

4 GOVERNANCE

26 The established convention is for Commonwealth institutions to be established by means of a Memorandum of Understanding between governments and it is proposed to follow this convention for the Commonwealth of Learning. Appendix A is a draft Memorandum. This sets out the functions of the Agency and, once agreed, will give it a legal personality and a legal framework for its activities.

27 The draft Memorandum sets out our proposals for governance of the Commonwealth of Learning. It takes account of the experience both of existing Commonwealth agencies and of other international educational bodies.

28 As suggested in para 6, in drafting the Memorandum we have sought to provide both for the Commonwealth of Learning's immediate needs and for future development. Heads of Government envisaged that the scope and functions of the Agency might develop once it had been proved successful and sufficient resources were available. Accordingly we propose that its status and powers should be framed in terms that will allow evolution and development to take place in response to changing needs, developmental priorities and levels of available resources.

29 The Commonwealth of Learning will need a Governing Board which will have overall responsibility for its policy and activities. The Board will determine policies for the Agency as a whole, including both the headquarters and any regional and decentralised activities. In considering an appropriate constitution for the Board, we have taken account of the decision by member governments that it should include both government representatives and distinguished individuals. We emphasise the need for it to be representative of all parts of the Commonwealth, including donor countries, to have members who can bring a knowledge of education generally including some with a specialist knowledge of distance education, and members from the business and communication sectors. We envisage that members appointed by governments may, as in the case of the other appointees, be drawn from any of these sectors. We see a need to balance continuity against the refreshment from new insights that will come from an element of rotation in its membership. We favour a board large enough to be representative but small enough to be effective and economic.

30 We realise that the constitution of the Board will require a balance between donors and others, and between large countries and small. It will be necessary to ensure that it meets the needs of the Commonwealth as a whole and can act in the interests of Commonwealth developing countries, bearing in mind that any Commonwealth country should be able to benefit from the work of the Commonwealth of Learning. Our recommendation is therefore, as set out in the draft Memorandum of Understanding at Appendix A, for a Board with sixteen or seventeen members. Nine members will be appointed by governments, five of them by the governments that have pledged the largest financial contributions for the forthcoming three financial years; three members will be appointed by the Board itself and two by the Commonwealth Secretary-General. The Secretary-General, or the Secretary-General's representative and the president of the Agency will also be members. The Board will appoint a chairman who will have been nominated by the Secretary-General after due consultation; the chairman may or may not already be a member of the Board. It is the intention that members should be named individuals rather than office-holders but, in the case of government representatives, it will be in order for an alternate to attend meetings. Members will be appointed in accordance with the principles we have set out.

31 To allow for an element of rotation the triennial conference of education ministers will determine which four countries, other than the largest donors, should appoint Board members. For the same reason members will be appointed for a three-year term, may be reappointed for a further term, but should not serve a longer consecutive period than six years. We have also provided in the Memorandum of Understanding for the Board to avail itself of advice from organisations or governments significantly assisting the Agency by empowering it to invite up to five persons to attend Board meetings on an advisory basis.

32 For the first Board, which needs to be established well before the next conference of education ministers, we recommend that the Secretary-General after appropriate consultation should propose which four countries other than major donors should appoint Board members and should himself, after due consultation, appoint five individual members to the Board. This will enable a properly constituted Board including both government and individual members to be set up without delay. As in para 30 we recommend that the Secretary-General, again after consultation, should nominate the first Chairman for appointment by the Board.

33 While the Board will have overall responsibility for the activities of the Agency we assume that it may wish to appoint one or more committees with specialist functions to act between its own meetings. It may, for example, wish to appoint an executive committee, especially to oversee the early stages of work. This and other possibilities will be open to the Board provided the Memorandum of Understanding empowers it to appoint committees. The recommended draft does this.

34 The Memorandum lays down the responsibilities of the Board and the president. The Board will have overall responsibility for determining principles, policies and priorities, for considering and approving the work programme, and for approving the budget. Initially it will need to adopt staff regulations and financial regulations. Day-to-day responsibility will rest with the president who will be responsible for preparing the work programme and budget for consideration by the Board, for implementing the work programme, for controlling the budget, and for reporting on the work of the Agency. The president will also be responsible for appointing the staff; in the case of the senior staff this will be after consultation with and with the agreement of the chairman.

35 The Commonwealth of Learning will need to remain in close touch with Commonwealth governments and with Commonwealth educational developments generally. In order to facilitate this we recommend that the Agency should report every three years to the Conference of Commonwealth Education Ministers and that it should also submit a report to the biennial meeting of Commonwealth Heads of Government.

5 STAFFING

36 We have considered both the type of staff to be appointed to the Agency for the Commonwealth of Learning and the principles that should guide staffing.

37 The president as chief executive of the Agency will be appointed by the Board of Governors and will be responsible to the Board for the administration and management of the Agency and its activities. The appointee would need to be in a position to negotiate at the highest level with governments and to command immediate respect in any college or university in the Commonwealth. The appointee might thus be someone who is already a university