



STANDING COMMITTEE ON FOREIGN AFFAIRS AND DEFENCE

Review Report on the 2005 Agreement Establishing the Pacific Islands Forum



PARLIAMENT OF THE REPUBLIC OF FIJI
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Chairperson's Foreword

I am pleased to present the Review Report on the 2005 Agreement Establishing the Pacific Islands Forum.

The Forum was established pursuant to the Agreement Establishing the Pacific Islands Forum Secretariat (2000). The purpose of the Forum is to strengthen regional cooperation and integration, including 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.

Historically, the South Pacific Commission, dominated by the colonial masters was the forum to discuss matters for small pacific island states however, by 1965 at the Lae, PNG meeting, the leaders had become impatient with the paternalistic dominance by the colonial Commissioners at the annual conferences. The Pacific leaders, led by Ratu Sir Kamisese Mara and Sir Michael Somare walked out of the meeting precipitating a rethinking by the colonial powers. This gave birth to the South Pacific Bureau of Economic Community in 1971.

In 1991, another change occurred when the South Pacific Bureau of Economic Community was renamed the South Pacific Forum and for the first time, it enjoyed immunities and privileges under a Fiji ministerial order in 1993.

In October 2000, the Forum met for the first time under its new name, "Pacific Islands Forum" in line with its decision at Palau in 1999. Leaders also agreed to adopt the new 2000 Agreement Establishing the Pacific Islands Forum Secretariat which was signed at Tarawa at the 31st Pacific Islands Forum.

Subsequently, in 2005, a Working Group of Members 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 in April 2004. The text of the new agreement was 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.

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. To facilitate regional cooperation and integration, the Leaders 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.

Although Fiji is currently in compliance of the articles under the 2005 Agreement, it has not formally ratified the Agreement.

By ratifying the Agreement, Fiji will signal to other PIF member countries that it has committed itself to accepting membership of the PIF and all the duties and obligations that flow from it.

Secondly, Fiji would be demonstrating its strong commitment to the PIF by making the 2005 PIF Agreement part of the statutory laws of Fiji. Without ratification by Parliament, this regional agreement is not legally binding on Fiji notwithstanding Fiji's signature of it.

Thirdly, 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.

Through ratification of the Agreement, Fiji will perform its leadership role by extending its duty of care to the member countries of PIFS in strengthening Regionalism and moving forward towards consensus and peace building in the Pacific Way. This is aligning to the National Development Plan (NDP), Agenda on Good Governance and the Accountability of Parliament aligned to SDG 16: Peace, Justice and Strong Institutions.

The Committee recommends that Fiji ratifies the 2005 Agreement Establishing the Pacific Islands Forum.

I take this opportunity to thank members of my Committee and the Secretariat for compiling this bipartisan report and also wish to thank Hon. Anare Jale for his contribution during his tenure as a Committee member.

On behalf of the Standing Committee on Foreign Affairs and Defence, I submit this report to the Parliament.



Hon. Alexander O'Connor
Chairperson

Acronyms

CROP	Council of Regional Organisations of the Pacific
FFA	Forum Fisheries Agency
MOFA	Ministry of Foreign Affairs
MS Teams	Microsoft Office 365 Teams Application
NDP	National Development Plan
OSG	Office of the Solicitor-General
PACER	Pacific Agreement on Closer Economic Relations
PIDF	Pacific Islands Development Forum
PIFS	Pacific Islands Forum Secretariat
SDGs	Sustainable Development Goals
SPC	The Pacific Community
SPTO	South Pacific Tourism Organisation
SO	Standing Orders
UC	University of Canterbury, Christchurch, New Zealand
UOF	University of Fiji
USP	University of the South Pacific

Recommendation

The Committee recommends that Parliament ratify the 2005 Agreement Establishing the Pacific Islands Forum.

Introduction

Background and Terms of Reference

The Committee had its first virtual online meeting on Monday 15th February 2021 and reviewed the 2005 Agreement Establishing the Pacific Islands Forum.

From the 22nd February to 01st March 2021, stakeholders made virtual online submissions on the MS Office Teams in Suva.

The Report is divided into three parts:

Part One - focuses on the Committee recommendations

Part Two - covers the Findings of the report to Parliament

Part Three -covers the Conclusion

Committee Remit and Composition

Pursuant to Standing Orders 109(2) (e) that the Standing Committee on Foreign Affairs and Defence is mandated to look into matters related to Fiji's relations with other countries, development aid, foreign direct investment, oversight of the military and relations with multi-lateral organisation.

The members of the Standing Committee on Foreign Affairs and Defence are as follows:

1. Hon. Alexander O'Connor – Chairperson
2. Hon. Dr. Salik Govind– Deputy Chairperson
3. Hon. Selai Adimaitoga – Member
4. Hon. Pio Tikoduadua – Member
5. Hon. Anare Jale (Member until 22.02.21)
6. Hon. Adi Litia Qionibaravi– (Member from 22.02.21)

Procedure and Program

The Standing Committee on Foreign Affairs and Defence commenced its deliberation on the 15th February to 16th March 2021 in the Parliament using the online MS Office Teams, also received written and oral submissions from stakeholders with the following attendees:

1. Office of the Solicitor-General (OSG)
2. Ministry of Foreign Affairs (MOFA)
3. Pacific Islands Forum Secretariat (PIFS)
4. Mr. Jioji Kotobalavu, University of Fiji
5. Professor Steven Ratuva, University of Canterbury (UC), Christchurch, New Zealand
6. University of the South Pacific (USP)
7. South Pacific Tourism Organisation (SPTO)
8. Pacific Islands Development Forum (PIDF)

Committee Deliberation and Analysis

Committee Findings

Highlights of Submissions by Submitters

- 1.1.1. Fiji is the only country that has yet to ratify the 2005 Agreement and since Fiji will be hosting and chairing the PIF Leaders Summit in 2021, it would be timely for Fiji to ratify the Agreement.
- 1.1.2. By ratifying the Agreement, Fiji will signal to other PIF member countries that it has committed itself to accepting membership of the PIF and all the duties and obligations that flow from it.
- 1.1.3. Fiji would be demonstrating its strong commitment to the PIF by making the 2005 PIF Agreement part of the statutory laws of Fiji. Without ratification by Parliament, this regional agreement is not legally binding on Fiji notwithstanding Fiji's signature of it.
- 1.1.4. 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.
- 1.1.5. By ratifying, Fiji would strengthen its leadership role and avoid fragmentation of other Pacific Island Forum which look up to Fiji for guidance on issues of regional interest.
- 1.1.6. Fiji should assert itself as the custodian of its regional and international organisations and move the process of consolidation forward.
- 1.1.7. Fiji has a duty of care for smaller island states and not just its national interest.
- 1.1.8. Fiji is well positioned to use the Pacific Way as a means of engagement within the region. Fiji should have the political will and moral responsibility to do it because the Pacific Islands look up to Fiji as the centre of the Pacific.
- 1.1.9. Fiji has been very much a part of the PIF from the very beginning, even while the country was suspended post-2009. With its more recent leadership role internationally, through acquiring prominence in Climate Change and Oceans crisis facing the planet, these assets continue to enhance the profile of our region in world forums. Fiji is friend to all and enemy to none.

- 1.1.10. 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.¹
- 1.1.11. 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 the in-coming Chair of the PIF in this post Covid-19 era, Fiji has to continue to protect the Pacific and take on the reins of Pacific regionalism and save the vulnerable populations.²
- 1.1.12. Significant changes in the 2005 Agreement include the establishment of the Pacific Islands Forum as an international organization 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".
- 1.1.13. 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.
- 1.1.14. 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.
- 1.1.15. 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.³

Challenges

- 1.1.1. The dynamics of geopolitics of super powers within the Pacific itself.⁴
- 1.1.2. Perceived imbalance of benefits to other small island states.
- 1.1.3. Intra-regional conflict – Vanuatu, Bougainville, Solomon Islands, Fiji and Tonga.
- 1.1.4. The divergent national interest over regional unity on issues such as Climate Change, Ocean Pollutions, West Papua, PACER-Plus, appointments via Gentlemen's Agreement (recent issue).

¹ Mr. Winston Thompson Submission dated 01 March 2021 from pointers 1.1.4 – 1.1.5

² The University of the South Pacific Submission dated 02 March 2021 – 1.1.6

³ South Pacific Tourism Organisation Submission dated 01 March 2021 from pointers 3.1.6 to 3.2.0

⁴ Submission by Professor Steven Ratuva dated 23 February - Challenges

Oral and Written Evidence Received

The Committee received oral and written submissions from stakeholders and the public as listed in *Appendix A*.

Sustainable Development Goals (SDG) and Gender Analysis

The achievements of the Sustainable Development Goals (SDGs) and meeting long-term-national development objectives require engaged and committed parliaments in order to enable governments to act, while holding them accountable to their commitments.

Building political willingness and maintaining SDG momentum in Fiji cannot be realised without active participation, leadership and support of the nation's law makers who, in addition to serving as the legitimate representative of the people and their interests, can translate the SDGs into enforceable national laws that respond to Fiji's specific development priorities, monitor their implementation and ensure Government and Parliament is accountable to the people for national progress on the SDGs and National Development Plan (NDP).

The inclusion of gender-based analysis when scrutinizing and reviewing legislation should be a central part of the work of Parliament covered under Standing Orders 110 (2). Currently strong women leaders at the Regional leadership helm is exemplified in the tenure of the outgoing Secretary General of the Pacific Islands Forum Secretariat (PIFS) Dame Meg Taylor. In the PIFS Leaders Meeting, only New Zealand Prime Minister Jacinda Ardern is the lone female PM amongst the male dominated Forum Leaders.

Through ratification of the Agreement Fiji will perform its leadership role by extending its duty of care to the member countries of PIFS in strengthening Regionalism and moving forward towards consensus and peace building in the Pacific Way aligning to NDP Agenda on Good Governance and the Accountability of Parliament aligned to SDG 16: Peace, Justice and Strong Institutions.

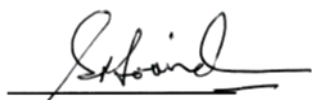
Conclusion

The Standing Committee on Foreign Affairs and Defence has fulfilled its mandate approved by Parliament which is to review the 2005 Agreement Establishing the Pacific Islands Forum.

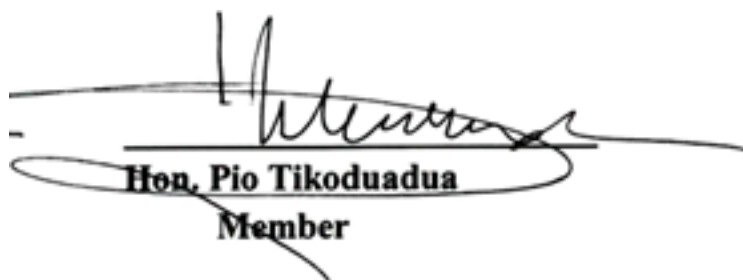
Members' Signature



Hon. Alexander O'Connor
Chairperson



Hon. Dr. Salik Govind
Deputy Chairperson



Hon. Pio Tikoduadua
Member



Hon. Selai Adimaitoga
Member



Hon Adi Litia Qionibaravi
Member

Appendices

All other written and transcribed evidences gathered during the public submissions and public consultations will be made accessible on the Parliament website on:

<http://www.parliament.gov.fj/committees/standing-committee-on-foreign-affairs-and-defence/>

No	Date	Agency/Organisation	Written Evidence	Oral Evidence (Online MS Teams submission)
1.	22.02.21	Office of the Solicitor-General	✓	✓
2.		Ministry of Foreign Affairs	✓	✓
3.		Pacific Islands Forum Secretariat (PIFS)	✓	✓
4.		Mr. Jioji Kotobalavu	✓	✓
5.	23.02.21	Professor Steven Ratuva, Director McMillian Brown Centre for Pacific Studies, University of Canterbury	✓	✓
6.		The University of the South Pacific	✓	✓
7.	01.03.21	South Pacific Tourism Organization	✓	✓
8.	08.03.21	The Pacific Islands Development Forum (PIDF)	✓	