



SPC/CRGA 45 (15)

Paper 4.2
ORIGINAL: ENGLISH

ANNEX 2

9TH CONFERENCE OF THE PACIFIC COMMUNITY
(Alofi, Niue, 3 - 5 November 2015)

POLICY ON MEMBERSHIP AND OBSERVER STATUS OF THE PACIFIC COMMUNITY

(To be considered by CRGA 45 and the 9th Conference of the Pacific Community, Niue, 2015)

INTRODUCTION

1. In light of the provisions of the Agreement establishing the South Pacific Commission (Canberra Agreement), which established the international organisation commonly known as the Pacific Community, the guidelines contained in the Tahiti Nui Declaration on membership in the Pacific Community, and based on the decision of the 8th Conference of the Pacific Community and the 43rd Committee of Representatives of Governments and Administrations (CRGA) to review and develop alternatives to membership for entities that want to work more closely with the Pacific Community, this policy aims to clarify membership in the Pacific Community and the relationship of the Pacific Community with observers to the Pacific Community.
2. In 2015, the Pacific Community has 26 members: American Samoa, Australia, Cook Islands, Federated States of Micronesia, Fiji, France, French Polynesia, Guam, Kiribati, Marshall Islands, Nauru, New Caledonia, New Zealand, Niue, Northern Mariana Islands, Palau, Papua New Guinea, Pitcairn Islands, Samoa, Solomon Islands, Tokelau, Tonga, Tuvalu, United States of America, Vanuatu and Wallis and Futuna.
3. The Pacific Community is prepared to receive expressions of interest in membership from former members or new entities that fulfil the criteria detailed below.
4. In accordance with its decision to welcome new members that share the vision and development aspirations of the Pacific Community, the Conference has decided on the following processes to guide its decisions on requests for membership.

A. MEMBERSHIP

Admission and withdrawal

5. Any government (independent or freely associated) or territorial administration with territory within the territorial scope of the Pacific Community as defined under the Canberra Agreement may submit a written request for membership of the Pacific Community. The request should be addressed to the secretariat (Director-General) and should concisely set out the claims of the applicant against the criteria for membership (see paragraph 15, below). The Director-General intends to advise all members of the Pacific Community when an application for membership is received.
6. The Director-General may seek further information from the applicant through a written request or a visit to the country or territory before advancing the application. The secretariat is responsible for preparing a detailed report for the Conference chairperson and all members of the Pacific Community, comprising an assessment of the applicant's claims against the criteria for membership and recommendations on the application. The Director-General also expects to enter into negotiations with the applicant in relation to the financial details of membership, to come to an arrangement on such financial details, and to relay this arrangement to all members for comment.
7.
 - (a) After the financial terms have been settled, a request for membership would then be placed on the agenda for consideration at the next annual meeting of the Committee of Representatives of Governments and Administrations (CRGA).
 - (b) CRGA may make a recommendation to the Conference, which may then make a decision on extending an invitation to the applicant to join the Pacific Community.
 - (c) Any decision made by Conference under (b) of this section should be made by consensus, with an additional waiting period of one month, during which any member may lodge an objection to the decision. In the absence of a consensus decision of the Conference in favour of extending an invitation, the application is deemed to have been rejected.
 - (d) For the application to be successful, all members would need to join consensus in favour of extending an invitation to the applicant to join the Pacific Community (i.e. no objection or request to consider the application at a future meeting is communicated to the secretariat within one month).
8.
 - (a) With the prior approval of the Conference chairperson, the Director-General may elect to process an application intersessionally.
 - (b) In this case, the Director-General would write to all Pacific Community members with the assessment of the application, notifying them of the proposed admission of the applicant as a member of the Pacific Community, and providing notice of a waiting period of three months, during which any member may lodge an objection to the membership application or request that the application be considered at the next meeting of CRGA and Conference.
 - (c) If, by the end of the three month period, no objection or request to consider the application at a future meeting has been communicated to the secretariat, the Director-General may decide that a consensus decision has been made in favour of extending an invitation to the applicant to join the Pacific Community.

- (d) If any member has requested that the application be considered at a future meeting, the issue should be placed on the agenda of the next annual meeting of CRGA and Conference for consideration, as described in section 7 above.
9. If, pursuant to Sections 7 or 8, above, the members of the Pacific Community decide to invite the applicant to become a member of the organisation, the Director-General should write to the applicant and extend the formal invitation for membership on behalf of the members.
10. The Director-General's letter should also inform the applicant that:
- (a) while the applicant has been invited to become a member of the Pacific Community, it may only become a participating government of the Pacific Community if it accedes to the Canberra Agreement, pursuant to the provisions and requirements of article XXI (66) of the said Agreement;
 - (b) all members of the Pacific Community pay an annual assessed contribution to the organisation. The amount of such a contribution, previously arranged in a manner consistent with section 6, above, should be clearly stated in the letter.
 - (c) the applicant is required to respond in writing indicating that it accepts the invitation to become a member of the Pacific Community.
11. If, pursuant to section 7, above, the members of the Pacific Community reject a request for membership, the Director-General expects to write to the applicant informing it of the decision.
12. Members may withdraw from the Pacific Community after providing 12 months' notice of intent to withdraw to the Director-General. A withdrawing member should settle any outstanding amounts owed to the Pacific Community during the 12 months' notice period specified in this paragraph. The Director-General should advise the chairperson of the Conference and all members when a notice of withdrawal is received.
13. The process for withdrawal of members is separate from the process for a participating government to withdraw from the Canberra Agreement, which is articulated in Article XIX of the Canberra Agreement.

Membership criteria

14. The acceptance of new members is intended to provide opportunities for qualifying independent and freely associated governments and territorial administrations that share the vision and development aspirations of the Pacific Community. As such, it would benefit the organisation to encourage applications from governments that have the will and capacity for substantive engagement with the members of the Pacific Community in pursuit of sustainable development for the region.
15. In making recommendations and decisions on admission to membership, the CRGA and the Conference should be guided by the following criteria:
- (a) The applicant's commitment to the vision, values and purpose of the Pacific Community and the development aspirations of its members.

- (b) The applicant's willingness and ability to participate in and, when appropriate, benefit from the work of the Pacific Community, noting that a lack of state resources, or weak capacity, should not, of themselves, be a barrier to membership.
- (c) Whether the applicant has the willingness and ability to make the annual financial contribution arranged with the Director-General.
- (d) Whether the admission of the applicant as a member would contribute positively to the regional and international relations of the Pacific Community and its members.

Treatment of new members

- 16. Upon admission, a member may enjoy the same treatment generally accorded to members of the Pacific Community. This includes *inter alia*: the ability to attend and speak at all SPC meetings, including ministerial meetings and meetings of the Conference of the Pacific Community and the Committee of Representatives of Governments and Administrations (CRGA); the ability to vote; and, in some cases, the opportunity to access SPC's development assistance and expertise.

Expectations

- 17. Members are expected to make an annual assessed contribution to the budget of SPC in recognition that their membership allows them to benefit from, participate in or support the work of the organisation. Members' contributions would be calculated according to a predetermined formula approved by CRGA, and are grouped in separate categories depending on the assessment for each member. The amount to be paid by a member is to be determined according to this formula and the category in which the member is placed.
- 18. Members are expected to respect the vision, purpose and values of the Pacific Community and to act in good faith accordingly.
- 19. Members should nominate an appropriate contact point for the purpose of official communication with the secretariat.

B. PERMANENT OBSERVER STATUS

- 20. To provide opportunities for entities that do not wish to hold or do not qualify for membership status with the Pacific Community, the Conference has decided to establish the category of 'permanent observer to the Pacific Community' as a procedural matter, and expects to utilise the following processes to guide its decisions on requests for this status.

Process for admission to and withdrawal of permanent observer status

- 21. Any entity within or outside of the Pacific region may submit a written request to the Conference for permanent observer status. The request should be addressed to the secretariat (Director-General) and should concisely set out the claims of the applicant against the criteria for permanent observer status. The Director-General expects to advise the Conference chairperson and all SPC members when a request for permanent observer status is received.

22. The Director-General may seek further information from the applicant before advancing the request. The secretariat plans to prepare a detailed report for the Conference chairperson and all members of the Pacific Community comprising an assessment of the request against the criteria for permanent observer status and recommendations on the application.
23. (a) In the normal course, a request for permanent observer status would then be placed on the agenda for consideration at the next annual meeting of the CRGA.

(b) CRGA may make a recommendation to Conference, which may then make a final decision on granting permanent observer status to the applicant.

(c) Any decision made by Conference under (b) of this section should be made by consensus, with an additional waiting period of one month, during which any member may lodge an objection to the decision. In the event that there is an objection from any member during the meeting or during the waiting period, the application is deemed to have been rejected.
24. (a) With the prior approval of the Conference chairperson, the Director-General may agree to process an application intersessionally.

(b) In this case, the Director-General plans to write to all Pacific Community members in relation to the assessment of the application, notifying them of the proposal to grant permanent observer status to the applicant and providing notice of a waiting period of three months, during which any member may lodge an objection to the permanent observer status application or request that it be considered at the next annual meeting of CRGA and Conference. If, at the end of three months, no objection or request to consider the application at a future meeting has been communicated to the secretariat, the Director-General may decide that a consensus decision has been made in favour of accepting the request.

(d) All members would need to join consensus (i.e. no objection or request to consider the application at a future meeting is communicated to the secretariat within three months) to grant permanent observer status to the applicant for the application to be successful intersessionally.

(e) If any member requests that the application be considered at a future meeting, the issue would be placed on the agenda of the next meeting of CRGA and Conference for consideration, as described in this section.
25. If, pursuant to Sections 23 or 24, the members of the Pacific Community decide by consensus to grant permanent observer status to the applicant, the Director-General expects to then write to the applicant informing it of the decision.
26. If, pursuant to Section 23, the members of the Pacific Community reject a request for permanent observer status, the Director-General would write to the applicant informing it of the decision.
27. The Conference may, upon the recommendation of the CRGA, withdraw the permanent observer status of a permanent observer that has persistently conducted itself in a manner that is contrary to the principles and values of the organisation. Decisions of the Conference reached under this paragraph should be made by consensus.

Criteria

28. The creation of the category of permanent observer is a procedural measure to provide an opportunity for entities (countries, territories, international organisations and development partners) that share the vision and development aspirations of the Pacific Community and wish to work more closely with its members. As such, it is intended to engage entities within or outside of the Pacific region that have the will and capacity for substantive engagement with the Pacific Community, but who do not want, or do not qualify for, membership status.
29. In making recommendations and decisions on applications for permanent observer status, the CRGA and Conference intend to be guided by the following criteria:
 - (a) Whether the applicant demonstrates direct links to the work of the Pacific Community and its secretariat.
 - (b) The applicant's commitment to the vision and purpose of the Pacific Community and the development aspirations of its members.
 - (c) The applicant's willingness and ability to participate in the work of the Pacific Community.
 - (d) Whether the admission of the applicant as a permanent observer would contribute positively to the regional and international relations and development aspirations of the Pacific Community and its members.

Treatment of permanent observers

30. Permanent observers may expect to receive the following treatment:
 - (a) Permanent observers may attend CRGA and Conference and other SPC meetings. With the authorisation of the chairperson, they may participate in discussions and debates.
 - (b) Permanent observers may present proposals at SPC meetings. Such proposals would only be submitted for decision to the members of the Pacific Community at the request of at least one member of the Pacific Community.
 - (c) The chairperson of the meeting may decide, when appropriate, to allow a permanent observer additional speaking time to reply in relation to positions or proposals upon which it has presented.
 - (d) Permanent observers may, at the discretion of the members of the Pacific Community and the secretariat, be invited to participate in working groups established by the governing body or the secretariat, subject to normal procedures governing the composition of such working groups.
 - (e) The secretariat expects to notify all permanent observers of workshops, seminars and other ad hoc meetings of members convened by the Pacific Community and its secretariat and to extend invitations to permanent observers in connection with such events.

31. The dissenting views of a permanent observer will not prevent decisions being made where there is consensus among members of the Pacific Community.
32. When decisions are taken by vote in any Pacific Community meeting, representatives of permanent observers shall not participate in any such vote.
33. The Pacific Community does not intend to provide any funding in connection with permanent observers' participation in SPC meetings or activities.
34. The secretariat expects to provide permanent observers with relevant documentation for meetings which they attend or in which they participate. Other Pacific Community documentation may be provided to permanent observers at the discretion of the Director-General.
35. Permanent observers may apply for technical assistance under programmes administered by the Pacific Community or its secretariat. The secretariat expects to consider such applications on a case-by-case, user-pays, basis, under a full cost recovery mechanism. Such requests would only be accepted if the secretariat can do so without compromising its service delivery to members.

Expectations

36. Permanent observers are expected to respect the vision, values and purpose of the Pacific Community, and to act in good faith accordingly.
37. Permanent observers should expect to make an annual contribution to the budget of SPC, in recognition that the status of permanent observer allows them to participate in and support the work of SPC. This contribution should be:
 - (a) determined in consultation with the secretariat, but should be no less than 80 per cent of the annual assessed contribution for category 5 of membership;¹ and
 - (b) paid regularly under a time-frame determined in consultation with the secretariat.
38. The requirement under section 37 may be waived by decision of Conference if the permanent observer provides significant financial support to SPC programmes via other mechanisms.
39. Permanent observers should nominate an appropriate contact point for the purpose of official communication with the secretariat.

C. AD HOC INVITATIONS

40. The secretariat may extend invitations to attend Pacific Community meetings to countries, territories, international organisations, development partners or agencies (multilateral, international, regional, private sector, non-state actors) that work in partnership with the Pacific Community. Such invitations should be extended on an ad hoc, meeting-by-meeting basis, and are only valid for the duration of a specific event.

¹ The annual assessed contribution for a member of the Pacific Community classified in category 5 is currently 42,000 CFP units. On this basis, and subject to a review of the levels of assessed contribution by the governing body, the annual contribution by a permanent observer would be no less than 33,600 CFP units.

41. These invitations provide recognition by the Pacific Community of the important work done by partners and stakeholders cooperating with SPC in a 'many partners, one team' approach, to achieve development outcomes for the region.
 42. With the authorisation of the chairperson of a specific meeting, any entity which has received an ad hoc invitation may make a prepared statement at that meeting.
 43. The Pacific Community does not intend to provide any funding in connection with the attendance at SPC meetings of any entity to which an ad hoc invitation has been extended.
 44. In their engagement with SPC, entities invited to attend SPC meetings on an ad hoc basis are expected to respect and act in accordance with the vision, values and purpose of the Pacific Community.
-