

No. 12543

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**FIJI, AUSTRALIA, COOK ISLANDS, NAURU,  
NEW ZEALAND, TONGA and WESTERN SAMOA**

**Agreement establishing the South Pacific Bureau for  
economic co-operation (with annex). Opened for  
signature at Apia on 17 April 1973**

*Authentic text: English.*

*Registered by Fiji on 24 May 1973.*

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**FIDJI, AUSTRALIE, ÎLES COOK,  
NAURU, NOUVELLE-ZÉLANDE,  
SAMOA-OCCIDENTAL et TONGA**

**Accord portant création du Bureau de coopération  
économique pour le Pacifique Sud (avec annexe).  
Ouvert à la signature à Apia le 17 avril 1973**

*Texte authentique: anglais.*

*Enregistré par Fidji le 24 mai 1973.*

## AGREEMENT<sup>1</sup> ESTABLISHING THE SOUTH PACIFIC BUREAU FOR ECONOMIC CO-OPERATION

The Governments of Australia, the Cook Islands, Fiji, Nauru, New Zealand, Tonga and Western Samoa, together comprising the South Pacific Forum (hereinafter referred to as “the Forum”),

Recognising the need for increased co-operation in matters relating to trade and economic development in the South Pacific region,

Desiring to identify opportunities for the removal of barriers to trade between states within the region and also between those states and states outside the region and for the modification of current trade patterns,

Desiring also that consideration should be given to the possibility of establishing a free trade area for the South Pacific region,

Noting that the collection and dissemination of information and the preparation of reports and studies will be essential to facilitate these ends,

Concerned to ensure co-ordination of studies relating to transport services within the region,

Concerned also to obtain advice and assistance in the operation of regional trade and tourism promotion services,

Convinced of the need to work towards co-operation and co-ordination in the planning and siting of new industries and development projects within the region,

Concerned that all these activities should, wherever possible, be undertaken in co-ordination with the work of other international and regional organisations,

Have agreed as follows:

### *Article I.* ESTABLISHMENT OF THE SOUTH PACIFIC BUREAU FOR ECONOMIC CO-OPERATION

1. There is hereby established the South Pacific Bureau For Economic Cooperation (hereinafter called “the Bureau”).

2. The Bureau shall be located in Suva and shall operate in accordance with the provisions of this Agreement.

### *Article II.* ORGANISATION

The Bureau shall have an executive board to be known as the South Pacific Committee for Economic Co-operation (hereinafter called “the Committee”) and a Secretariat (hereinafter called “the Secretariat”).

### *Article III.* PURPOSE

The purpose of the Bureau is to facilitate continuing co-operation and consultation between members on trade, economic development, transport, tourism and other related matters.

<sup>1</sup> Came into force on 17 May 1973, i. e., one month from the day (17 April 1973) on which it had been signed by the last of the seven member governments (the signatures were all affixed on 17 April 1973), in accordance with article XI (3).

#### Article IV. MEMBERSHIP

1. The Governments of Australia, the Cook Islands, Fiji, Nauru, New Zealand, Tonga and Western Samoa shall be entitled to membership of the Bureau and shall become members by signing this Agreement pursuant to article XI.

2. Other governments may be admitted to membership of the Bureau in accordance with article XI.

#### Article V. THE COMMITTEE

1. The Committee shall be composed of one representative of each of the members of the Bureau.

2. The Committee shall have the following powers and functions:

- (a) to consult with the Director in the preparation of the annual budget for submission to the Forum;
- (b) to recommend to the Forum amendments to the annex to this Agreement;
- (c) to approve the annual or interim report of the Director on the operation of the Bureau and transmit such report to the member governments;
- (d) to make recommendations to the member governments;
- (e) to lay down staff establishment and salary scales;
- (f) to give general directions to the Bureau.

3. The Committee shall appoint a Chairman at its first and subsequent annual meetings who shall remain in office until the next annual meeting.

4. The Chairmanship shall rotate annually as decided by the Committee.

5. The Committee shall hold a meeting at least once in each calendar year and shall meet prior to meetings of the Forum.

6. The Director, in consultation with and at the request of the Chairman, shall convene meetings of the Committee.

7. Each representative on the Committee shall have one vote. All matters shall be decided by a majority of the representatives present and voting.

8. The Committee shall establish its own rules of procedure.

#### Article VI. SECRETARIAT

The Secretariat of the Bureau shall consist of a Director and Deputy Director and such further staff as may be appointed by the Director in accordance with the establishment and salary scales laid down by the Committee.

#### Article VII. APPOINTMENT OF DIRECTOR

1. The Director shall be appointed by the Forum for a term of three years under such conditions as the Committee may determine.

2. The Director shall be eligible for reappointment. His appointment shall not, however, exceed two consecutive terms.

3. The channel of communication of the Director with member governments shall be through their respective Ministries of Foreign Affairs.

*Article VIII.* FUNCTIONS OF THE SECRETARIAT

1. Subject to the direction of the Committee, the Secretariat may—

- (a) prepare studies in order to identify opportunities for a modification of present trade patterns in the South Pacific region, and between the region and other countries, having in mind the objectives of regional trade expansion;
- (b) carry out necessary investigations in connection with development of free trade among the Island members of the Bureau;
- (c) prepare studies of the development plans and policies of member governments in an effort to promote co-operation in the region; and investigate the scope for regional development planning aimed among other things at a rationalisation of manufacturing and processing industries and the achievement of economies of scale in certain regional enterprises;
- (d) establish an advisory service on sources of technical assistance, aid and investment finance, both official and private, that are available to members;
- (e) undertake studies of regional transport, as necessary and help co-ordinate action, both government and private, in this sector;
- (f) advise and assist member governments with the operation of a regional trade and tourist promotion service;
- (g) provide a means of regular and rapid consultation among the Islands on the region's import requirements to enable the bulk ordering of essential imports by official agencies;
- (h) act as a clearing house for information on trade, production, and economic development in the region and in areas outside the region which are of interest to members;
- (i) carry out research and statistical studies on production and trade on a continuing basis as requested by the Committee;
- (j) prepare reports, studies and working papers;
- (k) establish means for the collection, dissemination and exchange of information and statistics;
- (l) co-operate with member governments in research projects and the obtaining and collating of statistics and other information;
- (m) co-operate and co-ordinate its work with that of other international and regional organisations;
- (n) undertake such other activities as the Committee may from time to time consider necessary for the attainment of the Bureau's purpose.

2. In addition to the powers conferred expressly by this article, the Secretariat shall exercise any powers delegated to it by the Committee.

*Article IX.* BUDGET

1. The annual budget of the Bureau shall be prepared by the Director and approved by the Forum on the recommendation of the Committee.

2. The costs of operating the Bureau shall be borne by the member governments in the shares set out in the annex to this Agreement, subject to review from time to time.

*Article X.* LEGAL STATUS, PRIVILEGES AND IMMUNITIES

1. The Bureau shall enjoy the legal capacity of a body corporate in the territories of member governments.

2. The Bureau shall have immunity from suit and legal process and its premises, archives and property shall be inviolable.

3. The Bureau shall be exempt from taxes, other than such as represent charges for specific services rendered. It shall also be exempt from taxes, duties and other levies, other than charges for specific services rendered, on the importation of goods imported for its official use.

4. The Bureau shall be free of prohibition on importation or exportation of goods imported or exported for its official use.

5. The Director and staff of the Bureau shall be entitled to immunity from suit and legal process in respect of things done or omitted to be done in the course of the performance of their official duties.

6. The Director shall be accorded the same exemption from taxes, duties and other levies as is accorded to a diplomatic agent.

7. All officers of the Bureau who are not nationals of Fiji shall be accorded exemption from taxes in respect of salaries received from the Bureau. They shall also be accorded exemption from taxes on the importation of furniture and effects at the time of first taking up post.

8. Representatives attending meetings of the Committee shall be accorded immunity from suit and legal process and their official documents shall be inviolable.

*Article XI.* SIGNATURE, ACCESSION, ENTRY INTO FORCE AND WITHDRAWAL

1. This Agreement shall be open for signature by the Governments of Australia, the Cook Islands, Fiji, Nauru, New Zealand, Tonga and Western Samoa.

2. The signature of a member government shall not be taken as extending the rights and obligations set forth in this Agreement to the territories for whose international relations the member government is responsible.

3. This Agreement shall enter into force one month from the day on which it has been signed by the last to sign of the seven member governments referred to in paragraph 1 of this article.

4. Other governments may, with the approval of the Forum, accede to this Agreement.

5. For governments admitted to membership in the Bureau in accordance with paragraph 4 of this article, the Agreement shall enter into force on the date of deposit with the depositary Government of an instrument of accession.

6. The depositary Government shall inform member governments of the entry into force of this Agreement pursuant to this article.

7. The original of this Agreement shall be deposited with the Government of Fiji which shall transmit certified copies thereof to all member governments and shall register the Agreement with the Secretary-General of the United Nations.

8. Any member government may denounce this Agreement by notification addressed to the depositary Government and such denunciation shall take effect

one year after the day upon which the depositary Government has received the notification.

*Article XII.* AMENDMENTS

1. This Agreement may be amended at any time by the unanimous agreement of all member governments. The text of any amendment proposed by a member government shall be submitted to the depositary Government which shall transmit it to member governments.

2. If three or more member governments request a meeting to discuss the proposed amendment, the depositary Government shall call such a meeting.

3. If all member governments agree to an amendment, it shall then be open for ratification.

4. An amendment shall enter into force when the depositary Government has received instruments of ratification from all member governments.

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

Opened for signature at Apia this 17th day of April, 1973.

For the Government of Australia:

E. G. WHITLAM

this 17th day of April, 1973

For the Government of the Cook Islands:

A. R. HENRY

this 17th day of April, 1973

For the Government of Fiji:

K. K. T. MARA

this 17th day of April, 1973

For the Government of Nauru:

HAMMER DEROBURT

this 17th day of April, 1973

For the Government of New Zealand:

NORMAN KIRK

this 17th day of April, 1973

For the Government of Tonga:

TU'IPELEHAKE

this 17th day of April, 1973

For the Government of Western Samoa:

FIAME MATA'AFU FM II

this 17th day of April, 1973

ANNEX

SCALE OF CONTRIBUTIONS TO THE BUDGET

Australia . . . . .	1/3
New Zealand . . . . .	1/3
Cook Islands . . . . .	1/15
Fiji . . . . .	1/15
Nauru . . . . .	1/15
Tonga . . . . .	1/15
Western Samoa . . . . .	1/15

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