

AGREEMENT ESTABLISHING THE PACIFIC ISLANDS FORUM

The Governments of Australia, the Cook Islands, the Federated States of Micronesia, Fiji, Kiribati, Nauru, New Zealand, Niue, Palau, Papua New Guinea, the Republic of the Marshall Islands, Samoa, Solomon Islands, Tonga, Tuvalu and Vanuatu;

Believing the Pacific region can, should and will be a region of peace, harmony, security and economic prosperity, whose people can all lead free and worthwhile lives;

Treasuring the diversity of the Pacific and seeking a future in which its cultures, traditions and religious beliefs are valued, honoured and developed;

Seeking a Pacific region that is respected for the quality of its governance, the sustainable management of its resources, the full observance of democratic values, and for its defence and promotion of human rights;

Determined to work in partnership with each other and with others beyond our region to achieve our shared goals of economic growth, sustainable development, good governance and security;

Desiring to further these goals through the strengthening and deepening of links between countries of the region including through the development and implementation of the Pacific Plan;

Wishing formally to establish the Pacific Islands Forum as an international organisation in its own right, and better to provide for its purpose and operation;

Affirming the principle of the equality of all its members;

Have agreed as follows:

ARTICLE I

The Pacific Islands Forum

1. The Pacific Islands Forum (hereinafter called “the Forum”) is hereby established as an international organisation.
2. The Forum comprises Australia, the Cook Islands, Fiji, Nauru, New Zealand, Samoa and Tonga, being founding members of the Forum, together with the Federated States of Micronesia, Kiribati, Niue, Palau, Papua New Guinea, the Republic of the Marshall Islands, Solomon Islands, Tuvalu and Vanuatu; and such other states as may be admitted to Forum membership with the approval of the Forum Leaders and in accordance with Article XI.
3. Territories in the Pacific islands region may be admitted to associate membership of the Forum, if a request for associate membership is approved by the Forum Leaders. The criteria for associate membership, and the nature and extent of the rights and obligations of such members, shall be determined by the Forum Leaders from time to time.
4. The Forum Leaders may as they see fit invite other territories, and intergovernmental organisations whose membership includes a significant number of Forum members, to be Forum observers. The entitlements of observers shall be determined by the Forum Leaders from time to time.

ARTICLE II

Purpose

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

ARTICLE III

The Forum Leaders' Meeting

1. The preeminent decision-making body of the Forum shall be the Forum Leaders' Meeting.
2. The Forum Leaders' Meeting shall be held annually. The Forum Leaders shall appoint one of their number to be Chair at each annual Meeting (hereinafter called "the Forum Chair") who shall hold the position of Forum Chair until the next annual Meeting. The venue, agenda and procedures for the Forum Leaders' Meeting shall be as determined by the Forum Leaders from time to time.
3. In addition to the annual Forum Leaders' Meeting, the Forum Leaders may convene special meetings at any time as they see fit.

ARTICLE IV
Establishment of the Pacific
Islands Forum Secretariat

1. The Forum shall have a secretariat to be known as the Pacific Islands Forum Secretariat (hereinafter called "the Secretariat").
2. The headquarters of the Secretariat shall be located in Suva.

ARTICLE V
Pacific Islands Forum Officials' Committee

1. The Forum shall have an executive committee to be known as the Pacific Islands Forum Officials' Committee (hereinafter called "the Committee").
2. The Committee shall comprise one representative of each member of the Forum.
3. The powers and functions of the Committee shall be to give general policy directions to the Secretariat and to make reports and recommendations to the Forum Leaders. In particular the Committee shall:
 - (a) approve, reject or amend the annual work programme and budget of the Secretariat and any interim budget submitted by the Secretariat;
 - (b) receive, examine and comment on the Annual Report of the Secretary General on the operation of the Secretariat; and
 - (c) determine the staff establishment and the remuneration policy of the Secretariat, and approve its Staff Regulations.

4. The Committee shall meet each year prior to the Forum Leaders' Meeting, and at such other times as may be required.
5. The Committee Chair shall rotate annually in alphabetical order of members or as otherwise decided by the Committee.
6. The Secretary General, in consultation with and at the request of the Committee Chair, shall convene meetings of the Committee.
7. All decisions of the Committee shall be taken by consensus, wherever possible, or if necessary by a majority of the representatives present and voting, except as provided for in Article IX(2) of this Agreement.
8. The Committee shall establish its own rules of procedure.

ARTICLE VI

Appointment of Secretariat Staff

1. The Secretariat staff (hereinafter called "the Staff") shall consist of a Secretary General and such other staff as may be appointed by the Secretary General in accordance with this Article.
2. The Secretary General shall be appointed by the Forum Leaders under such conditions as the Forum Leaders may determine. If for any reason the post of Secretary General is vacant, a Deputy Secretary General shall be directed by the Forum Chair to carry out the functions of the Secretary General on an interim basis until the position is filled.

3. The Secretary General shall appoint all other staff in accordance with the Staff Regulations, the staff establishment and the remuneration policy determined by the Committee.
4. The Secretary General shall be appointed for a term of three years and shall be eligible for reappointment. The Secretary General's appointment shall not, however, exceed two consecutive terms.

ARTICLE VII

Functions of the Secretary General

1. The Secretary General shall act as secretary to the Forum Leaders' Meeting. The Secretary General shall also act as secretary to Ministerial meetings, the Committee and such other councils, committees or working groups as may be established by the Forum.
2. The Secretary General shall be responsible, in close consultation with the Forum Chair and within the limits set by the Forum Leaders from time to time, for setting Forum Leaders' Meeting agendas and coordinating responses by members to regional events, particularly crises. The Secretary General shall also perform other functions and duties as directed by the Forum Leaders. Where appropriate the Secretary General shall act on the advice of and in consultation with the Committee and other bodies referred to in paragraph 1 of this Article.
3. The Secretary General shall be responsible for the management of the Secretariat.

ARTICLE VIII

Functions of the Secretariat

1. The functions of the Secretariat shall be carried out by the Staff.
2. The primary roles of the Secretariat are to provide policy advice, coordination and assistance in implementing the decisions of the Forum Leaders.
3. Subject to the direction of the Forum Leaders and the Committee, the Secretariat shall also:
 - (a) build upon the important basis for regional cooperation established by the Forum by working to further strengthen and deepen links between the countries of the region in accordance with the purpose of the Forum, including through the ongoing development and implementation of the Pacific Plan;
 - (b) promote the identity and activities of the Forum;
 - (c) work to advance partnerships between the Forum and its stakeholders within and beyond the Pacific region; and
 - (d) undertake such other activities as are necessary for the attainment of the Forum's purpose.
4. The Secretariat shall work in cooperation and coordination with other intergovernmental organisations in the Pacific region, with the aim of ensuring that the most effective use is made of regional resources.

5. In the performance of its functions the Secretariat shall have regard to the particular needs of the most vulnerable Forum members, communities and peoples, including the smaller island states, and shall embrace the cultural diversity of the region with tolerance and respect.
6. The Secretariat shall provide support services to Forum Leaders' Meetings, Ministerial meetings, and meetings of the Committee and such other councils, committees or working groups as may be established by the Forum.
7. The Secretariat shall communicate with members through their Ministries of Foreign Affairs, or such other contact points as may be nominated by the respective members.

ARTICLE IX

Budget

1. The annual budget of the Forum shall be prepared by the Secretary General for consideration and approval by the Committee.
2. The costs of operating the Forum shall be borne by the members in the shares determined by the Committee by consensus from time to time, subject to review by the Forum Leaders at their discretion.
3. In advance of the Committee's approval of the budget, the Secretary General shall be entitled to authorise expenditure up to a limit not exceeding one third of the previous year's actual expenditure.

ARTICLE X

Legal Status, Privileges and Immunities

1. The Forum shall enjoy the legal capacity of a body corporate within the jurisdictions of its members. The Secretary General shall be empowered to enter into legal undertakings on behalf of the Forum.
2. The Forum shall enjoy in the territory of each member such privileges and immunities as the member and the Forum Secretariat may agree are necessary to enable the Forum to fulfil its purpose and carry out its functions. Members shall take all necessary measures to confer such privileges and immunities upon the Forum in accordance with their domestic legislation. Where appropriate, such privileges and immunities may be defined in separate agreements between the Forum and its members.
3. When requested by the Forum Secretariat, members shall take measures in accordance with their domestic laws to afford all appropriate immunities to representatives attending Forum Leaders' Meetings, Ministerial meetings, and meetings of the Committee or of other Forum councils and committees, including immunity from suit and legal process and inviolability in respect of their official documents.

ARTICLE XI

**Signature, Ratification, Accession, Entry into Force
and Denunciation**

1. This Agreement shall be open for signature by the Governments of Australia, the Cook Islands, the Federated States of Micronesia, Fiji, Kiribati, Nauru, New Zealand, Niue, Palau, Papua New Guinea, the Republic of the Marshall Islands, Samoa, Solomon Islands, Tonga, Tuvalu and Vanuatu.
2. The signature of a member shall not be taken as extending the rights and obligations set forth in this Agreement to the territories for whose international relations the member is responsible.
3. The original of this Agreement shall be deposited with the Government of the Republic of the Fiji Islands which shall transmit certified copies thereof to all members and the Secretary General and shall register the Agreement with the Secretary-General of the United Nations.
4. This Agreement shall be subject to ratification and shall enter into force on the day on which the instrument of ratification of the last to ratify of the Governments referred to in paragraph 1 of this Article has been received by the depositary.
5. The depositary shall inform members of the entry into force of this Agreement pursuant to this Article.
6. Other states may, with the approval of the Forum, accede to this Agreement. By acceding to this Agreement, a state becomes a member of the Forum.

7. For a state admitted to membership in the Forum in accordance with paragraph 6 of this Article, the Agreement shall enter into force on the date of receipt by the depositary of that state's instrument of accession, or the date of the entry into force of the Agreement generally in accordance with paragraph 4 of this Article, whichever is the later.
8. Any member may denounce this Agreement by notification addressed to the depositary. Such notification shall be accompanied by a written statement of the reasons for its denunciation, which shall be transmitted by the depositary to all other members. The denunciation shall take effect one year after the day upon which the depositary has received the notification, unless the notification is earlier withdrawn.

ARTICLE XII

Amendments

1. The text of any amendment proposed by a member shall be submitted to the depositary which shall transmit it to all other members.
2. If the proposal to amend the Agreement receives the support of at least two other members, the depositary shall notify the Secretary General who shall include the proposal on the agenda for the next meeting of the Committee. The Committee shall make a recommendation to the Forum Leaders.
3. If the proposal receives the unanimous approval of the Forum Leaders, the amendment so adopted shall enter into force three months after the date of such approval, or on the day on which the instrument of ratification of the last of those members requiring ratification has been received by the depositary, whichever is the later.

ARTICLE XIII

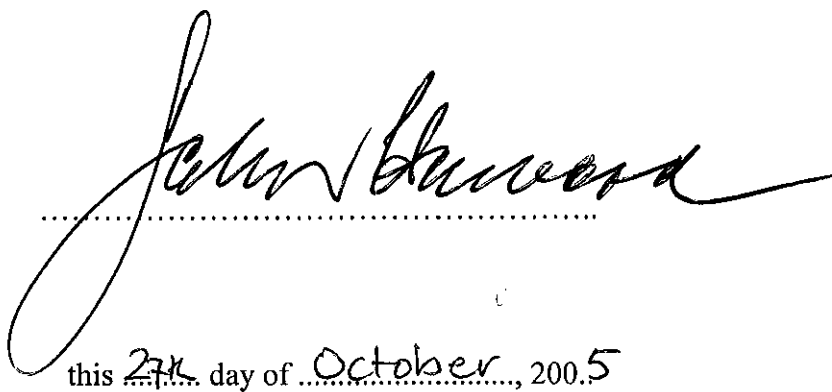
Termination of Prior Agreement and Savings

This Agreement, upon entry into force, shall terminate and replace the Agreement Establishing the Pacific Islands Forum Secretariat done at Tarawa on 30 October 2000, provided that upon such termination and replacement, all rights and obligations validly acquired or incurred under the provisions of the abovenamed Agreement shall be deemed to have been so acquired or incurred under the provisions of this Agreement.

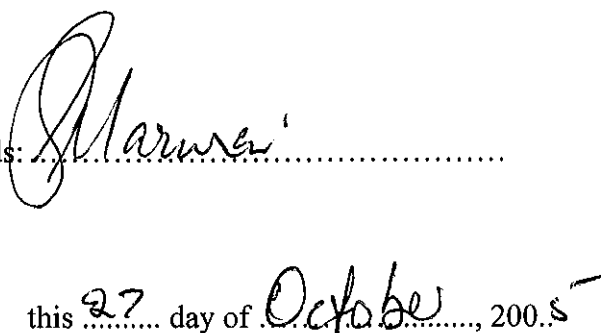
IN WITNESS WHEREOF the undersigned, being duly authorised thereto by their respective Governments, have signed this Agreement.

Opened for signature at Port Moresby this 27th day of October, 2005.

For the Government of Australia:

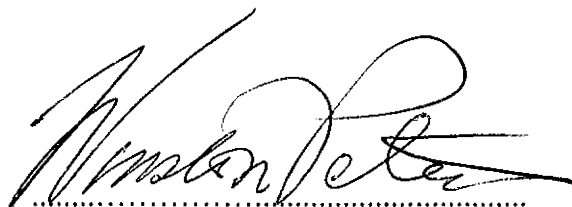

this 27th day of October, 2005

For the Government of the Cook Islands:


this 27th day of October, 2005

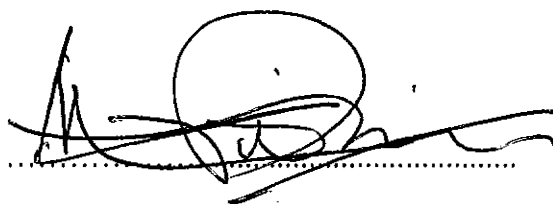
this 27th day of October, 200..

For the Government of New Zealand:

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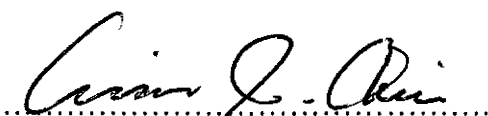
this 26 day of June, 2006

For the Government of Niue:

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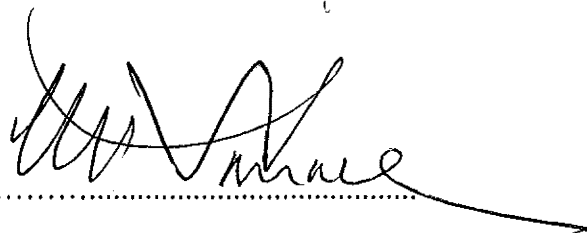
this 27 day of October, 2005

For the Government of Palau:

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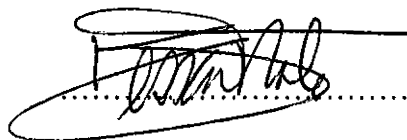
this 27 day of October, 2005

For the Government of Papua New Guinea:

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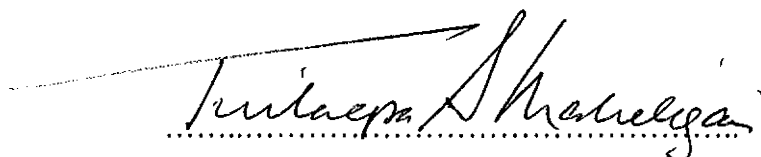
this 27 day of October, 2005

For the Government of the Republic of
the Marshall Islands:


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this 27th day of October, 2005

For the Government of Samoa:


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this 27th day of October, 2005

For the Government of Solomon Islands:


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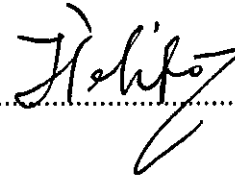
this 27th day of October, 2005

For the Government of Tonga:


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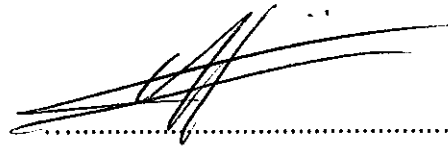
this 27th day of October, 2006

For the Government of Tuvalu:

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this 26th day of June, 2006

For the Government of Vanuatu:

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this 27th day of October, 2005



PACIFIC ISLANDS FORUM

**DECLARATION ON PRESERVING MARITIME ZONES IN THE FACE OF
CLIMATE CHANGE-RELATED SEA-LEVEL RISE**

PREAMBLE

Recalling with pride that Pacific Islands Forum Members have a long history of support for the *United Nations Convention on the Law of the Sea* (the “Convention”) adopted as an important contribution to the maintenance of peace, justice and progress for all peoples, as well as to the protection and preservation of the marine environment, and which sets out the legal framework within which all activities in the oceans and seas must be carried out, and that many Pacific Islands Forum Members were closely associated with its negotiation,

Recalling also that the Convention was adopted as an integral package containing a delicate balance of rights and obligations, and was prompted by the desire to settle, in a spirit of mutual understanding and cooperation, all issues relating to the law of the sea, and establishes, with due regard for the sovereignty of all States, an enduring legal order for the seas and oceans,

Recognising the principles of legal stability, security, certainty and predictability that underpin the Convention and the relevance of these principles to the interpretation and application of the Convention in the context of sea-level rise and climate change,

Further recognising the principles of equity, fairness and justice as key legal principles also underpinning the Convention,

Noting the explicit obligation in Article 300 of the Convention that States Parties shall fulfil in good faith the obligations assumed under the Convention and shall exercise the rights, jurisdiction and freedoms recognized in the Convention in a manner which would not constitute an abuse of right,

Acknowledging that the relationship between climate change-related sea-level rise and maritime zones was not contemplated by the drafters of the Convention at the time of its negotiation, and that the Convention was premised on the basis that, in the determination of maritime zones, coastlines and maritime features were generally considered to be stable,

Underlining that coastal States, particularly Small Island Developing States and low-lying States which are specially affected by sea-level rise and climate change, have planned their development in reliance on the rights to their maritime zones guaranteed in the Convention,

Recalling the long-standing concern in our Pacific region for preserving maritime zones in the face of climate change-related sea-level rise and, in particular, the commitment made by the Leaders of the Pacific Islands Forum at our 50th Meeting, in August 2019, for urgent and collective action to secure maritime zones of Forum Members delineated in accordance with the Convention against sea-level rise and climate change,

THEREFORE, *recognising* the threats of climate change and sea-level rise as the defining issue that imperils the livelihoods and wellbeing of our peoples and undermines the full realisation of a peaceful, secure and sustainable future for our region,

WE, THE LEADERS OF THE PACIFIC ISLANDS FORUM:

Affirm that the Convention imposes no affirmative obligation to keep baselines and outer limits of maritime zones under review nor to update charts or lists of geographical coordinates once deposited with the Secretary-General of the United Nations,

Record the position of Members of the Pacific Islands Forum that maintaining maritime zones established in accordance with the Convention, and rights and entitlements that flow from them, notwithstanding climate change-related sea-level rise, is supported by both the Convention and the legal principles underpinning it,

Declare that once having, in accordance with the Convention, established and notified our maritime zones to the Secretary-General of the United Nations, we intend to maintain these zones without reduction, notwithstanding climate change-related sea-level rise,

Further declare that we do not intend to review and update the baselines and outer limits of our maritime zones as a consequence of climate change-related sea-level rise, and

Proclaim that our maritime zones, as established and notified to the Secretary-General of the United Nations in accordance with the Convention, and the rights and entitlements that flow from them, shall continue to apply, without reduction, notwithstanding any physical changes connected to climate change-related sea-level rise.

MADE ON 6 AUGUST 2021 AT THE FIFTY-FIRST PACIFIC ISLANDS FORUM:

Australia, the Cook Islands, the Federated States of Micronesia, Fiji, French Polynesia, Kiribati, Nauru, New Caledonia, New Zealand, Niue, Palau, Papua New Guinea, the Republic of the Marshall Islands, Samoa, Solomon Islands, Tonga, Tuvalu and Vanuatu.



PACIFIC ISLANDS FORUM

2023 DECLARATION ON THE CONTINUITY OF STATEHOOD AND THE PROTECTION OF PERSONS IN THE FACE OF CLIMATE CHANGE-RELATED SEA-LEVEL RISE

PREAMBLE

1. ***Recalling*** that the statehood and sovereignty of Pacific nations underpin a peaceful, safe and secure Blue Pacific region where people can realise their full potential as individuals, communities and nations, and where the health and wellbeing of our people and human rights and equity for all can be ensured,
2. ***Recalling*** also that Members of the Pacific Islands Forum as oceanic states, countries and territories place great value on our ocean, its seabed, and land, and cherish our deep connection to our communities, natural environment, resources, lives, livelihoods, identities, culture, and traditional knowledge,
3. ***Recognising*** that our shared commitment to work together, including through various modes of regional and sub-regional cooperation, is an important platform for achieving the greatest benefits for our people,
4. ***Underlining*** that coastal States, particularly Small Island Developing States and low-lying States, are disproportionately impacted and specially affected by sea-level rise and climate change, and Members of the Pacific Islands Forum are committed to reducing and preventing these impacts and strengthening the resilience of our communities,
5. ***Recognising*** the threats and adverse impacts of climate change and sea-level rise as the defining issue that imperils the lives, livelihoods and wellbeing of Pacific peoples, communities and countries, and undermines the full realisation of a peaceful, secure and sustainable future for our region,
6. ***Reaffirming*** our commitment for collective responsibility and accountability for the stewardship of the Blue Pacific Continent and the protection of our sovereignty, sovereign rights, and jurisdiction over our land, maritime zones, and natural resources, including in response to climate change-related sea-level rise,
7. ***Further reaffirming*** our 2021 *Declaration On Preserving Maritime Zones In The Face Of Climate Change-Related Sea-Level Rise*, which proclaims that our maritime zones, as established and notified to the Secretary-General of the United Nations in accordance with the United Nations Convention on the Law of the Sea, and the rights and entitlements that flow from them, shall continue to apply, without reduction, notwithstanding any physical changes connected to climate change-related sea-level rise,
8. ***Recognising*** that under international law there is a general presumption that a State, once established, will continue to exist and endure, and maintain its status and effectiveness, and that international law does not contemplate the demise of statehood in the context of climate change-related sea-level rise,

9. ***Further recognising*** that continuity of statehood in the face of climate change-related sea-level rise is consistent with important principles and rights of international law, including the right of peoples to self-determination, the right to a nationality, the protection of territorial integrity and political independence, principles of equity and fairness, the maintenance of international peace and security which in turn requires stability in international relations, the right of a state to provide for its preservation, the duty of cooperation, the sovereign equality of states, and permanent sovereignty over natural resources,^{*†}
10. ***Acknowledging*** that protecting persons and communities affected by climate change-related sea-level rise involves protecting, promoting, and fulfilling their human rights, including civil, political, economic, social and cultural rights, and also protecting their culture, cultural heritage, identity and dignity, and meeting their essential needs, including through international cooperation,
11. ***Further acknowledging*** that States carry an important duty in ensuring protection of their people, and continuity of statehood is necessary and fundamental for that protection to be implemented and to endure,

WE, THE LEADERS OF THE PACIFIC ISLANDS FORUM, THEREFORE:

12. ***Affirm*** that international law supports a presumption of continuity of statehood and does not contemplate its demise in the context of climate change-related sea-level rise,
13. ***Declare*** that the statehood and sovereignty of Members of the Pacific Islands Forum will continue, and the rights and duties inherent thereto will be maintained, notwithstanding the impact of climate change-related sea-level rise,
14. ***Further declare*** that Members of the Pacific Islands Forum, individually and collectively, bear an important responsibility for ensuring protection of our people, and are committed to protecting such persons affected by climate change-related sea-level rise, including with respect to human rights duties, political status, culture, cultural heritage, identity and dignity, and meeting essential needs,
15. ***Commit*** to cooperate and take action including regionally and sub-regionally to achieve the purposes of this Declaration, and
16. ***Call upon*** the international community to support this Declaration and cooperate in achieving its purposes, consistent with our duty to cooperate and principles of equity and fairness.

MADE ON 9 NOVEMBER 2023 AT THE FIFTY-SECOND PACIFIC ISLANDS FORUM, HELD IN AITUTAKI, COOK ISLANDS

^{*}Consistent with General Assembly Resolution 1803 (XVII) of 14 December 1962, “Permanent sovereignty over natural resources”.

[†]Nothing in this Declaration should be interpreted as undermining the sovereignty and territorial integrity of Forum Members.