

AGREEMENT ESTABLISHING THE PACIFIC ISLANDS FORUM SECRETARIAT

The Governments of Australia, the Cook Islands, Federated States of Micronesia, Fiji, Kiribati, Nauru, New Zealand, Niue, Palau, Papua New Guinea, the Republic of the Marshall Islands, Samoa, Solomon Islands, Tonga, Tuvalu and Vanuatu having become members of the Pacific Islands Forum, and

Recognising the need for increased co-operation in matters relating to trade and economic development in the Pacific region,

Desiring to identify opportunities for the removal of barriers to trade between states within the region and also between those states and states outside the region and for the modification of current trade patterns,

Desiring also that consideration should be given to the possibility of establishing a free trade area for the Pacific region,

Noting that the collection and dissemination of information and the preparation of reports and studies will be essential to facilitate these ends,

Concerned to ensure co-ordination of studies relating to transport services within the region,

Concerned also to obtain advice and assistance in the operation of regional trade and tourism promotion services,

Convinced of the need to work towards co-operation and co-ordination in the planning and siting of new industries and development projects within the region,

Concerned that all these activities should, wherever possible, be undertaken in co-ordination with the work of other international and regional organisations, and

Concerned also to ensure the effective co-ordination of economic, political and security matters which are of importance to the region,

Have agreed as follows:

ARTICLE I

The Pacific Islands Forum

1. For the purposes of this Agreement, the Pacific Islands Forum (hereinafter called "the Forum") comprises the Heads of Government of Australia, the Cook Islands, Fiji, Nauru, New Zealand, Samoa and Tonga being founding members of the Forum together with the Heads of Government of the Federated States of Micronesia, Kiribati, Niue, Palau, Papua New Guinea, the Republic of the Marshall Islands, Solomon Islands, Tuvalu and Vanuatu and such other Heads of Government as may be admitted to the Forum membership with the approval of the Forum.
2. It is duly noted that the name of the Forum is hereby changed from that at its inception as the South Pacific Forum and is henceforth called the Pacific Islands Forum.

ARTICLE II

Establishment of the Pacific Islands Forum Secretariat

1. There is hereby established the Pacific Islands Forum Secretariat (hereinafter called "the Secretariat").
2. The Secretariat shall be located in Suva and shall operate in accordance with the provisions of this Agreement.

ARTICLE III

Purpose

The purpose of the Secretariat is to facilitate, develop and maintain cooperation and consultation between member governments on economic development, trade,

transport, tourism, energy, telecommunications, legal, political, security and such other matters as the Forum may direct.

ARTICLE IV

Membership

1. The Governments of Australia, the Cook Islands, Federated States of Micronesia, Fiji, Kiribati, Nauru, New Zealand, Niue, Palau, Papua New Guinea, the Republic of the Marshall Islands, Samoa, Solomon Islands, Tonga, Tuvalu and Vanuatu shall be entitled to membership of the Secretariat and shall become members pursuant to Article XII.
2. Other Governments may be admitted to membership of the Secretariat in accordance with Article XII.

ARTICLE V

Pacific Islands Forum Officials Committee

1. The Secretariat shall have an Executive Committee to be known as the Pacific Islands Forum Officials Committee (hereinafter called "the Committee").
2. The Committee shall be composed of one representative of each of the members of the Secretariat.
3. The powers and functions of the Committee shall be to give general policy directions to the Secretary General and to make reports and recommendations to the Forum. In particular the Committee shall:
 - (a) approve, reject or amend the annual budget estimates and any interim budget submitted by the Secretary General;
 - (b) receive, examine and comment on the Annual Report of the Secretary General on the operation of the Secretariat; and
 - (c) lay down staff establishment, salary policy and scales.

4. The Committee shall appoint a Chairman at its first and subsequent annual meetings who shall remain in office until the next annual meeting.
5. The Chairmanship shall rotate annually as decided by the Committee.
6. The Committee shall hold a meeting at least once in each calendar year and shall meet prior to meetings of the Forum.
7. The Secretary General, in consultation with and at the request of the Chairman, shall convene meetings of the Committee.
8. All matters shall be decided wherever possible by consensus or if necessary by a majority of the representatives present and voting. Each representative on the Committee shall have one vote.
9. The Committee shall establish its own rules of procedure.

ARTICLE VI **Secretariat Staff**

The Secretariat Staff (hereinafter called "the Staff") shall consist of a Secretary General, a Deputy Secretary General and such further staff as may be appointed by the Secretary General in accordance with the establishment and salary policy and scales laid down by the Committee.

ARTICLE VII **Appointment of Secretary General**

1. The Secretary General shall be appointed by the Forum for a term of three years under such conditions as the Committee may determine.
2. The Secretary General shall be eligible for reappointment. His appointment shall not, however, exceed two consecutive terms.
3. The channel of communication of the Secretary General with member governments shall be through their respective Ministries of Foreign Affairs.

4. If for any reason the post of Secretary General is vacant, the Deputy Secretary General shall carry out the functions of the Secretary General on an interim basis until the position is filled.

ARTICLE VIII

Functions of the Secretary General

1. The Secretary General shall act as Secretary to the Forum. He shall also act as Secretary to the Committee and such other councils, committees or working groups that may be established by the Forum or the Committee.
2. The Secretary General shall also perform such other functions and duties directed to him by the Forum, the Committee or such other bodies referred to in paragraph 1 of this Article.
3. The Secretary General shall be responsible for the management of the Secretariat.

ARTICLE IX

Functions of the Secretariat Staff

1. The functions of the Secretariat shall be carried out by the Staff.
2. Subject to the direction of the Committee, the Staff may:
 - (a) prepare studies in order to identify and promote opportunities for a modification of present trade patterns in the Pacific region, and between the region and other countries, having in mind the objectives of regional trade expansion;
 - (b) prepare studies as required on political, security and legal issues affecting the Forum or member governments;
 - (c) carry out necessary investigations in connection with development of free trade among the Forum-Island Countries (hereinafter called "FICs");

- (d) prepare studies of the development plans and policies of member governments in an effort to promote co-operation in the region; and investigate the scope for regional development planning aimed among other things at a rationalisation of manufacturing and processing industries and the achievement of economies of scale in certain regional enterprises;
- (e) establish an advisory service on sources of technical assistance, aid and investment finance, both official and private, that is available to member governments;
- (f) undertake studies of regional transport, as necessary, and help co-ordinate action, both government and private, in this sector;
- (g) advise and assist member governments with the operation of regional trade and tourist promotion services;
- (h) provide a means of regular and rapid consultation among FICs on the region's import requirements to enable the bulk ordering of essential imports by official agencies;
- (i) act as a clearing house for information on trade, production and economic development in the region and in areas outside the region which are of interest to member governments;
- (j) carry out research and statistical studies on production and trade on a continuing basis as requested by the Committee;
- (k) prepare reports, studies and working papers;
- (l) establish means for the collection, dissemination and exchange of information and statistics;
- (m) co-operate with member governments in research projects and the obtaining and collating of statistics and other information;

- (n) co-operate and co-ordinate its work with that of other international and regional organisations; and
 - (o) undertake such other activities as the Committee may from time to time consider necessary for the attainment of the Secretariat's purpose.
3. The Staff shall provide secretarial support services to the Forum, the Committee and other councils, committees or working groups established by the Forum or the Committee.

ARTICLE X

Budget

1. The annual budget of the Secretariat shall be prepared by the Secretary General for the approval or otherwise by the Committee.
2. The costs of operating the Secretariat shall be borne by the member governments in the shares set out in the Annex to this Agreement, subject to review from time to time by the Forum.
3. In advance of the Committee's approval of the budget, the Secretary General shall be entitled to incur expenditure up to a limit not exceeding two-thirds of the previous year's approved budgetary expenditure.

ARTICLE XI

Legal Status, Privileges and Immunities

1. The Secretariat shall enjoy the legal capacity of a body corporate in the territories of member governments.
2. The Secretariat shall have immunity from suit and legal process and its premises, archives and property shall be inviolable.
3. The Secretariat shall be exempt from taxes, other than such as represent charges for specific services rendered. It shall also be exempt from taxes, duties and other

levies, other than charges for specific services rendered, on goods imported for its official use.

4. The Secretariat shall be free of prohibition on goods imported or exported for its official use.
5. The Staff shall be entitled to immunity from suit and legal process in respect of things done or omitted to be done in the course of the performance of their official duties.
6. The Secretary General and the Deputy Secretary General shall be accorded the same exemption from taxes, duties and other levies as is accorded to a diplomatic agent.
7. All Staff who are not nationals of Fiji shall be accorded exemption from taxes in respect of salaries received from the Secretariat. They shall also be accorded exemption from taxes on furniture and effects imported at the time of first taking up post.
8. Representatives attending meetings of the Committee shall be accorded immunity from suit and legal process and their official documents shall be inviolable.

ARTICLE XII

Signature, Ratification, Accession, Entry into Force and Withdrawal

1. This Agreement shall be open for signature by the Governments of Australia, the Cook Islands, Federated States of Micronesia, Fiji, Kiribati, Nauru, New Zealand, Niue, Palau, Papua New Guinea, the Republic of the Marshall Islands, Samoa, Solomon Islands, Tonga, Tuvalu and Vanuatu.
2. The signature of a member government shall not be taken as extending the rights and obligations set forth in this Agreement to the territories for whose international relations the member government is responsible.

3. The original of this Agreement shall be deposited with the Government of the Republic of Fiji which shall transmit certified copies thereof to all member governments and the Secretary General and shall register the Agreement with the Secretary General of the United Nations.
4. This Agreement shall be subject to ratification and shall enter into force on the day on which the instrument of ratification of the last to ratify of the sixteen member governments referred to in paragraph 1 of this Article, has been received by the depositary government.
5. The depositary government shall inform member governments of the entry into force of this Agreement pursuant to this Article.
6. Other governments may, with the approval of the Forum, accede to this Agreement.
7. For governments admitted to membership in the Secretariat in accordance with paragraph 6 of this Article, the Agreement shall enter into force on the date of deposit with the depositary government of an instrument of accession.
8. Any member government may denounce this Agreement by notification addressed to the depositary government and such denunciation shall take effect one year after the day upon which the depositary government has received the notification.

ARTICLE XIII

Amendments

1. This Agreement may be amended at any time by the unanimous agreement of all member governments. The text of any amendment proposed by a member government shall be submitted to the depositary government which shall transmit it to member governments.
2. If the proposal to amend the Agreement receives the support of at least two other member governments, the depositary government shall notify the Secretary General who shall include the proposal on the agenda for the next meeting of the Committee.

3. If the proposal receives the unanimous agreement of the Forum, and there is no requirement for ratification by individual member governments, the amendment so adopted shall enter into force three months later.
4. If the proposal requires ratification by one or more member governments, the amendment so adopted shall enter into force on the day on which the instrument of ratification of the last to ratify of those member governments has been received by the depositary government.

ARTICLE XIV

Rescinding and Savings Provision

This Agreement, upon entry into force, shall terminate and replace the 1991 Agreement Establishing the South Pacific Forum Secretariat, provided that upon such termination and replacement, all rights and obligations validly acquired or incurred under the provisions of the Agreement Establishing the South Pacific Forum Secretariat shall be deemed to have been so acquired or incurred under the provisions of this Agreement.

IN WITNESS WHEREOF the undersigned, being duly authorised thereto by their respective Governments, have signed this Agreement.

Opened for signature at Tarawa this 30th day of October, 2000.

For the Government of Australia:

John Howard

this 30th day of October, 2000

For the Government of the Cook Islands:

Marake

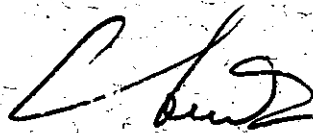
this 30th day of October, 2000

For the Government of the Federated States
of Micronesia:

[SIGNED
10 MAY 2001]

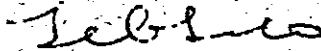
this day of, 2000

For the Government of the Republic of Fiji:



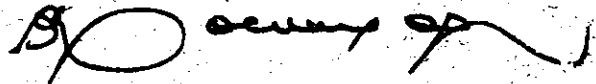
this 30th day of October, 2000

For the Government of Kiribati:



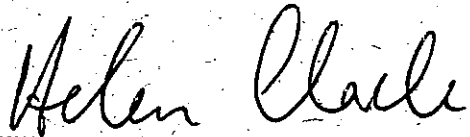
this 30th day of October, 2000

For the Government of the Republic of Nauru:



this 12th day of November, 2000

For the Government of New Zealand:



this 30th day of October, 2000

For the Government of Niue:



this 30 day of Oct, 2000

For the Government of Palau:

this 30th day of October, 2000

For the Government of Papua New Guinea:

[SIGNED 16 AUGUST 2001]

this day of 2000

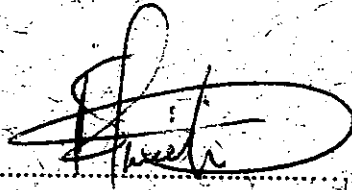
For the Government of the Republic of the Marshall Islands:

this 30th day of October, 2000

For the Government of Samoa:

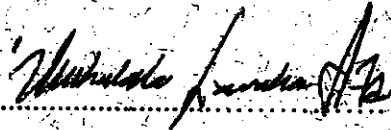
this 30th day of October, 2000

For the Government of Solomon Islands:



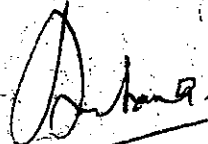
this 3rd day of October, 2000

For the Government of Tonga:



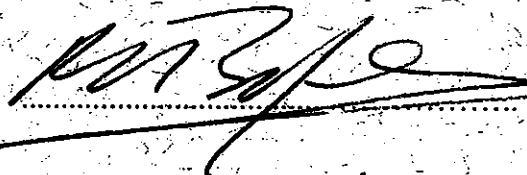
this 3rd day of October, 2000

For the Government of Tuvalu:



this 30 day of October, 2000

For the Government of Vanuatu:



this 30 day of October, 2000

Annex to the Agreement

Scale of contributions to the Budget

| | |
|--------------------------------------|--------|
| Australia | 37.16% |
| Cook Islands | 1.01% |
| Federated States of Micronesia | 1.98% |
| Fiji | 2.24% |
| Kiribati | 1.01% |
| Nauru | 1.01% |
| New Zealand | 37.16% |
| Niue | 1.01% |
| Palau | 1.98% |
| Papua New Guinea | 5.49% |
| The Republic of the Marshall Islands | 1.01% |
| Samoa | 1.98% |
| Solomon Islands | 1.98% |
| Tonga | 1.98% |
| Tuvalu | 1.01% |
| Vanuatu | 1.98% |