internal investigations.

Experience in conducting investigations into misconduct, such as fraud, corruption, and staff misconduct

- Proven track record of handling investigations involving misconduct such as fraud, corruption, and sensitive staff misconduct allegations.
- Expertise in managing sensitive and confidential information during investigations.

Experience in writing reports and conducting interviews

- Strong ability to write clear, concise, and detailed investigation reports.
- Skilled in conducting interviews in compliance with internal policies and ethical standards.

Over 10 years of professional experience in conducting investigations (for at least one team member)

- At least 10 years of experience in conducting investigations, preferably in the international context.

- Expertise in handling complex investigations, with a focus on adherence to legal and procedural standards.

Strong analytical and legal drafting Skills

- Ability to analyse complex facts, draw conclusions, and present findings clearly.
- Proven experience in drafting investigation reports, findings, and recommendations.

Knowledge of international public law and the law of international organisations

- Advanced academic study or work experience in public international law and the law of international organisations

Professional proficiency in English required and proficiency in French highly desirable

3.5 Preferred Supplier Agreement and Contract Terms

The selected expert or firm will be engaged under a **Preferred Supplier Agreement**. This agreement will have an initial duration of **one year**, with the possibility of renewal for up to a total of **four years** based on successful performance. The Preferred Supplier Agreement serves as a **framework agreement** outlining the general terms and conditions of the collaboration between the organisation and the selected law firm, including the agreed pricing structure for services.

Under this framework agreement, the organisation will contract with the expert or firm on an **as-needed basis**, depending on the legal services required throughout the project. The expertise will be required to provide specialised legal advice, as detailed in B. Purpose, objectives, scope of services.

Bidders are invited to respond to this tender by expressing their interest in providing legal services for **all parts**, or for **specific parts**, depending on their expertise and capabilities. The bidders must provide their **hourly or daily rates** for each part of the services offered. Additionally, they are required to submit **estimated global prices** for each part of the services they wish to cover, ensuring that the pricing reflects the scope and complexity of the tasks involved.

This flexible arrangement ensures that the organisation can secure specialised legal support tailored to the evolving needs of the project, while maintaining transparency and cost control through pre-agreed terms.

3.6 Annexes to the Terms of Reference

- Annex 1: SPC's status and governance
- Annex 2 - Due diligence questionnaire RFQ
- Annex 3 - Vendor Registration Form

Part 4: PROPOSAL EVALUATION MATRIX

4.1 Competency Requirements & Score Weight

The evaluation matrix bellow reflects the obtainable score specified for each evaluation criterion (technical requirement) which indicates the relative significance or weight of the items in the overall evaluation process.

Evaluation criteria	Score Weight (%)	Points obtainable
Mandatory requirements		
Legal practitioner should have **demonstrated expertise in conducting internal investigations within international environments, in compliance with relevant internal policies and procedures.**	**Mandatory requirements.** Bidders will be disqualified if any of the requirements are not met	
Technical requirements		
Technical requirement 1: Experience in investigation management. Experience in handling misconduct investigations (fraud, corruption, staff misconduct, etc.), ability to manage sensitive allegations with confidentiality, skill in analysing complex evidence and addressing serious allegations.	30%	210
Technical requirement 2: Experience in report writing. Ability to write clear, detailed reports in line with the internal frameworks of international entities.	25%	175
Technical requirement 3: Investigations into conduct of international entities. Experience conducting investigations within the internal framework of international entities, ability to gather evidence, conduct interviews, evaluate facts, and prepare conclusions, in adherence to disciplinary and ethical standards.	20%	140
Technical requirement 4: Knowledge of public international law and the policy framework of international Organisations (IO). In-depth knowledge of public international law, IO law and policy frameworks, familiarity with international conventions and the internal regulations of Ios.	15%	105
Technical requirement 5: Cultural sensitivity and communication skills. Ability to work in a multicultural and gender-sensitive environment. Strong interpersonal and communication skills, ability to navigate cultural differences and gender issues, sensitivity to diverse environments during investigations.	10%	70
Total Score	**100%**	**700**

Annex I: SPC's status and governance

Contents

What is SPC?

The Pacific Community (SPC) is the principal **scientific and technical organisation** in the Pacific region, proudly supporting development since 1947.

But SPC is not just any type of organisation, it is an **intergovernmental organisation** (IGO).

What does it mean to be an IGO[2]? It means that SPC is an organisation founded by independent States through the establishment and adoption of a **multilateral treaty** (a treaty signed by several States).

Other IGOs include the United Nations, the World Health Organisation, UNESCO, the Green Climate Fund, the World Bank, the OECD, the European Union and others.

All IGOs operate independently of each other, but within a **common legal framework**: public international law, which includes international treaties, the general principles of international law (including principles relating to public procurement, the fight against corruption, money laundering and the financing of terrorism, conflict of interest management, transparency, privacy, intellectual property, etc.) and certain specific rules applying to IGOs, such as international civil service law. IGOs are not subjects of private law or national public law, and as such are not subject to any national legal system.

This specificity enables them to operate at a **supranational level** and to carry out their activities throughout their territorial scope.

For SPC, the founding treaty is the **Canberra Agreement** 1947[3]. The founding treaty establishes the organisation high-level function and operation standards (territorial scope, membership, powers and function, the role of the Secretariat, etc.).

SPC is not an NGO, a national administration, or a charity. As an **intergovernmental organisation**, SPC has a wide range of capabilities within its regional scope and guarantees its **independence** and ability to operate effectively in the region. This status also confers on SPC a number of **privileges and immunities** granted to the organisation by its members under its founding treaty and international custom. These privileges and immunities enable SPC to preserve the independence of its action, to facilitate the implementation of its mandate and to allow the entire regional community to benefit from its activities.

Video summarizing what is SPC: https://youtu.be/berQErg1h3A.

[2] Harward Law School on Intergovernmental Organizations: https://hls.harvard.edu/bernard-koteen-office-of-public-interest-advising/about-opia/what-is-public-interest-law/public-service-practice-settings/international-public-interest-law-practice-setting/intergovernmental-organizations-igos/

[3] The Canberra Agreement and its amendments can be found in SPC Governance Compendium: https://www.spc.int/digitallibrary/get/zes7n

SPC's governance

Being an IGO means that the organisation is governed by its member countries and territories. In the common language, we say that SPC is governed and owned by its 27 members to encompass its intergovernmental nature.

How SPC's governance operates?

As other IGOs, the intergovernmental governance of SPC is undertaken through the meetings and decisions made by its **Governing Bodies**. For SPC, the two governing bodies are the Conference (main one) and the Committee of Representatives of Governments and Administrations (CRGA - subsidiary one). SPC also has several sub-committees in place in different sector of its governance.

The Conference

The **Conference is SPC's main governing body**. It meets every two years at ministerial level. The Conference is charged with establishing the high-level, strategic orientations of the organisation, either on its own behalf or in response to recommendations for change submitted by the Secretariat through the Committee of Representatives of Governments and Administrations (CRGA).

The CRGA

The **CRGA is a subsidiary body of the Conference**. CRGA meets annually at senior officials' level. In years that the Conference does not meet, Conference has delegated powers to CRGA to decide on all matters that would normally be examined by the Conference, except appointment and renewal of the Director-General. CRGA makes decisions on its own agenda. It only refers decisions or makes recommendations to Conference on matters which fall within the scope of the Conference's high-level, strategic mandate.

CRGA's primary roles include, but are not limited to, monitoring implementation of the Pacific Community Strategic Plan, adopting the organisation's budget and providing governance oversight and guidance to the Secretariat. When considering SPC's budget, CRGA is guided by the organisation's priorities and overall strategy as expressed in the Pacific Community Strategic Plan and decisions of the Conference, together with the needs expressed by members and the Secretariat. Due consideration is also to be given to the outcomes of regional heads of sectors/ministerial meetings and decisions by other governing bodies of the Council of Regional Organisations in the Pacific (CROP), particularly those made by Pacific Leaders, that may impact on the work and resources of SPC.

CRGA considers the annual accounts and audit reports and adopts administrative regulations for the Secretariat. CRGA delegates administrative policy adoption and implementation to the Director-General. Significant changes to the terms and conditions of Secretariat staff are referred to CRGA for approval. CRGA assists Conference in the appointment process of the Director-General and conducts the performance evaluation of the Director-General.

Other subsidiary governance bodies

The CRGA Subcommittee for the Strategic Plan[4]

The **CRGA Subcommittee for the Strategic Plan** assists the CRGA in its governance role of monitoring the implementation of the Pacific Community Strategic Plan and providing guidance to the Secretariat on its strategic direction.

The Pacific Board for Educational Quality[5]

The **Pacific Board for Educational Quality** (PBEQ) is a subcommittee of the CRGA responsible for providing advice to the SPC Educational Quality and Assessment Programme (EQAP) and to assist it with some of its delegated functions to ensure the good governance of the programme.

The Audit and Risk Committee[6]

The **Audit and Risk Committee** (ARC) is a sub-committee of the CRGA. ARC assists the CRGA in fulfilling its oversight responsibilities of the financial reporting process, systems of internal control, audit, risk management, effectiveness and efficiency of operations, and compliance with legal and regulatory requirements.

Membership

The **Policy on membership and observer status of the Pacific Community**[7] establishes the membership rules (including criteria for admission and the expectations for members) of the organisation.

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[4] Terms of reference for the CRGA Subcommittee for the Strategic Plan can be found in Part IV of the SPC Governance Compendium: https://purl.org/spc/digilib/doc/2zotk

[5] Terms of reference for the Pacific Board for Educational Quality can be found in Part IV of the SPC Governance Compendium: https://purl.org/spc/digilib/doc/2zotk.

[6] The Audit and Risk Committee Charter can be found in Part IV of the SPC Governance Compendium: https://purl.org/spc/digilib/doc/2zotk.

[7] See Part II, Annex VII of of the SPC Governance Compendium: https://purl.org/spc/digilib/doc/2zotk

Currently SPC has **27 member countries and territories**[8]. SPC's unique membership for an intergovernmental organisation includes not only sovereign States but also non-independent territories. Each of them having a separate vote and seat from their metropolitan country. This practice has been recognised by SPC Conference since 1983 during the 23rd South Pacific Conference held in Saipan, Northern Mariana Islands, and reaffirmed by the 9th Conference of the Pacific Community held in Alofi, Niue in 2015.

During SPC's governing bodies meetings[9], one member is represented by one Representative and given one vote. All decisions are taken by consensus in the Pacific Community family. Processing to votes is not common practice.

SPC's web page on governance: https://www.spc.int/about-us/governance

All SPC's governance rules, adopted by its members can be found in SPC's Governance Compendium: https://www.spc.int/digitallibrary/get/zes7n

The Governance Compendium brings together all the key documents that provide the legal and administrative framework for SPC's governance, from the text of our founding treaty as amended over the years, through to the most recent decisions of our governing bodies.

For more information about SPC governance, please consult the **Pacific Community Governance Arrangement** (PCGA) in SPC Governance Compendium. The PCGA describes the Pacific Community (SPC) and its major governance bodies and mechanisms.

[8] The members of the Pacific Community and the Protocol order can be found in Part II, Annex VII of the SPC Governance Compendium:

[9] See SPC Governing bodies rules of procedure in Part II, Annex I: Rules of Procedure of the Conference of the Pacific Community and Annex II: Rules of Procedure of the CRGA of the SPC Governance Compendium:

SPC's internal functioning

The Secretariat

The Secretariat of the Pacific Community encompasses the administration of the organisation and the departments responsible for carrying out its activities. In other words, all the international civil servants working for the organisation.

The Director-General

The Director General is the head of the Secretariat of the Pacific Community. He is appointed by the Conference under the Criteria and Procedure for appointment of the Director-General of the Pacific Community[1].

The Director-General is the chief executive officer of SPC. The Director-General has full responsibility and authority to lead and manage the Secretariat and to represent, promote and defend the interests of SPC within the guidelines and regulations established by Conference and CRGA. The Director-General develops the vision, sets the goals, makes proposals to CRGA and the Conference on the range of services SPC may provide to its members, and makes decisions relating to the delivery of such services. The Director-General is fully accountable to CRGA and the Conference for any failure to meet the organisation's objectives or violation of the organisation's regulations and standards of conduct.

The Director-General can delegate powers and responsibilities to the Deputy Directors-General and other selected Secretariat staff in order to ensure the effective and efficient operation of the Secretariat and implementation of the organisation's activities. Such delegations are included in an Instrument of Delegations compiled by the Secretariat.

The Director-General may modify the structure of the Secretariat from time to time to maintain organisational efficiency. Approval of the Governing Body is required for major change involving considerations of strategic direction and/or significant, unbudgeted cost increases.

The Director-General informs members of the state of SPC's administration and work programmes, together with any other significant matters, through an annual report tabled at CRGA. The results of SPC's work programmes are communicated to members by means of an annual Pacific Community Results Report.

The Deputy Directors-General

SPC has two Deputy Directors-General (DDGs). One DDG Operations and Integration in charge of the direction of all the supporting functions of SPC (the Operations and Management Directorate or OMD) including Finance, HR, Procurement, Travel, Facilities, Legal, Partnerships, and SPC regional offices. And one DDG Science and Capabilities in charge of the direction of the scientific and technical divisions or programmes such as Land Resources, Climate Change, Fisheries, Statistics, Public Health, Geoscience and Ocean management.

See information about SPC Executive management: https://www.spc.int/about-us/executive-management.

[1] See Part II, Annex III of the SPC Governance Compendium:

The Staff

All SPC staff (including the DG and DDGs) are **international civil servants**. Their contracts are not governed by any national labour law but by SPC Staff Regulations, Staff Policies, general principles of international civil service law and the jurisprudence of international administrative tribunals such as the International Labour Organisation Administrative Tribunal (ILOAT) which is the tribunal competent to deal with conflicts between SPC and its staff.

By signing their contract with SPC, all staff members adopt the following oath:

'*I solemnly swear [undertake, affirm, declare, promise] to exercise in good faith and conscience the functions entrusted to me as a member of the international service of the Pacific Community, to discharge these functions and regulate my conduct in the interests only of the Pacific Community, and I undertake not to seek or accept instructions in regard to the performance of my duties from any government/administration or from any authority external to the Pacific Community.*'

As **international civil servants**, SPC staff enjoy certain privileges and immunities (e.g. exemption from national immigration restrictions) to facilitate their activities within the organisation (e.g. travel facilities for SPC staff in the region when on official SPC business).

But they are also entrusted with certain high-level duties which require irreproachable ethical behaviour and conduct to serve the interests of the Pacific Community and preserve their independence and that of the organisation.

All staff must adhere to the highest ethical standards and principles of good governance. They are all accountable to the DDG, who is accountable to SPC member countries and territories. Good governance underpins stakeholder trust, integrity and effectiveness, enabling the Pacific Community to build a sustainable and better future for all its stakeholders.

Video on SPC Good Governance: https://youtu.be/P90arHdFOFc

SPC's activities

SPC's activities are international (regional) in nature. SPC is an international public service organisation. Its mandate (technical and scientific) is to improve public service and public goods in the Pacific region by providing scientific and technical assistance to its members within the terms of reference adopted by SPC's governing bodies.

As such, SPC's activities are not governed by any particular national law, but by the rules adopted by its members (SPC's Staff Regulations and Financial Regulations) and by the DDG (SPC's internal policies such as procurement, grants, cash management, travel, etc.). See below SPC's legal framework.

SPC's activities are implemented under the framework of SPC Strategic Plan 2022-2031.

SPC's budget

The SPC's budget is funded from two main sources:

- Resources from its members (through mandatory contributions, ad hoc contributions and programme funding from members and their development agencies).
- External resources from other donors/development partners: other IGOs (EU, UN agencies, WB, GCF, etc.), other non-member countries (Germany, Sweden, etc.), and other categories or external partners: NGOs, private companies or private foundations/charities.

See SPC Financial Statement for 2022:

https://www.spc.int/digitallibrary/get/m49sz

SPC Regional Offices

SPC is a decentralised organisation. SPC's headquarters are based in Noumea, New Caledonia. SPC also has a major regional office in Suva, Fiji, which houses half of SPC's internal divisions.

SPC also has three decentralised offices, one in each of the organisation's sub-regions:

- The SPC regional Office for Melanesia (MeRO) in Port-Vila, Vanuatu
- The SPC regional office for Micronesia (MiRO) in Ponhpei, Federated States of Micronesia
- The SPC regional office for Polynesia (PRO) in Nuku'alofa, Tonga

SPC's legal framework

SPC is a subject of international law and is therefore governed by public international law.

This legal framework includes:

- International treaties applicable to SPC: the Canberra Agreement and Host Country Agreements bilaterally concluded with certain members.
- Internal rules of the organisation: Regulations adopted by the governing bodies and Policies adopted by the DG. All internal rules of the organisation must be aligned with the common legal framework applicable to all IGOs in the world.
- General Principles of international law and custom.
- Specific standards applicable to IGOs such as public procurement rules or international public service law.

Internal Regulations are adopted by the Conference or, in years when Conference does not meet, by CRGA. They outline the basic conditions of service and the rights, duties and obligations of the staff members of the Secretariat (Staff Regulations) and the basic financial policies of the organisation (Financial Regulations).

The Director-General has the responsibility for drawing up and implementing detailed Rules and Policies within the framework provided by the Regulations. The Director-General has the power to modify such rules and policies as required from time to time in response to changes in the context in which the Secretariat operates.

SPC is committed to transparency and good governance. SPC's legal framework is guided by the principles of fairness and accountability.

SPC's accountability web page including all SPC policies in force: https://spc.int/accountability

SPC's privilege and immunities

Like other IGOs, SPC enjoys certain **privileges and immunities** to facilitate and guarantee the proper implementation of its regional mandate. These privileges and immunities generally include tax exemption, exemption from customs restrictions, travel facilities (including exemption from immigration restrictions, i.e. visa exemption) and immunity from jurisdiction and execution.

The purpose of these privileges and immunities is multiple. Firstly, they aim to abolish or simplify national administrative procedures that would normally apply to a foreign organisation, in order to rationalise the organisation's activities and make them more efficient. This allows better use of the organisation's funds and resources, dedicated solely to the implementation of its mandate. They are also designed to preserve the organisation's independence. Tax exemptions ensure that no country benefits from direct income to its national budget as a result of the organisation's activities and preserve the multilateral essence of the organisation. Customs exemptions ensure that the organisation remains independent and free to import and export the goods necessary for its activities and projects throughout the region, without national restrictions.

SPC's privileges and immunities found their origins in the Canberra Agreement, article IV: "*The participating Governments undertake to secure such legislative and administrative provision as may be required to ensure that the Pacific Community will be recognised in their territories as possessing such legal capacity and as being entitled to such privileges and immunities (including the inviolability of its premises and archives) as are necessary for the independent exercise of its powers and discharge of its functions*." and XIII: ". *Each participating Government undertakes so far as possible under its constitutional procedure to accord to the Secretary General, to the Deputy Secretary-General, to the full-time members of the Research Council and to appropriate members of the staff of the Secretariat such privileges and immunities as may be required for the independent discharge of their functions. The Pacific Community may make recommendations with a view to determining the details of the application of this paragraph or may propose conventions to the participating Governments for this purpose*."

Members of the Pacific Community are therefore responsible for making the necessary legislative and administrative arrangements to ensure that SPC and Secretariat staff enjoy privileges and immunities in accordance with international practice and custom. Some members have entered into bilateral treaties with SPC to secure these privileges and immunities. These treaties are called Host Country Agreements. Others have incorporated into their national system (generally in addition to their law on diplomatic privileges and immunities) a specific law on the privileges and immunities of intergovernmental organisations.

Members of the Pacific Community are encouraged to consider the development and conclusion of formal host country or privileges and immunities agreements between SPC and member countries to ensure consistent and stable operating conditions for the organisation, its Secretariat and staff. CRGA 53 recommended that the Secretariat make the issue of privileges and immunities a standing item on the agenda of CRGA 54 for further consideration.

However, privileges and immunities have limits and restrictions. Firstly, they only apply to the activities of the organisation. No member of staff may claim the application of privileges and immunities for their personal benefit. The privileges and immunities they enjoy are linked to their official capacity as international civil servants of the Pacific Community and can only be invoked in the context of an official mission or activity for SPC. They are also intended to protect the interests of the organisation, and the DG has the power to waive them if this is in the interests of the organisation.