



**FORTY-FIFTH MEETING OF THE
COMMITTEE OF REPRESENTATIVES OF GOVERNMENTS AND ADMINISTRATIONS**
(31 October – 2 November 2015, Alofi, Niue)

AGENDA ITEM 4.2: POLICY ON MEMBERSHIP AND OBSERVER STATUS OF THE PACIFIC COMMUNITY

(Paper presented by the secretariat)

Summary

1. Following the recommendation made by the 2012 independent external review of SPC, CRGA 43 mandated the secretariat, together with a working group composed of member countries and territories, to explore how new categories of associate member and observer might be created, and to develop an SPC Policy on Membership and Observer Status.
 2. In light of the difficulties in amending the Canberra Agreement to create an associate member category, CRGA 44 endorsed the secretariat's proposal to establish, as a matter of policy, a permanent observer category.
 3. CRGA further mandated the secretariat to develop, in consultation with members, an SPC Policy on Permanent Observer Status, 'which would set out the criteria, admission procedure, rights and obligations of any entity wishing to request such status with the Pacific Community, and to provide this Policy to the 9th Conference of the Pacific Community for adoption'.
 4. This paper provides a summary of the main features of the Pacific Community Policy on Membership and Permanent Observer Status, which is attached as Annex 2.
 5. The accompanying draft resolution in Annex 1 will, when adopted, approve the new Policy on Membership and Permanent Observer Status, which will supersede all prior Pacific Community policies and resolutions on membership and observers.
 6. CRGA is invited to:
 - i. approve the draft resolution in Annex 1 on the Pacific Community Policy on Membership and Permanent Observer Status;
 - ii. recommend that the policy be adopted by the 9th Conference of the Pacific Community.
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POLICY ON MEMBERSHIP AND OBSERVER STATUS OF THE PACIFIC COMMUNITY

Background

7. The 2012 independent external review of SPC suggested that ‘...SPC may want to review whether it wants to expand its membership or develop alternatives to full membership for parties that would like to work more closely with SPC for further consideration by CRGA’.
8. CRGA 43 mandated the secretariat, together with a working group composed of member countries and territories, to explore how new categories of associate member and observer might be created, and to develop an SPC Policy on Membership and Observer Status.
9. Due to the considerable complexity of amending the Canberra Agreement to create an associate member category, CRGA 44 accepted the secretariat’s proposal to establish, as a matter of policy, the category of permanent observer.
10. CRGA 44 further instructed the secretariat to develop, in consultation with members, an SPC Policy on Permanent Observer Status, ‘which would set out the criteria, admission procedure, rights and obligations of any entity wishing to request such status with the Pacific Community, and to provide this Policy to the 9th Conference of the Pacific Community for adoption’.
11. That policy, attached as Annex 2, was developed over the past two years by SPC, in consultation with members of the Pacific Community. It aims to provide a clear and simple procedural guide to membership of the Pacific Community and to permanent observer status.
12. As such, this policy would, if approved by CRGA and Conference, become an up-to-date reference for issues relating to membership and permanent observer status of the Pacific Community.

Membership

13. The policy provides a streamlined procedure and guidelines for application for, admission to and withdrawal from membership. It is designed as a tool for members and the secretariat that is simple to understand and to use.
14. It ensures that membership is consistent with the provisions of the Canberra Agreement and with the vision and values of the Pacific Community, and that the financial terms of any new member must be arranged prior to any decision by CRGA and Conference on an application to join SPC.
15. The policy also clarifies that, in order to become a participating government under the Canberra Agreement, the country must accede to the Agreement. This provision is designed to resolve any doubts in relation to the legal status of members of the Pacific Community that became members after the 1983 Saipan Resolution, while preserving the treatment enjoyed and the expectations accepted by all such members since their respective membership became effective.
16. As such, the treatment accorded to new members under the policy is aligned with that currently accorded to all existing members of the Pacific Community.

Permanent observer status

17. In accordance with the decision made by CRGA 44, the policy establishes the category of permanent observer to the Pacific Community.
18. It should be noted that, as endorsed by members at CRGA 44, this is an administrative/procedural process; it is not a legal process.
19. The policy indicates that permanent observer status is designed to provide SPC with the means to foster closer and more substantive engagement with 'entities that do not wish to hold or do not qualify for membership status with the Pacific Community'. It also underscores the necessity for permanent observers to 'have the will and capacity for substantive engagement with the Pacific Community'.
20. Permanent observer status requires a requesting entity to demonstrate in practical terms that it has the capacity, and is willing, to engage with SPC to further the organisation's mandate for development in the Pacific.
21. The policy also details the procedure for requesting permanent observer status, together with guidelines for examining and determining such requests.
22. The policy outlines the treatment accorded to permanent observers, which are listed below:
 - (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 SPC, and to extend invitations to permanent observers in connection with such events.
23. The policy states that the dissenting views of permanent observers may not prevent decisions being made when there is consensus among members, and that permanent observers are not entitled to vote in any SPC proceedings.
24. The policy specifies that permanent observers should expect to fund their own participation in SPC meetings.

25. Permanent observers may apply for technical assistance under programmes administered by SPC on the conditions that: (a) all costs in relation to the provision of the technical assistance are paid for by the permanent observer; and (b) the secretariat is able to provide such technical assistance without compromising its service delivery to members.
26. The policy also provides that permanent observers should pay an annual contribution to the SPC budget in recognition that 'the status of permanent observer allows them to participate in and support the work of SPC'. This contribution is the concrete illustration of an entity's 'will and capacity for substantive engagement with the Pacific Community'.
27. In the case of permanent observers that already provide significant financial support to SPC, the annual contribution may be waived by decision of Conference.

Ad hoc invitations

28. The policy sets out the procedures for the secretariat to issue ad hoc invitations to attend SPC meetings to countries, territories, international organisations, development partners or agencies that work in partnership with SPC. It specifies that such invitations should be extended on an ad hoc, meeting-by-meeting basis, and are only valid for the duration of a specific event.
29. The inclusion of these ad hoc invitation procedures is intended to expressly preserve the secretariat's discretion to invite partners that are not permanent observers to attend specific SPC meetings on a case-by-case basis.

Conclusion and recommendations

30. The secretariat considers that this policy will provide the Pacific Community with the means to foster closer cooperation with current and future SPC partners. Adoption of the policy would improve the organisation's capacity to build partnerships for the benefit of members.
 31. As such, the secretariat views the policy as a key element for SPC's future strategic positioning, resource mobilisation and international outreach.
 32. CRGA is invited to:
 - i. approve the draft resolution in Annex 1 on the Pacific Community Policy on Membership and Permanent Observer Status;
 - ii. recommend that the policy be adopted by the 9th Conference of the Pacific Community.
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