

ANNEX VIII.C

**PACIFIC ISLANDS FORUM
DRAFT LEADERS' POLICY ON ASSOCIATE MEMBERSHIP AND OBSERVER STATUS**

A. ASSOCIATE MEMBERSHIP

1. In accordance with their decision to promote closer contacts with non-sovereign Pacific territories, Forum Leaders have decided to create a category of associate membership of the Pacific Islands Forum. Without restricting in any way the discretion of Forum Leaders with regard to this issue, the following policy will guide Leaders in making decisions about associate membership.

Process for Admission to, and Cessation of, Associate Membership

2. Any territory¹ in the Pacific Islands region may submit a written request to the Forum for associate membership. Such a request should be directed in the first instance to the Secretary General, and should concisely set out the claims of the applicant against the criteria for associate membership (see below). The Secretary General will advise the Chair and all Forum members when an application for associate membership is received. The Secretary General may seek further information from the applicant, through a written request, a meeting with representatives of the Government of the territory, and/or a visit to the territory, before advancing the application.

3. In the normal course of events, a request for associate membership will then be placed on the agenda for consideration at the next annual pre-Forum Forum Officials' Committee (FOC) meeting. The FOC may make a recommendation to Forum Leaders, who will determine the application at their next annual Leaders' Meeting.

4. The Secretary General and the Chair may in consultation decide to process the application intersessionally. In this case the Chair will write to all Forum Leaders seeking their agreement to the admission of the applicant to associate membership. Should all Leaders provide their written agreement, the Chair may write to the applicant admitting it to associate membership. In the absence of unanimous written agreement, the issue will be placed on the agenda of the next annual pre-Forum FOC and the Leaders' Meeting for consideration as per the previous paragraph.

5. Associate members may withdraw their associate membership at any time, which withdrawal shall be effective on 31 December in the year of receipt by the Secretary General of written notice of such withdrawal. All entitlements and obligations of associate members will cease as of that date, and all financial obligations incurred up to that date must be paid in full. The Secretary General will advise the Chair and all Forum members when a withdrawal of associate membership is received.

6. At any time, Forum Leaders may decide to cancel the associate membership of any existing associate member, if Leaders form the view that the associate member has failed to fulfill in good faith its obligations as an associate member, or if the associate member is deemed to have acted in a manner inconsistent with the vision and purpose of the Forum. Such cancellation will be effective on 31 December in the year of notification in writing to the Associate Member from the Secretary General.

¹ "Territory" is used throughout this policy as a broad term in reference to those self-governing territorial entities which are not full Forum members. It does not exclude such entities whose formal title is something other than territory, such as "Administration" or "overseas country".

Criteria

7. The introduction of associate membership is a measure to encourage closer contacts between the Forum and non-sovereign Pacific territories, as decided by Forum Leaders in 2004. As such, it is intended to apply to those territories in the region which have the will and the capacity for substantive engagement with their Pacific neighbours, but whose constitutional arrangements do not permit them to become full Forum members (that is, to become Parties to the Forum's constituent Agreement).

8. At the same time, constitutional capacity to conclude treaties is not the only factor in consideration of full Forum membership, which is at the discretion of Forum Leaders. Admission to associate membership may be an appropriate step in cases where for whatever reasons the territory does not wish to seek, or Leaders do not wish to grant, full Forum membership.

9. Unlike the observer criteria of the past, admission to associate membership will not require that territories demonstrate they are on a "clear path to achieving self-government or independence". Associate membership is not necessarily to be considered a step towards full membership of the Forum.

10. In making decisions about admission to associate membership, Leaders will be guided by the following criteria:

- a) Whether the territory generally considers itself, and is considered by Forum members, as lying within the Pacific Islands region;
- b) The territory's commitment to the vision and purpose of the Forum;
- c) The territory's willingness and ability to participate in the Forum (noting that a lack of state resources and /or weak capacity should not of itself be a barrier to associate membership);
- d) Whether the territory exercises a degree of self-government such that it determines its own policy on regional issues, and will represent itself and its own interests in regional meetings and groups;
- e) Whether the territory has control of its own budget such that it is empowered to make the appropriate financial contribution for associate membership; and
- f) Whether the admission of the territory as an associate member will contribute positively to the regional and international relations of the Forum and its members.

Entitlements

11. Upon admission, an associate member will enjoy the following entitlements in respect of attendance at Forum meetings:

- a) The right to attend, and to speak at, the Plenary Session of the annual Forum Leaders' Meeting. Associate members will not as a rule be entitled to attend the Leaders' retreat, although Leaders retain the discretion to vary this policy as they may see fit from time to time;
- b) To attend, and to speak at, plenary sessions of other Leaders' meetings which may occur from time to time;

- c) To attend, and to speak at, meetings of the Forum Officials' Committee;
- d) To attend, and to speak at, plenary sessions of other Forum Ministerial Meetings and officials' Committees, under the same terms and restrictions (eg as to delegation size) as full members; and
- e) To nominate for participation in Forum working groups, subject to the ordinary decision-making processes among members when deciding on the composition of working groups.

12. The attendance entitlements of associate members will be subject to any decision which may be made by full Forum members at any time, in any of the above meetings and groups, to meet in closed session restricted to full Forum members only. Other than the Leaders' Retreat, Forum members will exclude associate members only when there is a consensus among full members that the circumstances or issues under discussion require it.

13. In most Pacific Islands Forum meetings, decisions are taken by consensus. While associate members will as a rule be afforded the opportunity to speak in meetings, and all attempts should be made in good faith to reach a consensus which includes them, dissenting views of associate members will not prevent taking decisions where there is consensus among full Forum members. Where decisions are taken by vote in any Forum meeting, associate members shall not have the right to vote.

14. Associate members will be notified of workshops, trainings and any other ad hoc meetings of members convened by the Forum Secretariat, and will be invited to attend all such events.

15. Associate members will be required to fund their own participation in Forum meetings and activities.

16. Associate members will be provided with relevant documentation for the meetings in which they participate. Other Forum documentation may be provided to associate members at the discretion of the Secretary General.

17. Associate members may apply for technical assistance under programmes administered by the Forum Secretariat. Such applications will be considered on a case by case basis.

18. At this stage, staff of the Forum Secretariat shall continue to be recruited from full member countries only. This policy has no impact on the separate conditions for certain technical staff employed under special arrangements, such as EU/ACP positions.

Obligations

19. Associate members will be required to make an annual contribution to the budget of the Forum, in recognition that their associate membership allows them to benefit from the work of the Secretariat in developing and coordinating Forum meetings and activities, and from their participation in such regional activities. Given that associate members are to fund their own participation in Forum activities, the contribution will be calculated at approximately 25% of the assessed annual contribution of Forum Island Country (full) members. Accordingly, the contribution required will be \$13,500 per associate member per annum.²

20. Associate members will be expected to respect, and to act in good faith in accordance with, the vision and purpose of the Forum.

² The average Forum Island Country full membership fee in 2005 is \$53,620. 25% of that figure is \$13,405 which has been rounded to \$13,500.

21. Associate members should nominate an appropriate contact point for the purpose of official communication with the Secretariat.

B. OBSERVER STATUS

22. In accordance with their decision to promote closer contacts with non-sovereign Pacific territories, and with a view to ensuring complementarity with the new system for associate membership, and in order to implement their desire to enhance the Forum's relationships with certain international organisations, Leaders have decided to set out a new policy relating to observer status in the Forum. Without restricting in any way the discretion of Forum Leaders, the following policy will guide Leaders in making decisions about observer status in the Forum.

Process

23. At the initiation of this policy, existing Forum observers shall retain their observer status. Existing observers are New Caledonia, French Polynesia, and Timor Leste (as Special Observer). If any territory presently an observer is subsequently admitted to associate or full membership, its observer status shall lapse.

24. In addition to the above, Leaders may agree to invite territories and organisations which meet the criteria below to become observers to the Forum. Recommendations may be made by the FOC to Forum Leaders regarding the issuing of invitations to prospective observers. Upon the agreement of Forum Leaders, invitations shall be issued in writing by the Secretary General to the prospective observer. The invitee may accept or decline the invitation by written reply.

25. Leaders may agree to cancel the observer status of any observer at any time, and upon such decision the Secretary General shall notify the observer in writing.

Criteria

26. The intention of Leaders in regard to observer status is twofold:

- as a means to engage territories in the Pacific region which do not wish to hold, or are not granted, full or associate membership
- as a mechanism through which non-Forum intergovernmental organisations of which at least one third of Forum members are active members, and whose work is of relevance to Forum priorities, can formally engage with the Forum.

27. Observer status is not intended as a mechanism to manage the Forum's relationships with existing members of the "Forum family" (such as other CROP agencies or the regional Specialised Law Enforcement Agencies). These organisations have established mechanisms for engagement with the Forum. Likewise, observer status will not extend to countries external to the region such as the present Post Forum Dialogue partners. Nor is observer status intended to apply to Non-State Actors (NSAs: private sector organisations or NGOs), whether national, regional or international in nature. Enhanced Forum engagement with NSAs will be pursued separately.

28. In deciding to invite territories or organisations to become observers, Leaders may be guided by the following criteria:

- a) The territory's or organisation's affinity with the vision and purpose of the Forum;
- b) The nature and extent of Forum members' actual and/or potential engagement with the territory or organisation;
- c) In relation to territories: the territory's willingness and ability to engage with the Forum (noting that a lack of state resources and /or weak capacity should not of itself be a barrier to associate membership);
- d) In relation to organisations: the relevance of the organisation's work to Forum members, and the level of commitment on the part of the organisation to engage with Pacific Island Countries.

Entitlements and Expectations

29. Observers will be invited to attend the Plenary Session of the annual Forum Leaders' Meeting. Observers may speak during the session if invited to do so by the Chair. Ministerial Meetings and committees will give consideration on a case-by-case basis to inviting observers to attend and where attendance is granted, observers may speak when invited to do so by the Chair. Observers may be invited to provide written papers or submissions for the information of participants in such meetings. Observers may also be invited, on a case-by-case basis, to attend other Forum activities.

30. Observers will be required to fund their own attendance at Forum meetings and activities.

31. In their engagement with the Forum, observers will be expected to respect, and to act in accordance with, the vision and purpose of the Forum.

Special technical observers and guests

32. Forum Ministerial and officials' meetings may agree by consensus to invite selected organisations to become special technical observers to that Ministerial or officials' meeting, either on a one-off or ongoing basis. These will be organisations which have a technical/specialist expertise or focus on the area under discussion, as well as a membership inclusive of relevant persons or entities from Forum member countries. In these cases, the speaking rights of special technical observers will be determined by the meeting, bearing in mind that priority should be accorded to the sharing of information and views between Forum members. Special technical observers shall not participate in the taking of consensus decisions, or have the right to vote, in meetings.

33. This policy does not restrict Forum members from agreeing by consensus to invite other individuals, organisations or entities to attend relevant meetings and/or activities as guests, on an *ad hoc* basis.
