

STANDING COMMITTEE REPORT NO. 19-134

RE: C.R. NO. 19-224/EXAFF

SUBJECT: RATIFYING THE PACIFIC ISLAND FORUM  
TREATY

MAY 30, 2016

The Honorable Wesley W. Simina  
Speaker, Nineteenth Congress  
Federated States of Micronesia  
Fourth Regular Session, 2016

Dear Mr. Speaker:

Your Committee on External Affairs, to which was referred C.R.  
No. 19-224, entitled:

"A RESOLUTION RATIFYING AS A TREATY THE AGREEMENT  
ESTABLISHING THE PACIFIC ISLAND FORUM.",

begs leave to report as follows:

The intent and purpose of this resolution are expressed in its  
title.

C.R. No. 19-224 was transmitted to Congress via Presidential  
Communication No. 19-338 on May 18, 2016, during the Fourth  
Regular Session of the Nineteenth Congress. This is a  
resolution to ratify the Agreement establishing the Pacific  
Island Forum.

Your Committee conducted a hearing on C.R. No. 19-224 on  
Thursday, May 26, 2016, at the Central Conference Hearing Room.  
Senator Paliknoa K. Welly, Chairman of the Standing Committee on  
External Affairs chaired the meeting. Other Members present  
were Senators Isaac V. Figir, Alik L. Alik and Joseph J.

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Urusemal. Staff Attorney Alik Jackson was also present at the hearing.

Deputy Secretary Samson Pretrick along with staff from the Department of Foreign Affairs, Jun Bacalando, from the Department of Justice, and Pelsesar Petrus from the Office of the President were present.

After welcoming remarks, Chairman Welly opened the hearing and gave an opportunity to the witnesses to comment on the resolution.

Samson Pretrick, the Deputy Assistant Secretary of the Department of Foreign Affairs, explained that the Agreement establishing the Pacific Islands Forum ("the Agreement") was adopted by Forum Leaders and opened for signature in Port Moresby, Papua New Guinea on October 27, 2005.

According to Deputy Secretary Mr. Pretrick, there was a previous Agreement, which was signed by former President Leo A. Falcam in May 2001, which recognized and established the Pacific Island Forum Secretariat. The Agreement was signed during the Pacific Islands Forum in Kiribati in 2000. This first Agreement establishes the Pacific Islands Forum as an intergovernmental organization, which has the capacity to admit associate members and invite observers to the Forum. All 16 Forum Members signed the Agreement, but not all have ratified it. The Agreement requires signature and ratification by all 16 Forum Members to enter into force.

For this current Agreement, your Committee was informed that it was signed in 2005 by former President Joseph J. Urusemal, and was a result of the Forum's restructuring under the framework of the Pacific Plan (now Pacific Regionalism) and to establish the Forum as a recognized international organization. This Agreement is to replace the original Agreement, which was put in place in 2000. The original Agreement was like a formal organization, to which the FSM was an observer. When the FSM

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became a member of the United Nations and attained its independence, they become a full fledged member of the Pacific Island Forum.

Your Committee was informed that Australia, the Cook Islands, Kiribati, Nauru, New Zealand, Niue, Papua New Guinea, the Republic of the Marshall Islands, Tuvalu, Vanuatu and Solomon Islands had already lodged their instruments of ratification with the Government of Fiji, who is the Depositary for the Agreement. Four out of the 16 Forum Members (FSM, Tonga, Samoa and Fiji) have not ratified the Agreement. There was no information provided as to why the other Forum Members did not ratify the Agreement.

Your Committee asked why has the FSM waited this long to ratify this Agreement and what is the FSM's membership fee. Testimony received during the hearing revealed that this resolution was transmitted to Congress during the 18<sup>th</sup> Congress but there was no action on it. Deputy Secretary Mr. Pretrick informed your Committee that this new Agreement contains new restructuring, which the Pacific Plan identifies (good governance, security, economic growth and sustainable development). Your Committee inquired if there is any membership fee. On the membership fee, an amount of \$46,000 is appropriated annually.

Your Committee understands that the FSM will be hosting the next Pacific Island Forum meeting in September 2016. Therefore, Congress must ratify the Treaty so the effort in the strengthening of regional cooperation, integration and the alignment of policies to further goals of economic growth, sustainable development, good governance and security amongst Forum Members is legally binding.

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Your Committee on External Affairs is in accord with the intent and purpose of C.R. No. 19-224, and recommends its adoption in the form attached hereto.

Respectfully submitted,

/s/ Paliknoa K. Welly  
Paliknoa K. Welly, chairman

/s/ Robson U. Romolow  
Robson U. Romolow, vice chairman

/s/ Isaac V. Figir  
Isaac V. Figir, member

Victor V. Gouland, member

Berney Martin, member

/s/ Bonsiano F. Nethon  
Bonsiano F. Nethon, member

/s/ David W. Panuelo  
David W. Panuelo, member

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