

The 2005 Agreement Establishing the Pacific Island Forum

APPENDICES

Table of Contents

Schedule of Submissions.....	3
Submission by the Office of the Solicitor General	4
Submission of Ministry of Foreign Affairs	7
Submission by the Pacific Islands Forum Secretariat (PIFS)	13
Submission by Mr. Jioji Kotobalavu.....	16
Submission by Professor Steven Ratuva.....	19
Submission by the University of the South Pacific (USP).....	22
Submission by the South Pacific Tourism Organization (SPTO).....	26
Written Submission by the Pacific Islands Development Forum (PIDF)	27
Verbatim Reports	28
Verbatim Report on Monday 22 nd February 2021	28
Verbatim Report on Tuesday 23 rd February 2021	
Verbatim Report on 01 st March 2021	

Schedule of Submissions

Date	Time	Name of Stakeholders
Monday 22nd February 2021	9.35am	Office of the Solicitor-General
	10.10am	Ministry of Foreign Affairs
	11.03am	Pacific Islands Forum Secretariat (PIFS)
	11.44am	Mr. Jioji Kotobalavu
Tuesday 23rd February 2021	9.23am	Professor Steven Ratuva, Director McMillan Brown Centre for Pacific Studies
	10.21am	The University of the South Pacific
Monday 01st March 2021	10.57am	South Pacific Tourism Organization
Monday 08th March 2021	Written Submission	The Pacific Islands Development Forum (PIDF)

Submission by the Office of the Solicitor General

2005 AGREEMENT ESTABLISHING THE PACIFIC ISLANDS FORUM

WRITTEN ANALYSIS

1.0 Introduction

- 1.1 The Pacific Islands Forum (**Forum**) was established pursuant to the Agreement Establishing the Pacific Islands Forum Secretariat (2000).
- 1.2 At a Special Leaders' Retreat in New Zealand in April 2004 (**Leader's Retreat**), the Forum leaders directed the Pacific Islands Forum Secretariat (**Secretariat**) to appoint a working group of Forum members to draft a new Agreement that updated and set out the role, functions and responsibilities of the Secretariat.
- 1.3 In 2005, a Working Group of Members comprising Officials from Australia, Fiji, Kiribati, New Zealand, Papua New Guinea and Tuvalu, in consultation with the full Forum membership, developed a draft text updating the 2000 Agreement Establishing the Pacific Islands Forum Secretariat in accordance with the Leaders' directions from the Leader's Retreat. The text of the new agreement was subsequently considered by the Forum Officials Committee and endorsed by Forum Leaders and opened for signature at their meeting in Port Moresby on 27 October 2005.

2.0 Summary of the 2005 Agreement Establishing the Pacific Islands Forum

- 2.1 The 2005 Agreement Establishing the Pacific Islands Forum (**2005 Agreement**) is an international agreement that establishes the Pacific Islands Forum. Fiji signed the Optional Protocol on 27 October 2005 but has yet to ratify.
- 2.2 Article 1 of the 2005 Agreement establishes the Forum as an international organisation comprising of Australia, the Cook Islands, Fiji, Nauru, New Zealand, Samoa and Tonga as being founding members of the Forum, together with 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 states, as may be admitted to Forum membership with the approval of the Forum Leaders and in accordance with Article 11. Article 1 also provides how other territories in the Pacific region may be admitted as members of the Forum.
- 2.3 Article 2 of the 2005 Agreement outlines the purpose of the 2005 Agreement which is to strengthen regional cooperation and integration, including through the pooling of regional resources of governance and the alignment of policies. In order to further Forum members' shared goals of economic growth, sustainable development, good governance, and security.

- 2.4 Article 3 of the 2005 Agreement provides that the decision making body of the Forum shall be the Forum Leaders' Meeting and outlines the manner in which meetings may be convened by Forum Leaders.
- 2.5 Article 4 of the 2005 Agreement establishes the Forum Secretariat and its headquarters to be located in Suva, Fiji.
- 2.6 Article 5 of the 2005 Agreement establishes the Pacific Islands Forum Official's Committee (**Committee**) and outlines the powers and functions of the Committee.
- 2.7 Article 6 of the 2005 Agreement outlines the appointment of Forum Secretariat staff including the position of the Secretary-General.
- 2.8 Article 7 of the 2005 Agreement outlines the functions and responsibilities of the Secretary-General.
- 2.9 Article 8 of the 2005 Agreement outlines the functions and role of the Forum Secretariat.
- 2.10 Article 9 of the 2005 Agreement outlines matters in relation to preparation of the Forum's budget and its subsequent approval. It also states that the costs of operating the Forum shall be borne by the members in the shares determined by the Committee.
- 2.11 Article 10 of the 2005 Agreement outlines the legal status of the Forum and privileges and immunities accorded to each member of the Forum.
- 2.12 Article 11 of the 2005 Agreement outlines administrative matters including procedures for ratification or accession, entry into force, and denunciation of the 2005 Agreement.
- 2.13 Article 12 of the 2005 Agreement outlines procedures in relation to the amendment of the 2005 Agreement.
- 2.14 Article 13 of the 2005 Agreement outlines procedures in relation to the termination of the prior agreement.

3.0 **Requirements for Implementation**

- 3.1 The Forum has historical recognition as an international organisation and enjoys immunities and privileges under the Diplomatic Privileges and Immunities Act 1971 (**Act**). The Forum formerly known as the South Pacific Bureau for Economic Cooperation was recognised in 1972 as international organisation and enjoyed immunities and privileges under the Act.
- 3.2 Subsequently when the Forum changed its name to the South Pacific Forum Secretariat in 1991, by way of a ministerial order in 1993, the South Pacific Forum Secretariat continued to enjoy immunities and privileges under the Act.
- 3.3 Whilst the Forum has gone under various name changes, upon ratification of the 2005 Agreement, the Forum must be listed by its proper name as an international organisation in accordance with the Act to continue to enjoy various privileges and immunities under the Act.
- 3.4 Fiji is currently substantively in compliance of the articles under the 2005 Agreement.

4.0 Impact of Ratification

- 4.1 Ratification of the 2005 Agreement will further promote co-operation and strengthen international relations with other Pacific Island Countries who are members of the Forum.



2005 AGREEMENT ESTABLISHING THE PACIFIC ISLANDS FORUM (PIF)

Ministry of Foreign Affairs
Presentation to the Standing Committee on Foreign Affairs
and Defence
22 February, 2021

- OUTLINE

- Fiji's Foreign Policy interests in the region
- Importance of the Pacific Islands Forum and Fiji's ratification of the 2005 Agreement Establishing the Pacific Islands Forum



PRIORITIES:

1. Peace & Security
2. Socio-Economic Development
3. Trade
4. Climate Change
5. Oceans & Fisheries
6. Political Leadership

REGIONAL APPROACH



5

PACIFIC ISLANDS FORUM (PIF)



- Pacific Islands Forum as the premier political grouping that brings the region together.
- Achievements: economic integration (trade agreements), decolonization, security arrangements (Treaty of Rarotonga, Boe Declaration, Pacific Humanitarian Pathway for COVID-19).
- Importance of regional solidarity and unity to safeguard our interests and protect our futures against our shared challenges (geopolitical interests, COVID-19, climate change, etc.).

6



• BENEFITS FOR FIJI

Policy Considerations:

- Fiji is a founding Member of the PIF and host to the Forum Secretariat (including depository).
- Fiji will host the PIF Leaders Summit in 2021 and is incoming Chair of the Pacific Islands Forum.

Strategic Considerations:

- Promote Fiji as the hub of the region.
- Fiji's global leadership achievements due to the support of the Pacific (COP 23 Presidency, Human Rights Council)
- Fiji as Co-Chair of the Sub-Committee tasked with the development of the 2050 Strategy for the Blue Pacific Continent.
- Opportunity to review the regional architecture.

7

• JUSTIFICATION FOR FIJI'S RATIFICATION

- Of the 18 Members of the PIF, 17 have signed and ratified the 2005 Agreement. Fiji is the only Member that is yet to ratify. Fiji's ratification will result in the enforcement of the 2005 Agreement
- Promotes solidarity and unity in the region and demonstrates our commitment and trust in the organization.
- Ratifying the 2005 Agreement will strengthen and promote cooperation and relations with other Pacific Island Countries who are Members of the Forum.
- Demonstrates the trust in the organization based on the contributions that PIF provides to the region and Fiji including through economic returns. Also reinforces Fiji's leadership role and regional hub status.

9

• 2005 AGREEMENT

- The Pacific Islands Forum (PIF) Leaders in 2004 decided that a review of the Forum and its Secretariat be carried out. A Working Group made up of Forum Members was established to review and draft a new Agreement that would lay out the role, functions and responsibilities of the PIF Secretariat.
- The Working Group developed a draft text which was considered by the Forum Officials Committee and endorsed by Forum Leaders at their meeting in Port Moresby, Papua New Guinea on 27 October 2005 i.e. the 2005 Agreement.
- The general practice has been to apply both the 2000 Agreement in unison, as relevant, with the 2005 Agreement being generally adhered to and provisionally applied.

8

• RECOMMENDATION

- Fiji to ratify the 2005 Agreement Establishing the Pacific Islands Forum given the justifications discussed.

10



"....it was we, the old men
that dreamt dreams. I now
call on the young men and
women to see visions. For
where there is no vision,
people perish."

*[Excerpt from former Prime Minister and President Ratu Sir
Kamisese Mara – 2011 address to mark the 30th Anniversary of the
Pacific Islands Forum]*

11

Vinaka Saka Vakalevu

12

Submission by the Pacific Islands Forum Secretariat (PIFS)

1



PACIFIC ISLANDS FORUM SECRETARIAT
Virtual Submission to the Standing Committee on Foreign
Affairs and Defence of the Parliament of the Republic of Fiji
regarding the 2005 Agreement Establishing the Pacific Islands Forum

22 February 2021, 11am

Dame Meg Taylor
Secretary General of the Pacific Islands Forum

INTRODUCTION

Honourable Chairman and Honourable Members of the Standing Committee on Foreign Affairs and Defence of the Parliament of the Republic of Fiji,

Thank you for the invitation to the Pacific Islands Forum Secretariat to share with you today in your consideration of the *2005 Agreement Establishing the Pacific Islands Forum*. I am pleased to present to you this morning with my Deputy Secretary General, Dr Filimon Manoni.

2. At the 36th Pacific Islands Forum, held in October 2005 in my home country of Papua New Guinea, Leaders adopted the new Establishment Agreement and opened it for signature in Port Moresby.

3. Fiji was one of thirteen Member countries who readily signed the Agreement at that meeting; clearly recording their intent, and their consent to be bound by the 2005 Agreement, pending its entry into force.

4. The subsequent measured pace of ratification is reflective of our journey over the last 50 years; a journey that has had its ups and downs, never faltering however in our commitment to regionalism and solidarity.

5. Today, I am very pleased to see the significant progress leading to this important stage of Fiji's ratification of the 2005 Agreement. At a personal level, I am privileged to witness this occasion during my tenure.

6. Fiji's ratification will represent a significant milestone in our Forum family, and fasten the bridges that we have rebuilt within the Forum and the regional relations we have strengthened over the years.

THE PACIFIC ISLANDS FORUM

7. Honourable Chairman and Members, allow me to briefly focus on the Pacific Islands Forum institution and its Secretariat.

8. Established 50 years ago in 1971, the Pacific Islands Forum – *then known as the South Pacific Forum* – was founded by seven independent and self-governing states, including Fiji.

2

9. Our 50 year existence spans a significant period in our region's history; one where many Pacific Island countries attained nationhood and joined the Forum family in pursuit of deeper regionalism for our collective well-being.

10. Now comprising 18 countries and territories, the Forum has evolved in shape and size, has undergone the necessary reforms required with time, and continuously pursues ways to strengthen our Blue Pacific identity and sovereignty, under our own terms.

11. Through the Forum and indeed through regionalism, we have achieved a number of significant milestones, including the enactments of the South Pacific Nuclear Free Zone Treaty and the UN Convention on the Law of the Sea, supporting self-determination, sustainable economic development and regional trade, regional security, the Biketawa and Boe Declarations, and our global leadership in addressing climate change and oceans.

12. Forum Leaders are committed to their Vision for a region of peace, harmony, security, social inclusion, and prosperity, so that all Pacific people can lead free, healthy, and productive lives.

13. Since 1973, the Pacific Islands Forum Secretariat – *then known as the South Pacific Bureau of Economic Cooperation* – has enjoyed legal status, privileges and immunities in our host country, Fiji, as well as in all member countries.

14. I take this opportunity to express my utmost gratitude to the Republic of Fiji, its Government and people, for the continued support, generosity and hospitality extended to the Secretariat and its staff.

THE SIGNIFICANCE OF THE 2005 AGREEMENT

15. Honourable Members, I now refer to the 2005 Agreement and offer brief remarks regarding its significance for Fiji and the region.

16. By way of background, the Forum has been governed through four successive establishment agreements adopted by Leaders in 1973, 1991, 2000 and 2005, and has had name changes once for the Forum itself and three times for the Secretariat. Our present name – Pacific Islands Forum – captures our vast family tree across our Blue Pacific Continent.

17. As set out in the information before you, the 2005 Agreement contains the latest suite of reforms to the Forum's constituent agreement, in accordance with Leaders' directives in 2003 and 2004 relating to the review of the Forum and its Secretariat.

18. Significant changes in the 2005 Agreement include the establishment of the Pacific Islands Forum as an international organisation in its own right, and affirming the principle of the equality of all its members. The role of the Forum is also expanded beyond economic development and trade, to "economic growth, sustainable development, good governance and security".

19. As a way of facilitating regional cooperation and integration, the 2005 Agreement also broadens the Forum's membership by establishing associate and observer membership categories.

20. Fiji's ratification will be significant for the region as it is the final act required to bring into force the 2005 Agreement, and thus set in motion the next chapter of the Forum.

21. In the context of our Blue Pacific narrative, and securing our Blue Pacific Continent, the entry into force of the 2005 Agreement represents a timely opportunity for renewed hope and restored faith in our beloved institution.

22. Now more than ever, our common Forum identity is critical to collectively and urgently address and overcome our region's vulnerabilities and dependencies for present and future generations to come.

CONCLUSION

23. Mr Chairman, we close our submission by congratulating and commending the Republic of Fiji for its decision and active efforts to pursue this final treaty action that will have significant impacts on our region.

24. I look forward to a successful decision by your Committee and ultimately the Parliament of the Republic of Fiji. I also look forward to Fiji's incoming chairmanship of the Forum and its leadership over the next year.

25. Mr Chairman, I hope that this submission is of assistance to your Committee as it deliberates the ratification of the *2005 Agreement Establishing the Pacific Islands Forum*. The Secretariat stands ready to provide any further assistance required, including responding to queries the Committee may have.

26. I thank you Mr Chairman and Honourable Committee Members.

Submission by Mr. Jioji Kotobalavu

PARLIAMENT OF FIJI STANDING COMMITTEE ON FOREIGN AFFAIRS AND DEFENCE

MONDAY, 22nd FEBRUARY 2021

SUBMISSION BY JIOJI KOTOBALAVU ON THE 2005 AGREEMENT ESTABLISHING THE PACIFIC ISLANDS FORUM [PIF]¹

Honourable Members,

It is an honour to appear before you, and thank you for the invitation to make this submission.

As I understand it, your examination of the 2005 Agreement establishing the Pacific Islands Forum and its Secretariat arises from the requirement of section 51 of the 2013 Constitution of Fiji.

Section 51 states:

“An international treaty or convention binds the state only after it has been approved by Parliament”

Prior to this stipulation in the 2013 Constitution, the power to ratify an international treaty was vested in Cabinet—the executive arm of Government.

What then is the legislative and legal significance of transferring this power of ratifying international treaties or agreements to Parliament?

This derives from the constitutional doctrine of the separation of powers. It is Parliament, the representative body of the people, which is empowered under the Constitution, the supreme law of the State, to make laws for the State. But not Cabinet or the executive Government. The executive Government’s constitutional role is to implement and administer the laws of the State. And the Judiciary or the courts are to interpret the laws of the State.

The 2005 Pacific Islands Forum Agreement is a regional agreement and it has been placed before the Parliament of Fiji for ratification because the Agreement itself, under Article X1-4, requires ratification. In other word, signature of the Agreement by Fiji and other country-parties to the Agreement, is not enough, on its own, to fully bind them legally as parties to the Agreement. So, Parliament’s approval for Fiji to ratify the 2005 PIF Agreement is crucially important for three reasons.

First, it signals to other PIF member countries that Fiji has committed itself to accepting membership of the PIF and all the duties and obligations that flow from it. And this is especially important because Fiji is the host country to the PIF Secretariat and a frequent host to PIF meetings of various kinds, and at different levels.

Second, Fiji would be demonstrating its strong commitment to the PIF by making the 2005 PIF Agreement part of the statutory laws of Fiji. This is the effect of Parliament’s ratification of it. Without ratification by Parliament this regional agreement is not legally binding on Fiji notwithstanding Fiji’s signature of it. This incorporation of the 2005 PIF Agreement into the statute laws of Fiji is important in the event disputes arise over, for example, the privileges and immunities of the Fiji-based PIF Secretariat and its expatriate staff under the Diplomatic Privileges and Immunities Act (Cap 8).

¹ Jioji Kotobalavu MA BA (Auck) LLB (UNIFIJ) Cert of Diplomacy (Oxford)

He served in Fiji’s Public Service from 1968 to 2006. Among the positions he held were PS for Foreign Affairs, Fiji’s first Ambassador to Japan, South Korea and China, and Permanent Secretary to the PM’s Office. He is currently a Lecturer in UNIFIJ’s post-graduate programmes in public law and in International Relations and Diplomacy

Third, Fiji is the designated Depository to the 2005 PIF Agreement in accordance with its Article XI. Fiji cannot lawfully exercise this role unless it has itself ratified the Agreement.

Now, because Fiji is the host country to the PIF Secretariat and regularly hosts many PI Forum meetings. I would strongly recommend that Parliament formally ratifies the 2005 PIF Agreement. In addition, Parliament is also to require the Government [and specifically the Ministry of Foreign Affairs] to ensure that the PIF, as established under the 2005 Agreement, is properly declared under section 6(1) of the Privileges and Immunities Act (Cap 8) as an international organisation. This is for the purpose of enabling the entitlement of the PIF, its Fiji-based Secretariat, and its expatriate staff and their families, to the diplomatic privileges and immunities, as set out in the Act's various schedules. Fiji's obligations to provide all these derive from its commitments as a party to the 1961 Vienna Convention on Diplomatic Relations.

Often times, a Committee such as yours may actually decide to broaden its objective examination of an international treaty or agreement beyond the specific issue of ratification, and consider whether the international organisation created under an international treaty or agreement is effectively performing its role and functions.

Article II of the 2005 PIF Agreement states:

“The purpose of the Forum is to strengthen regional cooperation and integration, including through the pooling of regional resources, of governance, and the alignment of policies, in order to further Forum members’ shared goals of economic growth, sustainable development, governance, and security”

Are there any aspects of the PIF's operations or delivery of its functions that Fiji is not particularly happy with?

What about the increase in the PIF's membership from the original 8 to the current 18. Has this been good for the PIF, or has this been detrimental to the unity and cohesiveness of the PIF?²

An interesting point to note for general information is that whilst the 2005 PIF Agreement is an inter-governmental agreement of countries in the Pacific Islands region, it is not an international treaty under international law. Why? This is because the PIF allows as full members countries that are not fully independent under international law. The Charter of the United Nations, the 1982 Law of the Sea Convention, or the 1961 Vienna Convention on Diplomatic Relations, for example, are international treaties under international law because their constituent parties are fully independent States. By contrast, the 2005 PIF Agreement includes as parties countries that are self-governing in their constitutional status but who are not fully independent and still lack the criteria under international law for full juridical or external sovereignty as States. These self-governing but not fully independent members of the PIF are the Cook Islands, Niue, French Polynesia [Tahiti] and New Caledonia. Because they are not sovereign States, they cannot be admitted to, for example, full membership of the United Nations.

So, essentially, the 2005 PIF Agreement is not an international treaty of independent sovereign States. It is, instead, a multi-lateral agreement of countries in the Pacific Islands region. Nevertheless, the key points fully justifying its ratification by Parliament are:

² Original PIF members: Australia, Cook islands, Fiji, New Zealand, Nauru, Niue, Samoa and Tonga

Later joined by: Papua New Guinea, Solomon Islands, Vanuatu, Tuvalu, Kiribati, Palau, Federated States of Micronesia, Republic of the Marshal Islands, French Polynesia, New Caledonia, and with Tokelau and Wallis and Futuna as associate members

[1] It completes the process required by the Agreement for full membership and participation by Fiji in the PIF,

[2] It is required to incorporate the 2005 PIF Agreement as part of the statutory laws of Fiji,

[3] It is a necessity because Fiji is the host country to the PIF Secretariat and to many meetings of the PIF, and

[4] It is important because Fiji is the designated Depository to the 2005 PIF Agreement

And as follow up action following ratification by Parliament, the Ministry of Foreign Affairs is to ensure:

[1] That the PIF as constituted under the 2005 PIF Agreement has been appropriately declared under section 6 of the Diplomatic Privileges and Immunities Act (Cap 8) as an international organisation for purposes of eligibility to diplomatic privileges and immunities as set out in the Act, and

[2] That it is up to date in performing Fiji's duties as the Depository to the 2005 PIF Agreement

I thank you for your attention.

Submission by Professor Steven Ratuva

1

The 2005 Agreement on the Pacific Island Forum

Speaking notes on presentation for Fiji Parliament's Standing Committee on Foreign Affairs and Defence

23 Feb 2021

20 minutes presentation (Brief summary)

Opening narrative (1 minute)

- During the 36th Pacific Islands Forum meeting in Papua New Guinea (25-27 October 2005), the Forum leaders endorsed a new document “establishing the Pacific Islands Forum.” Sixteen member states have signed the agreement which was confirmed at the Nadi meeting in 2006.
- The agreement is subject to ratification and will enter into force after all the member countries have ratified it. The ratification of the agreement will establish the Forum as an international organisation with “the legal capacity of a body corporate within the jurisdictions of its members.”
- This stops short of creating an international legal person. The Agreement envisages that, in most cases, national legislation will be required to recognise and confer rights upon the organisation created.

Genesis of Forum (4 minutes)

- Post-War, Cold War scenario after 1945
- Colonial powers (US, UK, NZ, Australia, Netherlands and France) set up South Pacific Commission. Divided into Commission (for colonial powers) and Conference (colonial territories). The two merged into one body in 1974.
- No political discussion (eg nuclear testing and colonialism) thus Pacific Island leaders led by Ratu Mara initiate “Lae Rebellion” in 1965 to set up own body.
- Set up Pacific Islands Producers Association ((PIPA). Formed by Fiji, Tonga, and Western Samoa outside of the domain of the SPC, PIPA provided a unified front for negotiating the prices of common agricultural products for export.
- Wellington meeting 1971, set up Forum. Attending the gathering were representatives of the Cook Islands, Fiji, Nauru, Tonga, and Western Samoa, as well as Australia and New Zealand (observers) and recognized as full members a year later at the second meeting in Canberra.
- Membership of Australia and New Zealand were debated but Forum needed funding and support and influence in international arena. South Pacific Bureau for setting up of Economic Cooperation (SPEC), which would eventually adopt the role of secretariat for the Forum. Absorb role of PIPA in 1974. Assumed both political and economic role. Regional trade agreement, eg South Pacific Regional Trade and Cooperation Agreement (SPARTECA) in 1980. Changed to South Pacific Forum in 1991. Changed to Pacific Island Forum in 2000.

2

Purpose/principles (3 minutes)

- Purpose “to facilitate, develop and maintain co-operation 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.”

- Unity and strong voice in the face of big power rivalry: “Pacific Way” philosophy
- Principle of consensus. Some problems
- Economic integration. Some problems
- Currently a voluntary association of independent states—can withdraw any time

Challenges to Pacific regionalism (3 minutes)

- Dominance by bigger states, especially Australia and New Zealand
- Imbalance of benefits
- Consensus—one major voice all agree—money
- Intra-regional conflict – Vanuatu, Bougainville, Solomon Is, Fiji, Tonga
- Divergent positions: National interest —climate change, West Papua, PACER-Plus, appointments (recent issue)
- Geo-politics—Foreign powers
- Role of Forum Dialogue Partners

The 2005 Forum Agreement (4 minutes)

• Communique of thirty-sixth Pacific Islands Forum, PNG 25 – 27 October 2005:
Leaders agreed to adopt the new Agreement Establishing the Pacific Islands Forum and to open it for signature at their Plenary Session in Port Moresby. The new Agreement establishes the Pacific Islands Forum as an intergovernmental organisation at international law. The Agreement also updates the Forum’s purpose and functions to reflect the vision and directions taken under the Pacific Plan. As a way of facilitating regional cooperation and integration, the Leaders have agreed to broaden the Forum’s membership by establishing new associate and observer membership categories. Leaders also agreed to adopt a new policy regarding admission, criteria and entitlements for associate membership and observer status in the Forum, to take effect from the 2005 Forum.

- Governments of Australia, the Cook Islands, the 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.
- Ratification by all in order to “enter into force.”
- Partner document to the Pacific Plan 2005 (PNG Forum leaders meeting). Pacific Plan reviewed and replaced with Framework for Pacific Regionalism (2014). The 2050 Strategy for the Blue Pacific Continent.
- Agreement affirms the following provisions: PIF’s status an “international organization in its own right, and better provide for its purpose and operation...” ; purpose; Forum leader’s meeting; establishment of PIF officials committee; appointment of staff; function of SG; functions of secretariat; budget; legal status (body corporate and immunity); signature, ratification, accession, entry into force and denunciation); amendments; termination of prior agreement and savings.

3

2005 Agreement and regionalism good for Fiji (5 minutes)

- Affirms Fiji’s status as regional leader

- Fiji first chosen as Forum base because it was base for High Commissioner for Western Pacific; Ratu Mara's charismatic appeal and dominant leadership; central, communication hub, most developed
- Raised Fiji's regional and international status
- Economic benefits—employment, housing, etc.
- Attract other regional and international organizations, embassies—closer to Forum
- Now challenges to Fiji's dominance (Micronesian withdrawal and USP fiasco—possible relocation?)
- Fiji has duty of care for smaller states not just for itself
- Local custodian for regional organizations—empathy and care
- Initiate discussions with Micronesia, reconciliation —Fiji to take initiatives
- End of regionalism? Hopefully not.

Vinaka vakalevu

S. Ratuva (22 Feb 2021)

Submission by the University of the South Pacific (USP)

FIJI'S RATIFICATION OF THE 2005 AGREEMENT ESTABLISHING THE PACIFIC ISLANDS FORUM (2005 AGREEMENT)

Submission to the Standing Committee on Foreign Affairs and Defence, Parliament of Fiji, March 2, 2021

Prepared by Dr Giulio Paunga, Acting Vice-Chancellor and President, The University of the South Pacific.

Fiji as the PIFs Chair for 2021 will be known in history as the Pacific Island Leader that contemplated the collapse of Pacific Regionalism. The demise of the Pacific Way will definitely be at the peril of the Blue Pacific and sinking of the Pacific Island countries. Tonga's King Tupou IV a founding member of the SPC, PIFs and the USP had chuckled, when I as Minister for Labour, Commerce and Industries advised in the late 1990s that PICTA was "definitely not beneficial for Tonga as a sovereign on it's own!" especially being a small economy with limited resources and market. The wise leader had shared that what may be of benefit to one may be the demise of the other but as a region, the challenges and difficulties could be overcome with both sides benefiting by working together.

Fiji should ratify the 2005 PIFS Agreement, as Pacific Regionalism and the Blue Pacific depend on it. PIFs, SPC, FFA and all CROP Agencies all depend on it. The future of our Region, the education of our children in a regional institution depends on it. As Chair of the PIFs at this post Covid-19 era, Fiji needs to save the Pacific and take on the reins of Pacific regionalism and save the vulnerable populations of the Pacific. USP enrolls more than 28000 students annually and while this is a difficult year with many unable to travel to Laucala Campus, they have remained at USP regional campuses. Fiji is in danger of losing out on this benefit as it receives 9.2 dollars for every dollar it spends. For more than 52 years, USP has a beacon of Pacific regionalism with so many of our leaders educated at this esteemed institution. It is imperative that all the PICs work together to ensure that this world class University does not fail.

This is the change that we as a region need to face, we can no longer simply lead on our own but must face unprecedented times with unprecedented leadership. The withdrawal of 5 PIFs countries in 12 month's time, should be addressed with outstanding leadership by the chair of the 2021 PIFs. Fiji has to lead with conviction and action by firstly signing the 2005 PIFs Agreement and to proceed with the Pacific Way in keeping the folds together in our blue continent.

2 March 2021

2005 AGREEMENT ESTABLISHING THE PACIFIC ISLANDS FORUM

Personal observations respectfully submitted to add to those from the PIF Secretariat, USP academics and other more authoritative sources.

In his 1997 Memoire “The Pacific Way” Ratu Sir KKT Mara describes the early steps towards independence and a regional identity which became formalized eventually as the Pacific Islands Forum. Between 1971 and 1977, along with Permanent Secretaries for Foreign Affairs, Health and Education, we accompanied Ratu Mara and other Fiji delegation heads to meetings of the SPC, PIPA, SPEC and PIF during the formative years of these organisation.

Following the upheaval of WW II, the colonial powers in the Pacific – Australia, France, the Netherlands, New Zealand, United Kingdom and USA – formed the South Pacific Commission in 1947 to promote socio-economic stability in their colonies and territories.

At his first South Pacific Conference in 1953 Ratu Mara met other island leaders and so began in his words “the gathering of the tribes”. When he became Member for Natural Resources in 1964, Ratu Mara began to have wider international contacts with Commonwealth Sugar Producers. In the late 1960s Samoa, Tonga and Fiji formed the Pacific Islands’ Producers Association (PIPA) to coordinate their banana exports to the NZ market to obtain a fair price for their growers.

PIPA became subsumed by the South Pacific Bureau of Economic Cooperation (SPEC) in 1971 which in turn evolved into the Pacific Islands’ Forum in 1974. Throughout this period, Fiji played a major role in the development of the regional body.

For some 20 years, the SPC had benefitted the socio-economic development of the islands but by the 1965 Lae, PNG meeting the leaders had become impatient with the paternalistic dominance by the colonial Commissioners at the annual conferences. The Pacific leaders, spear headed by Ratu Mara, Michael Somare and leaders from Samoa (which had gained independence from NZ in 1962), Tonga and the Cook Islands walked out of the meeting precipitating a rethinking by the colonial powers.

Changes were introduced at the next few SP Conferences giving greater say to island delegates. In 1983 the Conference adopted a resolution that the Conference of 27 governments and administrations should have full and equal membership, fulfilling the vision the island leaders began advocating from the mid-60s, cementing close personal ties which resonated down the years.

The establishment of the University of the South Pacific in 1968 on the site of the former seaplane base of the RNZAF predated the PIF but the many contacts and friendships of the leaders formed over the previous decade no doubt played a part in its formation.

Other regional organisations which came into being in the decade of the 70s reflected the greater sense of a Pacific community. Fiji Airways was regionalized to Air Pacific but did not achieve its full role and was rebranded back to Fiji Airways in 2012. As also the Pacific Forum Line in 1978 and the Forum Fisheries Agency based in Honiara in 1979.

Fiji's Ambassador Satya Nandan was a key negotiator in the lead up to the adoption of the UN Convention on the Law of the Sea in 1982, fully supported by the region. The inclusion of the landmark concept of Extended Economic Zones against strong opposition from some developed countries gave island nations jurisdiction over huge areas previously regarded as international waters.

Although not directly related to the PIF, Fiji's invitation to participate in peacekeeping operations in UNIFIL (Lebanon) in 1978 and MFO (Sinai) in 1982 illustrate the high regard in the UN and internationally.

Fiji has been very much a part of the PIF from the very beginning, even while the country was suspended post-2009. With the more recent leadership role Fiji has acquired in the discussions on the Climate Change crisis facing the planet and its own respected status in world affairs, these assets can greatly enhance the profile of our region in world forums.

The COVID-19 pandemic and the attendant world-wide economic depression has added another imperative on the need for joint action which for our region can only be optimized by Fiji's inclusion.

As Fiji assumes the Chair of the PIF this year, ratifying the 2005 Agreement becomes axiomatic.

Winston Thompson
Pro-Chancellor and Chair of USP Council
(former Permanent Secretary 1973-85, Ambassador to UN 1985-91
Ambassador to USA 2009-2015)

1 March 2021

FIJI'S RATIFICATION OF THE 2005 AGREEMENT ESTABLISHING THE PACIFIC ISLANDS FORUM (2005 AGREEMENT)

Submission to the Standing Committee on Foreign Affairs and Defence, Parliament of Fiji, February 24th, 2021.

Prepared By Dr Sandra Tarte, School and Law and Social Sciences, The University of the South Pacific.

1. Fiji will become the Chair of the Pacific Islands Forum in 2021, the year that marks the 50th anniversary of the founding the Forum. In this role, the Government of Fiji will host the Leaders' summit and start a three year period as member of the Troika. This places Fiji in a key leadership role of the Forum, an organization it was instrumental in creating five decades ago, and provides the first argument in support of Fiji's ratification. To lead an organization to which it has not formally acceded, sends a mixed message to the region and to the wider international community. Ratifying the Agreement would address this anomaly.

2. The Pacific Islands Forum is the preeminent political organization in the region. As the only regional body of all Pacific Island leaders, it is well positioned to represent the region to the world; and to drive regional cooperation. A strong Pacific Islands Forum can therefore mean a strong region and help ensure the 2050 Strategy for the Blue Pacific Continent becomes a reality. By acceding to this Agreement, Fiji is helping to strengthen the Forum, which is a second reason why it should ratify the 2005 Agreement.

3. Fiji is taking on the Chairmanship of the Pacific Island Forum at a critical juncture in the Forum's history. In its 50th year, the Pacific Islands Forum is facing what some commentators have described as an 'existential crisis'. This is due to the decision of five members (including one founding member – Nauru) to withdraw from the Pacific Islands Forum. This represents almost one third of the Forum's membership. The unprecedented decision of the five Micronesian states to withdraw from the Pacific Islands Forum will take effect after 12 months. As Chair of the Forum, Fiji will have a pivotal role to play in shaping this outcome – whether or not the split can be averted. Acceding to the Agreement will put Fiji in a stronger position to argue for the five states to remain in the Forum.

4. But ratifying the Agreement at this time also has some risks which the Government needs to be sensitive to. Fiji has had 15 years to accede to the Agreement, and remains the only Forum member country that has not done so. Admittedly, Fiji was suspended from the Forum between 2009 and 2014. But the question may be asked why Fiji has waited until now – when the Forum is on the brink of a major split – to take this step. To allay some of the criticism, and cynicism, that may result from this move, the Fiji Government will need to acknowledge the reasons why the five states have decided to leave the Forum. This would be the first step to finding a solution – in the Pacific way – to the current crisis.

25 February 2021

Submission by the South Pacific Tourism Organization (SPTO)



SPTO input to the Parliamentary Select Committee virtual meeting:

- On behalf of SPTO as one of the smaller CROP agencies we welcome and thank the Standing Committee's consideration of our views on the 2005 founding agreement of the Forum.
- Ratification of the 2005 Agreement by Fiji will further promote cooperation and strengthen international relations with other Pacific Island Countries who are members of the Forum, particularly during these challenging times for regionalism.
- Fiji's ratification will represent a significant milestone to the rest of the Pacific Islands. It proves that Fiji is taking the lead as one of the founding members of PIFS in terms of showing a duty of care for regionalism and making sure that regional organisations in Fiji thrive.
- Fiji's ratification is the final act required to bring into force the 2005 agreement which will definitely support the Forum and the incoming SG in moving forward during challenging times.
- The incorporation of the 2005 agreement into the statute laws of Fiji is important in the event disputes arise over, for example the privileges and immunities of Fiji based PIFS and other CROP agencies as well as their respective expatriate staff under the Diplomatic Privileges and Immunities ACT.
- Fiji ratifying the agreement will also ensure that Fiji continues to be the largest beneficiary of regionalism in the Pacific. That is, hosting the majority of regional organisations in the Pacific etc.
- Finally, Fiji's ratification would signal to other PICs and CROP agencies that Fiji is committed to accepting membership of PIFS and all duties and obligations that flow from it. Ratification will be an important lead in to Fiji hosting the PIFS forum leaders this year.

Overall, from SPTO's perspective we strongly recommend that Fiji ratify the agreement.

Thank you for the opportunity.

Written Submission by the Pacific Islands Development Forum (PIDF)



PIDF'S WRITTEN SUBMISSION

1. The Chairperson of the Republic of Fiji Parliamentary Standing Committee ("Committee") on Foreign affairs and defence, Hon. Alexander O'Connor, and distinguished members of the Committee.
2. The PIDF¹ Secretariat ("Secretariat") has noted *Section 109 2(e)* of the Standing Orders of the Parliament of Fiji which mandates the Committee to look into matters that relates to Fiji's relations with other countries, development aid, foreign direct investment, oversight of the military and relations with multi-lateral organisations.
3. The Secretariat acknowledges the Committee's request for the PIDF's comment on the treaty to review the 2005 Agreement ("*Agreement*") Establishing the Pacific Islands Forum.
4. The Secretariat further notes that Fiji signed the Optional Protocol on 27 October 2005 but has yet to ratify the Agreement.
5. The Secretariat had reviewed the 2005 Agreement and is of the view that Fiji should ratify the Agreement to demonstrate strong regional leadership and also to advance co-operation with other Pacific Island Countries who are members of the PIF.

-Ends-

¹ PIDF – Pacific Islands Development Forum

[VERBATIM REPORT]

VIRTUAL MEETING OF THE S/C ON FOREIGN AFFAIRS & DEFENCE

AGREEMENT

2005 Agreement Establishing the Pacific Islands Forum

SUBMISSIONS: (1) Solicitor-General's Office
(2) Ministry of Foreign Affairs
(3) Pacific Islands Forum Secretariat
(4) Mr. Joji Kotobalavu

VENUE: Big Committee Room (East Wing)

DATE: Monday, 22nd February, 2021

**VERBATIM NOTES OF THE VIRTUAL MEETING OF THE STANDING COMMITTEE ON
FOREIGN AFFAIRS AND DEFENCE HELD AT THE COMMITTEE ROOM (WEST WING),
PARLIAMENT PRECINCTS, GOVERNMENT BUILDINGS, ON MONDAY, 22ND
FEBRUARY, 2021, AT 9.35 A.M.**

Interviewee/Submittee:**Office of the Solicitor General**In Attendance:

- | | | | |
|-----|----------------------------|---|-------------------------|
| (1) | Ms. Seema Chand | - | Principal Legal Officer |
| (2) | Ms. Ofa Solimailagi Lemaki | - | Principal Legal Officer |

MR. CHAIRMAN.- Thank you, Honourable Members and our Secretariat staff for the Standing Committee on Foreign Affairs and Defence. A very warm welcome to members of the public and the media, who are listening in to this broadcast this morning. The Committee has been tasked by Parliament to review the 2005 Agreement Establishing the Pacific Islands Forum.

We have with us this morning for their submission is Ms. Seema Chand and Ms. Ofa Solimailagi Lemaki from the Office of the Solicitor-General. A very warm welcome to you, Ms. Chand and Ms. Lemaki. Probably, you need no introduction of the Committee Members, you probably know us by now, but thank you for acceding to our request at such a short notice, and we appreciate your attendance. Without further ado, the floor is yours, Madam.

MS. S. CHAND.- Thank you, Mr. Chairman. I am sorry, I am not able to view your video, I am not sure whether it is a technical difficulty, but I just wanted to clarify whether or not you could see Ofa and I this morning on video.

MR. CHAIRMAN.- Yes, Madam, we can see you both on video and I am not too sure what is the glitch but, yes, we can see you. Thank you.

MS. S. CHAND.- We can hear you clearly, Mr. Chairman. So thank you for giving us the opportunity this morning from the Office of the Solicitor-General to briefly go into detail about this Agreement. You would have been provided with the Written Analysis pursuant to Standing Order 130, so I will just briefly take you through the summary of the Articles in the Agreement.

The 2005 Agreement establishes the Pacific Islands Forum (PIF) as an international organisation under an international agreement that essentially establishes the PIF. Fiji has signed the Agreement but has yet to ratify the Agreement. We signed the agreement on 27th October, 2005.

Article 1 of the 2005 Agreement establishes the Forum as an international organisation like I said, comprising of Australia, the Cook Islands, Fiji, Nauru, New Zealand and some of the founding members of the Forum, together with the Federated States of Micronesia, Kiribati, Niue, Palau, Papua New Guinea and the Republic of the Marshall Islands as members.

Article 1 also provides that other States may be admitted to the Forum membership with the approval of the Forum Leaders in accordance with Article 11 of the Agreement. Article 1 provides the procedure in which how other Territories in the Pacific region may be admitted as members of the Forum.

Article 2 of the 2005 Agreement outlines the purpose of the 2005 Agreement, which is to strengthen regional co-operation and integration, including through the pooling of regional resources of governance and the alignment of policies, in order to further Forum members' shared goals of economic growth, sustainable development, good governance and security.

Article 3 of the 2005 Agreement provides that the decision-making body of the Forum shall be the Forum Leader's meeting, and outlines the manner in which meetings may be convened by Forum Leaders.

Article 4 of the 2005 Agreement establishes the Forum Secretariat and its headquarters to be located in Suva, Fiji.

Article 5 of the 2005 Agreement establishes the Pacific Islands Forum Officials' Committee and outlines the powers and functions of this Committee.

Article 6 of the 2005 Agreement outlines the appointment of the Forum Secretariat staff, including the position of the Secretary-General.

Article 7 of the 2005 Agreement outlines the functions and responsibilities of the Secretary-General.

Article 8 of the 2005 Agreement outlines the functions and role of the Forum Secretariat.

Article 9 of the 2005 Agreement outlines matters in relation to the preparation of the Forum's budget and subsequent approval of the budget. It also states that the costs of operating the Forum shall be borne by the members in the shares determined by the Committee, and this is the Pacific Islands Forum Officials' Committee.

Article 10 of the 2005 Agreement outlines the legal status of the Forum, the privileges and immunities accorded to each member of the Forum.

Article 11 of the 2005 Agreement also outlines administrative matters, including procedures for ratification or accession, entry into force and the denunciation of the 2005 Agreement.

Article 12 of the 2005 Agreement outlines procedures in relation to the amendment of the 2005 Agreement.

Article 13 of the 2005 Agreement outlines procedures with respect to the termination of the prior agreement and the prior agreement being the 2000 Agreement.

So, essentially, that is a brief summary of the 2005 Agreement establishing the Pacific Islands Forum. I am happy to take any legal questions with respect to the Agreement, Mr. Chairman.

MR. CHAIRMAN.- Thank you, Ms. Chand, for that brief analysis.

Honourable Members, do you have any questions for Ms. Chand and her team?

HON. LT.COL. P. TIKODUADUA.- Good morning, ladies. This is not a legal question but perhaps, an administrative in nature. I just wanted to know, by way of background, what other nations have ratified this Agreement so far?

MS. S. CHAND.- Thank you, Honourable Member, for that question. Some of the countries that have ratified this Agreement are the Federated States of Micronesia, Cook Islands, Kiribati, Nauru, New Caledonia, Niue, Palau, Papua New Guinea, the Republic of the Marshall Islands, Samoa ratified it in 2017, the Solomon Islands, Tonga, Tuvalu and Vanuatu, to name a few.

HON. LT. COL. P. TIKODUADUA.- Mr. Chairman, not all have ratified?

MS. S. CHAND.- So, from my understanding we have a list of countries that have ratified and with respect to Fiji, we are the only country that has not ratified currently. And I understand with respect to (I will just pull up the Article for you) Article 11(1).

HON. LT. COL. P. TIKODUADUA.- You said Article 11? MS. S.

CHAND.- Yes.

So, Article 11(1) lists out various countries or States that need to ratify the Agreement before the Agreement enters into force. So, all the countries that are listed in Article 11(1) have essentially ratified the Agreement, and Fiji is the only country that has not ratified.

HON. LT. CO. P. TIKODUADUA.- My second question, I am reading through the Written Analysis. There is strong recommendation for ratification. From the perspective of Government, are there any legal issues, at all, to Fiji in the way the 2005 Agreement is laid out?

MS. S. CHAND.- No, there are no legal issues with respect to the Agreement. This Agreement was negotiated by foreign member countries and accepted, and because Fiji has already signed the Agreement even though we have not ratified, we have essentially agreed to the terms and conditions of the Agreement. So, we do not see any, sort of, legal impediment with respect to ratifying this Agreement.

HON. LT. COL. P. TIKODUADUA.- Thank you, Ms. Chand. Thank you, Mr. Chairman. HON. DR

S.R. GOVIND.- Ms. Chand, normally Fiji is the first one to ratify International Conventions and Agreement. In this particular case, was there any reason for Fiji to delay the ratification process? Fiji has housed the Secretariat here, was there any particular reason for the delay?

MS. S. CHAND.- Thank you, Honourable Member, for that question. That is a policy consideration and I do not have the answer to that. That is something that we cannot answer, however, I think it is prudent to note that because this Agreement came into effect really, it was open for signatures around 2005. So, 2005 and 2006 was when the Forum collected signatures and got countries to sign on to the Agreement.

Thereafter, post-2006, I understand that sometime around 2009 if I am not mistaken and the Ministry of Foreign Affairs would probably clarify that with respect to the date, where we were suspended for a short period of time from the Forum. And because we have recently engaged with the Forum and we intend to host the Forum Leaders Meeting this year in Fiji, this is the appropriate time, essentially, for us to sign the Agreement.

HON. A. JALE.- Thank you very much for the explanation. There are two questions that I would like to raise. Article 11(4) talks about the date of the coming into effect of the Agreement

which says that when the last of those States ratified. Fiji has not ratified it, in terms of the reading of that part. Does it mean that this Agreement is not enforceable?

MS. S. CHAND.- That is correct. It has not entered into force at present because Fiji has not ratified it. All the other countries listed in paragraph 1 have ratified, so we are the last country. Once we ratify, the Agreement then comes into effect or enforced accordingly.

HON. A. JALE.- Thank you, Mr. Chairman. The other question that I wish to raise was with the point that we were discussing at our last meeting. The Notice of Motion that came from the Attorney-General's Office gives us the reference on what it should do, saying that the Standing Committee on Foreign Affairs and Defence review the 2005 Agreement Establishing the Pacific Island Forum. Is our role restricted to ratification and the protocol aspect of the Agreement, or is that this Committee is tasked with the role to come out with some views on the areas to be reviewed?

MS. S. CHAND.- Sorry, Honourable Member, I do not know whether that question was directed to me or to Mr. Chairman?

HON. A. JALE.- It is directed to you because we are trying to get a clarification from your Office.

The Notice of Motion that came to Parliament that gave this Committee the reference of what to be done, is what I am reading now. The Standing Committee on Foreign Affairs and Defence review the 2005 Agreement establishing the Pacific Islands Forum. What was its intent, is it that we look at the whole Agreement and come out with our thinking as to what needs to be reviewed or considered by Government, or is the role of this Committee confined to two aspects only - ratification and the protocol aspect in terms of immunity and other things that are covered in the Agreement?

MS. S. CHAND.- Honourable Member, I would refer you to Standing Order 130 where essentially this Treaty was moved under Standing Order 130 and under this Standing Order, the relevant Standing Committee has the opportunity to review and thereafter, in its report, you would make recommendations and present your findings. So, essentially, that would be the role.

With respect to any thought of clarification, I would then refer you, again, to the Standing Orders to have a look at in terms of the mandate for the Committee and to further discuss with Mr. Chairman. I do not think it is something that we are in a position to comment on.

HON. A. JALE.- That is right, thank you.

MR. CHAIRMAN.- Thank you for that Ms. Chand.

Honourable Members, do you have any other questions for Ms. Chand and Ms. Lemaki? HON. LT. COL.

P. TIKODUADUA.- I do not, Mr. Chairman, thank you.

HON. A. JALE.- Mr. Chairman, through you, this matter about the gentlemen agreement, there was some mention about gentlemen agreement in terms of the appointment of the Secretary- General. Is there something existing now that we need to know?

MS. S. CHAND.- Again, I am not in a position to answer that because I understand that there may be a policy consideration. We are here simply to present on the legal aspects of the Agreement and we would not be in a position to answer that, Mr. Chairman and Honourable Members.

MR. CHAIRMAN.- Thank you.

Honourable Members, if you do not have any other questions, Ms. Chand and Ms. Lemaki, I thank you once again for coming before the Committee at such a short notice. Should we do have any other pertinent questions, we will drop you via e-mail. If you have any departing comments, the floor is yours, Ma'am.

MS. S. CHAND.- No, just thank you for this opportunity and we wish you all the best in your deliberations. Thank you.

MR. CHAIRMAN.- Thank you Ma'am and have a blessed day. The

Committee adjourned at 9.53 a.m.

The Committee resumed at 10.10 a.m. **Interviewee/Submittee:**

Ministry of Foreign Affairs

In Attendance:

- | | | | |
|-----|-------------------------|---|------------------------------------|
| (1) | Mr. Esala Nayasi | - | Deputy Secretary |
| (2) | Mr. Jonetani Tagivetaua | - | Director |
| (3) | Ms. Melania Baba | - | Principal Foreign Services Officer |
-

MR. CHAIRMAN.- On behalf of the Standing Committee on Foreign Affairs and Defence, I would like to warmly welcome the members of the media and the general public who are listening to this live stream this morning.

We have before us with their submission is the Ministry of Foreign Affairs, led by Mr. Esala Nayasi. I do not think we need introduction from Mr. Nayasi, who has appeared few times before. But for quick reference, I will introduce the members of the Committee.

(Introduction of Committee Members by Mr. Chairman)

Mr. Nayasi, the floor is yours, to give your brief introduction and you may continue with your submission this morning. Thank you.

MR. E. NAYASI.- Mr. Chairman and Honourable Members of the Standing Committee on Foreign Affairs and Defence, of Parliament, *yadra vinaka* to all of you this morning. Just to introduce my team here at the Ministry of Foreign Affairs, we have our Director from the Division responsible for the Pacific in Oceania generally, and three of our staff under the Division.

Mr. Chairman, if I could just start by thanking you and Honourable Members of the Committee for this opportunity for us to present to you this morning on the subject of discussion, as you would know and has been presented as well in relation to the 2005 Agreement Establishing the Pacific Islands Forum.

Mr. Chairman, I would like to share with you that I would go through quickly. I note, Mr. Chairman, that there are other presenters, the Office of the Solicitor General presented to you earlier and had gone through the legal implications of the 2005 Agreement, and I am also aware that there would be other presenters after me, so I would go through my slide, noting as well the other presentations that will reinforce the presentation that I am making to you now.

In relation to the presentation outlined, there are basically two areas that I wish to cover. One is just to provide some context and background to Fiji's foreign policy interest in the region, as it relates to the Agreement. Secondly, Mr. Chairman, just to highlight the importance of the Pacific Islands Forum to Fiji and why the ratification of this 2005 Agreement is crucial to us.

Mr. Chairman, you would recall when I presented to the Standing Committee two years ago, this is the slide that I shared with you. It outlines our strategic interest not only in the region but globally.

I draw your attention to the various strategic priorities that we have as a Ministry of Foreign Affairs which are articulated in our Foreign Policy as our strategy but also in our operational plans on annual basis. There are basically six strategic priorities that we have:

- (1) Global Leadership;
- (2) Socio-Economic Development;
- (3) Trade and Investment;
- (4) Human Rights and Democratic Values;
- (5) Peace and Security; and
- (6) Public Diplomacy.

You will note in my presentation to you this morning that I will be touching on the five core strategic priorities which are on Global Leadership, Socio-Economic Development, Human Rights and Democratic Values, Peace and Security and Trade and Investment, as that relates very closely to the work of the Pacific Islands Forum.

Mr. Chairman, in the context of the Pacific and if you ask me in relation to what really are the priorities for Fiji in the Pacific, those are the six elements of the strategic priorities that we focus on in our work not only here but in the region.

On Peace and Security, you will note that there are number of discussions on peace and security in the region. It is one critical area of work for us, culminating in a regional agreement that the Leaders have signed two years ago in Nauru.

On Socio-Economic Development, for a Small Island Developing State in the Pacific, this is one that we thrive in order to bring tangible outcomes of our work to different communities in Fiji through aid and development cooperation.

On Trade and Investment, this is also a critical element of our work and in consultation with the work done by the Ministry of Commerce on trade.

On Climate Change, something that the region had championed globally, not only in New York but through our Chairmanship too of COP 23.

On Oceans and Fisheries, again, as the Small Island Developing State, we often regard ourselves as the large Ocean State. Therefore, this is one area that we champion and one that the region advocates globally through the sustainable management and protection of our oceans.

Mr. Chairman, on Global Leadership. This is an area for which Fiji had also been advocating for as Champion over the recent past. So when you look at Fiji in the region, we often regard ourselves as a leader and as a hub.

Therefore, for us in our work in the region those are the six key areas of our work that we do through our engagement bilaterally with different countries in the region, also through the regional organisations that we are member of and globally through the work of the international organisations and also our external partners.

So if we are to look at the approach that we have, looking at our strategic interest in the region, there are three main parts as we would call our stakeholders, the:

- (1) Pacific Island Countries and Territories;
- (2) Regional Organisations; and

-
- (3) External partners, whose influence really being a critical part of regionalism that we see now.

For us, as we engage with all these different stakeholders, noting the leadership role that we play in the region, it is really important for us to manage our relations with these different stakeholders to ensure that we are able to project what Fiji would want and that we would want to project, and also to see that the interests of our countries in the region, particularly the interests of Small Island Developing Countries (SIDS), are also catered and looked after through our leadership role.

For us, we are engaging with our partners directly and also in recent past, we have tried to see how we can influence the external partnerships that they provide to assist us or Fiji to the other Pacific Island Countries and Territories.

Secondly, our membership of regional organisations is something that we have seen that has grown too, given our re-joining the Pacific Islands Forum.

Thirdly, the bilateral relations that we have with countries at the bilateral level.

You will note, Mr. Chairman, that with other external partners, regionalism as we see now has been really influenced by the external partners through the work that they do and also the different partnership and co-operations that they have entered to with countries and also the regional organisations. So, for us as a leader, we want to see how best we can manage these influences in light of our role in the region.

Mr. Chairman and Honourable Members, if we are to look at this in the context of the Pacific Islands Forum, you will note that even your briefings, the Pacific Islands Forum, as we know, is being regarded as the premier political grouping that brings the region together.

So, on an annual basis, the Leaders of the Region meet and in the last two years, they met in Tuvalu. Last year, they were not able to meet and we are hoping that Fiji will be able to host the Leaders Meeting this year.

We, the Pacific Islands Forum Leaders, are being supported by the Secretariat which is based here in Suva. There are also other ministerial meetings, senior officials meetings that support the Leaders in the deliberations that they have annually through the priorities that we set and they have approved for us here in the region.

The achievements, I believe the Secretariat in their presentation after me, will touch on this. There have been various achievements that we have received, aligned to the strategic priorities that I have shared with you in the first slide of my presentation.

Again, in the area of economic integration, trade agreements, this is something that we have seen over the years. Even though with the recent arrangements on PACER Plus, Fiji is not yet a party but there have been a lot of discussions on this and benefits accrued to Fiji through our leadership role.

Decolonization and Security arrangements is another, this is another area of interest to us, given the geopolitics and the changing landscape and dynamics here in the region through external influence. Secondly, as you have seen this year through the COVID-19 situation, we have also in place a humanitarian pathway for the region. So, the benefits that we have in terms of our membership in

the region is through the various arrangements that the Pacific Islands Forum has enhanced cooperation and collaboration amongst countries in a way that we coordinate and cooperate amongst ourselves and also thorough our relations with our external partners.

Thirdly, is the importance of regional solidarity and unity; this is one that we see is a glue to our relations here in the Pacific. Of course, you would have noted and also acknowledged in the recent weeks that this is something that has been attested and, of course, the Leaders of the region are working towards addressing this as soon as possible.

So, in other work, globally through the areas of climate change and oceans, the Pacific Islands Forum has been a conduit in which we have relied on to support the leadership role that we play and also assisting in advocacy of issues that are of great importance to the region as a whole.

Mr. Chairman and Honourable Members, in light of the benefits that is accrued to us, if we are to look at the policy considerations, of course, it is to us, given that we are the hub, we host the Secretariat here in Suva and also importantly, we are the founding member of the Pacific Islands Forum.

Secondly, for us this year, we would be hosting the PIF Leaders Summit as I have stated, and we are currently, through the Honourable Prime Minister, the incoming Chair of the Forum.

If we are to see our membership in the context of strategic considerations, it is one that is of importance for us, given that it promotes and reinforces Fiji as the hub of the region. It also reinforces our global leadership, given the work that we have done and the support that PIF's provides through its membership.

Thirdly, you will note that at the moment, we are co-chairing a sub-committee that is tasked to develop the 2050 Strategy for the Blue Pacific Continent and this is something that the Leaders had approved at their last meeting in Tuvalu, for us, as a region, to come up with a consolidated strategy for now until 2050 which is what the Officials are currently working on to be tabled to our Leaders when they meet here in Fiji.

Fourthly, Mr. Chairman and Honourable Members, we also will be reviewing the regional architecture and this is something that the Leaders have also approved back in Tuvalu at their last meeting and it is also work in progress. So, if you are to see this in the context of , Fiji's leadership, not only are we the incoming Chair of the Forum and we are focusing on the Leaders here, we will also be marking the 50th anniversary of the Pacific Islands Forum where we will host in Fiji. You will note from the presentation that I have made, the Leaders will be adopting a new strategy direction for the region and also the review of the regional architecture. This is an undertaking that we are now leading in the region, given the important role that we will be assuming later in the year.

Mr. Chairman and Honourable Members, on these issues that I have highlighted in the context of the 2005 Agreement, you would note and the Solicitor General's Office would have articulated this to you earlier that in 2004, the Leaders have decided on the review of the Forum and its Secretariat to be carried out in the 2000 Agreement. A working group made up of the foreign members was established to review the draft agreement and would lay out the role, functions and responsibilities for the PIF Secretariat.

For Fiji, we had signed and ratified the 2000 Agreement, however, for the 2005 Agreement, we only signed but have not ratified it. You also note, given the relations that we have had with the Forum over the years, this is something that we were not able to do until now after the Honourable Prime Minister has now joined the Leaders Meeting in Tuvalu last year.

From the list that the Secretariat have also provided to us, one thing that you will acknowledge, Honourable Members, is that for most countries that have signed the 2005 Agreement, they did it when Fiji was suspended from the Forum. Therefore, we see that it is now an ideal time for us to sign the Agreement also in light of the fact that we will be hosting and chairing the Pacific Islands Forum later in the year. It is also something that has been a trend, when they host, they sign the agreement as well.

Just in case for Fiji's ratification, Mr. Chairman and Honourable Members, first for us is the work that we do in light of our foreign policy interests and the strategic interests that we have as a country. First and foremost, it is important for us to understand that as the co-founder of the organisation, we have not ratified this Agreement.

Mr. Chairman and Honourable Members, 17 out of 18 countries have either ratified or acceded to the Agreement, except Fiji. Of course, the Agreement can only be fully enforceable once Fiji signs, and this is something that we want to achieve this year once Parliament has approved our ratification.

Secondly, once Fiji signs, it promotes solidarity and unity in the region and also demonstrates our commitment and trust in the organisation. Similarly, given that we host the Secretariat here in Suva.

Thirdly, ratifying the Agreement will strengthen and promote cooperation and relations with other Pacific Island Countries who are members of the Forum as well.

Lastly, Mr. Chairman and Honourable Members, once we ratify the Agreement, it demonstrates the trust in the organisation. And one thing that we also need to understand is, Fiji tends to benefit most from the Pacific Islands Forum, given that we host the Secretariat here and there are economic returns in light of that, which is important for us to highlight as well. Through the Agreement it also reinforces our leadership role and our status in the region.

Mr. Chairman and Honourable Members, the recommendation that we have is for us to ratify the 2005 Agreement Establishing the Pacific Islands Forum, given the justifications that I have just discussed.

Mr. Chairman and Honourable Members, thank you.

MR. CHAIRMAN.- Thank you, Mr. Nayasi. Unfortunately, we are getting some sort of interference. Thank you again for that concise presentation.

Honourable Members, do you have any questions for Mr. Nayasi and the team?

HON. LT. COL. P. TIKODUADUA.- Thank you, Mr. Chairman. Thank you, Mr. Nayasi, for that very informative briefing. I have a couple of questions. There has been a lot of talks about this gentlemen's agreement and it has been raised in the Committee, and I am asking this question in your capacity as an Official of the Ministry of Foreign Affairs, understanding the policy which the Ministry is working on right now. This is about the gentlemen agreement with regards to the appointment of the Secretary-General. There has been some argument about the (inaudible).... What is Fiji's position on this gentlemen's agreement?

MR. E. NAYASI.- Thank you, Honourable Tikoduadua. For us, it is a very sensitive issue for the region at the moment. As far as we recall, there is no such agreement in place. At least, for the gentlemen's agreement concerning the Micronesian, they have said that it is their turn to be the

Secretary-General. It has also been attested by Forum Island Leaders, aside from the Micronesians themselves during the meeting.

In the Honourable Prime Minister's statement, we have referred this issue to the Secretariat for their clarification. Even the Honourable Prime Minister of Tuvalu as the Chairman of the Forum, had also alluded to this issue earlier on. So for us in Fiji, we are not aware of any gentlemen's agreement that has been made, particularly in relation to the contention by Micronesia that it is their turn to be the Secretary-General.

Sir, if you also look at the trends in relation to all past Secretary-Generals, you will be able to clearly see that there is no rotation for past Secretary-Generals. There is no such agreement based on those that have taken up the position. For Micronesians, that was what they have said as well, that for them throughout the 50 years of the Forum, there was only one Micronesian that had been the Secretary-General.

For Papua New Guinea - two; Australia - one; Samoa - one; and Tonga - one. Clearly, there is no such arrangements or agreements that had been in place to show that some regional rotation was something that the Leaders had earlier agreed on.

HON. LT. COL. P. TIKODUADUA.- Thank you, Mr. Chairman. I have another question.

Mr. Nayasi, you made some references to the new regional architecture that Fiji needs current (inaudible)What is Fiji's position with regards to Pacific Islands Development Forum (PIDF) right now in terms of its existence and relevance as a regional body running in parallel with Pacific Islands Forum? I just wanted to know, what is the position now from the Ministry of Foreign Affairs and the Fijian Government with regards to the existence of PIDF as a parallel forum?

MR. CHAIRMAN.- Mr. Nayasi?

MR. E. NAYASI.- Thank you, Sir, for your question. As I have said earlier, the review of the regional architecture that has been discussed and approved during the Leader's Meeting in Tuvalu two years ago is really based on the concerns that the region is currently faced with. With the multitude of organisations that we have, duplication is something that we continue to see where organisations are doing the same work in the same areas and that is something that is frustrating our members in relation to our own development aspirations.

With the influence of our external partners and the competing interests that we have in the region at all levels, it is something that we have seen a great challenge for us. So the discussions that was held in Tuvalu and the approval by the Forum Leaders was for us to see how best we can come up with a regional architecture that best supports the 2050 Strategy that the region and the Leaders will adopt this year.

If you see that in the light of PIDF, of course, as Government, we see the foreign role that PIDF plays. It is one that is peculiar, it is Pacific, and does not necessarily compete with the role that the Pacific Islands Forum is focussed on. Of course, it is important for us to also discuss when the regional architecture discussion commences. Of course, there is scope too for us to be able to imagine how the PIDF's role in the regional architecture once we are able to discuss comprehensively the different regional arrangements that are being held at the moment.

But, of course, it is an instruction that is so crucial for us to do, now that we have the 2050 Strategy, the issue then is for the Leaders to really decide the regional architecture that best supports this work. I will give you an example. If we talk about climate change and oceans and this is a

priority for Fiji. It is a priority for the region. All the regional organisations that exists at the moment the: Pacific Islands Forum (PIF); Secretariat of the Pacific Community (SPC); Forum Fisheries Agency (FFA); and Secretariat of the Pacific Regional Environment Programme (SPREP) in Samoa all deal with climate change issues.

The issue now is for us to see how their work is aligned, given the priorities that we have. For us, we are paying a lot of money in the running of different organisations through our State contribution. So, if you are looking at it from the perspective of countries, it is important for us to realise the tangible outcomes of what we are investing in two different organisations. However, with the competing interests that they have with the external partners and also through the bilateral relations that we have as countries, it is very complicated and some have referred to it as a bowl of spaghetti at the moment. That is why the review of regional architecture is so crucial and timely.

MR. CHAIRMAN.- *Vinaka.*

HON. A. JALE.- Mr. Nayasi, thank you very much for the very comprehensive and useful presentation that you have given to us this morning and I hope that we will be able to get the copies of your presentation so that we can read through and understand clearly what you are doing.

The point that I want to raise was this review that you talked about, a group that exists within your Ministry. I am not very clear of what you are saying but it does seem that there had been a review by that committee on this Agreement that we are talking about. If that is so, that will also be useful for us because our terms of reference seems to go along that line also. So, we must see how you are proceeding with yours and also what we will be coming up with and what we recommend.

The other point that I wish to raise is this Micronesian Group. What impact will this threat by the group from Micronesia have on the initial intention of the Pacific Islands Forum in terms of its purpose and functions? Would that have a big implication on that?

MR. E. NAYASI.- Thank you, Honourable Jale, for your question, Sir. On the first question that you have raised in relation to the Agreement, in as far as the 2005 Agreement is concerned which we are meeting this morning about, it is more or less like the agreement establishing on the Forum. So, we do not have a subcommittee *per se* that is discussing this or taking this work forward, given it is only Fiji that has to ratify. All the other members or countries ratified.

In relation to the sub-committee is to do with the 2050 Strategy for the Blue Pacific Continent and the review of the regional Architecture and those are the two pieces of work that is our priority now for the region. It is one that is being Co-Chaired by the High Commissioner of Vanuatu, and I am the other Co-Chair that is leading the discussion on this. So, that is probably the subcommittee that you may have heard that I have referred to earlier.

In relation to your second question on the decision of the Micronesian Leaders and its impact on the region, this is something that the Secretariat is now undertaking and they will be doing a briefing to us tomorrow where they will present this to us.

But, Sir, as you would understand, in relation to the work that we do here in the region, particularly in our advocacy work globally and the different areas that we champion, one thing that the decision will definitely impact is solidarity and the unity that we have regionally.

You would note too, Sir, that for us, in our fight for issues like climate change and oceans globally, our strength is in our numbers and with the reduction of numbers of the Forum, it is one that will have impact on our work globally, particularly on the areas that I have highlighted.

MR. CHAIRMAN.- Thank you.

HON. LT. COL. P. TIKODUADUA.- Thank you, Mr. Chairman. Mr. Nayasi, just by way of a final question, the membership of Australia and New Zealand in the Forum has always been a contentious issue. Politically, they are (inaudible)members of the Forum and we note that they are signatories on this 2005 Agreement and more countries have ratified it.

My question is directed more from a Fijian perspective as our current Minister for Foreign Affairs, the Honourable Prime Minister, initially had some reservations with regards to Australia and New Zealand. I would like to just ask you, what is the position of Fiji today with regards to Australia and New Zealand inside the Forum? Has it completely accepted them as a full-fledged members, or what is the situation? I know, we have a 'vuvala' arrangement and that is bilateral between Fiji and Australia for that matter. For the benefit of the Committee and Parliament, can you just clear the air on that and if there is any element of reservations at all, or has that finally been cleared?

MR. E. NAYASI.- Sir, I believe you would also note the decision that was made earlier as announced by the Honourable Prime Minister and you would also that once when we were suspended from the Forum, the only discussions for us in which the Honourable Prime Minister had highlighted that particular issue was to do with the regional architecture. I believe that it is one that we will be discussing and it is one that we will need the consideration by all members.

This has also been highlighted particularly, relating to the issue recently of the decision by the Micronesians. They are also pointing to this particular issue that you have highlighted, Sir. So I believe it is an issue that we will continue to discuss with this one and then it will be better discussed in the review of the regional architecture that we will currently undertake.

HON. LT. COL. P. TIKODUADUA.- *Vinaka vakalevu, Mata.* Thank you.

HON. A. JALE.- Mr. Nayasi, since we have not ratified the Agreement, should we be reviewing it or we should ratify first, then review?

MR. E. NAYASI.- Sir, for the 2005 Agreement, it is one that there is no intention now to review it and it is one that we will need to ratify. Fiji is the only country that has not ratified for reasons that I have articulated in the past. And the issue is, if we do not ratify, it cannot be fully operational. It cannot be either enforced, and this is why it is really important for us to ratify it now, given the reasons that I have highlighted, particularly to mention that the Secretariat is based here in Suva.

MR. CHAIRMAN.- Thank you, Honourable Members. Time has, again, caught up with us, so we will end there. I wish to thank you, Mr. Nayasi, and your Team again for coming before the Committee and if we do have any other pertinent question, we will email that to your good selves.

With those few words, Mr. Nayasi, if you have any departing comments, the floor is yours. MR. E. NAYASI.- Thank you Mr. Chairman. Just to say thank you for this opportunity for your Ministry of Foreign Affairs to present to you, and we look forward to more opportunities as such in the future. *Vinaka saka vakalevu.*

MR. CHAIRMAN.- Thank you very much, Mr. Nayasi, and you have yourself a good day.
Thank you.

The Committee adjourned at 10.51 a.m.

The Committee resumed at 11.03 a.m.

Interviewee/ Submittee:

Pacific Islands Forum Secretariat

In Attendance:

- | | | | |
|-----|---------------------|---|--------------------------|
| (1) | Ms. Dame Meg Taylor | - | Secretary-General |
| (2) | Dr. Filimon Manoni | - | Deputy Secretary-General |
-

MR. CHAIRMAN.- A warm welcome to the members of the media and the general public watching from the comforts of their home to this telecast this morning.

We have before us, the Secretary-General of the Pacific Islands Forum, Madam Dame Meg Taylor and her team who are submitting before the Standing Committee on Foreign Affairs and Defence this morning to review the 2005 Agreement Establishing the Pacific Islands Forum.

A very warm welcome to you Madam Taylor and your team. The way of introduction, if I could ask my Members just to raise their right hand as I call their names.

(Introduction of Committee Members by Mr. Chairman)

The floor is yours to give yourselves an introduction and you can continue with your submission. Thank you.

DAME M. TAYLOR.- Thank you very much. I will go straight into my introduction.

Mr. Chairman and the Honourable Members of the Standing Committee on Foreign Affairs and Defence of the Parliament of the Republic of Fiji, thank you for the invitation to the Pacific Islands Forum Secretariat to share with you today, in your consideration of the 2005 Agreement Establishing the Pacific Islands Forum. I am pleased to present to you this morning my Deputy Secretary-General, Dr. Filimon Manoni.

At the 36th Pacific Islands Forum (PIF) held in October 2005 in my home country of Papua New Guinea, Leaders adopted the new Establishment Agreement and opened it for signature in Port Moresby. Fiji was one of the 13 member countries who readily signed the Agreement at that meeting, clearly recording their intent and their consent to be bound by the 2005 Agreement, pending its entry into force.

The subsequent measured pace of ratification is reflective of our journey over the last 50 years, a journey that has had its ups and downs, never faltering, however, in our commitment to reach regionalism and solidarity. Today, I am very pleased to see the significant progress, leading to this important stage of Fiji's ratification of the 2005 Agreement.

At a personal level, I am privileged to witness this occasion during my tenure. Fiji's ratification will represent a significant milestone in our Forum family, and fasten the bridges that we have rebuilt within the Forum and the regional relations we have strengthened over the years.

Mr. Chairman and Honourable Members, allow me to briefly focus on the PIF institution and its Secretariat. Established 50 years ago in 1971, the PIF, then known as the South Pacific Forum, was founded by seven independent and self-governing States, including Fiji.

Our 50 year existence spans a significant period in our region's history, one where many Pacific Island Countries attained nationhood and joined the Forum family in pursuit of deeper regionalism for our collective wellbeing.

Now comprising 18 Countries and Territories, the Forum has evolved in shape and size, has undergone the necessary reforms required with time, and continuously pursues ways to strengthen our Blue Pacific identity and sovereignty, under our own terms.

Through the Forum and, indeed, regionalism, we have achieved a number of significant milestones, including the enactments of the South Pacific Nuclear Free Zone Treaty and the UN Convention on the Law of the Sea (UNCLOS), supporting self-determination, sustainable economic development and regional trade, regional security, the Biketawa and Boe Declarations, and our global leadership in addressing climate change and oceans.

Forum Leaders are committed to their vision for a region of peace, harmony, security, social inclusion and prosperity, so that all Pacific people can lead free, healthy and productive lives.

Since 1973, the Pacific Islands Forum Secretariat then known as the South Pacific Bureau of Economic Cooperation has enjoyed legal status, privileges and immunities in our host country, Fiji, as well as in all member countries.

I take this opportunity to express my utmost gratitude to the Republic of Fiji, its Government and people, for the continued support, generosity and hospitality extended to the Secretariat and its staff.

Honourable Members, I now refer to the 2005 Agreement and offer brief remarks regarding its significance for Fiji and the region.

By way of background, the Forum has been governed through four successive establishment agreements adopted by Leaders in 1973, 1991, 2000 and 2005, and has had name changes once for the Forum itself and three times for the Secretariat. Our present name - Pacific Islands Forum, captures our vast family tree across our Blue Pacific Continent.

As set out in the information before you, the 2005 Agreement contains the latest suite of reforms to the Forum's constituent agreement, in accordance with Leaders' directives in 2003 and 2004 relating to the review of the Forum and its Secretariat.

Significant changes in the 2005 Agreement include; the establishment of the PIF as an international organisation in its own right, and affirming the principle of equality of all its members. The role of the Forum is also expanded beyond economic development and trade, to economic growth, sustainable development, good governance and security.

As a way of facilitating regional cooperation and integration, the 2005 Agreement also broadens the Forum's membership by establishing associate and observer membership categories.

Fiji's ratification will be significant for the region as it is the final act required to bring into force the 2005 Agreement, and thus set in motion the next chapter of the Forum.

In the context of our Blue Pacific narrative, and securing our Blue Pacific Continent, the entry into force of the 2005 Agreement represents a timely opportunity for renewed hope and restored faith in our beloved institution.

Now, more than ever, our common Forum identity is critical to collectively and urgently address and overcome our region's vulnerabilities and dependencies for present and future generations to come.

Mr. Chairman, we close our submission by congratulating and commending the Republic of Fiji for its decision and active efforts to pursue this final treaty action that will have significant impacts on our region.

I look forward to a successful decision by your Committee and ultimately the Parliament of the Republic of Fiji. I also look forward to Fiji's incoming chairmanship of the Forum and its leadership over the next year.

Mr. Chairman, I hope that this submission is of assistance to your Committee as it deliberates the ratification of the 2005 Agreement Establishing the Pacific Islands Forum. The Secretariat stands ready to provide any further assistance required, including responding to queries the Committee may have.

I thank you, Mr. Chairman and Honourable Committee Members. Thank you.

MR. CHAIRMAN.- Thank you, Dame Taylor, for your brief submission this morning on the 2005 Agreement Establishing the Pacific Islands Forum.

Honourable Members, do you have any questions for Madam Taylor and her team?

HON. LT. COL. P. TIKODUADUA.- Madam Secretary-General, thank you so much for that very important and informative brief. I understand that it is not the easiest time for the Forum at the moment when we are trying to review an Agreement that was made in 2005.

I think we have learnt today that Fiji is the only nation that is left to ratify it and, of course, it is significant because it is pretty much the focal point of the Forum. It is, sort of, the engine room of the Forum and is based here and you live up the road from where we are right now.

With all of those things that are currently happening, of course, some of these issues have been with us for a long time, challenges for Pacific people in addition to whatever else that has always been a challenge for the region. But I would like to ask you, Madam, I know it is the end of your term, not the end yet but coming towards it and I would like to thank you for your influential role to the community of the Pacific people during your term in office.

Towards the end of your brief, you mentioned two very interesting words - Forum identity. I would just like if you could elaborate on that a bit further because my current challenge, and we have just heard from the representatives of the Ministry of Foreign Affairs in Fiji who said that they are not aware of the gentleman's agreement.

Obviously, I have read the Pacific Way and I am not sure whether I completely agree with that statement but that is the unique identity of the Pacific spirit of the Pacific way and the Pacific culture where a lot of things is done by way of word of mouth.

I read two separate briefings by two very important people; one was an academia, I believe he is the Pro-Chancellor, I think, of Auckland University and I also read a little bit of your own Prime Minister from Papua New Guinea his position on this instrument of the gentleman's agreement.

Now, that is a big challenge of the Pacific way. We are an international organisation, yes, and then we are challenged by so many issues. Now, the relevance of this and in terms of the foreign identity as a member joining other forums of the world, I am interested to know of a more perhaps, formal agreement in that regard by way of relationships between members of the Forum and the Pacific way as alluded to by Ratu Mara when they started this Forum with Sir Michael Somare. Do you believe that the identity of the Pacific people is going to diminish if you have a rather rigid and a more formal way to relate to each other, the least, of course, is the appointment of the Secretary-General going into the future?

I know it is all convoluted and long but I think you would understand where I am coming from because this is one thing that many nations are struggling to cope with. The modernity of the Pacific and the reality of our own people, they do not seem to quite gel. I would just like to hear your views. Thank you.

DAME M. TAYLOR.- Mr. Chairman, I acknowledge the question by the Honourable Member of the Committee. I think the question itself has many aspects to it. For clarity, in terms of the appointment of my successor, that was done through a voting system which was asked for the Secretariat to be prepared for a virtual meeting and voting system that would be confidential to the Leaders as they voted. The Honourable Member is right by asking us to discuss further the meaning of the Pacific way and how. It was conversation and face-to-face meetings where Leaders would speak to each other and then come to a conclusion as to who they would choose.

However, voting has been in place, Mr. Chairman, over the past. When I was appointed, it went to a vote. In 2004, when Secretary-General Greg Urwin was appointed, it went to four rounds of the vote. So, it is not a new concept within the issue of appointing a Secretary-General.

If I interpret the question correctly, Mr. Chairman, through you, that the identity of the principles of the Pacific Way of supporting each other, listening to each other are part of the way we have tried to nurture the work of the Forum itself through the work that we do here at the Secretariat.

Now, on the narratives like the Blue Pacific and the Blue Pacific Continent and where did that come from? It builds on the Pacific way, but it is an identity of our geography of who we are as peoples who live in this great oceanspace that often gets identified as a smattering of islands that occupy Oceania and we are more than that. The narrative has come from the work that the Leaders have done themselves very much pushed by the Prime Minister of Samoa when he was the Chairman of the Forum, that if we did not capture our narratives, we would always be captured by others definition of who we are.

The concept of the Blue Pacific Continent comes from the basis of our work on maritime boundaries that we secure our maritime boundaries, establish our continental shelves so that in the discussions with the International Law Commission, to make sure that our boundaries are secured whatever may happen in the future. If I have not answered your question correctly, through you, Mr. Chairman, I would be happy to provide written responses to that question.

HON. LT. COL. P. TIKODUADUA.- Mr. Chairman, through you, I am very well satisfied. Thank you, Madam, for a very comprehensive reply. Thank you so much.

HON. A. JALE.- Through you, Mr. Chairman, Madam Taylor, thank you very much for your presence this morning and your team. Listening to you, I tend to conclude that what is expected from Fiji now is to decide on its ratification of this Agreement, so that the Agreement can come into force because the Agreement is very clear that it will only come into force when all the States in the

Agreement have ratified that. Is that what I can conclude from your presentation today, Madam Taylor?

DAME M. TAYLOR.- I acknowledge the question of the Honourable Member and my response is that, we recognise the sovereignty, of course, of the Republic of Fiji and on its ratification of the Agreement that will come into force.

MR. CHAIRMAN.- Thank you, Honourable Tikoduadua?

HON. LT. COL. P. TIKODUADUA.- Yes, one last one, Mr. Chairman. Madam Secretary- General, you will be aware that we have always been in and out of the Forum and *Biketawa Declaration* has always been one of our biggest challenges. Just the 2005 Agreement, does it affect the *Biketawa Declaration* in any form whatsoever in the future? Thank you.

DAME M. TAYLOR.- I acknowledge the question of the Honourable Member, it does not affect the *Biketawa Declaration*.

HON. LT. COL. P. TIKODUADUA.- Thank you so much.

MR. CHAIRMAN.- Honourable Members, if there is no further question, I take this opportunity, again, to thank you on behalf of the Committee and the Secretariat, Dame Meg Taylor and Team for appearing before us this morning at such a short notice.

With those few words, if you have any departing comments, Madam, the floor is yours.
Thank you.

DAME M. TAYLOR.- Mr. Chairman and Honourable Members, I just wish to say thank you very much for taking this time to attend to a matter that is very, very important for the Pacific region. Thank you.

MR. CHAIRMAN.- Thank you, again, Dame Meg Taylor. The

meeting adjourned at 11.24 a.m.

The Committee resumed at 11.44 am

Interviewee: **Mr. Joji Kotobalavu, Lecturer, University of Fiji School of Law.**

MR. CHAIRMAN.- A very warm welcome to members of the media and the general public who are listening in to this telecast this morning. I wish to thank them for taking an interest in their Parliament.

Appearing before the Standing Committee on Foreign Affairs and Defence is the former Ambassador, Mr. Joji Kotobalavu. A very warm welcome to you, Mr. Kotobalavu. By way of introduction, you may know some of us but if I could ask my Honourable Members to raise their right hand.

(Introduction of Committee Members by Mr. Chairman)

With those few words of introduction, Mr. Kotobalavu, I now give you the floor for your personal introduction. Thank you.

MR. J. KOTOBALAVU.- Thank you, Mr. Chairman, and thank you Honourable Members of this Committee. I thank you for the invitation you have extended to me to make a submission to your Committee on this subject of the 2005 Agreement Establishing the Pacific Islands Forum.

I have already sent to your Secretariat a written submission and I trust that this has been circulated, to give you a background, on my view, on the issue before you. What I proposed to do this morning is to simply complement what I have sent to you in writing by doing an overview to cover three particular points. Sir, if that is satisfactory to you then I shall proceed.

MR. CHAIRMAN.- Thank you, Mr. Kotobalavu, we have received your document and we would appreciate your overview. Thank you.

MR. J. KOTOBALAVU.- The first point I want to cover this morning is, what is the significance of the conferment upon Parliament under the 2013 Constitution of this power to ratify international treaties and conventions? I will read to you Section 51 of the 2013 Constitution, which states:

“An international treaty or convention binds the State only after it has been approved by Parliament.”

What is the significance of this? Prior to this provision in the 2013 Constitution, the ratification of international treaties and conventions was vested in Cabinet. There is a big difference, and let me explain. The significance of this change derived from the constitutional scheme in sharing of duties and responsibilities between the three main institutions of Government under the Constitution under which Parliament makes law for the State, the Executive Arm is the Cabinet which implements the laws of the State and the Judiciary or Courts interpret the law.

The significance of this is that, prior to this provision in the 2013 Constitution when the power to ratify conventions or treaties on behalf of Fiji was vested in Cabinet, Fiji had to go through two stages in order to domesticate or incorporate an international treaty to become part of the statutory laws of Fiji. In the old scheme, first, Cabinet would ratify, such as we ratified the 1982

Law of the Sea Convention, then Parliament would enact a local legislation to domesticate the treaty to become laws of Fiji. So in that case, after ratifying the 1982 Convention on the Law of the Sea, Parliament then enacted the Marine Species Act to incorporate that International Treaty to take effect, as part of the statutory laws of Fiji.

Another example was following independence in 1970, Fiji had to accede to the 1961 Vienna Convention on Diplomatic Relations. Cabinet decided that we should accede to that, but in order to look at the Convention part of the statutory laws of Fiji, the Government then enacted the Diplomatic Privileges and Immunities Act 1973, to implement that Convention to be part of the laws of Fiji.

The 2013 Constitution by vesting this power or ratification in Parliament, removes that need for two-stage approach. Why? Because Parliament makes laws for the State. So, when we went through the Committee's recommendation, Parliament then approves the ratification of a Treaty, so by that approval that Parliament has domesticated or incorporated that international treaty to become part of the laws of Fiji.

Do you take that point? It is a very important role that you play. That tells us that Parliament has two pathways to make statutory laws for Fiji. First, is the normal method whereby Government tables a Bill, the Bill goes through three stages - first reading, second reading and third reading. On approval, it is accented to by the Head of State and then it is gazetted. According to the Constitution, enactment of the legislation must follow those procedures.

However, by virtue of this provision for Parliament to now have powers to ratify international treaties, once Parliament enacts that treaty, that treaty becomes a statutory law of Fiji. Very interesting. So, it is a second pathway of Parliament making laws for the State, in particular the international treaties and conventions that are entered into by Fiji. So, that is the first point.

The second point I want to make to add to what I have sent to you in writing, is to inform you that the 2005 Pacific Islands Forum Agreement is not an international treaty under International Law. It can be, nevertheless, referred to as International Agreement but not International Treaty. Why? Because under International Law, only States can be full parties to an International Treaty, so let me explain.

Under International Law, a State has to process four criteria:

- (1) it must have a population;
- (2) it must have a defined territory;
- (3) it must have a government in effective control; and very important
- (4) is the capacity to conduct relations with other States as sovereign equals.

Now, let me illustrate. Prior to our independence in October 1970, Fiji was self-governing from 1967 to 1970. What we had at that time was, we had a population, we had a territory and we had a government in effective control but Fiji did not have the capacity under International Law to conduct relations with other States. That role was performed by the United Kingdom (Great Britain). But after Independence in October, that power to conduct relations with other States came to Fiji. That is the difference that independence makes. So, in order to be a State, you have to possess all those criteria.

Now, what we see in the membership of our Pacific Islands Forum is that, out of the current 18 members, the majority are States as defined under International Law. However, there are four that do not qualify - the Cook Islands, Niue, French Polynesia and New Caledonia. They are self-

governing, but they are not independent. So the consequence of that under International Law that those four entities cannot be admitted, for example, to the United Nations under the UN Charter.

They cannot become parties to the Law of the Sea Convention, bound in the Pacific way. This is why this Agreement is called an agreement, not a Treaty. So in the Pacific way, the Pacific family, the law has cleverly avoided using the term, 'Treaty', where you simply call it the 2005 Pacific Islands Forum Agreement. So that is the difference.

So in the Pacific way, we say, "Ah, never mind the niceties of law, let us get together", which is the spirit which I think has been missing in recent days with some of the countries in Micronesia, threatening to withdraw. So that is the spirit of the Pacific Islands family, it went together, and maybe it is missing too from USP. That is the second point.

What your Committee is dealing with is not an initial Treaty or nevertheless, it is an Agreement, so it is alright. We are having to ratify it through your Committee because the Agreement itself requires that Fiji's signature is not enough, we had to ratify it too, in order to bring it into effect as part of the laws of Fiji.

On the third point, the question is, why is it important for Fiji to ratify this regional agreement? It is an international agreement. First of all, as I have pointed out in the written submission, it is important for Fiji to ratify to clearly signal to the other member countries that Fiji is committed. We are committed as a Pacific Island country and to be a member of the Pacific Islands family in the Pacific Islands Forum. Although for some time, the Prime Minister withdrew our participation in the Forum, but we remained a member, so that is the first point. It is very important for us to signal that we are committed. We are a Pacific Island country, we are in the centre of the South Pacific and we are committed to joining the PIF as the premier regional organisation in the South Pacific.

Here, let me highlight why the PIF is so important politically because in 1965, before all the Pacific Island countries became independent, the only regional organisation that existed in our region was the South Pacific Commission which is today called the Pacific Community. At the time, the meetings and discussions of the member countries of the South Pacific Commission was dominated by the colonial masters of all the island countries, we were all colonies.

At the meeting in Lae, Papua New Guinea in 1965, Ratu Mara got so fed up listening to the colonial masters talking about the needs of the Pacific Island peoples that he and Michael Somare, who became the first Chief Minister of Papua New Guinea and became the first Prime Minister of Papua New Guinea after independence, they walked out. They demanded, "We want an organisation in which, we, the Pacific Island peoples will voice our concerns, our aspirations, our needs, our priorities". That is the origin of the Pacific Islands Forum.

The second important point as a historical background, in the lead up to independence, for example, Samoa became independent in 1964, Nauru in 1967, Fiji in 1970, Tonga in 1970 and other small countries, it was very important for other countries at the time to work together to pursue their common interests and needs.

At the time in late 1960s and early 1970s, one of the main export items of the Pacific Island Countries was banana to New Zealand. At the time there was only one buyer - Fruit Distributors Limited in Auckland. So what that company was doing was to play one supply of banana against the other in the Cook Islands, Niue, Samoa, Tonga and Fiji. So what Ratu Mara and the Leaders of these countries decided to do was to come together and form what was called the Pacific Islands Producers

Association, so that they could coordinate their effort in exporting their bananas and speak with one voice in dealing with this supplier - Fruit Distributors Limited and it worked.

Thereafter, that company gave all the suppliers of bananas from the Pacific Islands, not really at the same price, but a very satisfactory price. From that success of working together, they then expanded the Pacific Island Producers Association to become the South Pacific Bureau for Economic Co-operation (SPEC) which was the predecessor to the Pacific Islands Forum.

However, the SPEC was focussed on pursuing the economic interest of the Pacific Island Countries, but what was so special about the Forum was the meeting every year of Heads of Governments. It was to be an annual summit of the Heads of Governments in which they would talk about issues of political and social economic interests of all their member countries. That is the background. It started in 1971 when Ratu Mara invited the Prime Minister of New Zealand to convene a meeting at Wellington, and they then formed the beginning of the Pacific Islands Forum.

So later on, as the membership grew, following independence by Papua New Guinea, Solomon Islands, Vanuatu and the four Micronesian countries, they then found it necessary to produce a formal agreement, hence, the 2005 Pacific Islands Forum Agreement, so that is the background. It is very important for Fiji to show through the ratification, its commitment to this Forum as a member country. That is the first point.

The second point in favour of Fiji ratifying is that, it signifies that it enables Fiji to carry out lawfully what is required of it under the Treaty and especially, because Fiji is the host country to the PIF Secretariat. It is necessary under International Law that we, Fiji, accord full diplomatic privileges and immunities to the PIF Secretariat and to its expatriate staff and families. In order for Fiji to fulfil its responsibility under International Law, it must ratify this Agreement.

The ratification of this Agreement will then enable the Ministry of Foreign Affairs to declare under the Diplomatic Privileges and Immunities Act 1973, that the Pacific Islands Forum is an international organisation, for purposes of being accorded for diplomatic privileges and immunities under the 1973, Fiji Diplomatic Privileges and Immunities Act (Cap. 8). That is the second point why we must ratify.

The third point, strongly in favour of our ratification of this Treaty is that under the Agreement, Fiji is given a task of being the depository of the Treaty. Being a depository of the Treaty means that, for example, if these four Micronesian States decide to withdraw from the Pacific Islands Forum and denounce this Agreement, they will have to come to Fiji as a depository, with the Instrument of Withdrawal. But prior to that, the other member countries, when they ratify the Treaty, they will submit an Instrument of Ratification and Fiji through the Ministry of Foreign Affairs, will have to manage that. When you are a depository to an international agreement or treaty, you have to service not only the requirements of ratification, you also have to table a report for registration with the United Nations. The United Nations is the depository of all International Agreements and Treaties. There are very important roles, functions and responsibilities which Fiji has accepted by being designated the depository of this Agreement.

So those are the few reasons why it is important for Fiji to ratify this Agreement. The last point, as I have said, for ratification, the Ministry of Foreign Affairs must take all appropriate actions to make sure that the PIF has declared under Section 6 of the Diplomatic Privileges and Immunities Act 1953, declare this international organisation so that their entitlement to diplomatic privileges and immunities can be given effect under International Law.

That is all I have to say, Mr. Chairman, Sir, and I shall be glad to answer any questions.

MR. CHAIRMAN.- Thank you, Mr. Kotobalavu, for that very comprehensive and concise overview of the document that you had already submitted. I personally am very appreciative of that.

Honourable Members, now is the opportunity to ask questions to Mr. Kotobalavu.

HON. LT. COL. P. TIKODUADUA.- Thank you, Mr. Chairman. Thank you very much, Mr. Kotobalavu, for that very informative brief and I quite like the historical perspective of your intervention. Also, one of the main reasons that we extended the invitation to you because with such vast experience and your involvement, particularly during the initial stages of the Forum.

I quite like also your story on how the late Ratu Kamisese Mara and, of course, Mr. Michael Somare did that walkout in Lae because of the colonial attitude. I just wanted to ask you maybe one question relating to the Pacific way and your understanding of it.

I am speaking here for myself. You covered that very well because the Pacific relationship between people is kind of a tradition, loose and I suppose the word 'agreement' would come in and not the 'treaty' because it reflects the Pacific way and how we deal with things.

Through the Pacific way, I believe there was this talk of the gentlemen's agreement which has now being the subject of a lot of debate. Could you just tell us what the thinking was behind it if it ever existed at all? This morning we heard that there was never any awareness of there being a gentlemen's agreement at all about the Secretary-General. But was there ever a discussion according to what you understand of it at all, given what Pacific way meant for the late Ratu Kamisese Mara at the time?

MR. J. KOTOBALAVU.- Mr. Chairman, thank you for that question which relates to the current situation. We need to remember that in the transition from the 1960s, 1970s and to the 1980s, we progressed from a region where the independent countries were mostly Polynesian, and not only Polynesia, they were led by traditional chiefs. In Fiji, Ratu Sir Kamisese Mara; in Tonga, you have Prince Tu'ipelehake; in Samoa, Tamasese Lealofi; in Cook Islands, Albert Henry; in Nauru, Sir Hammer DeRoburt; they were high chiefs in their own right. So, when they meet over two days, all they would do for the first day is *talanoa* because they had a ready understanding. As high chiefs, they had respect for each other, and that is the Pacific way. They said, "Our Pacific way is that we come together as a family, talk and agreement, not demands." No one should demand, like the four Micronesians today, that is un-Pacific way.

What is happening at USP? That is un-Pacific way. The true Pacific way was developed in those period. The Leaders were the high chiefs. They were Leaders of socially hierarchical societies, so it was understandable that there would be ready agreement. But over time, political leadership in all these island countries became to change. For example in Fiji, Samoa, Tonga, all these other countries.

Political leadership began to change from leadership by the high chiefs to leadership by commoners through good education, and that had an impact on the Pacific way, particularly people like Ekki in Samoa was a high chief and he was educated in Victoria University. When they came back they said, "Ah, let us be free to talk about any subject and they demanded that democracy, merit, they have decisions not consultation by the political process. Therefore, things began to change.

There came a time in 1992 at the Pacific Islands Forum Meeting when Ratu Mara felt that he felt scorned as out of date because all the old chiefs had disappeared and the Heads of Governments had become the well-educated commoners but who wanted to be heard. They were outspoken and so things changed. Then as time went on, new members joined the Forum, including the Micronesian and Melanesian States.

Now, those countries have societies that are totally different from the Polynesian countries. Polynesians are hierarchical, social and orderly, and there is respect. In Micronesia, everyone is for himself, everyone is a chief and relationship is transactional. It is worse in Melanesia where the politicians buy support from their followers. If someone wants to be a Prime Minister, you buy it, you purchase the support of other members of Parliament. You saw what happened?

In 1980, when Mr. Rabuka was the Prime Minister, there was a consideration by the Pacific Islands Forum Secretariat and Fiji sponsored Mr. Filipe Bole. They had a meeting in Aitutaki in Cook Islands and at that meeting, the Papua New Guinea Prime Minister influenced the votes of other member countries by offering money, you know, what they do in their own countries, buying political support, so they did that at the Forum. So Mr. Rabuka had to withdraw Mr. Filipe Bole's name.

The same thing happened this year with our candidate, Ratu Inoke Kubuabola, not because someone offered a bribe but the year when Dame Meg Taylor was appointed the Secretary-General, the Prime Minister of Papua New Guinea at that time offered Fiji \$30 million in aid to be given to the Elections Office in return for Fiji's support of Dame Meg Taylor, and not to insist on its own candidate. We are still waiting for that \$30 million.

Can you see what they do in politics in their own country? They bring it to the Forum and they succeed in getting their candidates elected. That is why Dame Meg Taylor was elected and we are still waiting for our \$30 million for our Elections Office.

The attitude taken by the four Micronesian States that if they do not get what they want, they will withdraw, that is typical of what is happening through the change in increasing the membership of the Pacific Islands Forum and the cultural change within the membership.

The Polynesia countries tend to defer to each other. They tend to believe in the Pacific way of quiet consensus, consultation and so on. The same would have happened at USP. This Head of state of Nauru, he is the Chancellor. Instead of keeping to his role as the Chancellor and being the father figure to bring all the members together, including Fiji, he decides that he should also represent his country in the Council and that is causing all the problems. So, we are moving away from the Pacific way of consensus building into rather than demanding. The kind of demands that the four countries from Micronesia decided to take.

I should mention that for a country like Fiji, we should be very wary of the attitudes of some of these forum member countries are bringing into the Forum. We need to be aware because, for example, those four Micronesian States have agreements with the Americans - the agreement of free association. Niue and Cook Islands are looked after by New Zealand in terms of their foreign relations. New Caledonia and French Polynesia are colonies of France.

Do you know what is happening in the recent two years? Those former metropolitan powers in the Pacific - New Zealand, Australia, United Kingdom, United States, France, encourage the Pacific Island Countries not to develop close relations with China. Why? Not because they are concerned about our security but because they are concerned about their own State security, because

for them as States, the one entity they fear most as threat to their State security is China. But they did it with us, the Pacific Island Countries who look at the issue of security differently - from a different perspective. We look at our security, not so much from the security of the State - the survival of State, but human security, such as climate change, the survival of the people, the wellbeing of people, the economy, and so based on that (human security), it has always been, for example, Fiji's Foreign Policy that we should be friends with all countries irrespective. We do not choose who our friends are, and we should not allow those big metropolitan powers to come and choose who our friends would be.

I hope I am not confusing the general background of this issue of Pacific way, it has changed in light of a change in the cultural nature of the bigger membership of the Pacific Islands Forum. It is still there because the whole purpose of what is now referred to as *Biketawa Declaration* was an agreement by all the Forum Leaders when they met in the Summit in Kiribati, that we are a big family. When a member of the family finds trouble, the rest of the membership should come together and help those particular member countries. And incidentally, that *Biketawa Declaration* arose because of the 2000 *coup* in Fiji. It happened in May 2000, and the Forum Meeting in Kiribati was convened in September.

In the context of the discussion about the *coup* in Fiji, they then decided in the Pacific way as a consensus, "Hey we are a Pacific family. When a member of the family, in this case, Fiji, is in trouble, the onus is on all of us to come together." It is very interesting because Australia and Fiji has adopted that formula of *vuvala* (family). So the name of Vuvale Partnership between Australia and New Zealand has its origin from the *Biketawa Declaration* and the Pacific way -we are a family. That is how we should resolve the issues at USP. As a family we should resolve the issue of the Micronesian countries to withdraw from the Forum. Thank you, Mr. Chairman.

MR. CHAIRMAN.- Thank you, Mr. Kotobalavu, for a very concise explanation to the question. Honourable Members, are there any other questions you have for Mr. Kotobalavu?

Since there are no other questions, thank you again, Mr. Kotobalavu, and if we do have any other pressing questions during the process of compiling our final report to this Agreement, we will drop you an email.

With those few words, I thank you, again, Mr. Kotobalavu, and if you have any departing comments the floor is yours, Sir.

MR. J. KOTOBALAVU.- Thank you, Mr. Chairman and Honourable Members. The Committee meeting adjourned at 12.21 p.m.

Verbatim Report on Tuesday 23rd February 2021

[VERBATIM REPORT]

VIRTUAL MEETING OF THE S/C ON FOREIGN AFFAIRS & DEFENCE

AGREEMENT

**2005 Agreement Establishing the Pacific Islands
Forum**

**SUBMISSIONS: (1) Professor Steven Ratuva, Director,
McMillian Brown Centre for
Pacific Studies
(2) University of the South Pacific**

VENUE: Big Committee Room (East

Wing) DATE: Tuesday, 23rd February, 2021

The South Pacific Commission (SPC) was born in 1947 as a result of the decision by the colonial powers in the Pacific to set up an organisation which will look at the interests of the Pacific

and also keep the Pacific free of the Soviet influence. But then one of the problems with the SPC which, of course, have to change names over the years now it is called the Pacific Community, was that, only decisions which had to do with technical issues and economic issues were to be discussed, and not political issues.

There were a lot of political issues in the Pacific in those days, such as the nuclear testing. Big powers, such as the United States and Britain, were testing in the Pacific. A lot of our soldiers were infected as a result of the testing by the British in Christmas Island, and also the issue of decolonisation. A lot of the Pacific territories then were not independent.

So one of the reasons why there was this move, particularly spearheaded by Ratu Sir Kamisese Mara, who later became the Prime Minister, but he was still Chief Minister then, for separate entities to be set up so that the political issues were to be discussed because the SPC was dominated by the big powers, such as the United States, Great Britain, New Zealand, Australia and Netherlands. These were the colonial powers in the Pacific.

That is why in the meeting of SPC in Papua New Guinea in 1965, there was what is referred to as the “Lae Rebellion” when Ratu Mara led a group of leaders to demand that they be given a voice. So, a number of years later as things began to develop, the Forum was then set up.

The first meeting for the Forum was in 1971 in Auckland. Although New Zealand hosted it but it was still not a member because the idea was that, both Australia and New Zealand was too big and powerful and they were also colonial powers, so they should not be part of the Forum. So, that was the initial thinking in those early days.

However, they then became part of the Forum because the perception was that, they had the money, the resources and also we need a sense of regional unity and you need both of these big powers to be part of it. That was the beginning of the Forum.

At first, the Cook Islands, Fiji, Nauru, Tonga and Western Samoa in those days now it is called Samoa, New Zealand and Australia, had the first meeting and then the membership began to extend and then eventually, the South Pacific Bureau for Economic Cooperation (SPEC) was set up where the SPC Forum Secretariat is now located.

Although, SPEC had a very specific economic role, but then that was later extended to include political role as well in terms of issues which had to do with geo-politics, regional governance, et cetera. Later on, the South Pacific Regional Trade and Economic Cooperation Agreement (SPARTECA) was set up in 1980 as part of that.

There were a series of changes. We started from SPEC and then, well it was called the South Pacific Forum because it only included the countries of the Southern Pacific. And then eventually it was changed into the Pacific Islands Forum in 2000 and that has been the name which is still going on now.

When the Forum was set up, there were a number of principles and philosophies which were driving the Forum then. One was, of course, the fact that they had to be dealing with bigger political issues which the SPC was not able to deal with. Secondly, was the need to develop a regional identity which bounded everyone together, which integrates both, the traditional cultures of the Pacific and also the new political idea of sovereignty of nationhood which was beginning to unfold in the Pacific in very interesting ways because a lot of countries became independent. Samoa was the first one in

1960, Nauru in 1968, then Fiji in 1970 and by the late 1970s and 1980s, a number of countries in the Pacific became independent.

So, the Forum became the voice and the political symbol of unity of new independent nations of the Pacific. Of course, over the years, a number of regional organisations known as the Council of Regional Organisations in the Pacific (CROP) agencies which you are very familiar with, emerged and the University of the South Pacific was set up in 1972 and few others later.

So, the idea of regionalism of the term 'Pacific Way' was first coined by Ratu Mara and then became the centrepiece of regionalism in terms of defining that regional identity. The assumption that there was such a thing as a collective shared identity which different cultures of the Pacific held and were able to connect with one another through that.

Also at the time when the big powers began to use the Pacific as the playground for geopolitics, nuclear testing and for various other things, and for military strategic interest, it was then important for the Pacific Island Countries to come together and respond to these big powers through a sense of unity and also issues of economic development, to do with developing the ocean resources, like fisheries, became a very important aspect of the idea of regional unity.

Over the years, there was talk of economic integration and the extent to which that might happen. There are different models of economic integration around the world. Of course, as we know, the European Union is one where they basically get rid of the borders and, of course, Britain decided to jump ship, to get away from it and to have just one unified economy. That has been part of the discussion over the years but did not go anywhere because of the difficulties in terms of economic position of Small Island States and, of course, the borders are ocean borders, unlike Europe where you have land borders.

Recently, the PACER Plus Economic Agreement tried to do that but Fiji, Papua New Guinea and a couple of other countries have not signed up to that. There have been criticism of the PACER Plus Economic Agreement as well, so up to now, the Pacific Islands Forum is still very much a voluntary association of independent States. They can withdraw anytime they want, as we have seen in the last week or so, of five Micronesian States who withdrew as a result of the process of appointment of the Secretary-General, which is something that I will touch on later in terms of Fiji's role, in terms of how we can address some of those bigger issues of regional disintegration.

Now, what are some of the challenges over the years of regionalism? I am looking at my time and I hope that there would be time for discussions later, it is halfway through now. As this regional institution began to evolve over the years, there are a number of challenges.

Firstly, there is criticism by Small Island States that there has been a bit of domination by the big countries, like Australia and New Zealand. They have the money, they have the political power, they have the economic leverage and other means of domination, and that has created a bit of anxiety within the Forum itself.

Secondly, it is the issue of imbalance of benefits. Over the years since the 1970s and 1980s, there have been criticism that Fiji in particular, (there are others as well) that international organisations which are attracted to Suva by virtue of being, if you like, the capital of the South Pacific, which is the term being used.

Some have argued that some of the regional projects, such as Air Pacific for instance, which was regional had become nationalised by Fiji. So, there is still a bit of resentment there in the region

when we talk to people in private but, of course, in public, they may have different views. Also, some argue that USP being based in Fiji tends to have more benefits flowing into Fiji.

Thirdly, is the problem with consensus. The Forum has always operated on the basis of consensus, unlike in the United Nations where you vote - each country has a vote. However, for the Forum, they decided, "Maybe, we will do it the Pacific way by having a consensus", just like in a village meeting where we all say yes, yes, yes and then here we go.

The problem with consensus is that, if you have one or two powerful voices, whatever they say, everyone will agree, especially if they have the money and power and we see that, of course, in Fiji as well in our villages, et cetera, there are different ways in which consensus is done. Sometimes, of course, it is genuinely a collective decision, so that has been one of the problems and criticisms of that within the Forum.

That came to hand when they had to decide on the appointment of the Secretary-General because usually, it is through consensus. However, this time around, they had to vote and they were forced to vote because five countries were pushing their own agenda. So that consensus principle was broken, which means that the Forum will now have to readjust itself ethically, morally and politically in terms of facing the future, now that one of their fundamental principles has been broken.

Fourthly, is the intra-regional conflict within the Forum countries themselves. In Vanuatu just after their independence, there was an internal strife - a group trying to succeed and then the Forum was involved in terms of putting down of the rebellion.

In Bougainville, as we all know, there was a civil war in Bougainville and the Forum was also involved to some degree. In Solomon Islands as well and RAMSI was very much, although driven by Australia, and the Forum had to provide a legitimacy for it.

Of course, the Fiji *coup* of 1987, 2000 and then 2006, the Forum was caught in a dilemma of what was it going to do. In 1987 and 2000, not much, and then 2006 it decided to suspend so in 2009, it suspended Fiji. Also, the riots in Tonga. So, the tensions of the political dynamics, I must say, within the Forum members, put the Forum into a situation where it had to respond.

At some level, the Forum tried its best to operate the same way that the Association of Southeast Asian Nations (ASEAN) operates, when something happens in a country, that is their problem, you keep your hands away. And that is how they have been operating, like something done in Burma, they are not doing anything anyway, they are just keeping their hands off. Some of them, even Singapore, actually supported it.

The Forum tried to do that at some point but then it became untenable, so it decided it has to intervene at some point. It is through the *Biketawa Declaration* which was in 2000, which was endorsed by the Leaders in Biketawa in Kiribati, talked about the Forum being able to intervene in any situation in the Pacific, if they are invited to do so. So, RAMSI's intervention in the Solomon Islands was the first example of that.

The other issue with Pacific regionalism in the Forum is to do with the geopolitics of the big power dynamics within the Pacific itself - the big picture, some of which are probably beyond our control and some of which are probably within our control as well, in terms of how we play our positioning.

China and Taiwan have been playing their game in terms of giving aid to which one because Taiwan wants recognition and six countries in the Pacific had recognised Taiwan and China was trying to outdo it. Then China won two countries over in the last two years. So, that game has been around for some time.

Then we have Australia and New Zealand playing their game as well, and the United States of America and Russia in different ways. Different countries have their own agendas.

The Pacific Island Forum part of their structure, if you like, is to have a Forum Dialogue Partners. Forum Dialogue Partners consist of big countries, such as China, USA, Australia and New Zealand, some European countries, et cetera, where they want to come into dialogue with the Pacific. But they also bring with them their baggage. They have their own particular strategic, economic and political interest and, of course, one of the dangers is the way in which they might use that as a leverage for the individual countries at the Forum for their own particular interest. Those are just some of the challenges and, of course, those challenges are unfolding all the time in as far as the Forum is concerned.

I suppose one of the challenges for any reform in the Forum is how we address some of those challenges. How do you address some of these issues of fault, conflict? How do you address some of these issues of tension, of differences? Because there was an assumption over the years that the Pacific Forum is like a village committee where everyone hugs each other and everyone comes together.

When the Leaders Forum happened here, their photos were taken. They had beautiful shirts which are locally made, have the same colour and they look like just a family. But, of course, those lovely shirts conceal much deeper dynamics which we have to dig deep into. It is the way in which some of those dynamics have to be unearthed and we have to address them.

Now, one of the challenges as well, which I have touched on but perhaps, I should bring it out a bit more, is to do with the tension between regional interest and our regional identity on one hand, and the national interest and national identity on the other. That has been an ongoing issue and when I mentioned earlier about the selection of the Secretary-General, for instance, it came out - five countries wanted to push their own national agenda. At the same, while in the process they undermined the bigger regional consensus and agenda.

There had been a lot of issues of climate change. For instance, Australia has been pushing its particular climate change agenda, which is very different from the way in which we, in the islands, look at it because it is no longer a matter of just climate change, it is a matter of climate crises and climate emergency. The term used here in New Zealand is 'climate emergency' because when you have a cyclone, it is not just climate change, it is an emergency and it is impacting on us. For economic reasons, the reason why Australia is doing that because it provides a lot on mining, and mining is one of the biggest culprits when it comes to issues of climate change.

Then you have particular countries with national interest, like Indonesia, for instance, which has been around in the Pacific and the West Papua issue has been one of the issues in the Pacific which has been around for some time. I remember that when the Forum was first set up, one of the main focus was on decolonisation. Most countries went through decolonisation. When it comes to the decolonisation of West Papua, they were all silent because of the way in which Indonesia has been able to play it. Its leveraging power has been, in itself, challenging to responses to the West Papua issue.

I could be running out of time, so I must hurry up. Of course, the 2005 Forum Agreement which I said earlier, was set up by the Forum Leaders in Port Moresby, as a way of relooking at the Forum and then affirming some of those principles as a way ahead for the Pacific. It was around the same time that they endorsed the Pacific Plan which we all have heard about. The Pacific Plan was also endorsed around in the same meeting in Port Moresby. In fact, they were supposed to be, you know, sister documents, and the Pacific Plan was supposed to be the bigger framework within which the Agreement was to be articulated, but time has been moving very fast.

The Pacific Plan has disappeared. It has now been replaced in 2014 by another regional instrument. We will talk about that later, the Framework for Pacific Regionalism which was put in place in 2014. Then beyond the problem for Pacific regionalism now, they are already working on the 2050 Strategy for the Blue-Pacific Continent, which is going to be a much bigger document, if you can, in the context of the Blue-Pacific Continent for the future. So things are happening pretty fast to the extent that perhaps, the 2005 Agreement is beginning to be out there already. It was set up in 2005 because of the circumstances then. Things have moved very, very fast in terms of the dynamics in the region, and also the way in which the Forum itself has responded to some of those dynamics and how we can move forward from here.

I have to move very fast, so I will not spend time on the Agreement itself because I am sure you have a copy of it and because it is a legal document which you, as Politicians, do not want to look at legal documents, you want to see the bigger political picture.

So let me finish off by looking at the 2005 Agreement and the context of regionalism and perhaps, position Fiji there somewhere. Since you part of the Fiji Parliament, how relevant is it to us or to you. Well, I am still a Fiji citizen so that is why I said 'us'.

One thing about the the regional organisations being set up in Fiji and regionalism generally is that, it defends Fiji's status as a regional leader over the years since the time of Ratu Mara. One of the reasons why the Forum was based in Suva was for a number of reasons. One was because historically, Suva was the High Commissioner for the Western Pacific which looked at the British Colonies around this part of the world and based in Suva was the Governor of Fiji, and was also the Commissioner. So in some ways, all those other British Colonies - the Solomon Islands, Vanuatu, Kiribati, Tuvalu and Tonga, which was a Protectorate, not a full colony, they were ruled from Suva. So Suva already had colonial advantage.

Secondly, the personality of Ratu Mara himself, who was very charismatic - MA from the Oxford University and he was the only Oxford-educated leader in this part of the world, so we had that personality which attracted everything. He was the leader of the breakaway group which led the rebellion in 1965 and he carried on. Also, Fiji was the communication hub and was the most developed in those days, so it accelerates Fiji's regional and international status because of that.

Of course, the economic benefit that came to Fiji was tremendous in relation to employment, housing and a whole lot of other things to do with retail, et cetera, because of those highly paid regional civil servants meet at the airport all the time. "Where are you going?" "I am going back to Suva", or from Suva to somewhere else, so all their money comes to Suva.

Of course, because the Forum was based in Suva, it also attracted a lot of regional and international organisations into Suva to be close where Embassies from all over the Pacific, except for some, most for the Micronesian Governments which have now decided to withdraw, used to have their Embassies in Suva. I think Palau has withdrawn. That means that Fiji has that significant role in terms of making sure that regionalism or that regional unity works because lot of those countries

look up to Fiji in that sense. Those of us who went to study at USP, students from all over the Pacific see Suva as their second home.

Therefore, the challenges posed now, given what has happened, for instance, Micronesia withdrawing and looks like the Forum is not doing anything so far, it is going on as if nothing has happened, I think Fiji has a duty of care for some of these Small Island States. The moral and political duty of care, perhaps to initiate discussions, to initiate engagement with Micronesia and move forward from there. Engagement would probably include the formalisation of the gentlemen's agreement between the Forum countries, like in other international organisations where they do that, they make sure it is formalised so that each region of the world get its turn. So have it formalised and then invite Micronesia to provide the next Secretary-General.

There are different ways in which we can negotiate and come to terms with what is happening. This is where we use the Pacific Way as a means of engaging with the region and Fiji is well positioned to be able to lead on that process and it should, if it has the political will to do it and has the moral responsibility to do it because they look up to Fiji as the centre of the Pacific, as well as the role of Fiji as the local custodian for the regional organisations because they are based here. It is not just they are geographically based here, it also has the moral responsibility and for decades, they have been based here. So the sense of empathy and care is very, very important for that.

What we are beginning to see now is that, if we do not act now, then regionalism is going to go through. A very significant process of fragmentation which will be destructive for Fiji because it has benefited very much from regionalism is, if the Forum breaks up, if USP breaks up. There is already talk of relocating USP somewhere else and other regional organisations are probably thinking privately of doing the same thing and international organisations have been whispering to each other, "What is happening here?" So I think it is very important that Fiji should really assert itself as the custodian of its regional and international organisations and move the process of consolidation forward, which means a lot has to change in terms of how it approaches these organisations rather than see them just existing institutions within our realm. They should be seen as those with having the duty of care to make sure they thrive here because we have been the biggest beneficiary of regionalism in the Pacific more than any other country, more than Australia and New Zealand, more than Samoa or Tonga or Kiribati or Marshall Islands, et cetera, so it is within our interest.

I hope that this very important Committee would be able to look at these issues in the context, not just Fiji's interest but the bigger regional interest because the regional interest is actually beneficial for Fiji. If Fiji thinks and cares for its own national interest, it is going to be destructive to Fiji in terms of the benefits of regionalism. So, I will probably end there, if you have any questions. I can go on speaking forever, I have a tendency to do that but I will end there. If you have any questions, I will be happy to respond to them.

MR. CHAIRMAN.- Thank you, Professor Ratuva for that very comprehensive discussions, so to speak. Honourable Members, do you have any questions for Professor Ratuva?

HON. DR. S.R GOVIND.- Thank you, Mr. Chairman. Thank you, Professor Ratuva, for your very comprehensive presentation this morning, especially on the background, history and geopolitical aspects of the Forum. I have one very simple question, perhaps you can throw some light on that.

I am a very new politician, I have been in the Civil Service and the United Nations for a very, very long time. I have been in the World Health Organization for 18 years. The Pacific Islands Forum is a very important organisation for our region. My thinking was that, if all countries cannot achieve doing few things on their own through this Forum as united front, we cannot achieve that

and to some degree when USP was formed, I thought that we are making very good progress in the field of education. A lot of human capital was built in the Pacific, a lot of people got jobs in international organisations and USP was recognised. So in the field of education, I think through this regional forum and regional concept, we made a lot of progress. But I want to ask you because you are an academic; why has the Forum and this regional concept not worked in the field of health?

As you can see, none of the countries in the Pacific have healthcare standards anywhere near Australia and New Zealand - our neighbouring countries, or the rest of the developed countries. Why have the Leaders not focused? Because if our health is lost, everything will be lost and with the current pandemic, not COVID-19. COVID-19 is a very new thing. The current pandemic includes ongoing chronic disease which is Non-Communicable Diseases that has killed half the population and still killing.

We, as a regional organisation and through regionalisation, have not been able to make any great impact on this. Why have we not achieved this? We are talking about very big things, now we are talking about climate crisis, Blue Pacific, et cetera, but if there are no healthy people left, no one will be there to see all the benefits of these. So, why are we not focusing as a regional institution and asking our big brothers to have, at least, one regional place.

Tertiary healthcare is zero in any of these countries. We have not progressed to good secondary care, let alone touching on secondary care. So, right into COVID-19 crisis, we do not even know how many people are dying because we cannot access tertiary care because our borders are closed and people are silently dying. Can you please throw some light on this? How can we re- focus some of this in the agenda for organisations like the Pacific Islands Forum and South Pacific Commission?

PROFESSOR S. RATUVA.- Thank you so much for the very good question, Honourable Dr. Govind. Yes, the issue of health is very central now, of course. Even COVID-19 is actually sitting on pre-existing health issues and basically making it worse.

In terms of the regional responses to health, the regional organisation that deals with it is the SPC - the Pacific Community. They have a significant health section, in fact, the health adviser there also became the Director-General of the SPC who has just left. So, much of their health expertise and responses have been to do with collecting data and providing advice.

Perhaps, not sufficiently in terms of primary healthcare which is one of the things that is very much needed in the Pacific, perhaps because of resources, because of the nature of approach which they use and I think the issue of health is very complicated because it is linked to issues of well- being, development, issues of resources and which individual countries are not only responsible but also I suppose the regional organisations.

Yes, you did raise a very significant question as to how health can become central and that is probably what the regional organisation, like SPC should probably do and link up with the World Health Organization, and link up with individual countries in the region. I am not sure to what extent they have been doing that and ways in which they can consolidate the approach in a way which addresses some of those fundamental issues of health in the country.

I know Fiji has the issue of NCDs and is quite prevalent, and all over the Pacific. A lot of it has to do with diet, a lot of it has to do with lifestyle and so, if you have a group of interdisciplinary key of not just health people, but also people in the area of wellbeing, development, to come together

because health is very linked to issues of development, wellbeing, diet, nutrition and a whole lot of other things.

HON. LT. COL. P. TIKODUADUA.- Mr. Chairman, I do not have a question for Professor Ratuva but maybe, I will ask the Professor, some of the Pacific Island nations now particularly, after the USP saga and also after the election so to speak of the new Secretary-General that is about to come and lead the Secretariat, view Fiji as part of the problem to the crisis that we are currently facing. They perceive that, like as you said, they talk on the corridors about Fiji's involvement and some of the domestication of some regional policies maybe or regional institutions that lead to that kind of idea or thinking that Pacific Islands have.

My question is, how do you see Fiji taking the lead in that regard? I mean, Fiji has withdrawn its funding from USP and has not given it. Fiji had put up an alternate candidate for Secretary-General. How can it maintain that balance in that example of how to take the lead in drawing the Micronesian nations back?

The Honourable Prime Minister said a few days ago that we are better together, but they also view us as part of the problem. How do you see Fiji taking the lead in that regard? Can you give some specific actions which we could take?

You mentioned a good suggestion, maybe the region could promise the next Secretary-General to come from Micronesia, as a way Fiji could lead it. That could have been my issue of interest, Professor. Thank you.

PROFESSOR S. RATUVA.- Thank you so much, Honourable Tikoduadua, for the question. Yes, a very good question and very difficult question as well and the reason is that, you have provided that dilemma, that contradiction which Fiji is facing at the moment. On one hand, it has been seen over the years as being the regional leader since the days of Ratu Mara and then given what has happened recently, that sentiment about Fiji would have eroded to some extent and one of the reasons why some of the countries are calling for relocation of Vice-Chancellor, for instance, and even some are saying that the Forum, like the South Pacific Commission (SPC), should be decentralised a little bit more with various parts of the Forum relocated to some countries to provide a more sense of balance, equity and diversity within the region.

It is one of the dilemma which Fiji has to come to terms with, if it wants to reclaim that position as the regional leader because it has been contested over the years the notion of who is the regional leader, apart from Australia and New Zealand. Papua New Guinea has been trying to claim that and Samoa has been emerging and saying, "We have a bit of that 'mana' as well." So it has to come to terms with that dilemma, first and foremost, before it can reclaim that position.

I think the way things have developed as a result of those two issues, I mean, let us see the decision by the Micronesian Governments to withdraw and the sentiments coming out of Micronesia is that, either Fiji, Australia or New Zealand could have just given their votes because they are outside the realm of Polynesia and they look up to them as the ones who are supposed to hold the moral high ground in the middle and then cast their vote in the name of regionalism. But instead, Fiji opted to vote with Australia and New Zealand, (I do not know what the deal was) and then as a result, regionalism basically was in crisis.

It is a very good question, it is really for Fiji itself which has to, I suppose, put the ball in their court and to rethink about their approach to regional unity. As I have said earlier, over the years, Fiji has been one of the biggest beneficiaries and, of course, the respect Fiji has built up over the years in

the way it played its politics and a lot of it depend very much on how clever and how strategic you are in playing your regional politics because if regionalism survives, Fiji benefits. If regionalism collapses, Fiji loses the benefits.

HON. LT. COL. P. TIKODUADUA.- Thank you, Sir.

MR. CHAIRMAN.- Thank you. Honourable Members, any other question?

Since there are no other questions, with those few words, Professor Ratuva, I take this opportunity to thank you once again for acceding to our request and coming before the Committee this morning. If you have any departing comments, the floor is yours, Sir.

PROF. S. RATUVA.- *Vinaka Vakalevu* for everything, in order to participate in this very, very important process for Parliament. To you, Mr. Chairman, and Honourable Members, thank you so much for the opportunity. I hope I have not confused you.

HON. LT. COL. P. TIKODUADUA.- No, you have not.

PROFESSOR S. RATUVA.- I hope what I have said to you make sense, so I am not sure because you are on the other side, I just articulate and you catch whatever is catchable. So, thank you so much for this opportunity and thanks so much for the invitation.

The Committee adjourned at 10.21 a.m.

The Committee resumed at 10.21 a.m.

Interviewee/ Submittee: **University of the South Pacific**

In Attendance:

(2)	Mr. Winston Thompson	-	Pro-Chancellor/Chairman of USP Council
(3)	Dr. Giulio Paunga	-	Acting Vice-Chancellor

MR. CHAIRMAN.- I would like to thank the members of the media who are in attending this meeting and also the members of the public, who are listening to this telecast this morning from the comfort of their home. A very good morning to you all.

We, the Standing Committee on Foreign Affairs and Defence has been tasked by the Parliament of Fiji to review the 2005 Agreement establishing the Pacific Islands Forum and before us, this morning's teleconference is Dr. Paunga and Professor Winston Thompson from the University of the South Pacific. A very good morning to you both gentlemen.

By way of introduction, I will, firstly, introduce the Members of my Committee.

(Introduction of Committee Members and Secretariat by Mr. Chairman)

MR. CHAIRMAN.- Not with us this morning is Honourable Adi Litia Qionibaravi, who is away attending a bereavement in the family.

With those words of introduction, gentlemen, just a brief introduction of your goodselves and the floor is yours. Thank you.

MR. W. THOMPSON.- I thank you, Mr. Chairman. Winston Thompson here, speaking. As was explained, I am the Pro-Chancellor and Chairman of the University Council which is the governing body, as you know, of the University. Dr. Paunga is the Acting Vice-Chancellor or the CEO, in other words, of the University, so he is responsible for the operations of the University whereas my responsibility is for chairing the Council, the governing body which meets intermittently. Dr. Paunga has a fulltime job of running the University.

First of all, Mr. Chairman, I would like to apologise for the fact that this week is the orientation week for the University. It is the beginning of the new year when new students come in looking for advice on what is going to happen to them as they start their university career, so it is one of the most intensive periods for universities where they have to explain to a whole host of new students what is going to happen and so the staff are still engaged in this. This just started yesterday and it will go on for this whole week.

The University or Semester 1 will begin next week when the teaching begins in earnest. So, I apologise for the fact that there is just the two of us here and we will try to field the questions and give you some impression from the University for your Standing Committee. I do not know whether Dr. Paunga wants to also say something in introduction. Thank you.

DR. G. PAUNGA.- Thank you, Mr. Chairman. I think the introduction has been presented by Honourable Winston. We are ready here if there are any questions, we can deliberate on those. I will try to assist the Chairman of the Council.

MR. CHAIRMAN.- Thank you.

DR. G. PAUNGA.- Thank you very much.

MR. CHAIRMAN.- Do you have a brief on the subject matter itself, Dr. Paunga?

DR. G. PAUNGA.- Mr. Chairman, as you may be aware, I have just been appointed to this acting role in the Vice-Chancellor position and the communication just came on Friday last week at a time that I have not really been able to get the things from my opinion, I mean, those Academics who were requested to be able to have some fruitful contribution to this discussion. But mostly, Mr. Chairman, those whom I have discussed the matter with during the weekend and Friday, most of these professors are not really aware and most of them were not here during that time. Most of them are quite new. Most of those who are staff at the University at that time have already retired or only a few who may be still around, we were not able to get any feedback from them in a very short time.

MR. CHAIRMAN.- Having said that gentlemen, Honourable Members, do you have any pertinent questions for the two gentlemen? Perhaps, if you do have a question and they do have an immediate answer, perhaps they could take those questions away and get back to us by email.

HON. DR. S.R. GOVIND.- Thank you, Mr. Chairman. Thank you, Vice-Chancellor and Mr. Thompson. Maybe, just to start our discussion, how do the University see the role of the Pacific Island Development Forum (PIDF), if in any way, the advice to the University? Do you have any role or do you see them having any role in shaping up the University's future?

MR. W. THOMPSON.- Mr. Chairman, I take that, that question is in relation to the role of the PIDF and the Pacific Islands Forum as those are the two separate organisations. Could I get the clarification, is that question being asked in relation to what the role of PIDF is, in our view, compared to what the role of the PIF?

HON. DR. S.R. GOVIND.- Mr. Thompson, right now we are discussing the Agreement on the PIF, so the question is on PIF's role.

MR. W. THOMPSON.- I thought you said PIDF, so excuse me for that.

HON. DR. S.R. GOVIND.- To me, both organisations look very similar, so there is a lot of confusion regarding that too. I meant to ask about PIF.

MR. W. THOMPSON.- Thank you, Honourable Member.

Mr. Chairman, the University was formed, as you may know, in 1968, which was a couple of years before the formation of the PIF in its original form, which was the South Pacific Bureau for Economic Co-operation (SPEC). I think since that time, from my own personal recollection, the University professors have been following the development of the PIF from its original SPEC.

I think, as Dr. Paunga said, most of those or nearly all of those who were involved in that period, have retired and have moved on. So I would think that those who exist still in the University who have a knowledge of that formative period in the 1970s, in the early years of that Forum, are probably not available.

I would think that the role of the PIF as the premier regional organisation of Leaders has been an important part of the coherent development of our region. It has brought the leaders together

periodically over this period. They have had their differences, of course, and Fiji has had quite a bit of differences, but I think on the whole, it has been an organisation for the betterment of our region and continues to provide a very important forum for issues that affect all of us, of course, since the climate change arguments have happened and since the pandemic, it has become even more important that we approach this on a region-wide basis and also participating in the international forums on these main issues. Yes, I think as far as university is concerned, it sees nothing but benefits out of the role as the continuing role of the Pacific Islands Forum.

MR. CHAIRMAN.- Honourable Tikoduadua, your question, please.

HON. LT. COL. P. TIKODUADUA.- I do not have a question, except maybe to ask through you, Mr. Chairman, maybe through the University Council because for a submission, at least, on what they believe on Fiji ratifying the 2005 Agreement. I think that is, sort of, the request that we are making to the University, being a regional institution itself on what it believes about Fiji's ratification on the Agreement, from the University's perspective. Maybe, a written one perhaps at a later time before we submit our report. Thank you.

MR. CHAIRMAN.- Thank you for that Honourable Tikoduadua. Probably to that effect, Professor Thompson and Dr. Paunga, very brief, what are your thoughts on the 2005 Agreement and the actual ratification of it now as you see it. Probably, to that effect if you could make that submission to the Secretariat, I think that will be forthcoming.

MR. W. THOMPSON.- Thank you, Mr. Chairman, if I can reply first and Dr. Paunga can add to it. First of all, I am not a Professor so thank you for the honorary briefing but I am no Academic claim to any such title. I am just an ordinary man of the streets, so to speak.

Certainly, I apologise again for not having a written submission but I am sure Dr. Paunga will agree that we will submit something in writing. Give us a week to do it and we will be able to give you something in writing because we have people who can contribute to this and it is an important issue.

However, as I have said myself earlier when I responded, I have been associated with the Pacific Islands Forum from its very beginning because I was in the Public Service at that time and I was part of the late Ratu Kamisese Mara's delegation when we attended these various meetings. I remember the South Pacific Commission used to comprise only of the colonial powers, whowere the ones who call the shots in the early days and our leaders who attended those meetings in the 1960s, particularly a meeting that took place in Papua New Guinea, I think the late Ratu Kamisese Mara was unhappy with the way the SPC was dominated by the colonial powers.

In fact, the decision that was taken had to be ratified, they almost had a veto right programme. So when the countries began to get independent, such as Samoa, for instance, got independent in 1962; Nauru in 1967 and Fiji in 1970, I think by the time that came around, the Leaders had been getting together regularly - Ratu Kamisese Mara, Hammer DeRoburt of Nauru, Tu'i Peleake of Tonga; and Tamasese and Mata'afa in Samoa; Albert Henry of the Cook Islands, who began to generate the thought that we should have our own independent organisation from the South Pacific Commission and that is what, I think, gave rise to what was originally the South Pacific Bureau of Economic Co-operation because they look at it in economic cooperation terms. Then it transformed into the Pacific Islands Forum and became a more formal Leaders Forum in later years. And that is what this 2005 Agreement, I think, is bringing into effect now as the latest interaction of that development.

With those comments, I assure you, again, that we will submit something in writing, probably more comprehensive in its coverage, which we have not been able to do at this point. I thank you, Mr. Chairman.

MR. CHAIRMAN.- Thank you, Mr. Thompson. We certainly look forward to that contribution. Mr. Thompson or Dr. Paunga, if you have any departing remarks, the floor is yours. Thank you.

MR. W. THOMPSON.- Mr. Chairman, if I could just make a comment on the two organisations - the PIDF and the PIF because I was also at the beginning of the Pacific Island Development Forum. As you know, that is an organisation that came into being, that Fiji initiated, to be able to continue to consult with the Island Leaders. In the beginning, it had a different title, it had something like consulting with island governments and that then developed or evolved into what became the formal PIDF.

I attended, at least, two of those early meetings and I found that there was much more robust, extensive discussion and consultation in the PIDF which involved NGOs, the churches, et cetera, which is not provided for in the PIF, where the Forum is a very formal and a necessary organisation. There is also, I think, the need for something like the PIDF which engages more widely across the societies in the region.

I think it canvases the view of the grassroots, so to speak. So, I think there is probably a role, in my view, for both types of organisations to exist. There is, of course, the problem of overlapping responsibilities and that is the same to some extent with the South Pacific Commission or the Pacific Community as is now called. Although it still retains the SPC abbreviation, because we are short of resources in our region, we cannot afford too many of such organisations doing their own thing and there is always the need to keep an eye on the areas of overlap so that we are not duplicating unnecessary works.

I think there are organisations, like the CROP agencies with CROP organisations, for instance, that try to make sure that there are no overlaps taking place because we cannot afford to have too many such duplications. However, there is inevitably that possibility and one that has to be monitored by those who are in charge overall, such as the PIF itself, the leaders and the leaders of the other agencies.

I just make this comment as a personal observation over the many years that I have seen the development of these organisations and institutions. Thank you, Mr. Chairperson.

MR. CHAIRPERSON.- Thank you, again, Mr. Thompson for that brief overview and we thank you two gentlemen for acceding to our request at such short notice. I thank you all once again. *Vinaka*.

The Committee adjourned at 11.13 a.m.

Verbatim Report on 01st March 2021

[VERBATIM REPORT]

VIRTUAL MEETING OF THE S/C ON FOREIGN AFFAIRS & DEFENCE

AGREEMENT

**2005 Agreement Establishing the Pacific
Islands Forum**

**INSTITUTION: South Pacific Tourism
Organization**

VENUE: Big Committee Room

**(East Wing) DATE: Monday, 1st
March, 2021**

**VERBATIM NOTES OF THE VIRTUAL MEETING OF THE STANDING COMMITTEE
ON FOREIGN AFFAIRS AND DEFENCE HELD AT THE BIG COMMITTEE ROOM
(EAST WING), PARLIAMENT PRECINCTS, GOVERNMENT BUILDINGS, ON
MONDAY, 1ST MARCH, 2021, AT 10.57 A.M.**

Interviewee/Submittee: South Pacific Tourism Organisation

In Attendance:

(4)	Mr. Christopher Cocker	-	Chief Executive Officer
(5)	Mr. Benjamin Shaw	-	Executive Office Assistant

MR. CHAIRMAN.- First and foremost, a very warm welcome to the members of the media, who are possibly present in the meeting and members of the public, who are listening in to this teleconference this morning. Your parliamentary committee on Foreign Affairs and Defence has been tasked by the Parliament of Fiji to review the 2005 Agreement Establishing the Pacific Islands Forum. We welcome you to the airing of this teleconference and your interest in the affairs of the nation.

A very warm welcome to you, Mr. Cocker from the South Pacific Tourism Organisation (SPTO) and by way of introduction, if I could ask my Members to raise their right hands when I mention their names.

(Introduction of Committee Members by Mr. Chairman)

With those words of introduction, Mr. Cocker, a brief introduction from your good selves and the floor is yours, Sir. Thank you.

MR. C. COCKER.- Thank you, Mr. Chairman and also good morning to the Honourable Members of the Parliamentary Select Committee. My name is Chris Cocker and I hail from the Kingdom of Tonga. I have been the CEO for the SPTO since 2016 till today.

The SPTO is the South Pacific Tourism Organisation. It is an inter-governmental organisation of the Ministries of tourism in the Pacific. We have 21 members and 20 of them are our Pacific Island Countries. China is also a member of the SPTO.

We have been established since 1983 in Fiji and we have been here since then. Our focus is in developing and marketing sustainable tourism in the region. Thank you.

MR. CHAIRMAN.- Thank you, Mr. Cocker. You may continue with your submission with regards to the Agreement Establishing the Pacific Islands Forum. Thank you.

MR. C. COCKER.- Thank you very much. As you probably know, the SPTO is just one of the smaller agencies that is a part of the Council of Regional Organisations of the Pacific (CROP) in

which the Pacific Islands Forum is the Chair of the agencies in this case.

In terms of the ratification of the 2005 Agreement by Fiji, we see it as great opportunity to further promote cooperation and strengthen international relations with other Pacific Island Countries which are members of the Forum, particularly during these challenging times for regionalism as you

probably are aware. I think in terms of ratification, it represents a significant milestone for the rest of the Pacific Islands and proves that Fiji is taking the lead as one of the founding members of PIFS in terms of showing a duty of care for regionalism and making sure that regional organisations based in Fiji thrive.

I think it also would be a final act required to bring into force the 2005 Agreement which will definitely support the Forum and the incoming Secretary-General in moving forward in this case. The incorporation of the 2005 Agreement into the statute laws of Fiji is important in the event, disputes arising over the Diplomatic Privileges and Immunities Act of Fiji which some of our CROP agencies benefit from. I think it will also ensure that Fiji continues to be the large beneficiary of regionalism in the Pacific, particularly in hosting majority of our regional organisations in the Pacific.

Just to give a good example, I mean, our budget is very minimal compared to the other CROP agencies but we have a total budget of \$1.5 million from membership contributions of our Governments and about \$1.2 billion of that remains here in Fiji in terms particularly paying for the support staff who are mainly from Fiji and also expenses that are related to the operational cost.

I think in five years, I would like to say that Fiji's ratification would signal to all our other Pacific Island Countries and CROP Agencies that Fiji is committed to accept the membership of Pacific Island Forums (PIFS) and all duties and obligations that flow from it. It is also an important lead into Fiji hosting the PIFS Forum Leaders this year.

Overall, from SPTO's perspective, we strongly recommend that Fiji ratify the agreement on behalf of the SPTO. Thank you for the opportunity.

MR. CHAIRMAN.- Thank you, Mr. Cocker. Honourable Members do you have any questions for Mr. Cocker?

If I may open up, Mr. Cocker, you mentioned your budgetary allocation of \$1.5 million. I did not quite get the contribution. What is that contribution of \$1.5 million, is that across your members?

MR. C. COCKER.- Mr. Chairman, you are certainly right. That is the payment of membership contribution from all our 21 countries. That is the total.

MR. CHAIRMAN.- Honourable Tikoduadua, do you have a question?

HON. LT. COL. P. TIKODUADUA.- No, Mr. Chairman, I do not.

MR. CHAIRMAN.- Honourable Adi Litia, do you have a question for Mr. Cocker?

HON. ADI L. QIONIBARAVI.- Yes, I would like to raise a question, but I am not certain whether this question should be asked. I will make a comment anyway.

Thank you, Mr. Cocker, for your brief submission this morning. You have highlighted today the importance and the purpose of the Forum in strengthening regional cooperation and integration. In terms of the Organisation that you have, SPTO, that has been in Fiji since 1983. How does the intention of the Micronesian Countries to leave the Pacific Islands Forum affect the objective of the SPTO in terms of regional cooperation for tourism purposes?

SC Foreign Affairs Committee Meeting with USP Officials, Honourable Member. Through you, Mr. Chairman, may I respond to the question; it does not affect SPTO. We are a regional organisation

established outside of the Pacific Islands Forum Secretariat. The members of the SPTO are the national tourism offices, in this case, the respective Ministries of Tourism.

The only effect it will have is that, if there is a joint activity that we do with PIFS, but with regards to tourism, as you are probably aware, tourism is not the major priority of our Leaders, it is the NCDs and also climate change, at the moment. So the amount of activities we do in collaboration with PIFS, the current one that we do is with the Small Island States which is probably where the Micronesian member countries, but I think in terms of your question, it does not affect us in this case.

HON. ADI L. QIONIBARAVI.- Thank you, Mr. Cocker, and Mr.

Chairman. MR. CHAIRMAN.- Honourable Members, any further question for Mr. Cocker?

Since there are no further questions, Mr. Cocker, I take this opportunity, once again, on behalf of the Committee and the Secretariat team, to thank you for your brief comments and the time you have taken to join us in the teleconference this morning. If you have any departing comments, the floor is yours, Sir.

MR. C. COCKER.- Thank you very much for the opportunity, Honourable Members.
Greetings from SPTO and thank you Fiji for hosting us here.

MR. CHAIRMAN.- You have a
blessed day. The Committee adjourned
at 11.07 am.