

REGIONAL INITIATIVE TEMPLATE

Please complete each section below.

1. Contact Details

Please provide the following contact details:

Name of individual or group submitting initiative	<i>World Citizens Association of Australia</i>
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2. Name of Initiative

A Pacific Islands Community

3. Background and Rationale

You may consider: What is the issue being addressed by this initiative? What are the causes of this issue? Are there relevant studies that have been carried out to support the issue? Are there links to national, regional or international goals/policies?

Please limit your response to no more than 750 words.

The primary objective of our World Citizens Association is to promote deeper integration and stronger governance at both global and regional levels, in order to preserve peace and promote prosperity in our global village.

There has been a worldwide trend towards regional integration in recent decades, following the example set by Europe. After World War II, the Europeans determined to put an end to the long series of wars between France and Germany, and recognized that integration was the way to do it, as outlined in the Schuman Declaration (Schuman Declaration 1950). Despite various vicissitudes, the primary objectives of the pro-Europeans have already been achieved. Any future war between France and Germany has become inconceivable, and indeed Europe generally has become the most peaceful region on earth, according to the Global Peace Index (Global Peace Index). Furthermore, the economic integration brought about by the EEC produced an economic boom in Europe, and induced many new members to join, so that the number of member nations has expanded from the original six to the current 28.

In our region, the Pacific Islands Forum has been set up as a vehicle for regional cooperation and integration. The Forum leaders in 2003 commissioned a review of the Forum and its operations by an Eminent Persons' Group, led by ex-Prime Minister Sir Julius Chan of New Guinea (Eminent Persons' Group 2004). The review called for a new *Pacific Plan* for the future development of the Forum. It suggested that "it would be timely to consider options for future economic and political integration – possibly to develop a model that is unique for the Pacific". Among other suggestions for functional cooperation, the report suggested the possibility of regional law enforcement aimed at trans-national crime, and the introduction of a regional panel of judges.

Prime Minister Tuilaepa Aiono Sialele Malielegaoi of Samoa, who was the chairman of the Forum at the time, gave an address (Malielegaoi 2005), in which he foreshadowed "a new phase of regional integration – a Pacific union of as yet unknown dimensions", and mentioned the EU as an example of what can be done. He suggested the formation of a regional pool of jurists and public prosecutors; "and perhaps the establishment of a regional constitutional court to deal with critical legal issues arising from major extra-constitutional crises in or between Forum countries". In the area of legislative governance, he proposed that the annual meetings of the Forum Presiding Officers Conference (FPOC) evolve into a platform for a regional Parliamentary Assembly, to promote the principles of legislative democracy, representative government and good governance. He also noted that member countries will need to "agree to give up a little bit of our sovereignty not only for the common good but for our needs as a government and as a nation". In this way, many aspects of an eventual community have already been anticipated.

A discussion of the longer-term aim of a Pacific Parliament was given more than thirty years ago by Mike Moore, a former Prime Minister of New Zealand (Moore 1982).

Several of these proposals were incorporated into the Pacific Plan (Pacific Plan 2007). In the medium term, one aim was to "*enlarge the annual Forum Presiding Officers' Conference (FPOC) into a Forum Parliamentary Assembly to deepen regional co-operation between Pacific legislatures*". In the longer term, the Plan looked for "*development of a regional judicial mechanism or process to deal with important legal issues arising out of major extra-constitutional crises in or between Forum countries*".

In 2013 a Review of the Pacific Plan was commissioned, led by Sir Mekere Morauta, former Prime Minister of Papua New Guinea (Pacific Plan Review 2013). The Review imagines a possible future path for the region leading all the way to a Pacific Union in imitation of the European Union, or even a Pacific Federation. These developments will only occur decades into the future, if they occur at all. But the immediate next step is very obvious, namely the formation of a *Pacific Islands Community*, as an extension of the present Forum.

References

Global Peace Index n.d. See <<http://www.visionofhumanity.org/#/page/contact>>

Malielegaoi, Hon. Tuilaepa Aiono Sialele 2005. *The Future of Regionalism in the Pacific*, Prestigious Annual Pacific Lecture, Pacific Cooperation Foundation. See text at

<http://www.forumsec.org.fj/news/Speeches/chairs_speech_regionalism.pdf>

Moore, Mike 1982. *A Pacific Parliament*, Asia Pacific Books, Wellington 1982.

Pacific Plan 2007. See

<http://www.forumsec.org/resources/uploads/attachments/documents/Pacific_Plan_Nov_2007_version1.pdf>

Pacific Plan Review 2013. *Report to Pacific Leaders*. Volumes 1 & 2, Suva, Pacific Islands Forum Secretariat.

Schuman Declaration 1950. Text available via

<http://europa.eu/about-eu/basic-information/symbols/europe-day/schuman-declaration/index_en.htm>

4. Description

Please provide a brief overview of this initiative. Try to address the following: Does this initiative contribute to a positive change to the region? What makes this initiative of importance to the Pacific region as a whole? Who would implement this initiative? Who are the main beneficiaries? Are regulatory or legislative changes required at the national level to implement this initiative? How would the initiative be funded? Has this initiative been carried out previously? What are the key risks in implementing this initiative? Are there any complementary projects and programmes currently active? What is the proposed timeframe for this initiative? How would the initiative be sustained over the proposed timeframe?

Please limit your response to no more than 750 words.

The changes to the regional architecture necessary to establish such a community would not be large. To elevate the Forum to the status of a community on the European model; we suggest the addition of three new elements:

- A *Council of Ministers* should be formally instituted, consisting of the ministers from each member state in a particular area (e.g. fisheries), to meet as needed to discuss detailed policy in that area. To facilitate decisions at such a Council of Ministers, and avoid any deadlock at this level due to a veto by one member state, a sensible 'qualified majority voting scheme' should be available if necessary at these meetings, as instituted by the Europeans. This would avoid dominance of the Council by any particular member state, or group of states, and also avoid possible deadlocks due to a veto by a single member. A possible scheme of this sort is discussed in the Additional Information. The scheme should naturally give greatest weight to the vote of the larger states, but it should also ensure that the smaller states have some 'voting power' over the decisions of the Council, and that no one state (Australia) or group of states dominates. This would allay any suspicions of the smaller states that the regional community would be dominated by the 'metropolitan' states Australia and New Zealand.
- The Pacific Plan already proposes a *Forum Parliamentary Assembly* as an enlargement of the present Forum Presiding Officers Conference (FPOC) to meet once a year. It would be natural to hold it at the same time as the leaders Forum, and in fact the two groups should probably hold a joint meeting during that time. In that way the Assembly members could be informed about the Forum decisions, and at the same time they could provide political input and advice to their leaders. At present, the Forum Presiding Officers Conference consists of the presiding officers of each member parliament. One model for the Assembly might also include representatives from each major political party in each of the member states, to provide a range of views to the leaders. This would provide a natural basis for an eventual democratically elected Parliament.
- The Pacific Plan already proposes setting up a panel of judges forming a *Pacific Court* to adjudge cases involving regional treaties, which could become the nucleus of an eventual Pacific legal system. Ideally, the member states should pledge that any dispute between them should be brought before the Court for settlement according to international law, including of course the provisions of treaties between them. This would provide a major assurance of peace and security in the region.

Given that the cases brought before the Court would very probably be few and far between, a reserve panel of judges could be appointed at fairly minimal cost. As one example of a possible responsibility, the Court might also be given the task of assessing penalties for illegal fishing by foreign vessels encroaching on the Exclusive Economic Zones of the PIF member states.

These changes should not involve any great additional expense, and could easily be implemented by a new Treaty between the member states. These are basic steps which would provide a foundation for deeper political integration in the future, and a framework for further economic integration as well, as foreshadowed by previous leaders of the Forum.

5. Alignment to Regional Vision, Values and Objectives

Briefly describe how your initiative supports the vision, values and objectives set out in the Framework for Pacific Regionalism. These can be found in the Framework for Pacific Regionalism document or in the submissions guideline document.

Please limit your response to no more than 500 words

Market test

This initiative involves governance structures, not a market service.

Sovereignty test

Closer regional integration will help in the management of regional issues. National sovereignty will not be affected, at least directly: shared sovereignty is enhanced sovereignty. The introduction of qualified majority voting would help to assuage fears of dominance by the metropolitan states, Australia and New Zealand.

Regionalism test

These governance initiatives tick nearly all the boxes here, primarily by further enabling other regional initiatives:

- They would facilitate the adoption of shared norms and standards through the Forum;
- They would help to establish common positions on regional issues through the Forum;
- They would facilitate the delivery of regional benefits through the Forum, realizing economies of scale;
- They would facilitate the overcoming of national capacity constraints through the Forum;
- They would help enable the Forum to complement national governments where they lack the capacity to provide national public goods like security or the rule of law. We expand further on this in another submission;
- They are directly designed to further political integration, and therefore facilitate economic integration.

Benefit test

Closer integration will benefit all members of the Forum very substantially, as illustrated by the example of Europe, although it is impossible to put a figure on it.

The foreseeable costs are relatively small, and could easily be borne by the member states, particularly the metropolitan members. The Council of Ministers would be merely a procedural change, Expenditure on the Forum Assembly would need to be increased, and the Court would be a new expense, but these costs would not be very large.

Political oversight test

As noted above, these changes would necessitate a new Treaty between the member states.

Risk and sustainability test

It is hard to identify any real risk in such initiatives, and since the costs are small, the sustainability is evident.

Duplication test

Similar proposals have been made by various Forum leaders in the past, but the duplication test is not applicable in this case.

6. Additional Information

Please provide or attach additional information in support of this initiative.

The Case for a Pacific Islands Community

Abstract

Following the example set in Europe, we review the case for deepening integration in the Pacific to form a Pacific Islands Community, as the next step beyond the present Pacific Islands Forum. New institutions of governance should include a Council of Ministers with qualified majority voting, a Pacific Islands Assembly, and a Pacific Court.

Background

There has been a worldwide trend towards regional integration in recent decades, following the example set by Europe. After World War II, the Europeans determined to put an end to the long series of wars between France and Germany, and recognized that integration was the way to do it, as outlined in the Schuman Declaration (Schuman Declaration 1950). Despite various vicissitudes, the primary objectives of the pro-Europeans have already been achieved. Any future war between France and Germany has become inconceivable, and indeed Europe generally has become the most peaceful region on earth, according to the Global Peace Index (Global Peace Index). Furthermore, the economic integration brought about by the EEC produced an economic boom in Europe, and induced many new members to join, so that the number of member nations has expanded from the original six to the current 28.

In our region, the Pacific Islands Forum has been set up as a vehicle for regional cooperation and integration. The Forum leaders in 2003 commissioned a review of the Forum and its operations by an Eminent Persons' Group, led by ex-Prime Minister Sir Julius Chan of New Guinea (Eminent Persons' Group 2004). The review called for a new *Pacific Plan* for the future development of the Forum. It suggested that "it would be timely to consider options for future economic and political integration – possibly to develop a model that is unique for the Pacific". Among other suggestions for functional cooperation, the report suggested the possibility of regional law enforcement aimed at trans-national crime, and the introduction of a regional panel of judges.

Prime Minister Tuilaepa Aiono Sailela Malielegaoi of Samoa, who was the chairman of the Forum at the time, gave an address (Malielegaoi 2005), in which he foreshadowed "a new phase of regional integration – a Pacific union of as yet unknown dimensions", and mentioned the EU as an example of what can be done. He suggested the formation of a regional pool of jurists and public prosecutors; "and perhaps the establishment of a regional constitutional court to deal with critical legal issues arising from major extra-constitutional crises in or between Forum countries". In the area of legislative governance, he proposed that the annual meetings of the Forum Presiding Officers Conference (FPOC) evolve into a platform for a regional Parliamentary Assembly, to promote the principles of legislative democracy, representative government and good governance. He also noted that member countries will need to "agree to give up a little bit of our sovereignty not only for the common good but for our needs as a government and as a nation". In this way, many aspects of an eventual community have already been anticipated.

Several of these proposals were incorporated into the Pacific Plan (Pacific Plan 2007). In the medium term, one aim was to "enlarge the annual Forum Presiding Officers' Conference (FPOC) into a Forum Parliamentary Assembly to deepen regional co-operation between Pacific legislatures". In the longer term, the Plan looked for "development of a regional judicial mechanism or process to deal with important legal issues arising out of major extra-constitutional crises in or between Forum countries". It includes provisions for a register of judges and public prosecutors willing to serve in different countries.

In 2013 a Review of the Pacific Plan was commissioned, led by Sir Mekere Morauta, former Prime Minister of Papua New Guinea. The Review imagines a possible future path for the region leading all the way to a Pacific Union in imitation of the European Union, or even a Pacific Federation. These developments will only occur decades into the future, if they occur at all. But the immediate next step is very obvious, namely the formation of a *Pacific Islands Community*, as an extension of the present Forum.

Suggestions for Changes in Governance

The changes to the regional architecture necessary to establish such a community would not be large. If we look at the European Economic Community, for example, the main structural elements which have persisted into the present European Union were:

- A supreme European Council of leaders of the member states, which meets periodically to formulate overall policy for the community. Decisions by the Council are generally reached by consensus ;
- A Council of Ministers, consisting of the ministers from each member state in a particular area (e.g. agriculture), to discuss detailed policy in that area as needed. A mechanism of “qualified majority voting” has been developed in Europe, to be used if necessary in reaching decisions by the Council of Ministers;
- The European Commission, consisting of one nominee from each of the member states, which forms the executive ‘cabinet’ of the Community;
- A representative Assembly consisting of nominated parliamentarians from the member states, which later became the European Parliament;
- The European Court, to settle disputes between the member states over the terms of the founding treaties, which became the basis for an eventual European legal system.

Following this example, the basic elements of a Pacific Islands Community are easily foreseen, and several are already in place:

- The Pacific Islands Forum already plays the role of a supreme Council. The proposed community should probably retain this name, given that an organization named the Pacific Community already exists.
- A *Council of Ministers* should be formally instituted, consisting of the ministers from each member state in a particular area (e.g. fisheries), to meet as needed to discuss detailed policy in that area. A mechanism of “qualified majority voting” should again be used in reaching decisions by the Council of Ministers, if necessary. This would avoid dominance of the Council by any particular member state, or group of states, and also avoid possible deadlocks due to a veto by a single member. A possible scheme of this sort is discussed in the Appendix.
- The PIF Secretariat already fills the role of executive to the foreshadowed community. Given the very much smaller size of the PIF compared to the EU, there seems no need for further complication here;
- The Pacific Plan already proposes a *Forum Parliamentary Assembly* as an enlargement of the present Forum Presiding Officers Conference (FPOC) to meet once a year. This could provide the nucleus of an eventual Pacific Parliament;
- The Pacific Plan already proposes setting up a panel of judges forming a *Pacific Court* to adjudge cases involving regional treaties, which could become the nucleus of an eventual Pacific legal system.

These changes should not involve any great additional expense. Some further comments follow.

The Ministers from the member states in a particular area such as fisheries meet from time to time. To facilitate decisions at such a Council of Ministers, and avoid any deadlock at this level due to a veto by one member state, a sensible voting scheme should be available if necessary at these meetings, as instituted by the Europeans. The scheme should naturally give greatest weight to the vote of the larger states, but it should also ensure that the smaller states have some ‘voting power’ over the decisions of the Council, and that no one state (Australia) or group of states dominates. The theoretical ideal scheme is discussed briefly in the Appendix, along with an alternative which gives greater weight to the smaller island states. This would

allay any suspicions of the smaller states that the regional community would be dominated by the 'metropolitan' states Australia and New Zealand.

If a Forum Parliamentary Assembly is instituted, it would be natural to hold it at the same time as the leaders Forum, and in fact the two groups should probably hold a joint meeting during that time. In that way the Assembly members could be informed about the Forum decisions, and at the same time they could provide political input and advice to their leaders. At present, the Forum Presiding Officers Conference consists of the presiding officers of each member parliament. One model for the Assembly might also include an assembly of representatives from each major political party in each of the member states, to provide a range of views to the leaders. This would provide a natural basis for an eventual democratically elected Parliament. A discussion of the longer-term aim of a Pacific Parliament was given more than thirty years ago by Mike Moore, a former Prime Minister of New Zealand (Moore 1982).

A Pacific Court could be set up to hear cases involving Treaties between the member states on the basis of international law, and might eventually form the nucleus of a Pacific legal system. Given that the cases brought before the Court would very probably be few and far between, a reserve panel of judges could be appointed at fairly minimal cost. As one example of a possible responsibility, the Court might also be given the task of assessing penalties for illegal fishing by foreign vessels encroaching on the Exclusive Economic Zones of the PIF member states.

Appendix. Qualified majority voting schemes

The European Union has pioneered the use of qualified majority voting in the Council of Ministers. If it is based purely on population, the ideal scheme is known as the Penrose scheme, after the mathematician Lionel Penrose (Penrose 1946). It gives each member country a vote proportional to the square root of its population. Without going into details, this provides the ideal balance between the larger countries, which should have the largest vote, and the smaller countries, which should have at least a non-negligible voice in the outcome. The European Union has never formally adopted the Penrose scheme, but by a process of pragmatic compromise, it has arrived at a very similar allotment of votes.

If the Penrose scheme was adopted by the Pacific Islands Forum, starting from Niue with one vote, then the votes allotted to the other members of the Forum would be as listed in Table 1. This 'ideal' scheme still gives Australia and New Zealand a virtually dominant voice under most circumstances. In this case, with such a disparity in populations between the member states, it might be desirable to adopt an even flatter voting distribution. An alternative scheme is shown in Table 1, where votes are allotted in proportion to the cube root of the population (!), rather than the square root.

Country	Population	Votes (Penrose scheme)	Votes (Alternative scheme)
Australia	23,717,700	121	24
Cook Islands	14,974	3	2
Fiji	859,178	23	8
Kiribati	106,461	8	4
Marshall Islands	56,086	6	3
Micronesia	101,351	8	4
Nauru	10,084	3	2
New Zealand	4,556,270	53	14
Niue	1,613	1	1

Palau	20,901	4	2
Papua New Guinea	7,398,500	68	17
Solomon Islands	581,344	19	7
Tonga	103,252	8	4
Tuvalu	11,323	3	2
Vanuatu	264,652	13	5
Western Samoa	187,820	11	5
Totals	37,991,509	352	104

Table 1. Examples of votes that might be allotted to each member state of the Pacific Islands Forum under the Penrose qualified majority voting scheme, and an alternative scheme mentioned in the text. Population figures according to Wikipedia, 2015.

References

- Malielegaoi, Hon. Tuilaepa Aiono Sailele 2005. *The Future of Regionalism in the Pacific*, Prestigious Annual Pacific Lecture, Pacific Cooperation Foundation. See text at http://www.forumsec.org.fj/news/Speeches/chairs_speech_regionalism.pdf
- Moore, Mike 1982. *A Pacific Parliament*, Asia Pacific Books, Wellington 1982.
- Pacific Plan 2007. See http://www.forumsec.org/resources/uploads/attachments/documents/Pacific_Plan_Nov_2007_version1.pdf
- Pacific Plan Review 2013. *Report to Pacific Leaders*. Volumes 1 & 2, Suva, Pacific Islands Forum Secretariat.
- Penrose, 1946. L.S. Penrose, *The Elementary Statistics of Majority Voting*, Journal of the Royal Statistical Society **109**, 53 (1946); W. Slomczynski and K. Zyczkowski, *Penrose Voting System and Optimal Quota*, Acta Physica Polonica **B37**, 3133 (2006); *Voting in the European Union: The Square Root System of Penrose and a Critical Point*, Acta Physica Polonica **B37**, 3133 (2006).
- Schuman Declaration 1950. Text available via http://europa.eu/about-eu/basic-information/symbols/europe-day/schuman-declaration/index_en.htm