

DRAFT SUMMARY RECORD¹

4th Meeting of the SOPAC Council Committee of the Whole (SCW) on the Regional Institutional Framework (RIF)

SOPAC Secretariat, Suva, Fiji
Tuesday, 16 September 2008

Agenda Item 1 – Welcome

The Deputy High Commissioner of Tuvalu to Fiji, Mr Samuelu Laloni, chaired the 4th Meeting of the SOPAC Council Committee of the Whole (SCW04). He welcomed his fellow members of the SCW, and the observers.

Observers in attendance were representatives of France and the Pacific Islands Forum Secretariat (PIFS) (see Annex 1 for a List of Participants).

The Chair made Opening Remarks (see Annex 2), and outlined the two major objectives of the SCW03, which was to decide what to include in its report to the SOPAC Governing Council 37th Session, scheduled for the end of October in Funafuti Tuvalu; and consider the latest decision of the Pacific Islands Forum Leaders (referenced Para. 20 of the 2008 Forum Communiqué); and the decision of the SPREP Council with respect to the RIF.

The Chair stated that the most important task was to “decide on the nature of [its] report and its recommendations to Council, for a way forward” – this being an obligation under the Committee’s terms of reference.

Agenda Item 2 – Adoption of Agenda

The meeting adopted the Agenda attached as Annex 3.

Agenda Item 3 – Minutes of SCW03

The summary record and minutes of the Third SCW Meeting (SCW03) were accepted.

Agenda Item 4 – Matters Arising

The Director suggested some discussion on the legal assessment final report transmitted to members at their July meeting, and whether it had been considered in capitals.

The Committee noted the Director’s explanation on the key findings of the assessment with respect to Article 16 of the SOPAC Agreement and also her agreement to provide a distillation of the key decisions that members would need to take regarding the options of ‘dissolution’ or ‘suspension’ of the Commission; and to clarify any impediments and what happens to the assets of the Commission either way. These points were to be clearly articulated in the paper that the Secretariat prepared for the Governing Council meeting in late October in Funafuti.

¹ Yet to be cleared by the SCW

Agenda Item 5 – Consideration of Forum Communiqué on the RIF

The Committee took as read Para. 20 of the Forum Communiqué 2008, and there was no discussion under this item. For the record Para.20 reads:

REGIONAL INSTITUTIONAL FRAMEWORK REVIEW

20. Leaders:

- (a) recalled their 2007 decision on the rationalisation of SOPAC functions into SPC and SPREP, without any substantive diminution in SOPAC functions, and the merger of South Pacific Board for Educational Assessment (SPBEA) with SPC;
- (b) expected that all work to define the new institutional arrangements, as well as plans for implementing those arrangements, will be finalised and jointly agreed by the CEOs of the relevant agencies for presentation to Leaders at the 2009 Leaders' meeting; and
- (c) directed their representatives on the Governing Councils of the SPC, SOPAC, SPREP and SPBEA in 2009 (and prior to the Leaders' meeting) to take all the final decisions on the new institutional arrangements and implementation plans, with implementation to commence immediately after the Governing Council meetings and no later than 1 January 2010.

Agenda Item 6 – Consideration of SPREP Council Decision on the RIF

The Committee noted the provisional decision of the SPREP Governing Council (see Annex 4) on the RIF, and deferred discussion on implications to under Item 8.

Agenda Item 7 – Timelines and Constraints

The Director suggested a way to avoid the potential timeline constraints in 2009 would be to sequence the key meetings correctly, i.e. that SOPAC hold its annual meeting after the annual meetings of SPREP and SPC; and that the Forum meeting hold its meeting after the SOPAC meeting.

The Committee noted the promises by the Forum and Australian representatives to explore the issue of timing of the Forum Meeting with the host country.

Agenda Item 8 – Committee Report to Council, and Recommendations for the Way Forward

The Committee agreed with the components of its report to the Governing Council as outlined by the Director to be largely composed of the SOPAC Chair's Report to the Forum Chair on the Progress by the SCW in August; plus an Executive Summary highlighting the key activities and containing recommendations for a way forward.

The bulleted list below was discussed by the Committee as proposed recommendations for a way forward to the SOPAC Governing Council (based largely on the SPREP resolution of the RIF item at their September 2008 meeting):

SOPAC Council is invited to:

- 1) *consider the Report of the SOPAC Council Committee of the Whole (SCW) to Council and its recommendations for a way forward.*
- 2) *take into account the 2007 and 2008 Forum Communiqués relating to the RIF Review (attached).*
- 3) *take into account the 2008 SPREP Council and Pacific Community CRGA decisions on the RIF (attached)*
- 4) *recognise the need to consider the legal, financial, administrative, and programmatic implications for absorbing SOPAC functions into SPREP and SPC.*

- 5) *direct the Director of SOPAC to engage collaboratively with the CEOs of SPREP and SPC immediately following the 2008 SOPAC Council Meeting to determine and jointly identify proposed institutional arrangements based on an analysis of:*
 - (a) *synergies and linkages between programs*
 - (b) *optimizing service delivery*
 - (c) *organizational capacities*
 - (d) *maintaining the integrity of the applied science and technical services*
- 6) *direct the Director of SOPAC to work with the other CEOs to provide joint, formal quarterly updates on progress and to seek and share the views of, and give due consideration to all members of SPREP, SPC and SOPAC.*
- 7) *encourage the Director of SOPAC to provide regular briefings to members with Suva-based representation, as well as regular email updates to all members.*
- 8) *direct that the Director of SOPAC in collaboration with the CEOs of SPREP and SPC, jointly commission an independent analysis of the legal, financial, administrative and programmatic implications of their proposed institutional arrangements, avoiding duplication of work already undertaken.*
- 9) *direct the Director of SOPAC to work with the other CEOs to ensure that the proposed institutional arrangements and analysis of implications are circulated to all member focal points of SPREP, SPC and SOPAC with an invitation for a representative from each Member country to attend a meeting of all countries and territories for consideration by May 2009.*
- 10) *direct, subject to the guidance of the above-referenced meeting, the Director of SOPAC to work collaboratively with the CEOs of SPREP and SPC to finalise and jointly recommend new institutional arrangements and implementation plans, to be provided to Members by July 2009, for consideration and decision by their respective Governing Bodies in 2009.*
- 11) *agree that it will meet to consider the institutional arrangements and implementation plan recommended by the three CEOs before the next Pacific Islands Forum Leaders meeting in 2009.*

Agenda Item 9 – Closing

Chair thanked the Committee for completing its work diligently in agreeing the recommendations on a way forward for submission to the SOPAC Governing Council and closed the meeting at 12:55 pm.

LIST OF ANNEXES

- 1 LIST OF PARTICIPANTS
- 2 OPENING REMARKS
- 3 ADOPTED AGENDA
- 4 SPREP & SPC PROVISIONAL DECISIONS ON THE RIF (2008)
- 5 MINUTES OF FOURTH SCW MEETING

ANNEX 1

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ANNEX 2

Opening Remarks by Chair of 4th SCW Meeting

Colleagues – a very good morning to you all and thank you for your attendance at this the 4th SOPAC Council Committee-of-the-Whole meeting for 2008.

Committee members will recall that at our 3rd meeting in mid-July we agreed that there be a 4th meeting either in August or September to consider any decisions and progress that may have been taken in advance of our Council meeting.

This will be the last Committee meeting before we meet in Council in Funafuti where we will deliberate on the progress that this Committee has made in respect of its decision taken to accept the challenge and respond positively to Paragraph 19(b) of the 2007 Forum Communiqué.

Tuvalu has again assumed the Chair of this Committee meeting due to commitments that have prevented the SOPAC Chair who also (as you know) has chaired this Committee, from being with us today. The Honourable Tuita sends his best wishes to the meeting and trusts that it will be a constructive one as we move toward the 37th Annual Session of the SOPAC Governing Council. He assures us that he will be attending the 37th SOPAC Annual Session to hand the Chair over to my Government - Tuvalu and to report to Council on the work of this Committee in respect of the Regional Institutional Framework as it relates to SOPAC and particularly on progress against the Council decision made last November.

Colleagues, I will do my utmost to Chair this meeting in such a way that we can give as much time as is needed for our deliberations here today, and at the same time ensure that we retain focus and are able to conclude our discussions expeditiously.

Since SOPAC Council met in Tonga in November of last year the Committee has worked diligently and must be congratulated for its achievements of some significant milestones. These have been well articulated in the progress report to the Forum that we agreed to at our last meeting and which our Chair shared, under a covering letter, with the Forum Chair, prior to the Forum Leaders meeting held in Niue just last month.

I would like to suggest and commend to you that the progress report to the Forum should provide the core of our reporting to SOPAC Council for its consideration on this matter in Funafuti next month. As you will recall our progress report includes “a roadmap for a way forward, with possible timelines” which I would offer resonates with the timelines of paragraph 20 (c) of the 2008 Forum Communiqué and further elaboration in the decision of SPREP at their recent meeting convened in the FSM last week.

This meeting will need to consider those decisions and discuss what implications these may have on our work and the work of Council over the course of the months ahead and leading up to the next Forum meeting as SPREP, SPC and SOPAC work toward responding to the Forum Communiqués as well as the decisions on the RIF that have been made by each of their Governing bodies. As there will not be another meeting of this Committee before our Council meeting, the decision of the SPC’s CRGA will need to be circulated as a supplementary paper to the relevant agenda item during our Council meeting.

There is also the draft legal assessment that will need to be considered during Council, with a view to finalising that assessment which primarily focuses on the legal implications of Article 16 of the SOPAC Agreement that allows for the dissolution or suspension of the Commission.

An important task for us for this meeting is to decide on the nature of our report and its recommendations, for a way forward, to Council, which is an obligation under our Terms of Reference. This will go some way toward informing Council’s deliberations on the rationalisation of SOPAC’s services and functions into SPREP and SPC and to ensure that our Council is able to progress in such a way that SOPAC continues to build upon its positive response to the 2007 and now 2008 Forum Communiqués.

We have some work to do today and I wish our discussions well. Thank you.

ANNEX 3

Adopted Agenda

- 1 Welcome (1000 hrs)
- 2 Adoption of Agenda
- 3 Minutes of SCW3
- 4 Matters Arising
- 5 Consideration of Forum Communiqué on the RIF
- 6 Consideration of SPREP Council on the RIF
- 7 Timelines and Constraints
- 8 Committee Report to Council, and recommendations for the way forward
- 9 Closing

ANNEX 4

SPREP & SPC Provisional Decisions on the RIF (2008)

I) Pacific Regional Environment Programme (SPREP)

The SPREP Council met in the Federated States of Micronesia in September 2008 and considered both the 2007 Pacific Island Forum Leaders' Communiqué, Para. 19b and the 2008 Pacific Island Forums Leaders' Communiqué Paragraph 20; and at the 19SM Informal Session on 7 September 2008 decided as articulated below.

Decision by the 19SM on the Regional Institutional Framework (RIF)

The Meeting:

- **considered** the information provided on the RIF review and its reports;
- **took into account** the 2007 and 2008 Forum Leaders' decisions on the RIF review (outlined above);
- **considered** the opportunities to strengthen the region's environment organisation that would be provided by rationalization of SOPAC functions, in whole or part, into SPREP;
- **recognised** the need to consider the legal, financial, administrative, and programmatic implications for absorbing SOPAC and/or its functions, in whole or in part, within SPREP,
- **directed** the Director of SPREP to engage *collaboratively* with the CEOs of SOPAC and SPC immediately following the 2008 SOPAC Council Meeting to determine and jointly identify proposed institutional arrangements based on an analysis of:
 - a. synergies and linkages between programs
 - b. optimising service delivery
 - c. organisational capacities
 - d. maintaining the integrity of the applied science and technical services
- **directed** that the Director of SPREP, in collaboration with the CEOs of SOPAC and SPC, jointly commission an independent analysis of the legal, financial, administrative, and programmatic implications of their proposed institutional arrangements;
- **directed** the Director of SPREP to propose to the other CEOs that the proposed institutional arrangements and analysis of implications are circulated to all member focal points of SPREP, SPC and SOPAC with an invitation for a representative from each Member country to attend a meeting of all countries and territories for consideration by May 2009;
- **directed**, subject to the guidance of the above-referenced meeting, the Director of SPREP to work collaboratively with the CEOs of SOPAC and SPC to finalise and jointly recommend new institutional arrangements and implementation plans, to be provided to Members by July 2009, for consideration and decision by their respective Governing Bodies in 2009;
- **agreed** that the SPREP Meeting meet to consider the institutional arrangements and implementation plan recommended by three CEOs before the next Pacific Islands Forum Leaders' meeting in 2009;
- **directed** the Director of SPREP in his deliberations on new institutional arrangements to take account of the ICR recommendations and implementation;
- **directed** the Director of SPREP to propose to the other CEOs to provide a joint quarterly update on progress and to seek and share the views of, and give due consideration to, all members of SPREP, SPC and SOPAC.

II) The Pacific Community (SPC)

The CRGA of SPC met in New Caledonia in October 2008 and

- **noted** the excellent progress achieved during 2008 in responding to the Regional Institutional Framework review and decisions related to rationalising the activities of regional organisations;
- **noted** that the CEOs of SPC and SPBEA have agreed on the process for developing an implementation plan for the merger between the two organisations;
- **endorsed and adopted** the approach agreed by the SPREP meeting with regard to the RIF process; and
- **directed** the Director-General to implement the decision of CRGA38 as set out in Annex 3 of SPC/CRGA 38 (08)/Paper 4.2/Addendum

Decision by the CRGA38 on the Regional Institutional Framework (RIF)

1. At its 38th meeting held in Noumea, New Caledonia from 13th to 16th October 2008:
 - **recalling** the decision made by the 5th Conference of the Pacific Community on the RIF in Apia in November 2007,
 - **noting** the decision by the SPREP meeting at its recent meeting on the RIF,
 - **wishing** to establish one mechanism between SPC, SPREP and SOPAC to respond to the RIF review PIF Leaders' decision on the regional institutional arrangements
 - **noting** that the SOPAC Governing Council will meet after CRGA,
2. CRGA:
 - a. **endorsed** the process contained in the SPREP decision,
 - b. **added** three more parameters to the analysis proposed in the SPREP decision, including two that were approved by the 5th Conference of the Pacific Community in Apia in 2007.
3. CRGA also:
 - a. **directed** the Director General of SPC to engage collaboratively with the CEOs of SOPAC and SPREP immediately following the 2008 SOPAC Council Meeting to determine and jointly identify the new proposed institutional arrangements based on:
 - a. transparency and timeliness with respect to the process, and effective involvement of stakeholders
 - b. cost effectiveness, and
 - c. analysis of the core function of each SOPAC programme to assess whether it is primarily (a) an environmental programme or (b) an economic development programme
 - d. synergies and linkages between programs
 - e. optimising service delivery
 - f. organisational capacities
 - g. maintaining the integrity of the applied science and technical services
 - b. **directed** that the Director General of SPC, in collaboration with the CEOs of SOPAC and SPREP, jointly commission an independent analysis of the legal, financial, administrative, and programmatic implications of the proposed new institutional arrangements;
 - c. **directed** the Director General of SPC to propose to the other CEOs that the proposed institutional arrangements and analysis of implications are circulated to all

- member focal points of SPREP, SPC and SOPAC with an invitation for a representative from each Member country to attend a meeting of all countries and territories for consideration by May 2009;
- d. **directed**, subject to the guidance of the above-referenced meeting, the Director General of SPC to work collaboratively with the CEOs of SOPAC and SPREP to finalise and jointly recommend new institutional arrangements and implementation plans, to be provided to Members by July 2009, for consideration and decision by their respective Governing Bodies in 2009;
 - e. **agreed** that the 39th meeting of the CRGA and the 6th Conference of the Pacific Community in 2009 will consider the institutional arrangements and implementation plan recommended by three CEOs before the next Pacific Islands Forum Leaders' meeting in 2009;
 - f. **directed** the Director General of SPC to propose to the other CEOs to provide a joint quarterly update on progress and to seek and share the views of, and give due consideration to, all members of SPREP, SPC and SOPAC.
 - g. **noted** the instruction by the SPREP meeting to the Director of SPREP in his deliberations on the new institutional arrangements to take account of the ICR recommendations and implementation; and
 - h. **agreed** that an independent external consultancy would be commissioned and if necessary, to assist the three CEOs to achieve the objective of paragraph 3 (a) additional resources would need to be sought.
4. To ensure the three governing bodies and their respective CEOs work together using one mechanism, CRGA requested the Chairperson of CRGA38 to write to respective Chairpersons of the SPREP meeting and the SOPAC Council to inform them that CRGA has endorsed the process contained in the SPREP decision as outlined above.

ANNEX 5

First Draft of Minutes of Fourth SCW Meeting

Agenda Item 1 – Welcome

The meeting was called to order around 10:35 am.

Chair read his opening remarks, attached in full to the SCW04 meeting record (Annex 2).

Agenda Item 2 – Adoption of Agenda

The Provisional Agenda was adopted (Annex 3).

Agenda Item 3 – Minutes of SCW3

The draft minutes and summary record of the Committee's third meeting had been circulated to Committee members on the 7th of September and the **Chair** proposed they be accepted subject to any accepted amendments from members.

Chair took the Committee's silence as agreement to adopt the records of its third meeting.

4 Matters Arising

Chair invited the Director to introduce the item.

Director brought up an outstanding matter from the two previous Committee meetings, which was the legal assessment. She suggested the Committee have some discussion on it at this meeting as it was the first opportunity for such a discussion to take place. Alternatively, she suggested that the Committee might prefer to defer all discussions on the legal assessment report to the Council meeting in Funafuti.

Chair invited comments from the Committee members.

Australia asked for a quick summary of the findings of the legal report for the information of the participants present.

Director explained that an independent assessment had been completed by a legal expert whose nationality is Papua New Guinean – Ms Masio Nidung – according to a terms of reference that had been outlined to her in terms of addressing certain points that included an examination of the legal obligations – if any – that the SOPAC Council had to the Pacific Islands Forum; and thereby any requirement for a response from the SOPAC Council to the Pacific Islands Forum Leaders Communiqué. That particular aspect of the work suggested that there were no legal agreements between the SOPAC Agreement and that of the Forum; however, practice suggested that SOPAC had always responded to Leaders' communiqués in a positive way hence why should [the reaction to the 2007 Communiqué] be any different.

The **Director** went on at some length on the aspect of the assessment that looked at Article 16, which was to clarify the various processes around the dissolution or suspension of the Commission, and the implications of either in terms of what

options there were; what processes needed to be carried out by members to satisfy the legal requirements of the options when invoking the Article.

The third aspect of the assessment was to examine the treaties and instruments that govern SPC and SPREP; and to comment on the possible legal implications for SPC and for SPREP of absorbing any or all of SOPAC's work programmes and functions.

The fourth and final was a catch-all requirement where the consultant was to comment on any other legal issues that she deemed relevant to the assessment.

The report also examined the agreement establishing the Pacific Islands Forum in 2000, commenting on some of the gaps in the agreement that the study advised member states to consider relooking at it in future to review and refine it. The report noted that the Forum Agreement of 2005 had addressed the relationships between the Forum and the various other organisations that were part of CROP. The study also looked at other organisations from outside the region, such as CARICOM – regional bodies similar to the Forum and how they treated their relationships with regional agencies within their regions and what accepted practice existed.

The consultant also looked at how international legal instruments could be used to deal with aspects of the legal processes for dissolution or suspension where the SOPAC Agreement was silent. The Committee noted that while the SOPAC Agreement mentions that it needed a 2/3rd of members to invoke suspension or dissolution of the Agreement; it was not prescriptive in terms of implementation. Various operative articles of the Vienna Convention were looked at in terms of a process that may be adopted for use by members. The consultant also examined options to revive the organisation after suspension.

The Committee heard that the consultant viewed the deadline of 2009 as being somewhat ambitious because of the whole issue around the ratification by 2/3rds of the members and the processes that would be required at national level. Member states needed to be aware that after the decision was taken that they would need to actually be quite proactive at national level depending on which option was agreed to.

The report also examined what would happen to the assets and obligations of the Commission and that as she had mentioned in previous meetings that there would need to be some analysis carried out on SOPAC's current contracts or agreements with development and/or donor partners as well as with staff. There would be a need to actually start to look at some of the issues around redundancy arrangements and so forth.

The report also looked at the [possible] eventuality that 2/3rds of the members were not in a position to ratify by the next session; so that the Commission was NOT able to decide on the date of dissolution or suspension and looks at some of the options that would need to be considered to manage that scenario.

She apologised for not being a bit more logical in providing her summary and commended the study to members expressing the hope that some examination of it would occur in all capitals before the discussion in Council in Funafuti.

Australia thanked the Director for her summation and remarked that it was obviously a big ask to seek a summary of a legal document just on the spot. Thinking ahead to the Council meeting and taking into account other matters that would come into consideration by the time of the Council meeting e.g. the outcome of the SPREP meeting, which had as one of its recommendations that there would again need to be a legal study done. Australia suggested that this should be kept in mind when considering the legal issue. Further, Australia suggested that it would be useful in the paper being prepared for the Governing Council if there was a distillation for members of the key decisions that have to be made relating to either dissolution or suspension i.e. what were the serious impediments to either; and would happened to the assets either way? She asked that clear statements be made in the paper the Director prepared to introduce this item to Council on what members had to concentrate on back in capitals.

Director agreed and informed the Committee that the consultant stood ready to put together an executive summary of her assessment, to clarify some of the key legal points of her opinion and that the summary would actually travel with the report.

New Zealand said he wasn't aware that the legal opinion would be discussed at the meeting; as it had been some weeks since he'd read it. He pointed out one of the difficulties they had with the issue, which was related to Australia's point about the SPREP decision. He described the SOPAC commissioned independent legal opinion as a "unilateral opinion in a trilateral process" so that missing from what was before the Committee was any kind of assessment response opinion from the other organisations involved. Similarly, the Committee was not shown a terms of reference for all the legal assessments that have been commissioned that the other two organisations did – hence he was probably referring to due diligence at some stage. The SOPAC opinion has not been subjected to any kind of due diligence from other parties; which New Zealand views would be useful to have for a clear decision at the next session.

Another observation made by **New Zealand** was that a treaty or an international law was there to give shape and substance to the intentions of countries; hence if countries came to a decision about the institutional infrastructure of an entity there shouldn't be a situation where the cart was before the horse, or the tail was wagging the dog – he appreciated that members would indeed have to be guided on the legal considerations, but they were there to give formal intent to [a collective] decision rather than the other way round – i.e. that members were not to be slaves to legal considerations.

New Zealand also quickly noted in reference to a point made by the Director on timelines that there was perhaps some confusion between the timelines in the Leaders' decision for having a finalisation of the path forward (what's to be done) as opposed to having everything tied up and [fully implemented]. Obviously things like various staff contracts and the like may take a while to actually move over to the change, which he stressed was a different time frame from the Forum decision (2008).

Chair invited the Secretariat to comment on the points expressed by New Zealand.

Director proposed that she send a note to her counterparts in SPC and SPREP to ask them for their comments on the SOPAC Legal Assessment report, which was on the RIF page of the

SOPAC website. She agreed with the New Zealand view that this was an opinion which had SOPAC as the focus. She acknowledged that the actual legal assessment and implications forward would, by necessity, have to involve SPREP and SPC as well; and submitted that this provided the basis for a fairly comprehensive legal work to be done and its implications with SPREP and SPC.

Chair moved the meeting to Agenda Item 6 which is the consideration of the SPREP Council on the RIF. He invited the Director to introduce it.

5 Consideration of Forum Communiqué on the RIF

Director noted that the Chair skipped over the Forum Communiqué on the RIF (Item 5) and brought the meeting back to it.

Director presented the Communiqué out of Niue and observed that Para. 20 was quite consistent with the SCW progress report to the Forum that was agreed at the third (SCW) committee meeting and that there was no reason to prevent all work to be completed in time for implementation by 1 January 2010. She also said that the Para. 20 language actually presented some timeline constraint issues and she suggested that the Chair seek views on whether to discuss them at this stage or later on under Item 7.

Chair invited the meeting for comments and took the lack of it to mean that discussion would occur under Agenda Item 7.

6 Consideration of SPREP Council on the RIF

Chair moved the meeting to Agenda Item 6, and invited the Director to introduce it.

Director introduced the provisional version of the revised recommendations of the RIF agenda item discussed at the early September (2008) meeting of the SPREP Council. She informed the Committee that the paper before it was not the final resolution that came out of the SPREP Council meeting; but it was the best version that she could share at this meeting. She suggested that the meeting take a few moments to read the recommendations (given that the paper had just been circulated on arrival at the meeting), before having discussions.

Chair allowed a few minutes for members to read through the SPREP recommendations and invited them to make comments when they were ready. Since no one commented Chair informed members that there was further opportunity under Agenda Item 8 to make comments.

7 Timelines and Constraints

Chair invited the Director to introduce the item and paper.

Director apologised for making the suggestion under the last agenda item to talk about timeline constraints. She alluded to parts b and c of the Forum Communiqué (2008) Para. 20 as being where some clarity around constraints to timelines with respect to the provisional timelines of the various governing body meetings was needed. She presented her thoughts that in order to avoid this being a constraint the following sequencing of 2009 meetings

would be necessary: particularly the Forum to convene in 2009 following the SPREP, SOPAC and SPC governing body meetings. She further suggested that in order to allow for maximum time for the necessary work to be completed for all of these meetings, she saw sense in holding all of the meetings in the latter part of 2009; with SOPAC holding its meeting after that of SPREP and SPC; as they would need to have considered the complementary absorption and/or implementation plans and have decided on these. She observed that outside of the SOPAC process there would certainly need to be some considerable effort on the part of the receiving organisations; with very close and continued support from SOPAC to complete the necessary work in the timeframe that has been given. In discussions she'd had with her SPC counterpart on the sequencing of meetings they had a suggestion that if SPREP would/could hold its meeting about exactly this time next year (in Samoa); then SPC CRGA could confer in Tonga around September 22nd to the 30th (dates provided by the SPC CEO). She submitted that SOPAC would need to work closely with Vanuatu to look at a date after the SPC dates, for example 1 through 9 of October 2009. While the CEOs were not being prescriptive, this meant then that the Forum had the opportunity to meet any time after 13th of October; as it would be useful to allow as much time as possible for governing councils to consider this important matter with some level of confidence.

Chair invited members to comment on the proposal by the Director.

The PIFS representative noted the timing suggested and confirmed this would be considered during their planning when holding discussions with Australia over the next twelve months.

Australia commented that Forum members accommodated the special request from the hosting country for the special timing in 2008. She confirmed this was something that would obviously need consideration in light of a range of issues; and that they would certainly convey to Canberra this issue on when to convene the meeting but it was difficult at this stage to see whether it could be accommodated.

8 Committee Report to Council, and recommendations for the way forward

Chair moved the meeting to Agenda Item 8 – Committee report to council and recommendations for the way forward.

Director alluded to the opening remarks by the Chair where it was suggested that the [SCW] Committee's report to Council could include the progress report that was agreed at the third committee meeting to the Forum. She went on to give an outline of the other parts of the SCW Report to Council. The agreed summary records of the first three committee meetings as well as the draft summary record of the fourth committee meeting (this meeting) would be attached. Additionally, the covering letter of the Chair of SOPAC to the Forum Chair could also be attached. She suggested that the report have its own short executive summary of no more than one or two pages; and that the executive summary should include the recommendations for the way forward to be discussed at this (fourth) committee meeting. She offered that the summary be prepared by herself in conjunction with the Chair. The main task for this meeting was the drafting of recommendations on the way forward which would guide the SOPAC Council towards its decision when they meet in Funafuti. An important component of the report would be to circulate the

draft legal assessment. She noted that an executive summary should travel with the report to enable Council to cut through to the main points in terms of the legal opinion. She also offered that in light of the recent decision of the SPREP Council as well as the 2008 Forum Communiqué; the Committee might wish to reflect on [language] from these to see what elements may be relevant in reaching a recommendation (or recommendations) to Council for a way forward. In addition the Committee may wish to reflect on the work that it has already completed; and whether it has a continued role to play in order to maintain the ownership of the process to rationalise the services of SOPAC into either SPREP or SPC or SPREP and SPC; and to maintain the integrity of the SOPAC work programme; or whether this maybe conducted through other mechanisms such as comprehensive and regular briefings to Suva-based members as well as circulars and e-mail updates to all members. The Director left off at that point so that the Committee could provide some comment and guidance. She repeated her suggestion to reflect on the two newest decisions of sibling agencies: i.e. that 2008 Forum Communiqué, paragraph 20; and the resolution of SPREP Council.

Chair thanked the Director opened the floor for comments. He trusted that the Committee would be able to agree to a recommendation or recommendations that would be part of its report to Council.

Fiji firstly pointed out that there was one recommendation of the SPREP Council that was not part of this paper circulated. It is the one of the legal implications [????.....]. Before participating in detailed discussion Fiji clarified for the benefit of everyone around the table its position since the Forum 2008 decision. Its position up to the time of the Forum meeting was well known among members and the outcome at the Forum meeting though not one that Fiji would have preferred was nonetheless the decision that was made and Fiji would move with the consensus on this. While Fiji also took this position at the recent SPREP meeting, they did qualify that their view on the concept of ownership of how this was taken forward had not changed. Fiji preferred taking as much ownership of the way forward as possible; and one of the mechanisms that allows them to continue this ownership is through the Committee process. At the SPREP meeting Fiji would have preferred something along similar lines as SCW but that was not the consensus at SPREP; and the SPREP decision was [...] [the delegate attempts a formulation of the missing recommendation from memory and his own notes from the SPREP meeting]. Greater collaboration of councils from now on until [the end] ... that each of the governing councils be informed and that members from each governing council comments ... Fiji thinks that it would be a useful tool and urged that Council to reflect on this for later on next month at the SOPAC meeting. Not only would the language be consistent with the terms of reference; and there was also opportunity to not only be informed but to provide feedback to the planning process, so that by the time we do get to the meeting sometime in the middle of next year there were no surprise developments. [check this couldn't hear speaker]

Papua New Guinea supported Fiji's view, adding that Papua New Guinea feels strongly that the three CEOs should meet on regular basis now, given the timeline that they have to work to due to the decision from the Leaders. Papua New Guinea wants the three CEOs to work together to speed up the process and as expressed by Fiji, interaction among each of the governing councils should increase because of the timelines and activities that will increase from now on.

Federated States of Micronesia took the opportunity to thank the Director and those that were in Pohnpei (like the Fiji delegate). He hoped that they had enjoyed Pohnpei during their stay to attend the SPREP meeting. Additionally he expressed the point that it should be made clear in the recommendations that this should demonstrate improved service delivery and effectiveness, which should continue to be the underlying basis for the RIF.

Marshall Islands [just entered the room] apologised for being late, as he was attending to their President who was in Fiji to be installed as the Chancellor for the University.

Australia recorded that they had not been at the SPREP meeting and were yet to get a full report. She wondered if Fiji would be able to provide a copy of the extract of the 'missing' resolution.

Fiji didn't have anything official in writing as he only had his jottings and he asked if his best recollection would be good enough for Australia's purposes. [While re-attempting a formulation New Zealand drew attention to some text he had in his possession]

New Zealand read from a piece of paper the text "directed the Director of SPREP to propose to the other CEOs to provide a joint quarterly update on progress and to seek and share the views of, and give due consideration to all members of SPREP, SPC and SOPAC" – and asked Fiji if that sounded like the recommendation he had been referring to.

[Copies of the text were organised and distributed].

Fiji replied in the affirmative and sought the views of fellow members on whether their understanding was that this progress reporting was specific to the re-organisation of the regional institutional framework; so that it was a special reporting activity to be introduced. Fiji wanted this to be made 'more clearer'. They were sure the issue [of progress reporting] would be revisited not only in the SOPAC Council but also at the SPC CRGA. He understood that the SPREP Director had his own monthly reports to the SPREP Governing Council but that this reporting mechanism was separate and very specific progress reporting and not just an item in the standard reporting of the three organisations' directors to their council members.

Australia sought clarification from Fiji, that the progress reporting he referred to related just to these three organisations – SOPAC, SPC and SPREP.

Fiji confirmed his meaning and explained that the reporting that Fiji would like to advance from the three directors (of SOPAC, SPC and SPREP) on this should not be part of a general type of reporting arrangement but be specific to the subject [of the RIF].

Marshall Islands informed that all members around the table know that the Leaders have a keen interest on this issue and therefore would probably like to know what was really going on. He queried whether there was a way to ensure that Leaders knew how the issue was progressing, and submitted the idea of sending progress report(s) to capitals and to ensure that these got to the

Leaders and copied to the Forum. He suggested that SOPAC could perhaps take that working arrangement, and the other two organisations could maybe follow suit.

New Zealand endorsed the pros and cons of what Fiji and Papua New Guinea were saying on reporting; but that meant work needed to be paced to meet the deadlines and timelines that have been set out. He observed that one thing that came through from the Forum Communiqué and the draft SPREP communiqué was the sense that the organisations needed to work closely and collaboratively on this – for instance in the SPREP recommendations the words ... directing the Director of SPREP to work with the CEOs of SOPAC and SPC to "jointly commission an independent analysis of the legal, financial, administrative, and programmatic implications". He acknowledged the small difficulty at this meeting of not having the other two CEOs of those other organisations present as they had been at previous sub-Committee meetings. He wondered whether the process that had been discussed at the second and the third meetings involving business cases and due diligence might need to be modified somehow in light of some of the decisions being taken now; whether some kind of decision could be taken at this meeting on how to progress.

Chair asked the Director to comment on the views expressed.

Director reminded the Committee of the roadmap for a way forward (with possible timelines) that she had presented at the second committee meeting. That roadmap was reflected in the progress report to the Forum. In it was agreement between the three CEOs that there would need to be some independent support to 1) examine or agree on the institutional arrangements and then would follow stage 2) which would be an absorption plan, which actually highlighted complementarity between the services and functions of SOPAC into SPREP and then services and functions of SOPAC into SPC. Also within that was acknowledgement that she would need to work very closely with those two CEOs in supporting them to develop their implementation plans (or the Implementation Plan) that would have complementary components. She recalled some of the many things discussed at the SPREP Council meeting, and she reported that there was acceptance around the need for the SOPAC Council to look at the absorption plan and conduct some levels of due diligence to make sure that they were very confident that the receiving organisations would not only receive the services that SOPAC currently deliver but that those services would not only endure but would actually be improved under the new institutional arrangements. She observed that in terms of the actual way forward as suggested at the Committee's second meeting that all of the key activities that need to be undertaken between now and May of 2009 still hold; and that what was key was that the absorption plans are non-competitive; that they are complementary and that they would be completed with the cooperation and collaboration of two CEOs of the receiving organisations and herself.

Fiji concurred with New Zealand that in retrospect since the working group began its work and certainly in the last few months he had observed the collaborative approach as a useful way forward to present to Council in October [and also in view of the decision in Niue] – the timelines set there and the requirements for the three CEOs to now take the ball. In fact the whole idea of working collaboratively would take a lot of steam out of what was set in motion by this matter.

Australia commented that she wasn't quite sure whether the Director was making a comment on the process between now and May – given that SOPAC obviously recognised that meeting as mentioned in the SPREP resolution. In the way that the SPREP resolution had been put together and given the mention of having a meeting in May of all representatives of each member country of the organisations (the three organisations) Australia raised the question as to what due diligence the Director had in mind for SOPAC to do in advance of the May meeting.

Director drew attention to what Australia was referring to as bullet point 7 of the SPREP decision as in the circulated paper [“direct the Director of SPREP to propose to the other CEOs that the proposed arrangements and analysis of implications are circulated to all member focal points of SPREP, SPC and SOPAC with an invitation for a representative from each Member country to attend a meeting of all countries and territories for consideration by May 2009]. On the matter of due diligence the Director said that within the SPREP Council there was recognition and acknowledgement that the implementation plan would in fact be the plan (or the plans) for receiving the services and functions of SOPAC into SPREP and SPC. In reference to due diligence, a lot of discussion had not only occurred within this Committee but also in November at the Council meeting in Tonga. Her recollection was that the main concern was around making sure that the services of SOPAC were not lost; or indeed compromised as a result of the RIF initiative. The suggestion that she was making with respect to diligence is to have a look at the implementation plans as an organisation SOPAC and feeling quite confident that the services that are transiting out of SOPAC into the receiving organisations of SPREP and SPC in fact would not only be delivered but they would in fact be improved under the new institutional arrangements. Therefore that validation would allow then for a decision that could be made with confidence by the SOPAC Council. The Director continued that it was really up to the members obviously to decide on that and as to whether they would look at the implementation plans and accept those as read or that they would like some opportunity to look at the implementation plan and feel that level of confidence that where the services were going would be in fact offer them better services in the immediate to long term.

Australia expressed some curiosity about the process; noting the terms mentioned by the Director – that this should be a non-competitive process and be collaborative – hence her concern that good care be taken not to set up a process that would lead to a competitive and not-so collaborative and collegiate approach between the organisations. She placed that on the table as a point of caution seeing that there was quite a timeline to work towards and the only way to go towards it was through the non-competitive, collaborative approach. **She thought if the Committee were to decide that the recommendations that the SPREP Council have adopted are then it seemed that the May meeting was fairly important as a sort of overall quality assurance exercise for members. [Australia to check, as not sure]**

Marshall Islands sought the view of the Director (in the absence of the other two directors) on whether they were just going to carry on more of the same sort of work and planning or whether there was something else in light of the timelines that the Leaders have required for all three to work towards. He was curious to know how the three intended to advance, and whether there was a different sort of plan to carry out what they're supposed to do given the dates that have been set.

Director confirmed having had discussions with both her counterparts and passed on their apologies for not being present. The SPREP CEO was on medical leave and the SPC CEO was preoccupied with trying to get papers out for the CRGA meeting. After considering the 2008 Forum Communiqué Paragraph 20 decision the three CEOs did agree that once their Council meetings were out of the way they would meet immediately to start to finalise the institutional arrangements because a lot of the work would be around detailing and outlining the implementation plan and also the absorption plans. She reported that they had undertaken to have a meeting immediately after the SOPAC Council meeting to start to progress work because she certainly realised that they would have their work cut out for them to meet the May 2009 meeting timeline given that they had to also remain focussed on delivering work programmes. Both her counterparts certainly realise the amount of work that would be required and a lot of it would rest on them being allowed to commission some level of independent support to help them get there.

Marshall Islands clarified that the reason he raised that question was whether there would be some sort of plan or work programme presented at the Council meeting for endorsement, saying that members needed to be aware of what would come up at the meeting.

Director reminded the Committee that the three CEOs did approach New Zealand and Australia with a request for additional resources to be able to see their way through this. The three had discussed that matter and decided to wait until the conclusions of their Council meetings to put together then a more detailed proposal to Australia and New Zealand or other members of the respective organisations such as France for the resources that could be bought to bear to allow the CEOs to (1) complete the work that will be required; (2) hold the meeting in May 2009, which would certainly come at some cost; and obviously any other aspects that would need to be undertaken for Councils to make their decisions.

France expressed appreciation for the proposal(s) and enquired if there was some sort of host and location for the May meeting (had those details been decided yet?).

Director was not sure whether the SPREP Council had thought that far ahead in terms of who would organise the meeting and who would pay for it and other details like that. She observed that SPREP certainly acknowledged the fact that they do not have any buffer within their budget to allow for the RIF and so additional resources would definitely be needed to be secured to allow SPREP to engage in a very constructive way in the whole RIF process; and in realising their decision and hopefully the decision of the Forum. Unfortunately she was not in a position to inform the meeting about details of the May (2009) meeting. On the issue around working cooperatively and collaboratively, this would certainly be one where she thought the CEOs would need to sit down and to work out the mechanics of the logistics of the meeting; and to also make sure that there was good representation at the table of all of the members of the three organisations so therefore it would definitely need to include metropolitan members obviously in SPREP and the territories, in addition to the Forum member countries. She apologised for not being able to elaborate more than what was before the meeting and she offered that the key words were to be cooperative and collaborative throughout the process in moving forward.

Chair asked the Director to give some way forward given the discussion had so far; to give some direction on where to go from now?

Director noted that she had not actually circulated any recommendations for the way forward; and she had suggested in her opening comments for this agenda item that the Committee may want to reflect on the Forum Communiqué as well as the SPREP Council decision [for a way forward]. She thanked New Zealand for the additional words which finalised the SPREP Council resolution on the RIF. In terms of the proposed recommendations for this Committee to put forward to Council; she suggested that the meeting look at paragraph 2 of the [SPREP recommendations] and began amending the text in paragraph 2 of paper SCW04/6.0 "The Council is invited to consider the report and recommendations from ..."

Australia interjected at this point and requested a pointer as to what was being followed by the Director.

Director replied that she was using the point 2 of the SPREP decision and trying to offer a way forward. She continued in this vein while scribbling notes and providing some rewording to the base paragraph, which she clarified was her trying to offer some mechanism – "so that first part inviting Council to consider the progress report and recommendations on the way forward of the Committee to Council as well as related reports" ...

Australia enquired as to what the Director meant by the "progress report".

Director clarified that the progress report to be from this Committee to Council along with the recommendations and she had suggested earlier perhaps having a one or two-page executive summary to include these recommendations that she was proposing at this point.

[What occurred at this juncture was that the Director redrafted a set of recommendations for the SCW using the SPREP revised recommendations as base, and taking into account points made during the earlier part of the meeting discussions by members. The text attached to the end of these minutes was formulated and amended during this exercise and taking into account points worth capturing that were raised by members during subsequent discussions.]

Director proposed these recommendations to the Committee to be considered as a way forward for presenting to the SOPAC Council.

Fiji commented that they would of course need time to consider the text. He harkened back to the SPREP decision in reference to the progress reporting and said that having thought further about the quarterly reporting he calculated that there would be one for the end of this year; and one before the May meeting in 2009; and to his mind this was not sufficient reporting. Fiji wanted to be informed each step of the way in the process; and that was something that he thought might need review, in terms of getting more regular feedback than the quarterly reporting proposed.

Australia stressed that members needed to somewhere ensure there was no duplication of work that had been done already. She observed that quite a lot of work had already been done including

the legal (two legal reports had been received). She pointed out that the SOPAC [Ms Nidung] legal report that was commissioned was very similar in a number of findings to the Heather Latu study. This was an important point which she wanted underlined that members have to AVOID things that will (1) prevent the timeframe being met by leaders and add unnecessary complications; and (2) the cost consideration. She viewed that it did not make any sense to undertake anything that had been done already; but granted that obviously those things that had been done already might need a little further looking at and refining but members needed to keep that in mind. With regard to the process, she was of the view that it was very important now, given the constraints and the big job that was to be done that not too much be introduced that would get in the way of the CEOs getting on the job. She injected that as a note of caution, in reference to the suggestion that CEOs do more than quarterly reporting. It was a complicated piece of work and the CEOs needed to be given the time to actually do it, hence extra reporting should be considered carefully on whether that would be a help to what is talked about in terms of ownership or whether it would actually prove to be a hindrance in achieving the outcome that members want, which is a breakdown of the roles and functions according to those four points that was made by SPREP that the Director has just referred to. She placed those two points as a note of caution.

Fiji assured members that they had no intention at all to impede the schedule, their thoughts were mainly to do with helping members avoid getting to a really advanced stage in the process and finding out there was no mechanism [for redress]. Fiji suggested that perhaps it was not a report at every juncture that they sought but certainly more regular reporting than quarterly – particularly there should be opportunities to know what was happening inter-sessionally before May (2009). Fiji was not intending to introduce barriers to the CEOs; but [closer oversight] could potentially prevent any last minute concerns that breaks down the whole process.

New Zealand suggested an alternative was just say "quarterly" formal reporting and then leave it to the discretion of the CEOs to report on issues where they saw and agreed on what needed to be told to members which would provide supplementary reporting on an irregular basis.

Chair asked the Director to comment.

Director reminded members of her earlier comment on the need for the Committee to reflect on its role as the process rolled out. She suggested perhaps other mechanisms for example – just providing comprehensive and regular briefings to Suva-based members as well as informing all members via SOPAC circulars and e-mail updates. She suggested that the SOPAC Council could certainly encourage the SOPAC Director to provide regular briefings and it could happen at the Secretariat fairly cost-efficiently and time effectively at the current location; and the formal joint report on progress be by the three CEOs. She suggested that this mechanism could be proposed by the Committee in its summary record to the Council as an expectation in terms of regular updates. To take into account all the issues for formal reporting, because of the work that would need to be done – the joint progress report could be provided on a quarterly basis. The Director attempted a redraft of one of the bullet points to capture Australia's comments on ensuring that studies already undertaken were accounted for. She suggested amendments to the fifth bullet point along the lines "direct the Director of SOPAC

to engage collaboratively with the CEOs of SPREP and SPC immediately following the 2008 SOPAC Council Meeting and ensure all existing studies and activities are taken into account when determining and jointly identifying a proposed institutional arrangement based on (and it continues)". She continued and proposed for the next bullet point text that said "direct that the Director of SOPAC in collaboration with the CEOs of SPREP and SPC jointly commission an independent analysis nisant of studies and activities that have already been undertaken of the legal, financial(and so on)". She offered those alternate words to capture the concern about not reinventing wheels. She informed the meeting that [the Secretariat] would work on putting the text of the recommendations together immediately after the meeting as she wanted the Council meeting papers to go out fairly promptly; and that she was intending to disappear to Spain the next day. She asked the Committee to come back with comments on the recommendations, which would be part of the Executive Summary of the SCW report to Council.

Australia remarked that rather than sort of mandating [in reference to alternate language supplied by the Director above] which would bring in a whole range of things that may not now be relevant to the recent decision(s). She proposed text for the dot point talking about the collaboration with the other CEOs "analyse the legal, financial, administrative, and programmatic implications avoiding duplication on work that's been done already" – this was thought to cover it and left it again to the discretion of the CEOs to decide among themselves what they build on.

Director acknowledged the alternate text provided by Australia as much stronger and more concise.

Chair queried whether he should take it that with respect to the issue raised by Fiji that the Director would be providing regular informal reporting to members.

Australia expressed that she was not quite sure what was agreed and exactly what form it would take. She thought that the reconvening of this Committee of the Whole had been mentioned given its terms of reference. She acknowledged hearing the Director use the term "a briefing"; which was preferable for her because she was very aware that meetings of this nature were a lot of work and required a lot of follow up – she preferred briefings and they could be quickly put together.

New Zealand summed up what he understood of the Director's proposal – that rather than proceeding with the formal SCW meetings the [new] mechanism would be simply briefings of the Suva-based missions and supplemented by e-mail updates. He submitted that if that was correct then New Zealand was very comfortable with that. In terms of timing, rather than sort of set artificial times he proposed leaving it to the discretion of the CEOs for when they got to certain critical points where there was information to be reported and that these might occur at irregular intervals – that was certainly their preference.

Chair thanked New Zealand for the summation and pronounced it to be the understanding around the table.

Director confirmed having the words for that and encouraged the Committee to respond with comments when the draft recommendations were circulated later in the day.

Chair in seeing no further request for the floor asked the Director to comment on what was going to happen next.

Director explained that firstly she would get the recommendations into legible format for circulation to the Committee inviting comments. She outlined that the SCW Report to the Governing Council would comprise (1) the progress report of SOPAC to the Forum as its core; (2) an executive summary that highlighted inter-sessional progress extracted from the progress report to the Forum i.e the forming of the Committee (SCW); the establishing of its terms of reference; the number of SCW meetings held; the number of CEO trilaterals held; the number of programme trilaterals held etc. (3) the recommendations that were discussed during this meeting would be part of the executive summary for Council to consider as a way forward with respect to the RIF institutional framework initiative. She promised to also circulate the executive summary to members as soon as possible, and explained that the SOPAC paper to Council would just be a cover paper attaching the progress report.

Director went on to advise members that certain SOPAC 37th Session papers had already been cleared for sharing with Council members but rather than sending out all of the papers at once they would be put online as they became available. She encouraged Committee members to return with their comments to the Secretariat on the version of the (SCW) recommendations that would be circulated to them. It was hoped that what the Committee presented to Council would cut down on the work Council would need to perform in Funafuti.

Chair thanked the Director and announced the end of consideration of all the items for the meeting. He opened the floor for any other business that members might want to bring up, but there were none.

9 Closing

Chair in closing thanked members for working effectively over the few hours of the meeting to agree the recommendations that would be considered by Council later. He read closing remarks that are included in full in Annex 2 of the full record.

Director expressed the hope of seeing all the members in Funafuti and invited them to eat the lunch prepared for them.

Text for Recommendations for a way forward as drafted during discussions under Items 8 and onward. The recommendations were put forward to be part of the Executive Summary of the Report of the SCW to the SOPAC Governing Council for its 37th Session in October, in Funafuti.

Recommendations

Council is invited

- to consider the progress report and recommendations on the way forward of the Committee to Council as well as related reports.
 - take into account the 2007 and 2008 Forum Leaders' decisions on the RIF Review (attached)
 - take into account the 2008 the SPREP and SPC governing body decisions on the RIF (attached)
 - consider the opportunities to strengthen regional services that will be provided by rationalisation of SOPAC functions into SPREP and SPC
 - recognise the need to consider the legal, financial, administrative, programmatic implications for absorbing SOPAC and/or its functions, in whole or in part, into SPREP and SPC
 - direct the Director of SOPAC to engage collaboratively with CEOs of SPREP and SPC immediately following the 2008 SOPAC Council Meeting to determine and jointly identify proposed institutional arrangements based on an analysis of:
 - a) synergies and linkages between programmes
 - b) optimising service delivery
 - c) organisational capacities
 - d) maintaining the integrity of the applied science and technical services
 - SOPAC to agree that CEOs provide a joint quarterly update on progress and to seek and share the views of, and give due consideration to all members of SOPAC, SPREP and SPC.
 - encourage the Director of SOPAC to provide regular briefings to Suva-based members as well as regular e-mail updates to all members"
 - direct that the Director of SOPAC, in collaboration with the CEOs of SPREP and SPC, jointly commission an independent analysis of the legal, financial, administrative, and programmatic implications of their proposed institutional arrangements avoiding duplication of work that's been done already.
 - direct the Director of SOPAC to propose to the other CEOs that the proposed institutional arrangements and analysis of implications are circulated to all member focal points of SOPAC, SPREP and SPC with an invitation for a representative from each Member country to attend a meeting of all countries and territories for consideration by May 2009.
- direct, subject to the guidance of the above-referenced meeting, the Director of SOPAC to work collaboratively with the CEOs of SPREP and SPC to finalise and jointly recommend new institutional arrangements and implementation plans, to be provided to members by July 2009, for consideration and decision by their respective governing bodies in 2009.
 - agree that the SOPAC Council meet to consider the institutional arrangements and implementation plan recommended by three CEOs before the next Pacific Islands Forum Leaders' meeting in 2009.]