



Pacific
Community
Communauté
du Pacifique

THE PACIFIC COMMUNITY GOVERNANCE COMPENDIUM

Second edition



Prepared by the Pacific Community

June 2019



SPC
Corporate

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Noumea, New Caledonia, 2019

CONTENTS

PREFACE.....	iii
I. THE PACIFIC COMMUNITY GOVERNANCE ARRANGEMENT.....	1
A. Introduction.....	1
B. Governance.....	1
Annex 1 Criteria and procedure for appointment of the Director-General of the Pacific Community.....	6
Annex 2 Performance assessment of the Director-General.....	11
Annex 3 Rules of procedure of the Conference of the Pacific Community.....	15
Annex 4 Rules of procedure of the Committee of Representatives of Governments and Administrations.....	18
Annex 5 Members of the Pacific Community.....	21
Annex 6 Standards of conduct for the Director-General.....	22
II. OTHER AGREED GOVERNANCE POLICIES.....	23
Policy on membership and observer status of the Pacific Community	23
Policy on assessed contributions and host country grants	30
III. TERMS OF REFERENCE FOR OTHER SUBSIDIARY OR AUXILIARY BODIES.....	31
Terms of reference for the CRGA Subcommittee on Strategic Plan Implementation	31
Terms of reference for the Pacific Board for Educational Quality	34
Audit and Risk Committee Charter	37
Internal Audit Charter	41
IV. THE AGREEMENT ESTABLISHING THE SOUTH PACIFIC COMMISSION [PACIFIC COMMUNITY], CANBERRA, 6 FEBRUARY 1947, AS AMENDED ('THE CANBERRA AGREEMENT').....	45
V. AGREEMENTS AND CONFERENCE RESOLUTIONS AMENDING THE CANBERRA AGREEMENT.....	57
Agreement extending the territorial scope of the South Pacific Commission, Noumea, 7 November 1951	57
Agreement relating to the Frequency of Sessions of the South Pacific Commission, Canberra, 5 April 1954	58
Agreement amending the Agreement Establishing the South Pacific Commission of 6 February 1947, London, 6 October 1964	59
Agreement Amending the Agreement Establishing the South Pacific Commission of 6 February 1947, adopted by the Eighteenth South Pacific Conference held at Noumea from 7–12 October 1978	62
Decision, adopted by the Thirty-seventh Pacific Conference, to change the name of the South Pacific Commission to 'the Pacific Community' and Resolution, adopted by the Eighth Conference of the Pacific Community, confirming the change of the South Pacific Commission's name to 'the Pacific Community'	63
Resolution extending the territorial scope of the Pacific Community to include Timor-Leste, adopted by the Eighth Conference of the Pacific Community held at Suva from 18–19 November 2013	64

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PREFACE

The Pacific Community (SPC) is the principal scientific and technical organisation of the Pacific region established in 1947 with the signing of the *Agreement Establishing the South Pacific Commission* (Canberra Agreement) by the governments of Australia, France, the Netherlands, New Zealand, the United Kingdom and the United States of America. More than 70 years later, SPC has 26 Member States and Territories, including 22 Pacific Island Countries and Territories, and four of the original founding members.

This second edition of The Pacific Community Governance Compendium brings together the legal and administrative framework for SPC's governance, and provides important recent updates to the Audit and Risk Charter and the Internal Audit Charter.

Part I contains the Pacific Community Governance Arrangement (Arrangement), as approved by SPC's governing body at the Tenth Conference of the Pacific Community.

Part II includes other relevant governance policies agreed by SPC's governing bodies. These include a policy on membership and observer status, and a policy on the handling of members' arrears.

Part III contains the terms of reference for the subcommittees of CRGA.

Part IV is an annotated consolidation of the current legal text of the Canberra Agreement, as amended.

Part V draws together all agreements, decisions and Conference resolutions that have amended the legal text of the Canberra Agreement.

Good governance is a critical aspect of sustainable development. I am proud as Director-General to have worked on strengthening SPC's internal governance and it is my pleasure to present this comprehensive document, which will serve as a vital reference for members, the Secretariat and our stakeholders.



Colin Tukuitonga
Director-General

GOVERNANCE ARRANGEMENT

The Pacific Community Governance Arrangement draws together the generally accepted rules and administrative operating procedures of the Pacific Community Conference and the Committee of Representatives of Governments and Administrations (CRGA). The Arrangement also sets out the recruitment criteria, performance assessment and expected standards of conduct of the Director-General. It replaces all previously agreed governance arrangements, including the *Tahiti Nui Declaration*. It is not a legally binding international instrument and does not replace the Canberra Agreement (Part IV).

THE PACIFIC COMMUNITY GOVERNANCE ARRANGEMENT

*Adopted by the Tenth Conference of the Pacific Community
Noumea, New Caledonia, 27 July 2017*

A. Introduction

1. *The Pacific Community Governance Arrangement* describes the Pacific Community (SPC) and its major governance bodies and mechanisms*. This Arrangement may be revised to incorporate relevant decisions of the Conference of the Pacific Community, in accordance with the rules and procedures set out in the Rules of Procedure for the Conference of the Pacific Community.
2. *The Pacific Community Governance Arrangement* is not a legal document. It does not replace, modify or amend any of the provisions of the *Agreement Establishing the South Pacific Commission 1947* (Canberra Agreement) or the subsequent amendments thereof. The *Pacific Community Governance Arrangement* sets out the administrative practice that members of the Pacific Community have determined to implement as regards governance of the organisation. The Pacific Community Governance Arrangement supersedes all prior policies and resolutions on SPC's governance arrangements until such time as the Canberra Agreement is modified to integrate such practices into the international treaty that established SPC.

B. Governance

3. SPC's mandate and role are set out at Article IV of the Canberra Agreement, as amended. This mandate and the organisation's strategic direction are further detailed by means of a multi-year strategic plan adopted by the organisation's governing body, together with relevant decisions of the Conference of the Pacific Community.
4. SPC's headquarters is located in Noumea, New Caledonia.¹
5. SPC may have decentralised offices in other member countries and territories.**²
6. SPC, its governing body and any subsidiary or auxiliary bodies are served by the Pacific Community's Secretariat (the Secretariat), as provided by Article XIII of the Canberra Agreement, as amended.

* These are primarily drawn from the Agreement Establishing the South Pacific Commission (1947) and subsequent amendments, together with decisions of the Conference of the Pacific Community.

** Currently, SPC has regional offices in Fiji and the Federated States of Micronesia, and a presence in Melanesia through a country office in the Solomon Islands and a senior officer of the Secretariat based in Vanuatu.

1 SPC and the French government signed a headquarters agreement on 10 January 2003.

2 See Article XVI, § 58, Canberra Agreement

The Conference of the Pacific Community

7. The Conference is SPC's governing body. It meets every two years at the ministerial level. Meetings of the Conference generally are held at SPC's headquarters. Other members can, however, offer to host the Conference. In this case, the obligations of the host country are to be determined by the Secretariat and the host country.
8. The Conference is charged with establishing the high-level, strategic orientations of the organisation, either on its own behalf or in response to recommendations for change submitted by the Secretariat through the Committee of Representatives of Governments and Administrations (CRGA).
9. The Conference appoints the Director-General and decides on renewal of his/her contract based on an evaluation of the Director-General's performance carried out by CRGA.³ The criteria and procedure for the appointment of the Director-General are adopted by the Conference and are included in Annex 1 to this Arrangement.
10. The Conference decides on applications for membership and observer status of the organisation in accordance with the *Policy on Membership and Observer Status of the Pacific Community*, adopted at the Ninth Conference of the Pacific Community.⁴
11. The Conference adopts and modifies its Rules of Procedure. These Rules of Procedure, including appointment of the Chairperson and Vice-Chairperson, are set out in Annex 3 to this Arrangement.
12. The official languages of the Conference, its subsidiary and auxiliary bodies are English and French.

The Committee of Representatives of Governments and Administrations

13. The Committee of Representatives of Governments and Administrations (CRGA) is a subsidiary body of the Conference. CRGA meets annually at senior officials' level.
14. In years that the Conference does not meet, Conference has delegated powers to CRGA⁵ to decide on all matters that would normally be examined by the Conference, except appointment and renewal of the Director-General.
15. In the years that the Conference is held, CRGA meets immediately prior to the Conference at the same venue. CRGA makes decisions on its own agenda. It only refers decisions or makes recommendations to Conference on matters which fall within the scope of the Conference's high-level, strategic mandate.
16. CRGA's primary roles include, but are not limited to, monitoring implementation of the Pacific Community Strategic Plan, adopting the organisation's budget and providing governance oversight and guidance to the Secretariat.
17. When considering SPC's budget, CRGA is guided by the organisation's priorities and overall strategy as expressed in the Pacific Community Strategic Plan and decisions of the Conference, together with the needs expressed by members and the Secretariat. Due consideration is also to be given to the outcomes of regional heads of sectors/ministerial meetings and decisions by other governing bodies of the Council of Regional Organisations in the Pacific (CROP), particularly those made by Pacific Leaders, that may impact on the work and resources of SPC.
18. CRGA considers the annual accounts and audit reports and adopts administrative Regulations for the Secretariat. CRGA delegates administrative policy adoption and implementation to the Director-General. Significant changes to the terms and conditions of Secretariat staff are referred to CRGA for approval.

³ See Article XIV, Canberra Agreement.

⁴ See Policy on membership and observer status, Part II.

⁵ See Rules of Procedure of the Committee of Representatives of Governments and Administrations, Annex 4.

19. As provided for in Annexes 1 and 2 to this Arrangement, CRGA assists Conference in the appointment process of the Director-General and conducts the performance evaluation of the Director-General. The procedure and criteria for (a) the appointment and (b) the performance evaluation of the Director-General are adopted, respectively, by the Conference [for (a)] and by CRGA [for (b)], and are included for reference in Annexes 1 and 2 to this Arrangement.
20. CRGA adopts its Rules of Procedure. These Rules of Procedure, including appointment of the chairperson and vice-chairperson, are set out in Annex 4 to this Arrangement.

The Director-General

21. The Director-General is the chief executive officer of SPC. The Director-General has full responsibility and authority to lead and manage the Secretariat and to represent, promote and defend the interests of SPC within the guidelines and regulations established by Conference and CRGA. The Director-General develops the vision, sets the goals, makes proposals to CRGA and the Conference on the range of services SPC may provide to its members, and makes decisions relating to the delivery of such services. The Director-General is fully accountable to CRGA and the Conference for any failure to meet the organisation's objectives or violation of the organisation's regulations and standards of conduct.
22. The Director-General has the authority to appoint Deputy Directors-General through an open and transparent selection process. Their performance is appraised annually by the Director-General.
23. The Director-General can delegate powers and responsibilities to the Deputy Directors-General and other selected Secretariat staff in order to ensure the effective and efficient operation of the Secretariat and implementation of the organisation's activities. Such delegations are included in an Instrument of Delegations compiled by the Secretariat.
24. The Director-General may modify the structure of the Secretariat from time to time to maintain organisational efficiency. Approval of the Conference is required for major change involving considerations of strategic direction and/or significant, unbudgeted cost increases. In years when the Conference does not meet, such approval is obtained from CRGA.
25. The Director-General informs members of the state of SPC's administration and work programmes, together with any other significant matters, through an annual report tabled at CRGA. The results of SPC's work programmes are communicated to members by means of an annual Pacific Community Results Report.

Membership and observer status

26. Rules and procedures relating to accession to the Canberra Agreement, membership and observer status with the Pacific Community are dealt with by Article XXI § 66–67 of the Canberra Agreement, as amended, and in the *SPC Policy on Membership and Observer Status* adopted by the Ninth Conference of the Pacific Community in 2015, which superseded all prior Pacific Community policies and resolutions on membership and observers.⁶
27. The list of members of the Pacific Community is included for reference in Annex 5 to this Arrangement and may be updated by the Secretariat as required.

Regulations, rules and policies

28. Regulations are adopted by the Conference or, in years when Conference does not meet, by CRGA. They outline the basic conditions of service and the rights, duties and obligations of the staff members of the Secretariat (Staff Regulations) and the basic financial policies of the organisation (Financial Regulations).

⁶ See Policy on membership and observer status, II.

29. The Director-General has the responsibility for drawing up and implementing detailed Rules and Policies within the framework provided by the Regulations. The Director-General has the power to modify such rules and policies as required from time to time in response to changes in the context in which the Secretariat operates.

Human resources

30. SPC is an equal opportunity employer. Staff appointments are based on merit, without restriction as to nationality. Due attention is given to gender equity and the maintenance of strong representation from Pacific Island professionals. Preference is given to Pacific Island applicants, given equal merit, qualifications and experience. All staff are employed on fixed-term contracts. The duration of such contracts and the conditions under which they may be renewed, together with the salary levels and allowances of SPC staff, are fixed in the Secretariat's *Staff Regulations and Policies*.
31. The Secretariat participates, alongside other agencies, in work to coordinate and, where possible, harmonise approaches to remuneration levels between agencies. The Secretariat makes recommendations, as necessary, on the appropriate staff remuneration structure for adoption by CRGA or the Conference, taking into account the specific needs, size, recruitment pool and strategic positioning of SPC. Such recommendations may take into account, where appropriate, work on a coordinated approach to remuneration levels between organisations participating in CROP.

Finances

32. SPC's budget is derived from:
- (a) assessed annual membership contributions and other sources, such as bank interest, project management fees and miscellaneous income; and
 - (b) programme and project funding received from some members, donors and development partners.
33. Project management fees are applied to programme and project funds at a rate of 15 per cent of the total programme/project budget. Where a development partner refuses the application of a 15 per cent project management fee, the Secretariat makes every effort to ensure direct costs and indirect costs are taken into account in the project budget beyond the level of the management fee accepted by that development partner.
34. Funding received under 32(a) is considered recurrent income, over which the Director-General has discretion as regards allocation to the activities of the Secretariat.
35. Funding received under 32(b) is usually time-bound and not systematically recurrent. Such funding is generally targeted at specific projects or activities, or, in the case of programme funds, to more flexible support for implementing the approved business plans of the Secretariat's technical programmes and divisions.
36. Increases to members' assessed contributions are possible, but require the Secretariat to submit a business case for any such increase for consideration and adoption by CRGA and the Conference.
37. The formula for calculation of assessed contributions is reviewed by the Secretariat as the need arises.
38. The Director-General revises the budget during the course of the year in line with the financial regulations. Any such revision aims to achieve a balanced budget or a surplus.

Relationship with members

Privileges and immunities

39. Pacific Community members, including the host governments of SPC offices, have the responsibility of undertaking to secure such legislative and administrative provision as may be required to ensure that SPC, and Secretariat officers and staff, are granted privileges and immunities in line with the international conventions that apply to organisations of a similar nature throughout the world. Following the example of the *Headquarters Agreement between the Government of the French Republic and the Pacific Community* (2003), members should consider developing and concluding formal host country or privileges and immunities agreements between SPC and member countries to ensure consistent and stable operating conditions for the organisation, its Secretariat and staff.

Formal communication

40. The Secretariat's formal communication with members is through the SPC focal points, usually located within foreign ministries, although in some countries and territories the focal point is within the Prime Minister's Office, the Ministry of Planning, or within an alternative administrative structure.

Relationships with other organisations and partners

41. It is incumbent on the Secretariat and its staff to cooperate fully and to the limit of their capacity with all regional and international development agencies operating in the Pacific.
42. While the Secretariat's primary partners and first points of contact are SPC's members, there are many stakeholders working in the region that SPC collaborates and cooperates with. These agencies can be classified into three main groups, as follows:
 - (a) The family of Pacific regional organisations, including CROP agencies. The Secretariat pays particular attention to coordination, collaboration, cooperation and, where relevant and practical, harmonisation with these agencies to increase efficiency and avoid duplication in delivering services to members and the region, taking into account each organisation's mandate and skills.
 - (b) Aid donors and development partners operating in the Pacific. These include countries, international multilateral agencies, such as the United Nations family of organisations, together with the European Union and international financial institutions.
 - (c) The private sector, and non-governmental organisations, including faith-based organisations, welfare and volunteer agencies.
43. The Director-General signs memoranda of understanding or such other cooperation agreements and administrative arrangements with other organisations and partners, as may be necessary, to increase outreach, cooperation and collaboration for the benefit of members and to minimise duplication of efforts and resources.
44. The conditions under which organisations and partners may be admitted as Permanent Observers to the Pacific Community are set out in the *SPC Policy on Membership and Observer Status* adopted by the Ninth Conference of the Pacific Community in 2015, which superseded all prior Pacific Community policies and resolutions on membership and observers.

Annex 1

Criteria and procedure for appointment of the Director-General of the Pacific Community

Appointing authority

1. The Conference of the Pacific Community, SPC's governing body, is the sole appointing authority for the position of Director-General.
2. The Conference is assisted in this role by CRGA as per the procedures set out in this document.

Appointment criteria

3. The Conference appoints the Director-General guided by the following selection criteria:
 - a. Understands technical and regional issues;
 - b. Is sensitive to the needs of the organisation and the region;
 - c. Has technical experience in areas relating to the purpose of the organisation;
 - d. Understands the geopolitical aspects of the region;
 - e. Is a good manager of research, technical and administrative staff;
 - f. Has leadership qualities;
 - g. Is a good communicator both within and outside the organisation;
 - h. Is able to work well with donors;
 - i. Is able to formulate a vision for the organisation;
 - j. Is conversant with the changes occurring in the region that impact on the nature and role of SPC and the services it delivers to members;
 - k. Is conversant with the new architecture for regional institutions and able to lead SPC while also consolidating its expanded role, purpose and modality of service delivery to members;
 - l. Is of good character, standing and integrity, and able to command the respect of members and partners;
 - m. Is able to demonstrate dedicated effort and commitment to the development of Pacific Island countries and territories;
 - n. Is conversant with the principles of organisational change, organisational restructuring and change management; and
 - o. A practical knowledge of SPC's two working languages (English and French) is an advantage and should be taken into consideration.

Appointment procedure

Advertisement and applications

4. The position is widely advertised on recruitment websites and in print and online media, including selected national newspapers in some SPC member countries and territories and regional and international newspapers/journals, to attract a broad range of candidates. A recruitment announcement is disseminated electronically and also faxed to SPC contact points in member countries and territories to encourage applications from the region.

5. All applications are submitted to SPC for registration by the secretariat. Applications from candidates from SPC members are forwarded to the respective home governments for screening advice based on the approved selection criteria.
6. Applicants are required to submit an application online to SPC, addressing the selection criteria and specific responsibilities listed above, and importantly, describing their vision for the Pacific Community. Candidates who are unable to apply online can submit a soft or hard copy application addressing the selection criteria. A detailed curriculum vitae should be provided.
7. The names of three references who can address the applicant's capacity relative to the selection criteria and responsibilities should be provided. Referees' reports, both verbal and written, are required by the Selection Advisory Committee (SAC) if the candidate is shortlisted.
8. Testimonials may be provided with the application, but are not necessary and are not to be considered a substitute for confidential referees' reports, which are sought by the Secretariat on behalf of the SAC.
9. Applicants do not need to have the endorsement of their government to apply. However, governments are to be given the opportunity to screen all applicants originating from their country or territory. There is no limit on the number of candidates from a particular country or territory.

Selection Advisory Committee

10. The SAC is appointed by CRGA to undertake initial screening and shortlisting of applicants.
11. To ensure equitable representation, the SAC is made up of a maximum of eight members – one representative each from the current, previous and incoming chairs of CRGA, and one representative from each of the following groups: donor member countries, Melanesia, Micronesia, Polynesia, and French-speaking members. If the representatives of the CRGA chair are also representing any of the other groups the final number of committee members may be less than eight.
12. The incumbent chair of CRGA at the time is to chair the SAC.
13. It has been decided that members of the SAC, with candidates from their own countries or territories, should make their views on the candidate known to the SAC, and should then withdraw from the consideration of that candidate during the committee's shortlisting process, rather than from the committee itself.
14. The use of video-conferencing and similar technologies enables meetings of the SAC to take place between SPC's Noumea headquarters and Suva Regional Office, making it possible for SAC members to be chosen from countries with representation in either Suva or Noumea or further afield, where facilities are available.
15. The SAC screens the applications received, determines a shortlist of candidates to be interviewed, conducts the interviews and presents its report to CRGA with a ranked list of up to five candidates considered to be appointable. CRGA considers the report and ranking of the candidates, and recommends one to Conference for its consideration.

Role of the Secretariat

16. The Secretariat, led by the incumbent Director-General, assists the SAC in its task on the understanding that the incumbent is not eligible for reappointment and is not an applicant for the position.
17. The support provided by the Secretariat includes receiving and acknowledging all applications; forwarding all applications received from citizens of SPC members to their respective countries; requesting screening advice against the selection criteria; forwarding the applications to each member of the selection committee for consideration for shortlisting; providing support

to the chair of the committee, as required, to coordinate the preparation of a shortlist for interview; seeking references for shortlisted candidates prior to the interviews; coordinating arrangements for a meeting of the committee to conduct the interviews; and assisting the chair in distributing the committee report to CRGA focal points prior to CRGA.

18. The Secretariat's Human Resources Department (SPC-HRD) is responsible for the recruitment procedure of the Pacific Community Director-General.
19. The incumbent Director-General sends all applications for the position to the SPC-HRD. The SPC-HRD then makes:
 - a. an initial assessment, documentation and production of a summary list of candidates with assessment scores against selection criteria; and
 - b. suggestions for an initial longlist comprising up to 10 candidates for consideration by SAC, and ends with the completion and signoff of the final selection report by SAC.
20. Specifically, the SPC-HRD assists the incumbent Director-General and SAC as follows:
 - a. screens all applicants against the key selection criteria;
 - b. recommends an initial longlist of up to 10 of the strongest candidates to be submitted to SAC together with the full candidate list for its consideration;
 - c. after receiving SAC's longlist, proceeds to conduct pre-selection telephone interviews with each longlisted candidate and prepares a report on each one for SAC, with a recommendation on which candidates should attend face-to-face interviews with SAC;
 - d. on being advised by SAC which candidates are to be interviewed, collects references for the candidates, administers psychometric/emotional intelligence tests and provides the results to SAC prior to the interviews;
 - e. participates in the interviews to support SAC; and
 - f. together with the incumbent Director-General, compiles a draft recruitment report for consideration by SAC and finalises the report following the committee's feedback.

Staff regulations

21. All appointments at SPC are governed by SPC's staff regulations, which state:

SPC is an equal opportunity employer. Staff appointments are based on merit, without restriction as to nationality. Due attention is given to gender equity and the maintenance of strong representation from Pacific Island professionals. Preference is given to Pacific Islanders, given equal merit, qualifications and experience.

Tenure

22. The Director-General normally holds office for a maximum of six years comprising three consecutive contracts of two years each, with contract renewal dependent on sound performance.
23. The Conference may decide not to renew a Director-General's contract if the annual evaluation yields evidence of unsatisfactory performance. The Conference may also decide to extend the Director-General's term of office beyond the normal six years in exceptional or extenuating circumstances, with an extension under this provision to be restricted to one further two-year term. The nature of the extenuating or exceptional circumstance should be quite apparent at the time such a decision is made by CRGA and Conference.

Recruitment timetable

24. The timetable for the process of selecting and appointing a Director-General commences with the setting up of the SAC at the CRGA meeting in the year preceding a Conference. The committee includes representatives from SPC member countries and territories as outlined above.
25. The position is advertised with a period of two months (e.g. October–November) allowed for applications.
26. After applications close at the end of the two-month period (e.g. end of November), the Secretariat sends the applications to the countries and territories from which candidates originate for screening.
27. By the end of approximately 30 days following the close of applications (e.g. December), observations received from member countries or territories on behalf of applicants are incorporated into the respective portfolios of the applicants before initial screening and shortlisting against key selection criteria.
28. Approximately 15–20 days following incorporation of observations (e.g. mid-January), the portfolios of all applicants – assessed against the key selection criteria – and a recommended longlist comprising up to 10 of the strongest applicants is sent to each SAC member for consideration.
29. At the end of this month (e.g. January), SAC advises the Director-General of its longlist for pre-selection interviews to be conducted by the SPC-HRD.
30. In the following month (e.g. February), the SPC-HRD conducts pre-selection interviews, compiles candidate reports for the Director-General and SAC, and recommends the final group of candidates for face-to-face interviews. SAC may ask to see a list of all applications received and add any further candidate(s) it wishes to interview. SAC confirms its list of candidates for face-to-face interviews and determines (e.g. August) dates for interviews. SPC-HRD conducts psychometric testing of shortlisted candidates and seeks references prior to face-to-face interviews.
31. In the following month (e.g. March), SAC meets to conduct face-to-face interviews of shortlisted candidates. The recruitment report is finalised and signed off by SAC.
32. No later than four months after the close of the application period (e.g. April), a CRGA paper and selection committee report is sent, in confidence, under the chairperson's signature to members' CRGA focal points for consideration ahead of the CRGA meeting. The report includes a list of up to five candidates that are considered appointable. In accordance with the principles underpinning the enhanced recruitment process approved by CRGA for the recruitment of executive positions at SPC, which require ranking appointable candidates, SAC ranks the appointable candidates for the position of Pacific Community Director-General and submit its recommendation for consideration by CRGA.
33. At its meeting prior to the Conference, CRGA considers the written report prepared by SAC, considers the SAC's ranking of appointable candidates, and recommends one candidate to the Conference for its consideration.
34. The Conference considers CRGA's recommendation and makes the final decision on the appointment of the Director-General. The decision-making process is to be in line with the Conference Rules of Procedure and, if no consensus can be reached, may therefore involve a vote.

Remuneration of the Director-General

35. SPC’s current salary scale has 18 salary bands and was approved by CRGA 40. The Director-General’s position was evaluated by Strategic Pay in 2015 as being at 1566 points, placing it objectively above the maximum limit of salary band 18, which has a range of points from 1302 to 1520.
36. In each of the 18 salary bands, individual staff salaries range from 80 to 120 per cent, categorised as follows:

Assessed performance	% range	Descriptor / comments
High performance zone	110–20%	Performance consistently outstanding
Adding value zone	102–10%	Performance consistently exceeds requirements
Competence zone	98–102%	Performance consistent with requirements
Developing zone	80–98%	Appropriate for new recruits

37. The salary equivalents for each of the four zones in the Pacific Community Director-General salary band are shown in the following table.

Salary equivalents for various percentage levels in the Pacific Community Director-General salary band

Assessed performance	Range	Corresponding salary in SDR (annual)**	Corresponding salary in EUR (annual)*
High performance zone 110–120% of band	This represents the maximum salary zone for the band 120%	185,697	245,907
Adding value zone 102–110% of band Performance consistently exceeds requirements	110%	170,607	225,924
Competence zone 98–102% of band	102% (100% = midpoint in band)	158,535 155,517	209,938 205,941
Developing zone 80–98% of band (appropriate for new recruits and CEO tracking to full competence)	98% 90% 80%	152,500 140,428 125,338	201,946 185,960 165,977

* SDR converted at the 2017 budget exchange rate: 1 SDR = 158 CFP, 1 EUR = 119.314 CFP (this rate will vary with monthly currency fluctuations)

** Total salary includes monthly base salary and the cost of living differential allowance

The level of salary that the Conference offers to the Director-General is to be in one of these four zones. New appointments would be expected to be made at between 80 and 98 per cent of the Pacific Community Director-General salary band, with further movements depending on the outcome of the annual performance assessment. It is the prerogative of Conference to determine the salary level it considers appropriate within the Pacific Community Director-General salary band.

Annex 2

Performance assessment of the Director-General

- A. *Procedure and criteria for the performance assessment of the Director-General*
1. The assessment of the performance of the Director-General is conducted annually by a CRGA Standing Committee comprising the current chair, previous chair and incoming chair, assisted by the Secretariat (Deputy Director-General Noumea and Director of Human Resources) and, if necessary, by an independent human resources expert.
 2. The role of the CRGA Standing Committee is to:
 - a. assess the Director-General's performance in accordance with the Secretariat's performance management system;
 - b. review his/her remuneration based on performance outcomes against the key result areas outlined in section B and summarised in paragraph 3 below;
 - c. determine performance standards for the following year; and
 - d. provide a report and make recommendations to CRGA.
 3. The principal focus for the performance assessment is on the Director-General's performance against his/her performance objectives as presented to and endorsed by the preceding year's CRGA. The performance objectives should be structured in accordance with the specific responsibilities for the position listed in Section B of this document. These responsibilities are grouped under eight broad key result areas that are closely linked to the selection criteria as follows:
 - a. Vision and leadership of SPC
 - b. Organisational policy and development
 - c. Work programme development and management
 - d. Financial security and organisational property
 - e. Appointment and management of staff
 - f. Governing body meetings and annual reports
 - g. National, regional and international relations
 - h. Commitment to the organisation and its role in serving members and contributing to regional development.
 4. In addition to the self-assessment and other relevant documentation from the Director-General, the Standing Committee may consult independently with members, development partners, members of the SPC management and staff representatives as part of their assessment process.
 5. The Director-General submits to the members of the Standing Committee no later than 30 March each year his/her self-assessment of performance against the performance objectives determined by the preceding year's CRGA, and any other information relevant to the assessment.
 6. The Standing Committee convenes following receipt of the self-assessment report, to conduct an interview with the Director-General prior to CRGA each year, either in person or by video conference or telephone.
 7. The Standing Committee may, if it wishes, conduct the interview at the margins of the CRGA meeting to defray costs. This also provides opportunities for the committee to consult with CRGA members and development partners attending CRGA as well as with members of SPC management and representatives of SPC staff (through the SPC Staff Representative Committees) during the early part of the CRGA meeting before compiling their report to be considered by CRGA, usually on the final day of the meeting.

8. The report by the Standing Committee is tabled and discussed by CRGA *in camera*. The report should provide an overall assessment of the Director-General's performance in accordance with the current organisational performance benchmarks (i.e. unacceptable, needs improvement, fully effective, exceeds, or outstanding).
9. Movements within the salary band are based on the performance rating received, and are unrelated to market movement increases, which result in movement in the overall job band.

B. Key responsibilities of the Director-General

10. The Director-General has full responsibility and authority to lead and manage SPC within the guidelines provided by the Canberra Agreement and the regulations determined by the Conference and CRGA. He/she develops the vision, sets the goals and objectives, makes decisions, and oversees the planning and delivery of SPC's services to members, including associated resources, policies, procedures and systems to enhance services and measure impacts. In fulfilling these responsibilities, the Director-General is fully accountable to CRGA and Conference for meeting the organisation's objectives.⁷
11. Specifically, the Director-General is responsible for:
 - a. Vision and leadership of SPC
 - i. Providing vision and leadership for the Secretariat of the Pacific Community in pursuing the goals and objectives set out in its corporate plan. In this context, SPC aims to contribute to the achievement of the following key development outcomes:
 - a. sustainable economic development,
 - b. sustainable human and social development, and
 - c. sustainable natural resources management and development.
 - ii. Leading the development and review of SPC's strategic plan, monitoring its implementation and impacts, and ensuring the key development outcomes are mainstreamed in other organisational documents including divisional and strategic plans and the joint country strategies.
 - b. Organisational policy and development
 - i. Maintaining a vibrant policy agenda for the Pacific Community, and recommending reviews and changes for consideration by the governing body to keep the organisation attuned to its working environment.
 - ii. Managing the development of the organisational structure to consolidate SPC's place and role in regional development. The Director-General may modify the structure of the organisation from time to time to maintain efficiency. However, the approval of CRGA and the Conference is required for any major structural change involving consideration of policy directions or cost increases.
 - iii. Overseeing SPC's efficient and cohesive operation as a decentralised organisation with offices located in different countries, and regularly appraising the effectiveness of the decentralisation policy.
 - iv. Setting annual objectives for both the SPC Executive and for the organisation as a whole, and being accountable for the results achieved.
 - v. Ensuring good communication is maintained, both within the organisation and with external constituencies.

⁷ See also *Standards of Conducts for the Director-General*, Annex 6.

- c. Work programme development and management
 - i. Ensuring the continued relevance and quality of SPC's work in addressing members' priorities.
 - ii. Ensuring all divisional and programme strategic plans address the key priorities of members.
 - iii. Ensuring continued improvement to country engagement to identify the key priorities that SPC should support, noting that country engagement and consultation provides the platform for delivery of SPC's technical services to individual members.
 - iv. Overseeing the implementation of SPC-wide systems for performance management and monitoring and evaluation to enable assessment of SPC's services in terms of results and outcomes at national level.
- d. Financial security and organisational property
 - i. Overseeing the organisation's financial security, including preparation and revision of the Secretariat's annual budgets, monitoring of expenditure and cash flow, and the annual audit of accounts.
 - ii. Supporting initiatives to increase the effectiveness and efficiency of expenditure, work programmes and administrative structures. This includes ensuring work programmes and budgets include performance measurements and align resources with expected results and accomplishments.
 - iii. Identifying and pursuing opportunities for new or additional funding to support interventions addressing new and emerging member priorities likely to benefit from regionally delivered services.
 - iv. Ensuring the protection, inventory control and safe custody of all Secretariat property and ensuring that such property receives proper care and maintenance.
- e. Appointment and management of staff
 - i. Appointing all SPC staff, based on approved selection processes, including the appointment of all members of the Executive.
 - ii. Maintaining staff quality by ensuring that objective, merit-based selection methods are followed, as set out in the Staff Regulations and Rules.
 - iii. Evaluating the performance of all members of the Executive using the organisational performance management system.
- f. Governing body meetings and annual reports
 - i. Overseeing the planning, organisation and servicing of meetings of the Secretariat's governing body, the Conference of the Pacific Community, and CRGA, including the timely preparation and circulation of papers and outcome documents.
 - ii. Ensuring timely preparation and distribution of an annual report to member governments and territories, covering the Secretariat's programme activities and financial operations.
- g. National, regional and international relations
 - i. Maintaining good relations with all member governments and administrations of SPC, and ensuring they are kept informed of developments within the Secretariat between governing body meetings.

- ii. Developing and maintaining cooperative working relationships with all Pacific regional organisations and taking advantage of the CROP (Council of Regional Organisations in the Pacific) mechanism to coordinate activities and avoid duplication of work programmes.
 - iii. Leading and developing good relationships with international organisations, development partners and funding organisations, including metropolitan members of the Pacific Community and other international organisations working in the region, and chairing annual planning meetings with the Secretariat's key donors.
 - iv. Establishing formal understandings or agreements with other regional and international organisations working in the same areas as SPC to identify opportunities for cooperation and minimise duplication.
- h. Commitment to the organisation and its role in serving members and contributing to regional development
- i. Enhancing the image of SPC and its members at the regional and international level, and exploring opportunities to further enhance this image, including through developing new partnerships and seeking new resources to address members' development priorities.
 - ii. Guiding SPC's engagement in the region's development agenda against the backdrop of a changing economic, social and political environment.
 - iii. Supporting initiatives to increase the synergies and measurable impacts achieved in addressing national priorities through regionally delivered services.

Annex 3

Rules of procedure of the Conference of the Pacific Community

Functions

1. The Conference functions are as follows:
 - a. to appoint/renew the Director-General;
 - b. to establish the high-level, strategic orientations of the organisation, including adopting the Pacific Community Strategic Plan;
 - c. to consider major national, regional or international policy issues in the areas of the Pacific Community (SPC) mandate; and
 - d. to adopt changes to the Financial and Staff Regulations proposed by the Secretariat and approved by the Committee of Representatives of Governments and Administrations (CRGA).

Meetings

2. The Conference meets every two years in June at ministerial level. Meetings of the Conference are held at SPC's headquarters. Other members may offer to host the Conference. In this case, the obligations of the host country are to be determined by the Secretariat and the host country. The Conference decides on the tentative dates and venue for its next meeting.

Official languages

3. The official languages of the meetings of the Conference are English and French.

Participation

4. The Conference consists of the following:
 - a. One Representative, Alternatives and Advisers from each member of the Pacific Community;
 - b. The Director-General, the Deputy Directors-General and other officers of the Secretariat.
 - c. One Representative, Alternatives and Advisers from the Permanent Observers to SPC.
5. The Organisation can fund the cost of subsistence and transport, between their country/territory and the place of the Conference meeting, of one Representative from each of the Pacific Island Governments and Administrations. This does not apply to the larger SPC donor membership, including Australia, France, New Zealand and the United States. The Organisation bears no cost for the travel, accommodation and participation of Permanent Observers.
6. The Director-General can invite ad hoc observers to meetings of the Conference. However, the Organisation is not responsible for any expenses related to their attendance at the meetings.

Meeting officers – chairperson and vice-chairperson

7. When the Conference is held at the Headquarters of the Organisation, the Conference elects a Government or Administration to provide the Chairperson for the succeeding Conference. Such Government or Administration normally is one that is not be in a position to act as host to the Conference in the foreseeable future.
8. When the Conference is held elsewhere than the headquarters, the host country/territory nominates the Chairperson.

9. Each Conference elects the Government or Administration that provides the Vice-Chairperson for the succeeding Conference. Such a Government or Administration is normally one that is chosen in alphabetical order of members from among the Pacific Island Countries or Territories.

Committees

10. The Standing Committee of the Conference is the Committee of Representatives of Governments and Administrations.
11. The Conference nominates at least four Representatives to serve on the Drafting Committee, having regard to the need for equitable representation and the official languages of the Organisation. The Vice-Chairperson of the Conference meeting serves as the Chairperson of the Drafting Committee.

Meeting arrangements, agenda and papers

12. The Secretariat is responsible for the administrative arrangements for meetings of the Conference.
13. A provisional agenda for the Conference meeting is drawn up by the Director-General. The provisional agenda generally includes :
 - a. a report by the Director-General on action taken by the Secretariat on the resolutions of the previous Conference;
 - b. a report of the meetings of CRGA preceding the Conference;
 - c. a discussion item on major national or regional policy issues in the areas of competence of the organisation;
 - d. the appointment/renewal of the Director-General.
14. This provisional agenda, together with papers prepared by the Secretariat or submitted by members, is circulated by the Secretariat well in advance of the date set for the meeting. The Secretariat generally endeavours to circulate the meeting papers at least 15 working days before the meeting date.

Conduct of business

15. All Conference meetings are plenary sessions, open to the public, unless the Conference decides otherwise.
16. Two-thirds of the members entitled to attend constitute a quorum of the Conference.
17. The Chairperson of the Conference has complete control of discussions of any meeting. The Chairperson introduces each item in the Agenda or may call on the Director-General, other officers of the Secretariat, or meeting Representatives to do so. After discussion on each item, the Chairperson announces the meeting's decisions.
18. The Chairperson accords the right to speak to Representatives, Alternatives or Advisers of Members, to the Director-General or other officers of the Secretariat, to Representatives of Permanent Observers or to invited Special Representatives. Each Conference Representative is entitled to speak at least once on each item, the length of time to be determined by the Chairperson.
19. The Chairperson is directed to observe the Rules of Procedures for the Conference meetings. The Chairperson may call a speaker to order and should rule immediately on points of order.

Decisions

20. The Conference decisions are to be made in accordance with the following rules:
- a. Members make every effort to decide matters, other than procedural matters, by way of consensus, and there is no voting on such matters until all efforts at consensus have been exhausted;
 - b. Each Member has one vote;
 - c. Substantive matters and the classification of matters as procedural or substantive are decided by a simple majority of votes cast, provided that the number of affirmative votes equals at least half the total number of members represented by the Conference.
 - d. Procedural matters are decided by a simple majority of votes cast, provided that the number of affirmative votes equals at least half the total number of members represented by the Conference;
 - e. An abstention does not count as a vote.

Report

21. All decisions made by the Conference are included in the Conference report. The report is prepared by the Secretariat and sent to all members as soon as possible after the termination of the meeting.

Modification of the rules

22. The Conference may, at any time, modify these rules.

Annex 4

Rules of procedure of the Committee of Representatives of Governments and Administrations

The Committee of Representatives of Governments and Administrations (CRGA), together with such subcommittees as may be established, operates in accordance with these Rules of Procedure and relevant decisions of the Conference of the Pacific Community (Conference).

Functions

1. The CRGA's functions are as follows:
 - a. to monitor implementation of the Pacific Community Strategic Plan and report thereon to the Conference;
 - b. to adopt the organisation's budget;
 - c. to provide governance oversight and guidance to the Secretariat, particularly as regards identifying priorities for SPC's work and resource allocation;
 - d. to consider the results and outcomes of SPC's programme of scientific, technical and development work on the basis of an annual Results Report prepared by the Secretariat;
 - e. to debate and approve strategic policy issues for the organisation put forward by the Secretariat and by member countries and territories;
 - f. to adopt and modify SPC's Financial and Staff Regulations;
 - g. to consider the annual accounts and audit reports (internal and external);
 - h. to assist the Conference with the appointment of the Director-General;
 - i. to conduct annual performance evaluations of the Director-General, and make relevant recommendations to the Conference on that basis.

Meetings

2. CRGA meets once a year at SPC Headquarters in Noumea, except during the years the Conference of the Pacific Community is convened, when CRGA meets immediately prior to the Conference of the Pacific Community at the same venue.

Official languages

3. The official languages of the meetings of CRGA are English and French.

Participation

4. CRGA consists of the following:
 - a. one representative, Alternates or Advisers from each member of the Pacific Community,
 - b. the Director-General, the Deputy Directors-General, and other officers of the Secretariat; and
 - c. one representative, alternate or adviser from each Permanent Observer to SPC.
5. The Organisation can fund the cost of transport, between their country or territory and the place of the CRGA meeting, of one Representative from each of the Pacific Island Governments and Administrations. This does not apply to the larger SPC donor membership, including Australia, France, New Zealand and the United States. The Organisation bears no cost for the travel, accommodation and participation of Permanent Observers.

6. The Director-General can invite ad hoc observers to CRGA meetings. However, the Organisation is not responsible for any expenses related to their attendance at the meeting.

Meeting officers – chairperson and vice-chairperson

7. Representatives of members provide a Chairperson and Vice-Chairperson for each meeting, to be chosen in alphabetical order of CRGA members. In the event that the Chairperson is unable to attend the meeting, the Vice-Chairperson assumes the chair. The Vice-Chairperson becomes the Chairperson of the succeeding meeting.

Drafting committee

8. The Vice-Chairperson of the CRGA meeting serves as Chairperson of the Drafting Committee. The CRGA nominates at least four representatives to serve on the Drafting Committee, having regard to the need for equitable representation and the official languages of the Organisation.

Meeting arrangements, agenda and papers

9. The Secretariat is responsible for the administrative arrangements for the meetings of CRGA.
10. A provisional agenda for the CRGA meeting is drawn up by the Director-General. This provisional agenda, together with papers prepared by the Secretariat or submitted by committee members, are circulated by the Secretariat well in advance of the date set for the meeting. The Secretariat endeavours to circulate the meeting papers at least 15 working days before the meeting date.

Conduct of business

11. All CRGA meetings are plenary sessions, open to the public, unless the Committee decides otherwise.
12. The Chairperson of the CRGA meeting has complete control of discussions at any meeting. The Chairperson introduces each item in the Agenda or may call on the Director-General, other officers of the Secretariat, or meeting Representatives to do so. After discussion on each item, the Chairperson announces the meeting decisions.
13. The Chairperson accords the right to speak to Representatives, Alternates or Advisers of Members, to the Director-General or other officers of the Secretariat, to Representatives of Permanent Observers or to invited Special Representatives. Each CRGA Representative is entitled to speak at least once on each item, the length of time to be determined by the Chairperson.
14. The Chairperson is directed to observe the Rules of Procedures for CRGA meetings. The Chairperson may call a speaker to order and rule immediately on points of order.

Decisions

15. CRGA decisions are made in accordance with the following rules:
 - a. The Committee makes every effort to decide matters, other than procedural matters, by way of consensus, and there is no voting on such matters until all efforts at consensus have been exhausted;
 - b. Each Member has one vote;
 - c. Procedural matters are decided by a majority of votes cast;
 - d. Any change in the scale of assessment having the effect of increasing the contribution by a Member requires the consent of that Member;

- e. All matters, except as provided for in subparagraphs (c) and (d) of this paragraph, but including whether a matter is procedural, are decided by the affirmative vote of two-thirds of all Members present;
- f. An abstention does not count as a vote;
- g. Proxy votes are not allowed.

Report

- 16. All decisions made by the CRGA are to be included in the Committee's Report to the Conference. The report is prepared by the Secretariat and is sent to all members of the Committee and Special Representatives as soon as possible after the termination of the meeting.

Modification of the rules

- 17. CRGA may, at any time, modify these rules, taking into consideration the Rules of Procedures for the Conference of the Pacific Community.

Annex 5

Members of the Pacific Community

Name	Date of accession to the Canberra Agreement	Status
American Samoa	*	Member (territorial administration)
Australia	1947	Member (participating government)
Cook Islands	1980	Member (participating government)
Federated States of Micronesia	*	Member
Fiji	1971	Member (participating government)
France	1947	Member (participating government)
French Polynesia	*	Member (territorial administration)
Guam	*	Member (territorial administration)
Kiribati	*	Member
Marshall Islands	*	Member
Nauru	1969	Member (participating government)
New Caledonia	*	Member (territorial administration)
New Zealand	1947	Member (participating government)
Niue	1980	Member (participating government)
Northern Mariana Islands	*	Member (territorial administration)
Palau	*	Member
Papua New Guinea	1975	Member (participating government)
Pitcairn	*	Member (territorial administration)
Samoa	1965	Member (participating government)
Solomon Islands	1978	Member (participating government)
Tokelau	*	Member (territorial administration)
Tonga	*	Member
Tuvalu	1978	Member (participating government)
Vanuatu	*	Member
Wallis and Futuna	*	Member (territorial administration)
United States of America	1947	Member (participating government)

* The Resolution of the 23rd South Pacific Conference held in Saipan, Commonwealth of the Northern Mariana Islands, from 1–7 October 1983, expanded the membership of the Pacific Community to include all then-current members, including some countries and territories that had not at the time individually acceded to the Canberra Agreement. This internal administrative practice has been observed without interruption since that date and was again recognised by a Resolution of the Ninth Conference of the Pacific Community, Alofi, 3–5 November 2015.

Annex 6

Standards of conduct for the Director-General⁸

1. Consistent with the provisions of article XIII §41 of the Canberra Agreement, the Director General shall exercise the functions of chief executive officer of the Pacific Community (SPC). The Director-General is fully accountable to the Committee of Representatives of Governments and Administrations (CRGA) and the Conference of the Pacific Community (Conference) for any failure to meet the organisation's objectives.
2. The Director-General shall be subject to the Staff Regulations and Policies of the organisation in so far as they can be applied to him/her. In particular he/she shall not hold any other administrative post, and shall not receive emoluments from any outside sources in respect of activities relating to the organisation. He/she shall not engage in business or in any employment or activity that would interfere with his/her duties in the organisation. He/she shall ensure that there is not even the appearance of a conflict of interest.
3. The Director-General shall further commit to:
 - a. ensuring staff and management compliance with regulations, rules and all relevant policies and guidelines consistently, at all levels throughout the organisation;
 - b. the highest standards of ethical conduct, by demonstrating a zero tolerance for violations of the organisation's regulations and policies, and ensuring that all Secretariat decisions and actions are informed by accountability, transparency, integrity, respect and fairness; and
 - c. the responsible stewardship of resources, including:
 - i. efficient, transparent and effective use of financial resources;
 - ii. skilled management of human resources in alignment with the organisation's mandates and priorities, and consistently with staff rules;
 - iii. swift implementation of independent audit recommendations; and
 - iv. timely issuance of official documentation, particularly related to preparation for governing body meetings.
4. Failure to comply with these Standards of Conduct may result in action by the Conference.
5. In cases of gross negligence and serious misconduct, the appointment of the Director-General may be terminated by the Conference.

⁸ These standards were approved in July 2017 at the same time as the Pacific Community Governance Arrangement. While at the time they were not presented in the one document, for ease of reference they have been included here as Annex 6.

II. OTHER AGREED GOVERNANCE POLICIES

SPC's governing bodies have the authority to adopt new policies that bind SPC's members. Apart from *The Pacific Community Governance Arrangement* in Part I, there are two additional policies that are current:

- Policy on membership and observer status
- Policy on assessed contributions and host country grants

Policy on membership and observer status of the Pacific Community¹

Introduction

1. In light of the provisions of the Agreement Establishing the South Pacific Commission (Canberra Agreement), which established the international organisation commonly known as the Pacific Community, the guidelines contained in the Tahiti Nui Declaration on membership in the Pacific Community, and based on the decision of the Eighth Conference of the Pacific Community and the Forty-third Committee of Representatives of Governments and Administrations (CRGA) to review and develop alternatives to membership for entities that want to work more closely with the Pacific Community, this policy aims to clarify membership in the Pacific Community and the relationship of the Pacific Community with observers to the Pacific Community.
2. In 2015, the Pacific Community has 26 members: American Samoa, Australia, Cook Islands, Federated States of Micronesia, Fiji, France, French Polynesia, Guam, Kiribati, Marshall Islands, Nauru, New Caledonia, New Zealand, Niue, Northern Mariana Islands, Palau, Papua New Guinea, Pitcairn Islands, Samoa, Solomon Islands, Tokelau, Tonga, Tuvalu, United States of America, Vanuatu and Wallis and Futuna.
3. The Pacific Community is prepared to receive expressions of interest in membership from former members or new entities that fulfil the criteria detailed below.
4. In accordance with its decision to welcome new members that share the vision and development aspirations of the Pacific Community, the Conference has decided on the following processes to guide its decisions on requests for membership.

A. Membership

Admission and withdrawal

5. Any government (independent or freely associated) or territorial administration with territory within the territorial scope of the Pacific Community as defined under the Canberra Agreement may submit a written request for membership of the Pacific Community. The request should be addressed to the Secretariat (Director-General) and should concisely set out the claims of the applicant against the criteria for membership (see paragraph 15, below). The Director-General intends to advise all members of the Pacific Community when an application for membership is received.

¹ Adopted by the Ninth Conference of the Pacific Community, Alofi, 5 November 2015.

6. The Director-General may seek further information from the applicant through a written request or a visit to the country or territory before advancing the application. The Secretariat is responsible for preparing a detailed report for the Conference chairperson and all members of the Pacific Community, comprising an assessment of the applicant's claims against the criteria for membership and recommendations on the application. The Director-General also expects to enter into negotiations with the applicant in relation to the financial details of membership, to come to an arrangement on such financial details, and to relay this arrangement to all members for comment.
7.
 - a. After the financial terms have been settled, a request for membership would then be placed on the agenda for consideration at the next annual meeting of CRGA.
 - b. CRGA may make a recommendation to the Conference, which may then make a decision on extending an invitation to the applicant to join the Pacific Community.
 - c. Any decision made by Conference under (b) of this section should be made by consensus, with an additional waiting period of one month, during which any member may lodge an objection to the decision. In the absence of a consensus decision of the Conference in favour of extending an invitation, the application is deemed to have been rejected.
 - d. For the application to be successful, all members would need to join consensus in favour of extending an invitation to the applicant to join the Pacific Community (i.e. no objection or request to consider the application at a future meeting is communicated to the Secretariat within one month).
8.
 - a. With the prior approval of the Conference chairperson, the Director-General may elect to process an application intersessionally.
 - b. In this case, the Director-General would write to all Pacific Community members with the assessment of the application, notifying them of the proposed admission of the applicant as a member of the Pacific Community, and providing notice of a waiting period of three months, during which any member may lodge an objection to the membership application or request that the application be considered at the next meeting of CRGA and Conference.
 - c. If, by the end of the three-month period, no objection or request to consider the application at a future meeting has been communicated to the Secretariat, the Director-General may decide that a consensus decision has been made in favour of extending an invitation to the applicant to join the Pacific Community.
 - d. If any member has requested that the application be considered at a future meeting, the issue should be placed on the agenda of the next annual meeting of CRGA and Conference for consideration, as described in section 7 above.
9. If, pursuant to Sections 7 or 8, above, the members of the Pacific Community decide to invite the applicant to become a member of the organisation, the Director-General should write to the applicant and extend the formal invitation for membership on behalf of the members.
10. The Director-General's letter should also inform the applicant that:
 - a. while the applicant has been invited to become a member of the Pacific Community, it may only become a participating government of the Pacific Community if it accedes to the Canberra Agreement, pursuant to the provisions and requirements of Article XXI (66) of the said Agreement;
 - b. all members of the Pacific Community pay an annual assessed contribution to the organisation. The amount of such a contribution, previously arranged in a manner consistent with section 6, above, should be clearly stated in the letter.

- c. the applicant is required to respond in writing indicating that it accepts the invitation to become a member of the Pacific Community.
- 11. If, pursuant to section 7, above, the members of the Pacific Community reject a request for membership, the Director-General expects to write to the applicant informing it of the decision.
- 12. Members may withdraw from the Pacific Community after providing 12 months' notice of intent to withdraw to the Director-General. A withdrawing member should settle any outstanding amounts owed to the Pacific Community during the 12 months' notice period specified in this paragraph. The Director-General should advise the chairperson of the Conference and all members when a notice of withdrawal is received.
- 13. The process for withdrawal of members is separate from the process for a participating government to withdraw from the Canberra Agreement, which is articulated in Article XIX of the Canberra Agreement.

Membership criteria

- 14. The acceptance of new members is intended to provide opportunities for qualifying independent and freely associated governments and territorial administrations that share the vision and development aspirations of the Pacific Community. As such, it would benefit the organisation to encourage applications from governments that have the will and capacity for substantive engagement with the members of the Pacific Community in pursuit of sustainable development for the region.
- 15. In making recommendations and decisions on admission to membership, CRGA and Conference should be guided by the following criteria:
 - a. The applicant's commitment to the vision, values and purpose of the Pacific Community and the development aspirations of its members.
 - b. The applicant's willingness and ability to participate in and, when appropriate, benefit from the work of the Pacific Community, noting that a lack of state resources, or weak capacity, should not, of themselves, be a barrier to membership.
 - c. Whether the applicant has the willingness and ability to make the annual financial contribution arranged with the Director-General.
 - d. Whether the admission of the applicant as a member would contribute positively to the regional and international relations of the Pacific Community and its members.

Treatment of new members

- 16. Upon admission, a member may enjoy the same treatment generally accorded to members of the Pacific Community. This includes inter alia: the ability to attend and speak at all SPC meetings, including ministerial meetings and meetings of the Conference of the Pacific Community and CRGA; the ability to vote; and, in some cases, the opportunity to access SPC's development assistance and expertise.

Expectations

- 17. Members are expected to make an annual assessed contribution to the budget of SPC in recognition that their membership allows them to benefit from, participate in or support the work of the organisation. Members' contributions would be calculated according to a predetermined formula approved by CRGA, and are grouped in separate categories depending on the assessment for each member. The amount to be paid by a member is to be determined according to this formula and the category in which the member is placed.

18. Members are expected to respect the vision, purpose and values of the Pacific Community and to act in good faith accordingly.
19. Members should nominate an appropriate contact point for the purpose of official communication with the Secretariat.

B. Permanent observer status

20. To provide opportunities for entities that do not wish to hold or do not qualify for membership status with the Pacific Community, the Conference has decided to establish the category of 'permanent observer to the Pacific Community' as a procedural matter, and expects to utilise the following processes to guide its decisions on requests for this status.

Process for admission to and withdrawal of permanent observer status

21. Any entity within or outside of the Pacific region may submit a written request to the Conference for permanent observer status. The request should be addressed to the Secretariat (Director-General) and should concisely set out the claims of the applicant against the criteria for permanent observer status. The Director-General expects to advise the Conference chairperson and all SPC members when a request for permanent observer status is received.
22. The Director-General may seek further information from the applicant before advancing the request. The Secretariat plans to prepare a detailed report for the Conference chairperson and all members of the Pacific Community, comprising an assessment of the request against the criteria for permanent observer status and recommendations on the application.
23.
 - a. In the normal course, a request for permanent observer status would then be placed on the agenda for consideration at the next annual meeting of CRGA.
 - b. CRGA may make a recommendation to Conference, which may then make a final decision on granting permanent observer status to the applicant.
 - c. Any decision made by Conference under (b) of this section should be made by consensus, with an additional waiting period of one month, during which any member may lodge an objection to the decision. In the event that there is an objection from any member during the meeting or during the waiting period, the application is deemed to have been rejected.
24.
 - a. With the prior approval of the Conference chairperson, the Director-General may agree to process an application intersessionally.
 - b. In this case, the Director-General plans to write to all Pacific Community members in relation to the assessment of the application, notifying them of the proposal to grant permanent observer status to the applicant and providing notice of a waiting period of three months, during which any member may lodge an objection to the permanent observer status application or request that it be considered at the next annual meeting of CRGA and Conference. If, at the end of three months, no objection or request to consider the application at a future meeting has been communicated to the Secretariat, the Director-General may decide that a consensus decision has been made in favour of accepting the request.
 - c. All members would need to join consensus (i.e. no objection or request to consider the application at a future meeting is communicated to the Secretariat within three months) to grant permanent observer status to the applicant for the application to be successful intersessionally.

- d. If any member requests that the application be considered at a future meeting, the issue would be placed on the agenda of the next meeting of CRGA and Conference for consideration, as described in this section.
- 25. If, pursuant to Sections 23 or 24, the members of the Pacific Community decide by consensus to grant permanent observer status to the applicant, the Director-General expects to then write to the applicant informing it of the decision.
- 26. If, pursuant to Section 23, the members of the Pacific Community reject a request for permanent observer status, the Director-General would write to the applicant informing it of the decision.
- 27. The Conference may, upon the recommendation of CRGA, withdraw the permanent observer status of a permanent observer that has persistently conducted itself in a manner that is contrary to the principles and values of the organisation. Decisions of the Conference reached under this paragraph should be made by consensus.

Criteria

- 28. The creation of the category of permanent observer is a procedural measure to provide an opportunity for entities (e.g. countries, territories, international organisations and development partners) that share the vision and development aspirations of the Pacific Community and wish to work more closely with its members. As such, it is intended to engage entities within or outside of the Pacific region that have the will and capacity for substantive engagement with the Pacific Community, but who do not want, or do not qualify for, membership status.
- 29. In making recommendations and decisions on applications for permanent observer status, CRGA and Conference intend to be guided by the following criteria:
 - a. Whether the applicant demonstrates direct links to the work of the Pacific Community and its Secretariat.
 - b. The applicant's commitment to the vision and purpose of the Pacific Community and the development aspirations of its members.
 - c. The applicant's willingness and ability to participate in the work of the Pacific Community.
 - d. Whether the admission of the applicant as a permanent observer would contribute positively to regional and international relations and the development aspirations of the Pacific Community and its members.

Treatment of permanent observers

- 30. Permanent observers may expect to receive the following treatment:
 - a. Permanent observers may attend CRGA and Conference and other SPC meetings. With the authorisation of the chairperson, they may participate in discussions and debates.
 - b. Permanent observers may present proposals at SPC meetings. Such proposals would only be submitted for decision to the members of the Pacific Community at the request of at least one member of the Pacific Community.
 - c. The chairperson of the meeting may decide, when appropriate, to allow a permanent observer additional speaking time to reply in relation to positions or proposals upon which it has presented.
 - d. Permanent observers may, at the discretion of the members of the Pacific Community and the Secretariat, be invited to participate in working groups established by the

governing body or the Secretariat, subject to normal procedures governing the composition of such working groups.

- e. The Secretariat expects to notify all permanent observers of workshops, seminars and other ad hoc meetings of members convened by the Pacific Community and its Secretariat and to extend invitations to permanent observers in connection with such events.
- 31. The dissenting views of a permanent observer will not prevent decisions being made where there is consensus among members of the Pacific Community.
- 32. When decisions are taken by vote in any Pacific Community meeting, representatives of permanent observers shall not participate in any such vote.
- 33. The Pacific Community does not intend to provide any funding in connection with permanent observers' participation in SPC meetings or activities.
- 34. The Secretariat expects to provide permanent observers with relevant documentation for meetings they attend or in which they participate. Other Pacific Community documentation may be provided to permanent observers at the discretion of the Director-General.
- 35. Permanent observers may apply for technical assistance under programmes administered by the Pacific Community or its Secretariat. The Secretariat expects to consider such applications on a case-by-case, user-pays basis, under a full-cost recovery mechanism. Such requests would only be accepted if the Secretariat can do so without compromising its service delivery to members.

Expectations

- 36. Permanent observers are expected to respect the vision, values and purpose of the Pacific Community, and to act in good faith accordingly.
- 37. Permanent observers should expect to make an annual contribution to the budget of SPC, in recognition that the status of permanent observer allows them to participate in and support the work of SPC. This contribution should be:
 - a. (determined in consultation with the Secretariat, but should be no less than 80 per cent of the annual assessed contribution for category 5 of membership*); and
 - b. paid regularly under a time frame determined in consultation with the Secretariat.
- 38. The requirement under section 37 may be waived by decision of Conference if the permanent observer provides significant financial support to SPC programmes via other mechanisms.
- 39. Permanent observers should nominate an appropriate contact point for the purpose of official communication with the Secretariat.

C. Ad hoc invitations

- 40. The Secretariat may extend invitations to attend Pacific Community meetings to countries, territories, international organisations, development partners or agencies (i.e. multilateral, international, regional, private sector, non-state actors) that work in partnership with the Pacific Community. Such invitations should be extended on an ad hoc, meeting-by-meeting basis, and are only valid for the duration of a specific event.

* The annual assessed contribution for a member of the Pacific Community classified in category 5 is currently EUR 35,200. On this basis, and subject to a review of the levels of assessed contribution by the governing body, the annual contribution by a permanent observer would be no less than EUR 28,160.

41. These invitations provide recognition by the Pacific Community of the important work done by partners and stakeholders cooperating with SPC in a 'many partners, one team' approach, to achieve development outcomes for the region.
42. With the authorisation of the chairperson of a specific meeting, any entity that has received an ad hoc invitation may make a prepared statement at that meeting.
43. The Pacific Community does not intend to provide any funding in connection with the attendance at SPC meetings of any entity to which an ad hoc invitation has been extended.
44. In their engagement with SPC, entities invited to attend SPC meetings on an ad hoc basis are expected to respect and act in accordance with the vision, values and purpose of the Pacific Community.

Policy on assessed contributions and host country grants²

CRGA 47 agreed that the following measures will apply to members in arrears to endeavour to regularise their situation promptly. These measures will not apply if a member in arrears enters into an agreed repayment plan with the Secretariat. However, should the member not follow through on its repayment commitments, it would again be subject to the following measures.

Period of arrears	Measure to be taken
More than 1 year:	<ul style="list-style-type: none"> – A member cannot chair any SPC meeting or working group. – A member is not eligible to receive financial support for its representatives to attend any SPC meeting, workshop or event. – The SPC Annual Report and financial statements will identify members with overdue obligations. – For a member that is a host country for SPC headquarters, regional antenna or country office, the Secretariat may consider downsizing its in-country presence or other cost-saving measures aligned with the overdue amount.
2 years:	<ul style="list-style-type: none"> – A fee for service may be imposed by the Director-General for all requests from the country for assistance (i.e. the country in arrears must pay for any SPC services it requests). – A member is not eligible to sit on any SPC working group or subcommittee.
3 years or more:	<ul style="list-style-type: none"> – A member is not eligible for development of a new SPC partnership or country programme. – A member may attend CRGA or the Conference of the Pacific Community but will not be able to join consensus or break consensus on any decision. – For a member that is a host country for SPC headquarters, regional antenna or country office, the Secretariat may consider relocating the office or any other more cost-effective measure.

² Approved by the Tenth Conference of the Pacific Community, Noumea, 29 July 2017.

III. TERMS OF REFERENCE FOR OTHER SUBSIDIARY OR AUXILIARY BODIES

CRGA has the capacity to establish subcommittees or other subsidiary or auxiliary bodies to assist it with its responsibilities. There are currently four subcommittees:

- Subcommittee for Strategic Plan Implementation
- Pacific Board for Educational Quality
- Audit and Risk Committee
- Internal Audit Function.

Terms of reference for the CRGA Subcommittee for Strategic Plan Implementation¹

1. *Background*

- 1.1. The Ninth Conference of the Pacific Community endorsed the Pacific Community Strategic Plan 2016–2020 (Strategic Plan) at its meeting in Niue (3–5 November 2015), and noted that CRGA would play a strong governance role in encouraging and assessing progress in implementing the Strategic Plan.
- 1.2. Accordingly, the Ninth Conference endorsed CRGA's decision to establish a subcommittee – the CRGA Subcommittee for Strategic Plan Implementation (CRGA Subcommittee) – to assist in overseeing the implementation of the Strategic Plan and to provide regular opinions and advice to CRGA.
- 1.3. The CRGA Subcommittee is part of ongoing efforts to strengthen accountability and evidence-based decision-making in the Pacific Community, and to enable members to be more effectively engaged in steering the direction and priorities of their organisation.

2. *Objective and scope*

- 2.1 The objective of the CRGA Subcommittee is to provide oversight and advice to the senior leadership team of the Pacific Community (SPC) on progress in implementing the Strategic Plan, and to provide an opinion on progress to CRGA.
- 2.2 The CRGA Subcommittee will not have executive authority and, accordingly, any significant issues identified by the CRGA Subcommittee would be referred to CRGA.
- 2.3 The CRGA Subcommittee will:
 - i. review and provide feedback to the Secretariat's senior leadership team on the draft Strategic Results Framework before it is presented for endorsement at CRGA;

1 Approved by the Ninth Conference of the Pacific Community, Alofi, Niue, 4 November 2015.

- ii. consider performance on progress against the Strategic Results Framework, as described in a brief mid-year update as well as in a full annual Programme Results Report, both of which will be prepared by the Secretariat;
- iii. based on its consideration of these two reports, prepare an annual opinion for CRGA and Conference on SPC's key achievements, challenges and lessons learned;
- iv. consider the performance described in the findings of the 2018 mid-term review of the Strategic Plan, and provide recommendations to CRGA on any revisions or updates that may need to be made to the Strategic Plan for the remainder of the period of the Strategic Plan;
- v. consider the performance described in the findings of the 2020 final evaluation of the Strategic Plan, and provide recommendations to CRGA and Conference on key priorities and issues that the CRGA Subcommittee believes should shape the next strategic plan; and
- vi. be a reference group for the Secretariat for priority setting under the plan.

3. *Output*

- 3.1 The main output of the CRGA Subcommittee will be an annual opinion to CRGA on SPC's progress in implementing the Strategic Plan, as assessed against the Strategic Results Framework. This includes providing recommendations to CRGA on the organisation's priorities and resources allocation for the following year, based on an assessment of SPC's key achievements, challenges and lessons learned.

4. *Members*

- 4.1 Subcommittee representation is to reflect the composition of the organisation. It will comprise two members from each of the following constituencies: Melanesia, Micronesia, Polynesia, metropolitan members and francophone members. It will also include a representative of the European Union and three senior staff of the Pacific Community's secretariat: the Director-General, a Deputy Director-General, and the Director of the Strategic Engagement, Policy and Planning Facility (SEPPF). In the event that more than two countries or territories from any one constituency express interest in Subcommittee membership, the Secretariat will request that members within that constituency decide their two representatives among themselves.
- 4.2 Each member should serve on the CRGA Subcommittee for the entire duration of the Strategic Plan period to ensure consistency in the oversight and monitoring and evaluation functions. CRGA Subcommittee members are expected to liaise with members of their respective subregional groups or constituencies on matters requiring attention.

5. *Principles*

- 5.1 In fulfilling their role, members of the CRGA Subcommittee will be guided by the following principles and considerations:
 - i. The principles and priorities identified in the Pacific Community Strategic Plan 2016–2020.
 - ii. The interests of the Pacific Community are paramount. Members of the Pacific Community have their own national interests. However, the primary consideration of members in their capacity as members of the CRGA Subcommittee is the well-being of the organisation.
 - iii. The CRGA Subcommittee acts in an advisory capacity.

6. *Working arrangements*

- 6.1 The CRGA Subcommittee will be supported by officers appointed by the Secretariat.
- 6.2 The Secretariat will:
 - i. support the development of agendas of meetings of the CRGA Subcommittee;
 - ii. facilitate meetings of the CRGA Subcommittee;
 - iii. develop papers and reports for consideration at meetings of the CRGA Subcommittee;
 - iv. support the presentation of the reports of the CRGA Subcommittee to CRGA and Conference; and
 - v. communicate proposed dates for meetings of the CRGA Subcommittee at least eight (8) weeks in advance of such meetings.
- 6.3 The CRGA Subcommittee will normally meet half yearly. It may meet by teleconference or video conference, or in person, as feasible.

Terms of reference for the Pacific Board for Educational Quality²

Background

1. The Ninth Conference of the Pacific Community endorsed governance changes to the operation of the former Pacific Board for Educational Assessments. The Conference agreed to rename the SPC programme as the Educational Quality and Assessment Programme (EQAP), and to approve the role and function of the Pacific Board for Educational Quality (PBEQ) as a subcommittee of the Committee of Representatives of Governments and Administrations (CRGA).
2. The Subcommittee is responsible for providing advice to EQAP and to assist it with some of its delegated functions to ensure the good governance of the programme.

Functions of EQAP

3. The key functions of EQAP are to:
 - a. assist each country to improve the quality of education through the use of good assessment procedures and practices;
 - b. provide training (or capacity building), support and advice to each country in the development and moderation of assessment procedures and instruments;
 - c. identify educational assessment priority issues and concerns in the region, and submit to the Pacific Heads of Education Systems (PHES)/Forum Education Ministers Meeting (FEEdMM) for further discussion and decision;
 - d. coordinate PHES/FEEdMM decisions on educational assessment, translate them into action, monitor them, and report back on progress to the Ministers' Forum (FEEdMM) via the Subcommittee;
 - e. develop and review prescriptions including appropriate assessment methodologies for PBEQ's qualifications;
 - f. develop other regional certificates as approved by the Subcommittee;
 - g. monitor literacy and numeracy standards, and assist countries in designing and developing appropriate intervention strategies;
 - h. develop and operate an accreditation service in conjunction with the development and on-going operation of a Pacific Register of Qualifications and Standards;
 - i. assist national qualifications agencies through training and technical support as necessary in relation to PRQS; and
 - j. liaise with all national and regional stakeholders, including teacher training institutions, in the development and administration of teacher and principal professional standards as well as the implementation of the teacher competency modules.
 - k. provide national educational assessment data to member countries when requested.

² Approved out of session by CRGA, 17 November 2017

Composition of the Subcommittee

4. The Subcommittee shall comprise:
 - a. representatives of Pacific Community member countries
 - b. representatives of partners in education; and
 - c. representatives of the Pacific Community (Director-General or designate and EQAP (Director)

Officers of the Subcommittee

5. The Subcommittee shall appoint a chairperson and a vice-chairperson at its first and subsequent annual meetings. The chairperson shall remain in office for a term not exceeding two years. The position of chairperson shall rotate around the regional membership on as equitable a national basis as possible.
6. In the event of the absence of the chairperson for any meeting the vice-chairperson shall preside. In the absence of both the chair and vice-chair, the Subcommittee shall appoint a chair to preside over the meeting.
7. It is expected that all subcommittee members and member representatives have the expertise and authority to represent their nominating country or organisation with respect to the business of the PBEQ. It is expected that subcommittee members and member representatives will in turn keep their national CRGA member representatives informed on PBEQ matters.

Meetings of the Subcommittee

8. The Subcommittee shall make provision to convene an Issues Meeting at least eight weeks before CRGA of each year.
9. In all meetings of the Subcommittee, outcomes shall be arrived at through discussion and consensus. Outcomes shall be agreed to by all members of the subcommittee and shall be transmitted to CRGA.
10. The Subcommittee shall establish its own rules of procedure.

Functions of the Subcommittee

11. The principal functions of the Subcommittee are to:
 - a. advise the Educational Quality and Assessment Programme on:
 - i. National, regional and international developments in the area of educational assessment and other related issues;
 - ii. priority areas for EQAP's work, based on the Pacific Community member states' needs and SPC strategic plan, and endorse the activities under each priority area as reflected in the annual EQAP work programme;
 - b. by delegation from CRGA, be the awarding authority of educational qualifications on behalf of SPC;
 - c. by delegation from CRGA, be the governing body for the Pacific Register of Qualifications and Standards on behalf of SPC.

12. The Subcommittee tasks the Pacific Community via EQAP with the responsibility of implementing processes and procedures for the latter two functions (b and c above).
13. The Subcommittee shall include in its annual report decisions regarding the Awarding of Qualifications and Governance of PRQS for noting to CRGA.

Executive Committee

14. An Executive Committee shall be appointed by the Subcommittee and shall be made up of the following:
 - a. chairperson;
 - b. vice-chairperson;
 - c. one member representative from a Subcommittee member country, other than the countries represented by (a) and (b) above; and
 - d. EQAP Director/Programme Head.
15. EQAP professional staff may be called upon at the request of the Executive Committee to provide information that supports informed decision-making by the committee.
16. The Executive Committee of the Subcommittee has delegated responsibilities for dealing with urgent issues between Subcommittee meetings.
17. Decisions of the Executive Committee shall be arrived at during its formal meetings, or out of session by means of official written communication. Such decisions can only be effected on agreement of the majority of the members and shall be recorded by EQAP for immediate circulation to and subsequent ratification by the Subcommittee.
18. The Executive Committee shall table report of its activities formally to the Subcommittee each year.

Audit and Risk Committee Charter³

1. Purpose

The Audit and Risk Committee (ARC) is a sub-committee of the Committee of Representatives of Governments and Administrations (CRGA). ARC assists the CRGA in fulfilling its oversight responsibilities of the financial reporting process, systems of internal control, audit, risk management, effectiveness and efficiency of operations, and compliance with legal and regulatory requirements.

2. Authority

The Audit and Risk Committee (ARC) has the authority to:

- oversee the systems and processes noted above;
- conduct investigations into any matters within its scope of responsibility;
- obtain advice and assistance from outside legal, accounting or other advisers as necessary to perform its duties, in cases where there is suspicion of fraud or gross misconduct;
- report back to CRGA on the work performed by external and internal auditors;
- consult as necessary with SPC's accounting firms in the conduct of its work; and
- seek any information it requires from staff, all of whom are directed to cooperate with the ARC's requests.

3. Composition

The ARC will consist of four independent members, including the Chair, appointed by CRGA. None of the members can be staff of the Secretariat.

In fulfilling their responsibilities, ARC members will exhibit independence of mind in their deliberations and must not act as a representative of a particular area or a particular stakeholder interest.

4. Appointment of members

CRGA will appoint the independent members to the ARC taking into consideration the joint recommendation of the Chair of the ARC and the Director-General. The ARC Chair and the Director-General shall provide the CRGA with a pool of potential committee members to choose from.

CRGA may appoint members out of session.

Members of the ARC will be selected for their individual expertise, and to ensure an appropriate mix of skills.

At least one member of the ARC must possess substantial financial or accounting experience and expertise. Other members must demonstrate expertise in audit, legal, governance, risk and oversight functions.

The initial appointment will be for a maximum period of three years. Members may not serve more than six years. When appointing members, CRGA will have regard to timing of the appointments to ensure end dates are staggered to ensure continuity.

The Chair of the ARC will be appointed by CRGA from one of the independent members and report directly to the chair of CRGA.

3 Approved out of session by CRGA in December 2018. It replaces the version of the Audit and Risk Committee Charter approved in November 2012..

The CRGA may terminate an ARC member, where their conduct contravenes the Code of Ethics and Rules of Conduct for Internal Auditors set by the Institute of Internal Auditors.

5. Remuneration of members

Members, who are not domestic or international public servants, will be paid an honorarium for their participation in meetings. The honorarium will be set at the time of the member's appointment and will be linked to the United Nation's consultant's remuneration scale. The Chair will be paid at a higher daily rate than other members.

SPC will pay for members' travel and per diems for attendance at any face to face meetings.

6. Meetings

The ARC will meet at least twice annually. Additional meetings may be called by the Chair, as needed. All committee members are expected to attend each meeting, in person or via tele- or video-conference.

Meetings may be held virtually through videoconference or teleconference facilities.

If the Chair is unable to attend a meeting, the Chair may nominate another member to be Chair for that meeting.

The Audit and Risk Committee will invite members of the Executive, auditors or others as appropriate to attend meetings and provide pertinent information, as necessary.

SPC will provide the secretariat support to the ARC. Meeting agendas will be prepared and provided in advance to members, along with appropriate briefing materials. Minutes will be prepared.

A member who does not attend two consecutive ARC meetings will be considered to have automatically resigned their position and a new member will be appointed following the procedure outlined at paragraph 4.

7. Quorum

The quorum for a meeting shall be a minimum of three members.

The ARC may make decisions out of session providing a minimum of three members provide their agreement in writing to those decisions.

8. Responsibilities

The ARC has responsibilities in the following key areas:

- review of the financial statements
- oversight of SPC's risk management functions
- oversight of internal and external audit programmes.

Review of the financial statements

The ARC has a critical role in reviewing SPC's annual financial statements. The ARC must consider whether the statements are complete, consistent with information known to Audit and Risk Committee members, and reflect the requirements of the International Public Sector Accounting Standards (IPSAS). The ARC will review the financial statements with SPC's management team and external auditors. It will take into account the findings of the external audit of the financial statements and consider any significant accounting or reporting issues, and all matters required to be communicated to the ARC under IPSAS.

Oversight of SPC's risk management functions

The ARC will keep under review the effectiveness of the risk management and mitigation processes, and internal control systems.

As part of this function ARC will:

- understand the scope of internal and external auditors' review of internal control, including over financial reporting, and obtain reports on significant findings and recommendations, together with management's responses
- ensure that risk management issues are adequately addressed
- ensure that timely and appropriate corrective action is taken by management
- keep under review the system for monitoring compliance with rules, regulations and laws
- ensure that attention is given to the effectiveness, efficiency and economy of operations.

The ARC may initiate, where necessary, special investigations of policies, procedures and practices. It may also review the effectiveness of systems for monitoring compliance with organisational regulations and policies.

The ARC will receive regular updates from management and the organisation's legal counsel regarding compliance matters.

The ARC may receive complaints or allegations from whistle-blowers of alleged serious misconduct by senior management.

Oversight of internal and external audit programmes

For SPC's internal audit function, the ARC is expected to:

- review with management and the internal auditors, the internal audit charter, activities, staffing, and organisational structure of the internal audit function
- review and approve the annual internal audit plan
- review the findings and recommendations in internal audit reports and any management responses
- review the effectiveness of the internal audit function, ensuring continued independence and its performance
- consult regularly with the internal auditor to discuss matters that the Audit and Risk Committee or internal audit believe should be discussed privately.

For SPC's external audit function, the ARC is expected to:

- review, if necessary, the external auditors' proposed audit scope and approach, including coordination of audit effort with internal audit
- review the performance and effectiveness of external auditors
- review external auditors' management letter and management responses
- consult with external auditors to discuss any matters that the Audit and Risk Committee, external auditors or internal audit function believe should be discussed separately.

In addition, the ARC will provide advice to the CRGA on the appointment of external auditors and the terms of those appointments.

9. Code of Ethics and conflicts of interest

ARC members are expected to comply with the Code of Ethics and Rules of Conduct for Internal Auditors set by the Institute of Internal Auditors.

ARC members are required to report any potential conflicts of interest that may prevent them from fulfilling their responsibilities as an ARC member. Where a conflict of interest arises in relation to a particular agenda item, the member should be excused from the meeting for the relevant agenda item.

Details of potential or actual conflicts of interest declared by members and action taken should be appropriately minuted.

10. Reporting

The ARC is expected to provide a mechanism for open communication between internal auditors, external auditors, management and the CRGA chair. As such, ARC will provide an annual report to CRGA:

- setting out the ARC's activities for the reporting period, including:
 - findings from the review of the financial statements
 - pertinent issues arising from the oversight of internal controls
 - any significant outstanding issues from the audit programmes
- confirming that the responsibilities under this Charter have been fulfilled by all ARC members
- notifying any circumstances when the ARC has requested funds from the Secretariat to obtain outside advice, including the justification for the request, the amount requested and any reasons for delay in the Secretariat fulfilling that request
- any issues arising from carrying out any of its functions
- any recommendations to the CRGA.

The ARC will also review any other reports SPC issues that relate to Audit and Risk Committee responsibilities.

In the unlikely event that the ARC Chair wishes to seek outside legal or investigative services to pursue allegations where either all senior management is implicated (or potentially implicated) in suspected fraud or gross misconduct, or where senior management refuses the request to release funds, then the ARC Chair should notify the CRGA and seek member direction to the Director General to comply with ARC requests for necessary funds for such outside services.

11. Review of the ARC Charter

The ARC will from time to time review this Charter and propose changes to CRGA for its approval.

Internal Audit Charter⁴

1. *Introduction*

This internal audit charter (hereinafter referred to as the IAC) sets out the purpose, authority, responsibilities and general framework of the internal audit function at the Pacific Community (SPC).

The internal audit function is overseen by the Audit and Risk Committee.

2. *Role*

The internal audit function is an integral part of the SPC's corporate governance framework to add value and improve SPC's operations. It is intended to provide an independent, systematic and objective approach to evaluate and improve the effectiveness of the organisation's internal control, risk management and governance processes.

The internal audit function will assist SPC to achieve its strategic objectives, as articulated in its strategic plan and ensure the effectiveness of the systems and processes that support resource use and programme delivery.

The internal audit function will comprise the following types of services:

- Assurance services – An objective examination of evidence for the purpose of providing an independent assessment of governance processes, risk management and internal control.
- Consulting services – An advisory service that is intended to add value to and improve the SPC's systems, procedures and operations.
- Investigative services – These are conducted based on reports of unusual or suspicious activity. Investigations would usually focus on specific actions or behaviours of a work unit or individual.

3. *Scope of work under the internal audit function*

The scope of activity of the internal audit will be sufficiently comprehensive to result in the effective review of operations of all SPC's divisions, programmes, sections and teams. It covers SPC's governance, financial, administrative and operational systems and activities.

The areas of focus under the internal audit function include:

- (a) **Financial audit** – reviews internal control processes regarding income and expenditure, cash and other assets, the accuracy of reporting in accordance with established policies and procedures, and complements work done by external auditors.
- (b) **Compliance audit** – evaluates financial and operating controls and their conformance to laws, regulations, standards, contracts, agreements, policies and procedures.
- (c) **Operational or performance audit** – examines the application and use of resources to determine whether they are used in the most efficient and effective ways to meet the SPC's mission and objectives. It could include aspects of a financial or compliance

⁴ Approved out of session by CRGA in December 2018. It replaces the version of the Internal Audit Charter approved in November 2011.

review. Activities such as human resources services, cash handling, procurement, and equipment inventories are generally subject to this type of audit. It aims to promote greater levels of efficiency, effectiveness and economy of operations and enhances continuous improvement and adds value to the organisation's operations.

- (d) **Information system** – reviews the internal control environment of automated information processing systems. These audits typically evaluate a) system input, processing, and output; b) data controls, backup and recovery plans; and c) systems security.
- (e) **Investigations** – seek to establish impropriety, such as alleged instances of fraud, abuse or waste.

4. *Organisation*

The Head of Internal Audit will report functionally to the Chair of the Audit and Risk Committee. The Head of Internal Audit is accountable to the Director-General for the efficient and effective operation of the internal audit function.

5. *Authority*

The internal auditor and its staff will have full and unrestricted access to all of the SPC's activities, records, premises, staff and information that it considers necessary to undertake its work. All SPC staff are requested to assist the internal audit unit in fulfilling its roles and responsibilities.

The internal auditor will have unrestricted access to the organisation's senior management and the Audit and Risk Committee.

All records and information accessed or gathered in the course of an internal audit will only be used for the purpose of the audit. The Head of Internal audit and individual internal audit staff (including contractors and external service providers) are responsible and accountable for maintaining the confidentiality of the information they receive during the course of their work.

6. *Independence and objectivity*

The internal audit function will operate independently from the organisation's operations. It will implement its own work plan, which will be determined and approved by the Audit and Risk Committee in collaboration with the Director-General. It determines matters such as audit selection, scope, procedures, frequency, timing or report content that best enables it to fulfill its role.

Internal audit staff do not have direct operational responsibility or authority over any activities audited. They can make recommendations but cannot be involved in implementation or any action that would impair their judgment and independence.

Internal audit staff must exhibit the highest level of professional objectivity in gathering, evaluating and communicating information about the particular activity or process being examined. Their assessments must be objective, based on facts and evidence, and not influenced by other interests.

7. *Responsibilities*

The scope of internal auditing under this charter encompasses the examination and review of the adequacy and effectiveness of the SPC's governance processes, risk management and internal control processes as agreed on with the Audit and Risk Committee. It also evaluates the quality of performance in the carrying out of assigned responsibilities to achieve SPC's strategic objectives.

The work includes:

- reviewing reliability and integrity of information, systems, processes, policies, procedures and operations, and appraising the adequacy of controls;
- appraising the extent of systems compliance with established policies, procedures and plans, especially where these have a significant impact on operations;
- reviewing controls for safeguarding assets and verifying their existence;
- evaluating the effectiveness, efficiency and economy of resource use;
- evaluating operations or programmes to ensure that results are consistent with established plans, and are implemented as planned;
- monitoring and evaluating governance processes and identifying and reporting significant governance issues;
- monitoring and evaluating the effectiveness of corporate risk management processes and reporting on significant risk exposures and control issues, including fraud risks;
- evaluating specific operations or conducting ad hoc investigations at the request of the Director-General or the Audit and Risk Committee; and
- recommending improvements to governance, systems, processes, policies and procedures and reducing risk exposure.

8. Reporting and monitoring

Following the conclusion of each audit, a written report will be prepared and issued by the Head of Internal Audit for distribution to appropriate parties. The internal audit report may include a response from management on corrective actions taken or to be taken by the management in response to specific findings and recommendations.

The Audit and Risk Committee will follow up on findings and recommendations until they are cleared.

The internal auditor will prepare a regular consolidated report on all activities undertaken in accordance with the approved work plan for presentation to the CRGA Audit and Risk Committee.

9. Professional standards

All internal audit assignments must be undertaken with due professional care. In line with the International Standards for Internal Auditors, the internal auditor will ensure that:

- skills, competence, experience and qualifications are appropriate for the audits being performed;
- all internal audit assignments are properly supervised and, where required, on-the-job training provided;
- there is compliance with all relevant standards and codes of ethics; and
- all audit staff undertake continuing professional activities and maintain their affiliation to their professional bodies.

The internal audit work is confidential to the Secretariat and is not to be disclosed to third parties without the authority of the Director-General or Audit and Risk Committee.

10. Audit plan

An annual audit work plan will be prepared and presented to the Audit and Risk Committee for consideration and approval. In formulating the audit plan and annual work programme, the internal auditor will consult with key audit clients, including members of the Executive and heads of programmes and sections. The internal audit plan should be developed using a risk-based methodology.

The audit plan must:

- be sufficiently comprehensive in scope to meet the needs of the Executive and management;
- consider an assessment of risk of audit unit activities, their internal control environment, results of previous audit, and materiality;
- have an appropriate balance between financial, compliance, operational and performance audits. Information systems and special investigations are conducted as required.
- provide a schedule of audits to be undertaken with the resources available during the period covered by the plan; and
- allow flexibility to accommodate special tasks and projects requested by the Director-General or Audit and Risk Committee.

The scope of the internal audit does not extend to the performance of duties normally undertaken by operational units, except as these relate to the performance of audit work.

11. External audit

Internal and external auditors have different roles and responsibilities. Internal auditors will examine issues relevant to business practices and risks. Multiple internal audits occur throughout the year. External auditors examine the financial statements and records once a year, to provide an independent opinion on the organisation. The external auditor has full and free access to internal audit work.

The internal audit workplan should be set to maximise efficiencies of the internal and external audit processes and to not duplicate the work undertaken by external auditors.

12. Amendment of the Charter

Any amendment of the Charter is subject to the approval of CRGA on the recommendation of the Audit and Risk Committee.

IV. THE CANBERRA AGREEMENT

The Canberra Agreement has been legally amended six times. This is the consolidation of the current legal text of the treaty. The amending agreements and resolutions are in Part V.

The agreement establishing the South Pacific Commission [Pacific Community]¹, Canberra, 6 February 1947, as amended ('the Canberra Agreement')

The Governments of Australia, the French Republic,² New Zealand, the United Kingdom of Great Britain and Northern Ireland,³ and the United States of America,⁴

Desiring to encourage and strengthen international co-operation in promoting the economic and social welfare and advancement of the peoples of the non-self-governing territories in the South Pacific region administered by them,

Have, through their duly authorised representatives met together in Canberra, made an Agreement in the following terms:

Article I

Establishment of the Pacific Community

1. There is hereby established the Pacific Community (hereinafter referred to as 'the Pacific Community').

Article II

Territorial Scope

2. The territorial scope of the Pacific Community shall comprise:
 - (a) all those territories in the Pacific Ocean which are administered by the participating Governments and which lie wholly or in part south of the Equator and east from and including the Australian Territory of Papua and the Trust Territory of New Guinea; and Guam and the Trust Territory of the Pacific Islands;⁵ and Timor Leste;⁶ and

1 The name South Pacific Commission was changed to 'Pacific Community' in 1997 by Decision adopted by Thirty-seventh Pacific Conference to change the name of the 'South Pacific Commission' to 'the Pacific Community' (October 1997). The legal effect of the 1997 decision was confirmed by 'Resolution adopted by the Eighth Conference of the Pacific Community confirming the change of the South Pacific Commission's name to the Pacific Community' (19 November 2013).

2 Amended by Article I of the Agreement amending the Agreement Establishing the South Pacific Commission of 6 February 1947, London, 6 October 1964 to delete the words 'the Kingdom of the Netherlands'.

3 The United Kingdom formally withdrew on 1 January 1995, but confirmed in its withdrawal letter that Pitcairn Island would remain a full member. However, no treaty level provision was adopted to delete the words 'the United Kingdom' in the preamble.

4 Amended by clause (b) Agreement amending the Agreement Establishing the South Pacific Commission of 6 February 1947 adopted at the Eighteenth South Pacific Conference held at Noumea, 7–12 October 1978.

5 Amended by Article II of Agreement amending the Agreement Establishing the South Pacific Commission of 6 February 1947, London, 6 October 1964.

6 The territorial scope was expanded to include Timor Leste, by Resolution extending the territorial scope of the Pacific Community to include Timor-Leste, Suva, 18–19 November 2013.

- (b) all the territory of any Government which accedes to this Agreement⁷ pursuant to the provisions Article XXI, paragraph 66⁸
- 3. The territorial scope of the Pacific Community may be altered by agreement of all the participating Governments.

Article III

Composition of the Pacific Community

- 4. Each participating Government may appoint two Commissioners and shall designate one of them as its Senior Commissioner.⁹
- 5. Each participating Government may appoint such alternates and advisers to its Commissioners as it considers desirable.

Article IV

Powers and Functions

- 6. The Pacific Community shall be a consultative and advisory body to the participating Governments in matters affecting the economic and social development of the territories within the scope of the Pacific Community and the welfare and advancement of their peoples.¹⁰ To this end, the Pacific Community shall have the following powers and functions:
 - (a) to study, formulate and recommend measures for the development of, and where necessary the coordination of services affecting, the economic and social rights and welfare of the inhabitants of the territories within the scope of the Pacific Community, particularly in respect of agriculture (including animal husbandry), communications, transport, fisheries, forestry, industry, labour, marketing, production, trade and finance, public works, education, health, housing and social welfare;
 - (b) to provide for and facilitate research in technical, scientific, economic and social fields in the territories within the scope of the Pacific Community and to ensure the maximum co-operation and co-ordination of the activities of research bodies;
 - (c) to make recommendations for the co-ordination of local projects in any of the fields mentioned in the previous sub-paragraphs which have regional significance and for the provision of technological assistance from a wider field not otherwise available to a Territorial Administration;
 - (d) to provide technical assistance, advice and information (including statistical and other material) for the participating Governments;
 - (e) to promote co-operation with non-participating Governments with non-governmental organisations of a public or quasi-public character having common interests in the area, in matters within the competence of the Pacific Community;

7 Amended by clause (c) Agreement amending the Agreement *Establishing the South Pacific Commission* of 6 February 1947 adopted at the Eighteenth South Pacific Conference held at Noumea, 7–12 October 1978.

8 Amended by Article II of the Agreement amending the Agreement *Establishing the South Pacific Commission* of 6 February 1947, London, 6 October 1964. These superseded earlier amendments by Article 1 of Agreement amending the Agreement *Establishing the South Pacific Commission* of 6 February 1947, Noumea, 7 November 1951.

9 Amended by Article III of the Agreement amending the Agreement *Establishing the South Pacific Commission* of 6 February 1947, London, 6 October 1964.

10 Amended by Article IV of the Agreement amending the Agreement *Establishing the South Pacific Commission* of 6 February 1947, London, 6 October 1964.

- (f) to address inquiries to the participating Governments on matters within its competence;
 - (g) to make recommendations with regard to the establishment and activities of auxiliary and subsidiary bodies.
7. The Pacific Community may discharge such other functions as may be agreed upon by the participating Governments.
 8. The Pacific Community may make such administrative arrangements as may be necessary for the exercise of its powers and the discharge of its functions.
 9. With a view to facilitating the inauguration of the work of the Pacific Community in matters immediately affecting the economic and social welfare of the local inhabitants of the territories within the scope of the Pacific Community, the Pacific Community shall give early consideration to the projects set forth in the resolution (appended to this Agreement) relating to important immediate projects adopted by the South Seas Conference at Canberra, Australia, on February 6, 1947.
 10. The participating Governments undertake to secure such legislative and administrative provision as may be required to ensure that the Pacific Community will be recognised in their territories as possessing such legal capacity and as being entitled to such privileges and immunities (including the inviolability of its premises and archives) as are necessary for the independent exercise of its powers and discharge of its functions.

Article V

Procedure of the Pacific Community¹¹

11. Irrespective of the place of meeting, each Senior Commissioner shall preside over sessions of the Pacific Community for one calendar year in rotation, according to the English alphabetical order of the participating Governments.¹²
12. The Pacific Community may meet at such times and in such places as it may determine. It shall hold one regular session in each year, and such further sessions as two-thirds of all the Senior Commissioners may decide to be necessary.¹³
13. At a meeting of the Pacific Community, two-thirds of all the Senior Commissioners shall constitute a quorum.
14. The decisions of the Pacific Community shall be taken in accordance with the following rules:
 - (a) each of the participating Governments¹⁴ shall have the number of votes set out below. Each participating Government shall transfer one of its votes to the Government of each territory which shall cease to be administered by it and shall be admitted to the Pacific Community as a participating Government.

11 For current practice, including vote allocations and procedures, see Pacific Community Governance Arrangement, Annex 3.

12 Amended by Article I of the Agreement relating to the Frequency of Sessions of the South Pacific Commission, Canberra, 5 April 1954.

13 Amended by Article I of the Agreement relating to the Frequency of Sessions of the South Pacific Commission, Canberra, 5 April 1954.

14 For list of members of the Pacific Community and their status and the current practice voting, see Pacific Community Governance Arrangement, Annex 5. No formal treaty level amendment has been made to align the Canberra Agreement with current voting practice.

Australia (In respect of itself and its territories)	5 votes
The French Republic (In respect of itself and its territories)	4 votes
New Zealand (In respect of itself and its territories)	4 votes
The United Kingdom ¹⁵ (In respect of itself and its territories).	1 vote
The United States (In respect of itself and its territories)	4 votes
Western Samoa (If it accedes to this Agreement)	1 vote ¹⁶

The number of votes assigned to each of the participating Governments and the total number of votes may be altered by the unanimous agreement of the participating Governments;

- (b) only Senior Commissioners shall be entitled to cast the votes referred to in sub-paragraph (a) of this paragraph;¹⁷
 - (c) procedural matters shall be decided by a majority of votes cast;
 - (d) decisions on budgetary or financial matters which may involve a financial contribution by the participating Governments (other than a decision to adopt the annual administrative budget of the Pacific Community) shall require the concurring votes of all the Senior Commissioners;
 - (e) decisions on all other matters (including a decision to adopt the annual administrative budget of the Pacific Community) shall be taken by two-thirds of all the votes referred to in sub-paragraph (a) of this paragraph.
15. In the absence of a Senior Commissioner, his functions shall be discharged for all purposes of this Article by the other Commissioner appointed by his Government or, in the absence of both, by an Alternate designated by his Government or the Senior Commissioner.
16. The Pacific Community may appoint committees and, subject to the provisions of this Agreement, may promulgate rules of procedure and other regulations governing the operations of the Pacific Community, of its auxiliary and subsidiary bodies and such committees as it shall establish, and of the Secretariat and generally for the purpose of carrying into effect the terms of this Agreement.
17. The official languages of the Pacific Community and its auxiliary and subsidiary bodies shall include English and French.
18. The Pacific Community shall make to each of the participating Governments, and publish, an annual report on its activities, including those of its auxiliary and subsidiary bodies.

15 The United Kingdom formally withdrew from the Canberra Agreement on 1 January 1995, but no formal treaty level amendment has been made to reflect its withdrawal.

16 Amended by Article V of the Agreement amending the Agreement Establishing the South Pacific Commission of 6 February 1947, London, 6 October 1964.

17 Amended by Article V of the Agreement amending the Agreement Establishing the South Pacific Commission of 6 February 1947, London, 6 October 1964.

Article VI

Research Council

19. In view of the special importance of research for the carrying out of the purposes of the Pacific Community, there shall be established a Research Council which shall serve as a standing advisory body auxiliary to the Pacific Community.

Article VII

Composition of the Research Council

20. Members of the Research Council shall be appointed by the Pacific Community on such terms and conditions as the Pacific Community may decide.
21.
 - (a) The Pacific Community shall appoint, as members of the Research Council, such persons distinguished in the fields of research within the competence of the Pacific Community as it considers necessary for the discharge of the Council's functions;
 - (b) Among the members of the Council so appointed, there shall be a small number of persons highly qualified in the several fields of health, economic development and social development who shall devote their full time to the work of the Research Council.
22. The Research Council shall elect a Chairman from its members.
23. The Pacific Community shall appoint a full-time official who shall direct research and be charged with the general responsibility for supervising the execution of the programme of the Research Council. He shall be, ex officio, a member and the Deputy Chairman of the Council and, subject to the directions of the Pacific Community, shall be responsible for arranging and facilitating cooperative research, for arranging and disseminating information concerning research and for facilitating the exchange of experience among research workers of the area. He shall be responsible to the Secretary-General¹⁸ for all administrative matters connected with the work of the Research Council and of its committees.
24. In all technical matters, full-time members shall be under the direction of the Deputy Chairman of the Research Council. In all administrative matters, they shall be responsible to the Secretary-General.
25. Recommendations of the Research Council in connexion with research projects to be undertaken shall be first submitted to the Pacific Community for approval.

Article VIII

Functions of the Research Council

26. The functions of the Research Council shall be:
 - (a) to maintain a continuous survey of research needs in the territories within the scope

18. By a resolution adopted by the Thirty-Seventh South Pacific Conference, Canberra, 20–21 October 1997, the Conference resolved that in new procedures that would apply the title of 'Secretary-General' be changed to 'Director-General' and their deputies be called Deputy Directors-General. This has been the practice ever since. However, given that resolution did not purport to amend the Canberra Agreement, the consolidated version has not been updated to reflect this title change.

of the Pacific Community and to make recommendations to the Pacific Community on research to be undertaken;

- (b) to arrange, with the assistance of the Secretary-General, for the carrying out of the research studies approved by the Pacific Community, using existing institutions where appropriate and feasible;
- (c) to co-ordinate the research activities of other bodies working within the field of the Pacific Community's activities and, where possible, to avail itself of the assistance of such bodies;
- (d) to appoint technical standing research committees to consider problems in particular fields of research;
- (e) to appoint, with the approval of the Pacific Community, ad hoc research committees to deal with special problems;
- (f) to make each Session of the Pacific Community a report of its activities.

Article IX

The Conference of the Pacific Community¹⁹

27. In order to associate with the work of the Pacific Community representatives of the local inhabitants of, and of official and non-official institutions directly concerned with, the territories within the scope of the Pacific Community, there shall be established a Conference of the Pacific Community with advisory powers as a body auxiliary to the Pacific Community.²⁰

Article X

Sessions of the Conference

28. A session of the Conference of the Pacific Community shall be convoked within two years after this Agreement comes into force, and thereafter at intervals not exceeding three years.
29. Each session of the Conference shall be held in one of the territories within the scope of the Pacific Community at a place designated by the Pacific Community with due regard to the principle of rotation.²¹
30. The Chairman of each session of the Conference shall be one of the Commissioners of the Government in whose territory the session is held.
31. The Secretary-General shall be responsible for the administrative arrangements of the Conference.
32. The Pacific Community shall adopt rules of procedure for the Conferences and approve the agenda for each session of the Conference.²² The Secretary-General shall prepare the necessary documents for consideration by the Pacific Community.
33. The Conference may make recommendations to the Pacific Community on procedural questions affecting its Sessions. It may also recommend to the Pacific Community the inclusion of specific items on the Agenda for the Conference.

19 The name South Pacific Conference was changed to 'Conference of the Pacific Community' in 1997 by Decision, adopted by Thirty-seventh Pacific Conference, to change the name of the 'South Pacific Commission' to 'the Pacific Community' (October 1997). This was confirmed by 'Resolution adopted by the Eighth Conference of the Pacific Community confirming the change of the South Pacific Commission's name to the Pacific Community' (19 November 2013).

20 The Conference has evolved into SPC's governing body. See Pacific Community Governance Arrangement, § 7.

21 For current practice, see Pacific Community Governance Arrangement, § 7.

22 For current rules of procedure, see Pacific Community Governance Arrangement, Annex 3.

Article XI

Composition of the Conference

34. Delegates to the Conference shall be appointed for each territory which is within the scope of the Pacific Community and which is designated for this purpose by the Pacific Community. The maximum number of delegates for each territory shall be determined by the Pacific Community. In general, the representation shall be at least two delegates for each designated territory.
35. Delegates shall be selected in such a manner as to ensure the greatest possible measure of representation of the local inhabitants of the territory.
36. Delegates shall be appointed for each designated territory in accordance with its constitutional procedure.
37. The delegations for each designated territory may include alternate delegates and as many advisers as the appointing authority considers necessary.

Article XII

Functions of the Conference

38. The Conference may discuss such matters of common interest as fall within the competence of the Pacific Community, and may make recommendations to the Pacific Community on any such matters.

Article XIII

The Secretariat

39. The Pacific Community shall establish a Secretariat to serve the Pacific Community and its auxiliary and subsidiary bodies.
40. The Pacific Community shall, subject to such terms and conditions as it may prescribe, appoint a Secretary-General²³ and a Deputy Secretary-General.²⁴ They shall hold office for five years unless their appointments are earlier terminated by the Pacific Community. They shall be eligible for reappointment.
41. The Secretary-General shall be the chief administrative officer of the Pacific Community and shall carry out all directions of the Pacific Community. He shall be responsible for the functioning of the Secretariat, and shall be empowered, subject to such directions as he may receive from the Pacific Community, to appoint and dismiss, as necessary, members of the staff of the Secretariat.
42. In the appointment of the Secretary-General, the Deputy Secretary-General and the staff of the Secretariat, primary consideration shall be given to the technical qualifications and personal integrity of candidates. To the fullest extent consistent with this consideration, the staff of the Secretariat shall be appointed from the local inhabitants of the territories within the scope of the Pacific Community and with a view to obtaining equitable national and local representation.

23 For current practice, see § 9 Pacific Community Governance Arrangement, as well as Annex 1, Criteria and Procedure for Appointment of the Director-General of the Pacific Community.

24 Conference has devolved the appointment of Deputy Directors-General to the Director-General. See Pacific Community Governance Arrangement, § 22.

43. Each participating Government undertakes so far as possible under its constitutional procedure to accord to the Secretary-General, to the Deputy Secretary-General, to the full-time members of the Research Council and to appropriate members of the staff of the Secretariat such privileges and immunities as may be required for the independent discharge of their functions. The Pacific Community may make recommendations with a view to determining the details of the application of this paragraph or may propose conventions to the participating Governments for this purpose.
44. In the performance of their duties, the Secretary-General, the Deputy Secretary-General, the full-time members of the Research Council and the staff of the Secretariat shall not seek or receive instructions from any Government or from any other authority external to the Pacific Community. They shall refrain from any action which might reflect on their position as international officials responsible only to the Pacific Community.
45. Each participating Government undertakes to respect the exclusively international character of the responsibilities of the Secretary-General, the Deputy Secretary-General, the full-time members of the Research Council, and the staff of the Secretariat and not to seek to influence them in the discharge of their responsibilities.

Article XIV

Finance

46. The Pacific Community shall adopt an annual budget for the administrative expenses of the Pacific Community and its auxiliary and subsidiary bodies, and such supplementary budgets as it may determine.
47. Except for the salaries, allowances and miscellaneous expenditures of the Commissioners and their immediate staffs, which shall be determined and paid by the respective Governments appointing them, the expenses of the Pacific Community and its auxiliary and subsidiary bodies (including the expenses of delegates to the Conference of the Pacific Community on a scale approved by the Pacific Community) shall be a charge on the funds of the Pacific Community.²⁵
48. These shall be established, to meet the expenses of the Pacific Community, a fund to which each participating Government undertakes, subject to the requirements of its constitutional procedure, to contribute promptly its proportion of the estimated expenditure of the Pacific Community, as determined in the annual administrative budget and in any supplementary budgets adopted by the Pacific Community.
49. The expenses of the Pacific Community and its related bodies shall be apportioned among the participating Governments in such manner as the participating Governments in such manner as the participating Government may unanimously determine.²⁶
50. The fiscal year of the Pacific Community shall be the calendar year.
51. Subject to the directions of the Pacific Community, the Secretary-General shall be responsible for the control of the funds of the Pacific Community and of its auxiliary and subsidiary bodies and for all accounting and expenditure. Audited statements of accounts for each fiscal year shall be forwarded to each participating Government as soon as possible after the close of the fiscal year.
52. The Secretary-General, or an officer authorised by the Pacific Community to act as Secretary-General pending the appointment of the Secretary-General, shall at the earliest practicable

25 For current practice, see Annex 4, § 5, Rules of Procedure of the Conference of the Pacific Community, Pacific Community Governance Arrangement.

26 Amended by Article VI of the Agreement amending the Agreement Establishing the South Pacific Commission of 6 February 1947, London, 6 October 1964.

date after the coming into force of this Agreement submit to the Pacific Community an administrative budget for the current fiscal year and any supplementary budget which the Pacific Community may require. The Pacific Community shall thereupon adopt for the current fiscal year an administrative budget and such supplementary budget as it may determine.

53. Pending adoption of the first budget of the Pacific Community, the administrative expenses of the Pacific Community shall be met, on terms to be determined by the Pacific Community, from an initial working fund of Pound Sterling 40,000 to which the participating Governments undertake to contribute in the proportions provided for in paragraph 49 of this Agreement.
54. The Pacific Community may in its discretion accept for inclusion in its first budget any expenditure incurred by the Governments of Australia or New Zealand for the purpose of paragraph 64 of this Agreement. The Pacific Community may credit any such expenditure against the contribution of the Government concerned. The aggregate of the amounts which may be so accepted and credited shall not exceed Pound Sterling 5,000.

Article XV

Relationship with Other International Bodies

55. The Pacific Community and its auxiliary and subsidiary bodies, while having no organic connection with the United Nations, shall co-operate as fully as possible with the United Nations and with appropriate specialised agencies on matters of mutual concern within the competence of the Pacific Community.
56. The participating Governments undertake to consult with the United Nations and the appropriate specialised agencies at such times and in such manner as may be considered desirable, with a view to defining the relationship which may in future exist and to ensuring effective co-operation between the Pacific Community, including its auxiliary and subsidiary bodies, and the appropriate organs of the United Nations and specialised agencies dealing with economic and social matters.
57. The Pacific Community may make recommendations to the participating Governments as to the manner in which effect can best be given to the principles stated in this Article.

Article XVI

Headquarters

58. The permanent Headquarters of the Pacific Community and its auxiliary and subsidiary bodies shall be located within the territorial scope of the Pacific Community at such place as the Pacific Community may select.²⁷ The Pacific Community may establish branch offices and, except as otherwise provided in this Agreement, may make provision for the carrying on of any part of its work or the work of its auxiliary and subsidiary bodies at such place or places within or without the territorial scope of the Pacific Community as it considers will most effectively achieve the objectives for which it is established. The Pacific Community shall select the site of the permanent Headquarters within six months after this Agreement comes into force. Pending the establishment of its permanent Headquarters, it shall have temporary Headquarters in or near Sydney, Australia.

²⁷ See Pacific Community Governance Arrangement, § 4.

Article XVII

Saving Clause

59. Nothing in this Agreement shall be construed to conflict with the existing or future constitutional relations between any participating Government and its territories or in any way to affect the constitutional authority and responsibility of the Territorial Administrations.

Article XVIII

Alteration of Agreement

60. The provisions of this Agreement may be amended by consent of all the participating Governments.

Article XIX

Withdrawal

61. After the expiration of five years from the coming into force of this Agreement, a participating Government may withdraw from the Agreement on giving one year's notice to the Pacific Community.
62. If any participating Government ceases to administer non-self-governing territories within the scope of the Pacific Community, that Government shall so notify the Pacific Community and shall be deemed to have withdrawn from the Agreement as from the close of the then current calendar year.
63. Notwithstanding the withdrawal of a participating Government, this Agreement shall continue in force as between the other participating Governments.

Article XX

Interim Provisions

64. Preliminary arrangements for the establishment of the Pacific Community shall be undertaken jointly by the Governments of Australia and New Zealand.

Article XXI

Entry into Force

65. The Governments of Australia, the French Republic, New Zealand, the United Kingdom of Great Britain and Northern Ireland, and the United States of America shall become parties to this Agreement²⁸ by:
- (a) signature without reservation, or
 - (b) signature ad referendum and subsequent acceptance.

Acceptance shall be effected by notification to the Government of Australia. The Agreement shall enter into force when all the abovementioned Governments have become parties to it.²⁹

28 Amended by Article VII of the Agreement amending the Agreement Establishing the South Pacific Commission of 6 February 1947, London, 6 October 1964.

29 The Governments of Australia, New Zealand, the United Kingdom and the United States signed the Agreement without reservation. The Government of the French Republic deposited an Instrument of Acceptance on 15 July 1965.

66. Any government, the territory of which is within the territorial scope of the Pacific Community as defined in Article II and which is either fully independent or in free association with a fully independent Government, may accede to this Agreement, if it is invited to do so by all participating Governments, by depositing an Instrument of Accession with the Government of Australia.³⁰ This Agreement shall enter into force for each acceding Government upon the date of the deposit of its Instrument of Accession.³¹ Such Government shall thereupon be deemed a participating Government for the purposes of this Agreement other than those specified in Article XIX, paragraph 62. The Government of Australia shall notify the participating Governments of the date of deposit of each Instrument of Accession to this Agreement.³²
67. The Governments which have from time to time become parties to this Agreement shall be known as 'the participating Governments'.³³
68. The Government of Australia shall notify the other abovementioned Governments of each acceptance of this Agreement, and also of the date on which the Agreement comes into force.³⁴
69. The Government of Australia shall, on behalf of all the participating Governments, register this Agreement with the Secretariat of the United Nations in pursuance of Article 102 of the Charter of the United Nations.³⁵

This Agreement, of which the English and French texts are equally authentic, shall be deposited in the archives of the Government of Australia. Duly certified copies thereof shall be transmitted by the Government of Australia to the other participating Governments.

IN WITNESS WHEREOF the duly authorised representatives of the respective participating Governments have signed this Agreement.

Opened in Canberra for signature on the sixth day of February One thousand nine hundred and forty seven.

For the Government of Australia:

[Signed:] H V Evatt

E J Ward *ad referendum*

For the Government of the French Republic:

[Signed:] Auge *ad referendum*

For the Government of the Kingdom of the Netherlands:

[Signed:] van Aerssen Beyeren

R Widjojoadmodjo *ad referendum*

For the Government of New Zealand:

[Signed:] W Nash

A G Osborne *ad referendum*

For the Government of the United Kingdom of Great Britain and Northern Ireland:

[Signed:] Ivor Thomas

E J Williams *ad referendum*

For the Government of the United States of America:

[Signed:] Robert Butler *ad referendum*

30 Amended by clause (a) Agreement amending the Agreement Establishing the South Pacific Commission of 6 February 1947 adopted at the Eighteenth South Pacific Conference held at Noumea, 7–12 October 1978.

31 Instruments of Accession to the 1947 Agreement Establishing the South Pacific Commission as amended were deposited by the Independent State of Western Samoa on 17 July 1965; by the Republic of Nauru on 24 July 1969; by the Dominion of Fiji on 5 May 1971; by the Government of Papua New Guinea on 25 September 1975; by the Government of Tuvalu on 17 November 1978; by the Government of Solomon Islands on 21 November 1978

32 Paragraph 66 added by Article VII(b) Agreement amending the Agreement Establishing the South Pacific Commission of 6 February 1947, London, 6 October 1964.

33 Added by clause (d) Agreement amending the Agreement Establishing the South Pacific Commission of 6 February 1947, adopted at the Eighteenth South Pacific Conference held at Noumea, 7–12 October 1978.

34 Renumbered § 67 by Article VII(c) of the Agreement amending the Agreement Establishing the South Pacific Commission of 6 February 1947, London, 6 October 1964; and then re-renumbered § 68 by clause (e) of the Agreement amending the Agreement Establishing the South Pacific Commission of 6 February 1947, adopted at the Eighteenth South Pacific Conference held at Noumea, 7–12 October 1978.

35 Renumbered § 68 by Article VII(c) of the Agreement amending the Agreement Establishing the South Pacific Commission of 6 February 1947, London, 6 October 1964; then re-renumbered § 68 by Amended by clause (e) of the Agreement amending the Agreement Establishing the South Pacific Commission of 6 February 1947, adopted at the Eighteenth South Pacific Conference held at Noumea, 7–12 October 1978.



V. AGREEMENTS AND CONFERENCE RESOLUTIONS AMENDING THE CANBERRA AGREEMENT

There have been six separate agreements or Conference resolutions that have had a legal impact on the text of the Canberra Agreement. They are:

- Agreement extending the territorial scope of the the South Pacific Commision
- Agreement relating to the frequency of sessions
- Agreement amending the Agreement establishing the South Pacific Commission, 1964
- Agreement amending the Agreement establishing the South Pacific Commission, 1978
- Resolution to change the name to the Pacific Community
- Resolution extending the territorial scope to include Timor Leste.

Agreement extending the territorial scope of the South Pacific Commission, Noumea, 7 November 1951¹

The Governments of Australia, the French Republic, the Kingdom of the Netherlands, New Zealand, the United Kingdom of Great Britain and Northern Ireland, and the United States of America,

Desiring to extend the territorial scope of the South Pacific Commission, and

Considering that Article II of the Agreement establishing the South Pacific Commission opened for signature at Canberra on 6 February 1947, provides that the territorial scope of the Commission may be altered by agreement of all the participating Governments,

Have agreed as follows:

Article I

The territorial scope of the South Pacific Commission shall be extended to comprise, in addition to the territories described in Article II of the Agreement establishing the South Pacific Commission of 6 February 1947, Guam and the Trust Territory of the Pacific Islands, as defined by Article 1 of the Trusteeship Agreement approved by the Security Council of the United Nations on 2 April 1947.

Article II

The present Agreement shall come into force upon the date of signature.

In witness whereof the undersigned, being duly authorized by their respective Governments, have signed the present Agreement.

Done at Noumea this seventh day of November, 1951, in the English, French, and Netherlands languages, each equally authentic, the original of which shall be deposited in the archives of the Government of Australia. The Government of Australia shall transmit certified copies thereof to all the other signatory Governments.

For the Government of Australia:

[Signed:] J R Halligan

For the Government of the French Republic:

[Signed:] R J Lassalle

For the Government of the Kingdom of the Netherlands:

[Signed:] J B D Pennink

For the Government of New Zealand:

[Signed:] C G R McKay

For the Government of the United Kingdom of Great Britain and Northern Ireland:

[Signed:] A F R Stoddart

For the Government of the United States of America:

[Signed:] F M Keesing

1 Australian Treaty Series 1951, No 18. Entered into force 7 November 1951.

Agreement relating to the Frequency of Sessions of the South Pacific Commission, Canberra, 5 April 1954²

The Governments of Australia, the French Republic, the Kingdom of the Netherlands, New Zealand, the United Kingdom of Great Britain and Northern Ireland, and the United States of America,

Desiring to amend the provisions of the Agreement establishing the South Pacific Commission opened for signature at Canberra on 6 February 1947, and

Considering that Article XVIII of the said Agreement provides that the provisions thereof may be amended by consent of all the participating Governments,

Have agreed as follows:

Article I

Paragraphs 11 and 12 of Article V of the Agreement establishing the South Pacific Commission opened for signature at Canberra on 6 February 1947, shall be amended to read as follows:

“11. Irrespective of the place of meeting, each senior Commissioner shall preside over sessions of the Commission for one calendar year in rotation, according to the English alphabetical order of the participating Governments.

12. The Commission may meet at such times and in such places as it may determine. It shall hold one regular session in each year, and such further sessions as two-thirds of all of the senior Commissioners may decide to be necessary.”

Article II

The present Agreement shall come into force on 1 July 1954.

IN WITNESS WHEREOF the undersigned, being duly authorized by their respective Governments, have signed the present Agreement.[2]

DONE at Canberra this fifth day of April 1954, in the English, French and Netherlands languages, each equally authentic, the original of which shall be deposited in the archives of the Government of Australia. The Government of Australia shall transmit certified copies thereof to all the other signatory Governments.

For the Government of Australia:

[Signed:] RG Casey, Paul Hasluck

For the Government of the French Republic:

[Signed:] Louis Roché

For the Government of the Kingdom of the Netherlands:

[Signed:] A M L Winkelman

For the Government of New Zealand:

[Signed:] G E L Alderton

For the Government of the United Kingdom of Great Britain and Northern Ireland:

Signed:] Stephen L Holmes

For the Government of the United States of America:

[Signed:] Amos J Peaslee

2 Australian Treaty Series 1954, No 18. Entered into force 1 July 1954.

Agreement amending the Agreement Establishing the South Pacific Commission of 6 February 1947, London, 6 October 1964³

The Governments of Australia, the French Republic, New Zealand, the United Kingdom of Great Britain and Northern Ireland, and the United States of America;

Desiring to provide for the accession of the Independent State of Western Samoa and the possible accession of other States to the Agreement establishing the South Pacific Commission, opened for signature at Canberra on 6 February 1947, (hereinafter referred to as 'the Agreement') as amended by agreements signed at Noumea on 7 November 1951 and Canberra on 5 April 1954;

Considering that the Kingdom of the Netherlands has withdrawn from the Agreement pursuant to Article XIX, paragraph 62, thereof;

Have agreed as follows:

Article I

The preamble to the Agreement is amended by deleting therefrom the words 'the Kingdom of the Netherlands'.

Article II

Article II, paragraph 2, of the Agreement is amended to read as follows:

2. The territorial scope of the Commission shall comprise:
 - (a) all those territories in the Pacific Ocean which are administered by the participating Governments and which lie wholly or in part south of the Equator and east from and including the Australian territory of Papua and the Trust Territory of New Guinea; and Guam and the Trust Territory of the Pacific Islands; and
 - (b) all the territory of any State, the Government of which accedes to this Agreement pursuant to the provisions of Article XXI, paragraph 66."

Article III

The first sentence of Article III, paragraph 4, of the Agreement is deleted.

Article IV

The first sentence of Article IV, paragraph 6, of the Agreement is deleted and the following sentence is substituted in lieu thereof:

"The Commission shall be a consultative and advisory body to the participating Governments in matters affecting the economic and social development of the territories within the scope of the Commission and the welfare and advancement of their peoples."

3 Australian Treaty Series 1965, No 11. Entered into force 15 July 1965.

Article V

Article V, paragraph 14, of the Agreement is deleted and the following provisions are substituted in lieu thereof:

“14. The decisions of the Commission shall be taken in accordance with the following rules:

- (a) each of the participating Governments shall have the number of votes set out below. Each participating Government shall transfer one of its votes to the Government of each territory which shall cease to be administered by it and shall be admitted to the Commission as a participating Government.

Australia (in respect of itself and its territories)	5 votes
The French Republic (in respect of itself and its territories)	4 votes
New Zealand (in respect of itself and its territories)	4 votes
The United Kingdom (in respect of itself and its territories)	4 votes
The United States (in respect of itself and its territories)	4 votes
Western Samoa (if it accedes to this Agreement)	1 vote

The number of votes assigned to each of the participating Governments and the total number of votes may be altered by the unanimous agreement of the participating Governments;

- (b) only senior Commissioners shall be entitled to cast the votes referred to in subparagraph (a) of this paragraph;
- (c) procedural matters shall be decided by a majority of votes cast;
- (d) decisions on budgetary or financial matters which may involve a financial contribution by the participating Governments (other than a decision to adopt the annual administrative budget of the Commission) shall require the concurring votes of all the senior Commissioners;
- (e) decisions on all other matters (including a decision to adopt the annual administrative budget of the Commission) shall be taken by two-thirds of all the votes referred to in subparagraph (a) of this paragraph.”

Article VI

Article XIV, paragraph 49, of the Agreement is deleted and the following provision is substituted in lieu thereof:

“49. The expenses of the Commission and its related bodies shall be apportioned among the participating Governments in such manner as the participating Governments may unanimously determine.”

Article VII

Article XXI of the Agreement is amended as follows:

(a) The words 'the Kingdom of the Netherlands' are deleted from paragraph 65.

(b) A new paragraph 66 is inserted to read as follows:

"66. The Government of the Independent State of Western Samoa and the Government of any independent State all the territory of which is, immediately prior to independence, within the territorial scope of the Commission as defined in Article II may accede to this Agreement, if it is invited to do so by all the participating Governments, by depositing an instrument of accession with the Government of Australia. This Agreement shall enter into force for each acceding Government upon the date of the deposit of its instrument of accession. Such Government shall thereupon be deemed a participating Government for the purposes of this Agreement other than those specified in Article XIX, paragraph 62. The Government of Australia shall notify the participating Governments of the date of deposit of each instrument of accession to this Agreement."

(c) Existing paragraphs 66 and 67 are re-designated as 67 and 68 respectively.

Article VIII

Only the English and French texts of the Agreement and of the agreements amending it shall be regarded as authentic.

Article IX

The Governments of Australia, the French Republic, New Zealand, the United Kingdom of Great Britain and Northern Ireland, and the United States of America shall become parties to this Agreement by (a) signature without reservation, or⁴ (b) signature ad referendum⁵ and subsequent acceptance. Acceptance shall be notified to the Government of Australia. This Agreement shall enter into force when all the abovementioned Governments have become parties to it.[4]

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

DONE at London this 6th day of October, 1964, in the English and French languages, each equally authentic, the original of which shall be deposited in the archives of the Government of Australia. The Government of Australia shall transmit certified copies thereof to all other signatory Governments and to the Government of Western Samoa.

For the Government of Australia:

[Signed:] E J Harrison, 6 October 1964

For the Government of the French Republic:

[Signed:] G De Courcel, 6 October 1964 ad referendum

For the Government of New Zealand:

[Signed:] T L MacDonald, 6 October 1964

For the Government of the United Kingdom of Great Britain and Northern Ireland:

[Signed:] R A Butler, 6 October 1964

For the Government of the United States of America:

[Signed:] David K E Bruce, 6 October 1964

4 Australia, New Zealand, United Kingdom and the United States signed without reservation.

5 Instrument of acceptance deposited for France 15 July 1965.

Agreement Amending the Agreement Establishing the South Pacific Commission of 6 February 1947, adopted by the Eighteenth South Pacific Conference held at Noumea from 7–12 October 1978⁶

Amendments adopted at the Eighteenth South Pacific Conference held in Noumea from 7–12 October 1978, the English text of which reads as followed:

- (a) That the present first sentence of paragraph 66 of Article XXI be replaced by the following:

“Any Government, the territory of which is within the territorial scope of the Commission as defined in Article II and which is either fully independent or in free association with a fully independent Government may accede to this Agreement, if it is invited to do so by all the participating Governments, by depositing an instrument of accession with the Government of Australia.”;
- (b) in the first paragraph of the preamble delete the words and brackets: ‘(hereinafter referred to as “the participating Governments”)’.
- (c) in Article II, paragraph 2(b), of the Agreement delete the words ‘any State, the Government of which accedes to this Agreement’ and insert in their stead the words ‘any Government which accedes to this Agreement’.
- (d) add after paragraph 66 a new paragraph 67 to Article XXI reading as follows:

‘The Governments which have from time to time become parties to this Agreement shall be known as ‘the participating Governments.’
- (e) the existing paragraphs 67 and 68 are renumbered 68 and 69, respectively.

6 Australian Treaty Series, 180 No.20. While the amendments were adopted at the South Pacific Conference, they did not enter into force until jurisdictions accepted them as treaty amendments. Formal entry into force occurred on 4 June 1980.

Australia	5 Oct 1979	Fiji	20 Sept 1979
France	4 June 1980	Nauru	17 Aug 1979
New Zealand	2 Nov 1979	Papua New Guinea	14 April 1980
Solomon Islands	18 Sept 1979	Tuvalu	27 Sept 1979
United Kingdom	3 Oct 1979	United States of America	28 Nov 1979
Western Samoa	8 Oct 1979		

Decision, adopted by the Thirty-seventh Pacific Conference, to change the name of the South Pacific Commission to 'the Pacific Community' and Resolution, adopted by the Eighth Conference of the Pacific Community, confirming the change of the South Pacific Commission's name to 'the Pacific Community'⁷

The original decision to change the name of the South Pacific Commission to 'the Pacific Community' was adopted by the Thirty-seventh South Pacific Conference in October 1997. In November 2013 the Eighth Conference of the Pacific Community recognised that this decision constituted an amendment to the Agreement Establishing the South Pacific Commission, evidenced by subsequent state practice.

The text of the 1997 decision and 2013 resolution are set out below.

Decision, adopted by the Thirty-seventh South Pacific Conference, to change the name of the South Pacific Commission to 'the Pacific Community' (Canberra, 21 October 1997)

The Conference then agreed:

- (a) to rename the South Pacific Commission 'the Pacific Community' with effect from 6 February 1998;
- (b) to defer consideration of a new acronym.

Resolution, adopted by the Eighth Conference of the Pacific Community, confirming the change of the South Pacific Commission's name to 'the Pacific Community' (Suva, 19 November 2013)

The Conference of the Pacific Community,

Wishing to acknowledge the 1997 decision of the 37th Conference of the South Pacific Commission to change the organisation's name from 'the South Pacific Commission' to 'the Pacific Community',

Considering the generalised recognition and use of 'the Pacific Community' by members, stakeholders and partners in the international community,

Noting that this recognition and use has been systematically and continuously observed over the last 16 years,

Has resolved the following:

1. In 1997, the members of the Pacific Community amended the Agreement Establishing the South Pacific Commission, done at Canberra on 6 February 1947 (the Canberra Agreement) to rename the 'South Pacific Commission' to 'the Pacific Community'. This amendment was effected in accordance with Article XVIII (60) of the Canberra Agreement and is evidenced by considerable subsequent state practice;
2. As a consequence, the Pacific Community is the same entity as that established by the Canberra Agreement;
3. The continued recognition by the participating governments, stakeholders and partners of the Pacific Community as the entity established by the Canberra Agreement is evidence of state practice in applying this agreement to amend;
4. This agreement also had the effect of renaming the 'South Pacific Conference' as the 'Conference of the Pacific Community'.

7 Australian Treaty Series [2014] ATS 6. Entered into force 6 February 1998.

Resolution extending the territorial scope of the Pacific Community to include Timor-Leste, adopted by the Eighth Conference of the Pacific Community held at Suva from 18–19 November 2013⁸

The Conference of the Pacific Community,

Recognising Timor-Leste's interest in applying for membership of the Pacific Community,

Wishing to provide legal certainty to both members of the Pacific Community and to the Secretariat itself on the matter of application for full membership of the organisation,

Noting that the provision under Article II (3) of the Canberra Agreement, which states 'The territorial scope of the Community may be altered by agreement of all the participating Governments', provides the mechanism to address this,

Resolves as follows:

On extending the territorial scope of the Pacific Community to include Timor-Leste

1. Timor-Leste has long-standing cultural and historical ties with the Pacific;
2. Timor-Leste has, through its contact with both the Secretariat of the Pacific Community and some members of the organisation, demonstrated that it shares the same vision and development aspirations and has the will and the capacity for substantive engagement with its Pacific neighbours in pursuit of sustainable development for the region;
3. In light of the above, the participating Government intend to extend the territorial scope of the Pacific Community to include Timor-Leste in line with Article II (3) of the Canberra Agreement;
4. To enable participating Governments to complete appropriate domestic processes, this agreement to expand the territorial scope of the Pacific Community will enter into force upon the expiry of one year from the date of this resolution, provided no participating Government lodges a written objection with the depositary (Government of Australia) prior to this date;
5. Should Timor-Leste lodge a formal request for membership, the Conference may invite it to become a member of the Pacific Community after the expiry of the one year period mentioned at point 4 above;
6. Should Timor-Leste wish to take up this invitation, it shall formally and legally be considered a full member of the Pacific Community upon completion of the procedure outlined in Article XXI (66) of the Canberra Agreement.

8 Australian Treaty Series [2014] ATS 41.

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