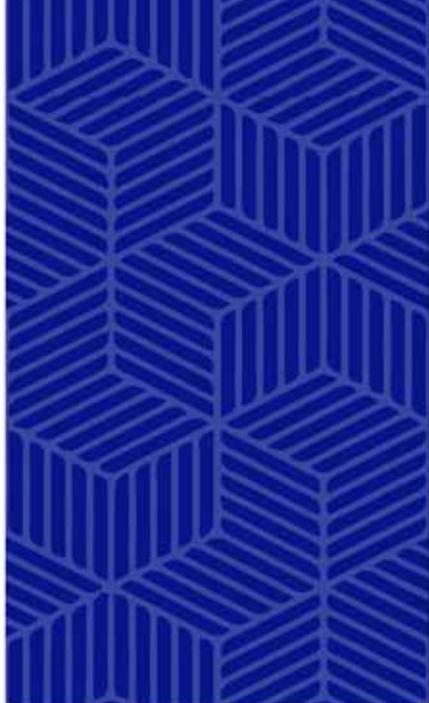




Oceania Customs  
Organisation Secretariat

# CONSTITUTION OF THE OCO



Mutual Administrative Agreement  
Reaffirming the establishment  
and operation of the  
Oceania Customs Organisation  
(OCO)



**The Customs Heads of Administrations of:** American Samoa, Australia, Commonwealth of the Northern Mariana Islands, Cook Islands, Federated States of Micronesia, Fiji, French Polynesia, Guam, Kiribati, Marshall Islands, Nauru, New Caledonia, New Zealand, Niue, Palau, Papua New Guinea, Samoa, Solomon Islands, Timor Leste, Tonga, Tuvalu, Vanuatu and Wallis and Futuna.

**CONVINCED** that the Oceania Customs Organisation (OCO) has been and will continue to be an organisation relevant to the needs of Members in fostering cooperation and development in the region;

**BELIEVING** that a re-organised OCO based on good governance, transparency and accountability will provide a firm foundation for the future growth and development of the organisation;

**ENSURING** that the OCO will continue to strive to promote efficiency and effectiveness in all aspects of Customs administration in the Oceania region, with particular emphasis on Customs modernisation and reform through the adoption and implementation of international standards and “best practices” to lead Customs into the 21st century;

**RECOGNISING** that modernisation of Customs systems and processes is essential for the progressive enhancement of the members prospects for economic and social development and poverty reduction in particular, revenue collection, trade and travel facilitation, border security, and community protection in the respective Pacific Island Countries and Territories; and

**RE-AFFIRMING** the support and recognition of the OCO Secretariat in pursuing coordination and implementation of the decisions of the OCO Conference through the Steering Committee and any Sub-Committee established by the Annual Conference;

Have **AGREED** as follows:

## **ARTICLE 1**

### **The Oceania Customs Organisation**

1. The Oceania Customs Organisation (OCO), formerly established as the Customs Heads of Administration Regional Meeting (CHARM), is hereby reaffirmed as a regional organisation.
2. The OCO comprises American Samoa, Australia, Commonwealth of the Northern Mariana Islands, Cook Islands, Federated States of Micronesia, Fiji, French Polynesia, Guam, Kiribati, Marshall Islands, Nauru, New Caledonia, New Zealand, Niue, Palau, Papua New Guinea, Samoa, Solomon Islands, Timor Leste, Tonga, Tuvalu, Vanuatu and Wallis and Futuna; and such other Customs Administrations that may be admitted for membership by the Conference in accordance with existing rules as determined by the Conference.
3. Development Partners may be admitted as associate members of the OCO, if a request for associate membership is approved by the Conference. The criteria for associate membership shall be determined from time to time by the Conference in accordance with the rules.

## **ARTICLE II**

### **Purpose**

1. The OCO will, through its activities, performance and actions strive to promote effectiveness and efficiency of Customs administrations in the harmonisation and simplification of Customs procedures, facilitation of trade, law enforcement and building the capacity of members in meeting the development objectives of their Governments.
2. The OCO will continue to coordinate and foster international and regional cooperation, communication and assistance between its Members on all Customs issues to ensure that individual interests and concerns are highlighted to Governments, regional organisations, non-Government organisations, private sector bodies and international organisations such as the World Customs Organization (WCO) and the World Trade Organization (WTO).

## **ARTICLE III**

### **The OCO Heads of Administration Conference**

1. The highest decision-making body of the Oceania Customs Organisation shall be the Conference of the Customs Heads of Administration.
2. The Conference shall be held annually. The Conference host shall be nominated by one of the members and voted to Chair the Conference (hereinafter called "the OCO Chair"). The Member Administration expected to host the next forthcoming Annual Conference shall be the OCO Chair elected by Members at the preceding Annual Conference. The venue, agenda and procedures for the Annual Conference shall be as determined by the Heads of Administrations from time to time.

## **ARTICLE IV**

### **Re-organisation and re-establishment of the OCO Secretariat**

1. The OCO shall continue to have a secretariat known as the OCO Secretariat (hereinafter called "the Secretariat").
2. The headquarters of the Secretariat shall continue to operate at its current location in Suva, unless a decision is made by the Conference to have the Secretariat re-located to the territory of a Member.

## **ARTICLE V**

### **Establishment of the OCO Steering Committee**

1. An OCO Steering Committee is hereby established.
2. The OCO Steering Committee shall be governed by a Charter adopted by the Conference that shall provide the Rules and Procedures for the existence and operations of the committee.

## **ARTICLE VI**

### **Appointment of Secretariat Staff**

1. The Secretariat staff (hereinafter called "the Staff' or Staff") shall consist of a Head of Secretariat and such other staff as may be appointed by the Head of Secretariat in accordance with this Article.
2. The Head of Secretariat shall be appointed by the OCO Annual Conference in accordance with the Administrative Policy and such other conditions as the Conference may determine.
3. If for any reason the post of Head of Secretariat becomes vacant prior to a replacement being recruited, an Acting Head of Secretariat shall be appointed by the Steering Committee to carry out the functions of the Head of Secretariat on an interim basis until the position is filled.
4. The Head of Secretariat shall appoint all other staff in accordance with the Administrative Policy and the Staff Regulations, with Staff Establishment and Remuneration to be determined through Policy developed by a Committee established for the purpose.
5. The Head of Secretariat shall be appointed for a term of three years and shall be eligible for reappointment. The Head of Secretariat's appointment shall not, however, exceed two consecutive terms.

## **ARTICLE VII**

### **Functions of the Head of Secretariat**

1. The Head of Secretariat shall be the Executive head of the Secretariat and shall be responsible for the day to day management of the Secretariat.
2. The Head of Secretariat shall act as the secretary to the Steering Committee and the Conference. In the same vein, the Head of Secretariat shall also act as a secretary to meetings of any Committee established by the Conference except in respect of a Committee established to deal with any matter to which the Head of Secretariat is involved.
3. The Head of Secretariat shall be responsible, in consultation with the Chairman of the Steering Committee, for organizing Board Meetings as determined by the Conference.

4. The Head of Secretariat shall consult with the Chair of the Conference, the Chairman of the Steering Committee and the Conference host in coordinating all logistical and administrative arrangements for the hosting of a Conference by a Member.
5. The Head of Secretariat shall also perform other duties and responsibilities as directed by the Conference and the Steering Committee.
6. When required, the Head of Secretariat shall act on the advice of and in consultation with the any Committee or Working Group established by the Conference in accordance with Clause 2 of this Article.

## **ARTICLE VIII**

### **Functions of the Secretariat**

1. The functions of the Secretariat shall be performed by the Staff in the employment of the Secretariat or any other person including a staff from a Member administration authorized in writing by the Head of Secretariat in consultation with the Chairman of the Steering Committee to perform such function on behalf of the Secretariat.
2. The primary function of the Secretariat is to provide policy advice, technical assistance, coordination and implementation of project interventions and assistance in implementing the decisions of the Conference within Member administrations.
3. The Secretariat shall in pursuance of established cooperation arrangements and subject to the decision of the Conference and the Steering Committee:
  - a) work to build on the foundations for regional cooperation established by the Pacific Islands Forum through the existing regional architecture by working to further strengthen and deepen links between the Members in the region in accordance with the purpose of the OCO;
  - b) continue to promote and enhance established cooperation with international organisations such as the World Customs Organization (WCO), the World Trade Organization (WTO), United Nations Agencies and Development Partners;
  - c) develop and promote the identity and activities of the OCO;
  - d) undertake such other activities that are necessary to achieve the purpose the OCO; and
  - e) work in cooperation and coordination with other inter-governmental organisations in the Pacific region, with the aim of ensuring that the most effective use is made of regional

## **ARTICLE IX**

### **Budget and Financial Matters**

1. The annual budget of the Secretariat shall be prepared by the Head of Secretariat in accordance with the OCO Financial Policies and Procedures manual and current international standards for presentation to the Steering Committee for consideration and endorsement prior to being approved by the Conference.
2. The costs of operating the Secretariat shall primarily be borne by the members according to their individual commitments or as prescribed by the Conference.
3. The Head of Secretariat may, with the approval of the Steering Committee, seek core funding assistance from Development Partners outside of the prescribed membership subscriptions and may enter into any formal arrangement to secure such funding.
4. The Secretariat shall develop funding proposals and seek external funding for Projects intended for the benefit of the Members.
5. Prior to the approval of the budget by the Conference, the Head of Secretariat shall be entitled to authorize expenditure up to a limit not exceeding one third of the previous year's actual expenditure.

## **ARTICLE X**

### **Legal Status, Privileges and Immunities**

1. The OCO Secretariat shall enjoy the legal capacity of a body corporate within the jurisdiction of the current country of its location. The Head of Secretariat shall be empowered to enter into legal undertakings on behalf of the OCO.
2. The OCO Secretariat and its expatriate staff shall within the territory of the Headquarters and in accordance with the Headquarters Agreement enjoy such privileges and immunities as agreed to, that are necessary to enable the Secretariat to fulfill its purpose and carry out its functions.
3. The Government of the host administration shall take all necessary measures to confer such privileges and immunities upon the OCO in accordance with their domestic legislation. Where appropriate, such privileges and immunities may be defined in separate agreements between the OCO and the host government.

## **ARTICLE XI**

### **Signature, Ratification, Accession, Entry into Force and Denunciation**

1. This Agreement shall become effective on the date on which the Members through the Annual Conference adopt it.
2. Other Customs administrations that meet the Membership criteria may, with the approval of the Conference, become a member of the OCO.
3. Any member may denounce this Agreement by notification addressed to the Conference through the Head of Secretariat. Such notification shall be accompanied by a written statement of the reasons for its denunciation, which shall be transmitted by the Secretariat to all other members. The denunciation shall take effect on the date of the next Conference following the receipt of the notification, unless the notification is earlier withdrawn.

## **ARTICLE XII**

### **Amendments**

1. The text of any amendment proposed by a member shall be submitted to the Head of Secretariat who shall cause such proposed amendment to be transmitted to all members.
2. If the proposal to amend the Agreement receives the support of at least two other members, the Head of Secretariat shall notify the Chairman of the Steering Committee who shall include the proposal on the agenda for the next Annual Conference.
3. If the proposed amendment receives the unanimous approval of the Conference, the amendment shall be adopted and shall enter into force three months after the date of such approval.



