

**PACER Plus  
Chronology of Events**

<b>Date</b>	<b>Events</b>	<b>Status of Events and Possible actions</b>
<b>2 May 2009</b>	<b>Fiji is suspended from the Forum</b>	<p><b>Deadline for Fiji was 1 May 2009 to announce dates for General Elections before end of 2010. It didn't happen.</b></p> <p><b>The suspension is of great concern in any way you want to look at it, especially as it relates to trade negotiations under the PACER Agreement.</b></p> <p><b>Legal questions are being asked.</b></p> <p><b>Merit of proceeding with PACER Plus without Fiji is also being asked.</b></p>
<b>8-10 May 2009</b>	<b>Informal FTMM, Auckland</b>	<b>The meeting expressed concern and discussed how Fiji can be kept engaged with the</b>

		<p><b>PACER Plus process.</b></p> <p><b>The ministers' concern is an acknowledgement of the centrality of Fiji's role in FIC trade and in Pacific trade in general.</b></p>
<b>12-16 May 2009</b>	<b>Fourth Informal Consultations on PACER Plus at officials' level, Port Vila</b>	<b>Fiji did not attend meeting.</b>
<b>17-18 June 2009</b>	<b>FTMM, Apia, Samoa</b>	<b>Fiji did not attend meeting. But decision was to proceed positively with PACER Plus to the Forum Leaders.</b>
<b>29 June 2009</b>	<p><b>Fiji invoked Article 15 of PACER Agreement</b></p> <p><b>.....if there is a breach, a Party may notify.....of its wish to enter into consultations. The Party so requested shall enter into consultations in good</b></p>	<p><b>On the basis of being left out of an agreement it had signed, and it considered such an act as illegal.</b></p> <p><b>Fiji wrote to all PACER Parties for consultations to take place as soon</b></p>

	<p><b>faith and as soon as possible, with a view to seeking a mutually satisfactory solution.</b></p>	<p><b>as possible. Solomon Islands responded to Fiji's notification. For sometime, it was the only party that responded</b></p> <p><b>Fiji then wrote to PIFS and requested stoppage of all PACER activities until the consultations are conducted, including advertising for the CTA. This did not happen.</b></p> <p><b>Fiji wrote another note to PIFS to convene a meeting of the PACER parties at the margins of the Leaders meeting, scheduled for Cairns in early August or immediately before the Cairns meeting. This did not happen either.</b></p>
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		<b>Art 15 was not being fulfilled.</b>
<b>5-6 Aug 2009</b>	<b>PIF Leaders Meeting, Cairns, Aus</b>	<p><b>Decision to launch start of PACER Plus negotiations, and to keep Fiji informed of the progress.</b></p> <p><b>This decision is not based on any legal obligation, but more so on practical consideration, and on hope that Fiji will return to the fold in future to make any PACER Plus more meaningful and workable.</b></p> <p><b>No decision however on the invocation of Art 15 (PACER Agreement) by Fiji.</b></p> <p><b>There was no meeting of the PACER Agreement parties as requested by Fiji.</b></p>
<b>04 Sep 2009</b>	<b>KT's Presentation on PACER Plus at the</b>	<b>"PACER Plus: Introduction &amp;</b>

	<b>Holiday Inn</b>	<b>Overview”</b>
<b>Late September 2009</b>	<p><b>Art 60 (2): A material breach of a multilateral treaty by one of the parties, entitles: a party specifically affected by the breach to invoke it as a ground for suspending the operation of the treaty in whole or in part in the relations between itself and the defaulting state.</b></p>	<p><b>ANZ responses to Article 15 of PACER Agreement were received by Fiji</b></p> <p><b>Received 6 weeks after the Leaders Meeting.</b></p> <p><b>Fiji then invoked Art 60 of the Vienna Convention to suspend Part 2 of PACER.</b></p> <p><b>It allowed 30 days for the parties to respond.</b></p>
<b>22 October 2009</b>		<p><b>Fiji sent a note to all parties to discuss the Fiji situation at the Special FTMM meeting in Brisbane.</b></p> <p><b>Alternatively, the Fiji situation can be discussed at the next PACPTMM scheduled for December 2009.</b></p> <p><b>ANZ agreed with</b></p>

		<p><b>the latter.</b></p> <p><b>The December PACPTMM however has been deferred to May 2010.</b></p>
<b>23-24 Oct 2009</b>	<b>Special FTMM, Brisbane, Australia</b>	<p><b>Ministers from 15 FICs met and progressed the start of the PACER Plus negotiations.</b></p> <p><b>Appointment of Dr Chris Noonan as CTA</b></p> <p><b>No decision on Art 15 of PACER Agreement nor on Art 60 of the Vienna Convention.</b></p> <p><b>No meeting of the PACER Agreement parties.</b></p> <p><b>Fiji's decision on its stance on PACER Plus is likely to remain uncertain until May 2010.</b></p>
<b>FTMM</b>	<b>CTA to join a special unit</b>	<b>Chris Noonan needs</b>

<p><b>decisions:</b></p> <p><b>Nov 2009 – Oct 2010 - next 12 months – the preliminary stage of negotiations.</b></p>	<p><b>within PIFS pending the move to Port Vila</b></p> <p><b>CTA funding by ANZ. Adequate funding is to be ensured</b></p> <p><b>CTA to secure additional funds from other donors</b></p> <p><b>Consolidate the OCTA</b></p> <p><b>Define regional negotiating machinery</b></p>	<p><b>to resign from current employer.</b></p> <p><b>First installment may have already been paid to PIFS.</b></p> <p><b>Could learn from the EPA experience. CTA will have issues which he can negotiate.</b></p> <p><b>FABC: Monitor development in order to know the personalities involved (ministers and officials) so that issues can be directed to them.</b></p> <p><b>Get to know the CTA.</b></p> <p><b>For 14 FICs. Would involve drawing timelines, forms of consultations, identifying</b></p>
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	<p><b>Undertake meetings at officials level to deepen understanding on common priority issues, including but not limited to:</b></p> <ul style="list-style-type: none"><li>• <b>ROO</b></li></ul>	<p><b>Aim for simplicity and workability. Change in Tariff Heading (CTH)? Realistic cumulation provision? Global sourcing of fish?</b></p> <p><b>FABC: Inform trade negotiators the various problems relating to the ROO you have had experience with. Promote CTH, for instance, and identify manufactures that can best benefit from cumulation.</b></p>
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	<ul style="list-style-type: none"> <li>• <b>Regional Labour Mobility (beyond Mode 4)</b></li> </ul>	<p><b>Mode 1 – Cross border supply. Services are supplied from the territory of one member through telecommunications, mail and other means.</b></p> <p><b>Mode 2 – Consumption abroad. This involves the purchase by foreigners of services in the territory of another member country (e.g. tourism).</b></p> <p><b>Mode 3 – Commercial presence. Service providers are allowed to conduct business in another country through the establishment of offices, branches, agencies, JV, and other forms of equity participation (e.g. FDI).</b></p>
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	<ul style="list-style-type: none"> <li>• <b>Development Assistance – focusing on physical infrastructure for trade, trade development and promotion</b></li> </ul>	<p><b>FABC: Promote workable and widely-applied work schemes (mode 4, TMNP).</b></p> <p><b>Inclusion of Fiji in work schemes?</b></p> <p><b>Promote extension of negotiations to Modes 1, 2, and 3.</b></p> <p><b>Inform trade negotiators of all the restrictions, delays and frustration you have experienced under these various modes.</b></p> <p><b>PACER Plus is likely to focus on infrastructures related to trade. Seek commitment from ANZ ODA. Seek additionality of resources from Aft.</b></p>
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	<ul style="list-style-type: none"> <li>• <b>Trade Facilitation, including SPS, TBT, Standards and Customs Procedures</b></li> </ul>	<p><b>FABC: Identify specific trade and trade-related infrastructures the lack of which had constrained supplies and trade in the past. And inform trade negotiators.</b></p> <p><b>Centralization of heat treatment plant?</b></p> <p><b>Regionalization of organic agriculture certification?</b></p> <p><b>Regional fuel integrity testing?</b></p> <p><b>Could resort to Article 9 and Annex 1, PACER Agreement. Could aim for early harvests here.</b></p>
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	<p><b>Undertake discussions on:</b></p> <ul style="list-style-type: none"> <li>• <b>Services, including health, Education, telecommunications, shipping and aviation</b></li> </ul>	<p><b>FABC: Identify specific problems experienced. Have SPS measures constrained your trade? What about TBT? What is your experience as regards NTBs in terms of costs and in terms of trade restrictions?</b></p> <p><b>Your trade negotiators need to know.</b></p> <p><b>Get the NTFC to perform and produce outcomes.</b></p> <p><b>Some FICs have more services than goods to trade. They need to develop these services to maximize benefits.</b></p>
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	<ul style="list-style-type: none"> <li>• Investment</li> </ul>	<p><b>FABC: What do you need strengthened in these services in order that they contribute positively to growing the economy? Discuss with trade negotiators.</b></p> <p><b>Further develop medical tourism to ride on the back of Fiji's tourism?</b></p> <p><b>Measures to reduce brain drain?</b></p> <p><b>Measures to increase supplies of inter-island ships?</b></p> <p><b>FICs need investment in order to develop and grow the economy.</b></p> <p><b>FABC: Identify investment areas with greatest need. Areas for JV? Areas with sensitive domestic interests?</b></p>
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	<p><b>No consolidated legal text!</b></p> <p><b>Briefing sessions for Fiji.</b></p>	<p><b>renewable energy you want to incorporate into PACER Plus?</b></p> <p><b>Regional carbon trading system?</b></p> <p><b>Organic agriculture?</b></p> <p><b>Re-afforestation?</b></p> <p><b>Draft legal texts on individual issues may exist however.</b></p> <p><b>That is, if Fiji’s expulsion from the Forum continues.</b></p> <p><b>Much will also depend on Fiji’s actions and stance going forward to the May 2010 PACPTMM.</b></p> <p><b>Fiji essentially regards the PACER Plus process currently underway as illegal because it</b></p>
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		<p><b>does not meet the agreement of all parties.</b></p> <p><b>Furthermore, Fiji does not accept the outcomes of the Cairns Leaders meeting and reject the notion of being informed indirectly of the progress of the negotiations by officials based in Suva.</b></p> <p><b>It may choose not to be informed.</b></p>
<b>Dec 2009</b>	<b>Scheduled PACPTMM</b>	<b>Has been deferred to May 2010</b>
<b>Jan 2010</b>	<b>PIFS to finalize dates of meetings below</b>	
<b>Q1-2010</b>	<b>FTOM</b>	
<b>Late April or May 2010</b>	<b>FTMM in FSM or Palau</b>	<b>To press on with PACER Plus negotiations</b>
<b>May 2010</b>	<b>Re-scheduled PACPTMM</b>	<p><b>Consultations that Fiji is seeking are likely to take place at the margins.</b></p> <p><b>But Fiji had wanted this meeting to take place before the FTMM.</b></p>

		<p><b>If all negative, Fiji may suspend Part 2 of PACER Agreement as far as itself and the rest of the parties are concerned. This essentially means that Part 2 does not apply to Fiji. Essentially, Fiji will not be part of the negotiations on PACER Plus.</b></p> <p><b>FABC: It would be in FABC's/AFBC's interest to have Fiji participate in PACER Plus negotiations.</b></p> <p><b>Urgent dialogues with government(s) to regularize the situation are essential TODAY.</b></p>
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