



SECRETARIAT OF THE PACIFIC COMMUNITY
FORTY-FOURTH MEETING OF THE
COMMITTEE OF REPRESENTATIVES OF GOVERNMENTS AND ADMINISTRATIONS
(Noumea, New Caledonia, 4–7 November 2014)

AGENDA ITEM 4: MEMBERSHIP POLICY

AGENDA ITEM 4.1: TIMOR LESTE MEMBERSHIP

(Paper presented by the Secretariat)

SUMMARY

1. The 2012 independent external review of SPC suggested that ‘...SPC may want to review whether it wants to expand its membership or develop alternatives to full membership for parties that would like to work more closely with SPC for further consideration by CRGA’.¹
2. As regards expansion of membership, at CRGA 42 and 43, the Secretariat indicated that it had received an expression of interest from Timor Leste regarding the possibility of becoming a member (‘participating Government’) of the Pacific Community.
3. CRGA 43 and the 8th Conference of the Pacific Community approved and adopted a resolution extending the territorial scope of the Pacific Community to include Timor Leste and thereby accommodate a potential formal request for membership of the Organisation.
4. This paper updates CRGA on the detailed procedure which will need to be followed should Timor Leste lodge a formal application for membership of the Organisation.

RECOMMENDATIONS

5. CRGA is invited to:
 - i. Approve the procedure and next steps detailed in this paper;
 - ii. Expressly mandate the Secretariat to proceed as proposed under paragraphs 12 and 13 of this paper.
 - iii. Authorise the Secretariat to continue to liaise with Timor Leste on all matters related to its interest in becoming a participating Government of the Pacific Community.

¹ Report of the Independent External Review of SPC, paragraph 85.

TIMOR LESTE MEMBERSHIP IN THE PACIFIC COMMUNITY

Introduction

6. The 2012 independent external review of SPC suggested that ‘...SPC may want to review whether it wants to expand its membership or develop alternatives to full membership for parties that would like to work more closely with SPC for further consideration by CRGA’.²
7. At CRGA 42, the Secretariat presented a paper considering the expansion of SPC’s current policy on membership. CRGA discussed this paper and decided to establish a Working Group on Membership to work with the Secretariat towards developing a more detailed report for CRGA 43 and the 8th Conference in 2013.
8. As regards full membership of the Organisation for an independent State (which equates to the status of ‘participating Government’ under the Agreement Establishing the Pacific Community [‘the Canberra Agreement’]), on the basis of the expression of interest made by Timor Leste and discussion which had taken place between the Secretariat and East Timorese authorities, CRGA 43 and the 8th Conference of the Pacific Community approved and adopted a resolution (Annex 1) extending the territorial scope of the Pacific Community to include Timor Leste.
9. This resolution also outlined the procedure which the Pacific Community and Timor Leste would need to follow in order for that country to become a participating Government of the Organisation.

The procedure

10. On the basis of the framework provided by the resolution attached as Annex 1 to this paper, the detailed procedure that would allow Timor Leste to become a participating Government of the Pacific Community is as follows:
 - a) Extension of the territorial scope of the Pacific Community will enter into force on 19 November 2014 (1 year after the adoption of the resolution on 18 November 2013), provided no participating Government has lodged a written objection with the depository of the Canberra Agreement, the Government of Australia, prior to this date;
 - b) Following that date, the Secretariat will request confirmation from the depository that no such objection has been received;
 - c) In the affirmative and provided no such formal request has already been made, the Secretariat will inform Timor Leste that it may lodge a formal request for membership with the Secretariat;
 - d) Once received, the Secretariat will inform all participating Governments and territorial administrations that Timor Leste has lodged an application for membership of the Organisation;
 - e) Pursuant to article XXI§66 of the Canberra Agreement, the participating Governments may invite Timor Leste to accede to said Agreement;
 - f) Timor Leste must then deposit an instrument of accession to the Canberra Agreement and shall be considered a participating Government only once that instrument has been received by the depository.

² Report of the Independent External Review of SPC, paragraph 85.

Next steps

11. In light of the procedure outlined above, the Secretariat will write to the Government of Australia and formally request that it be informed of any objections to the extension of the territorial scope of the Pacific Community received in writing before 18 November 2014.
12. On the basis of the information provided by the depository, the Secretariat proposes that it communicate to the relevant authorities in Timor Leste, before the end of November 2014, either:
 - a) that no objections have been received by the depository and, as a consequence, Timor Leste may lodge a request for membership of the Organisation – the Secretariat will also inform Timor Leste of the specific procedure which needs to be followed (see paragraph 10 above); or
 - b) that an objection has been received by the depository and, as a consequence, the territorial scope of the Organisation has not been extended to include Timor Leste.
13. In the event that Timor Leste is able to lodge an application for membership of the Organisation, in order to expedite the procedure as much as possible, the Secretariat requests that CRGA 44 authorise it to issue the invitation to accede to the Canberra Agreement on behalf of the participating Governments. The Secretariat will inform participating Governments and territorial administrations when such an invitation has been issued.
14. Should that invitation be accepted by Timor Leste, the Secretariat will liaise with relevant authorities to ensure that the instrument of accession to the Canberra Agreement is deposited with the Government of Australia.
15. Once this final step has been taken, Timor Leste will legally be a participating Government of the Pacific Community. Should accession take place over the course of the year between November 2014 and November 2015, the Secretariat proposes to recognise this with a special ceremony at the 9th Conference of the Pacific Community in 2015.

Recommendations

16. CRGA is invited to:
 - i. Approve the procedure and next steps detailed in this paper;
 - ii. Expressly mandate the Secretariat to proceed as proposed under paragraphs 12 and 13 of this paper.
 - iii. Authorise the Secretariat to continue to liaise with Timor Leste on all matters related to its interest in becoming a participating Government of the Pacific Community.
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**SECRETARIAT OF THE PACIFIC COMMUNITY****FORTY-THIRD MEETING OF THE
COMMITTEE OF REPRESENTATIVES OF GOVERNMENTS AND ADMINISTRATIONS**
(Suva, Fiji, 12–15 November 2013)

AGENDA ITEM 5.1 B - AMENDED RESOLUTION

(Paper presented by the Secretariat)

**RESOLUTION ON EXTENDING THE TERRITORIAL SCOPE OF THE PACIFIC
COMMUNITY TO INCLUDE TIMOR LESTE**

The Conference of the Pacific Community,

Recognising Timor Leste's interest in becoming a participating Government in the Pacific Community,

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,

Noting that, pursuant to Article II(3), all of the participating Governments to the Canberra Agreement have agreed to the expansion of the territorial scope to include Timor Leste, by affirmatively endorsing such expansion at the 8th Conference of the Pacific Community, held in Suva, Fiji, from 18 to 19 November 2013,

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 territorial scope is expanded 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 a period 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 participating Governments may invite it to become a member of the Pacific Community after expiry of the one year period mentioned at point 4 above;
6. Should Timor Leste wish to take up this invitation, it should be considered a participating Government upon completion of the procedure outlined in article XXI-66 of the Canberra Agreement.