

No. 13387

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## MULTILATERAL

**Constitution establishing the Pacific Islands Producers' Association (with annexes). Concluded at Suva (Fiji) on 12 June 1970**

**Termination of the above-mentioned Constitution**

*Authentic text of the Constitution: English.*

*The Constitution and the certified statement were registered by the South Pacific Bureau for Economic Co-operation, acting on behalf of the Parties, on 11 June 1974.*

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## MULTILATÉRAL

**Acte constitutif de l'Association des producteurs des îles du Pacifique (avec annexes). Conclu à Suva (Fidji) le 12 juin 1970**

**Abrogation de l'Acte constitutif susmentionné**

*Texte authentique de l'Acte constitutif : anglais.*

*L'Acte constitutif et la déclaration certifiée ont été enregistrés par le Bureau de coopération économique pour le Pacifique Sud, agissant au nom des Parties, le 11 juin 1974.*

# CONSTITUTION<sup>1</sup> ESTABLISHING THE PACIFIC ISLANDS PRODUCERS' ASSOCIATION

## PREAMBLE

Considering the importance of closer regional economic co-operation as a means of achieving the most efficient utilization of resources and of bettering the condition of the rural populations.

The countries accepting this Constitution undertake, in relation to produce of rural industries, to co-operate with one another in the fields of production and marketing and related activities, as may be requisite and expedient.

For the purpose of promoting the interests and the economic advancement of rural industries on a mutually advantageous basis for the benefit and prosperity of the producers engaged therein and likewise for the areas of production; and thus contributing towards the promotion of the common welfare and the bringing about of a higher rate of economic and social progress and development of the peoples of the Pacific.

Accordingly they hereby establish the Pacific Islands Producers' Association (hereinafter referred to as "the Association") through which they shall co-operate as members to facilitate consultation, co-ordination of effort, mutual assistance and understanding, and concerted action in fields of common interest, so as to achieve the purpose of the Association set forth above.

## Article I. BASIC CHARACTER OF THE ASSOCIATION

1. The Association shall be intergovernmental, promotional, consultative and advisory in character.
2. The Association shall provide a forum for Member Countries to exchange information and experience in fields of mutual interest; to re-think old ideas and to conceive and evaluate new ideas; and to formulate proposals for recommendation, where appropriate, to the Governments of Member Countries.

<sup>1</sup> Came into force on 14 January 1971 in respect of the following countries, i.e. the date on which three of them, eligible for original membership, had deposited their instrument of acceptance with the Executive Secretary of the Association, in accordance with article XX (3):

<i>Country</i>	<i>Date of deposit of the instrument of acceptance</i>
Fiji .....	14 January 1971
Tonga .....	14 January 1971
Niue Island .....	14 January 1971
Gilbert and Ellice Islands .....	14 January 1971

Subsequently, the Constitution entered into force for the following countries on the respective dates of deposit of their instrument of acceptance with the Executive Secretary of the Association, in accordance with article XX (4):

<i>Country</i>	<i>Date of deposit of the instrument of acceptance</i>
Western Samoa .....	6 February 1971
Cook Islands .....	15 March 1971

## Article II. DEFINITION OF PRODUCE

In this Constitution the term “produce of rural industries” includes

- (a) any product of agriculture, forestry or fisheries, in its natural form or which has undergone such processing or other treatment as is customarily required to prepare it for marketing;
- (b) any product of any other rural occupation such as handicrafts and the like.

## Article III. FUNCTIONS OF THE ASSOCIATION

1. In the exercise of its functions the Association

- (1) Shall have due regard to the economic circumstances of Member Countries and shall take no action in respect of any Member Country without the agreement of the Government of that Country.
- (2) Shall have due regard to the social aspects of economic development and the inter-relationship of the economic and social factors.

2. In pursuance of the purpose set forth in the preamble, and subject to the provisions of paragraph 1 of this article, it shall be the general duty of the Association to exercise and perform its functions under this Constitution in such manner as appears to the Association best calculated to facilitate, through the promotion of mutual understanding, consultation and co-operation, the solution of common problems inherent in the production and marketing of produce of rural industries so as to secure the maximum economic development of these industries.

3. In particular, and without prejudice to the generality of the last foregoing paragraph, the Association shall, in relation to produce of rural industries (hereinafter referred to as “produce”), have competence to

- (1) Obtain and disseminate, or assist in the obtaining or disseminating of, statistics and other general or specific information which in the opinion of the Association is in any way connected with or bears upon the production or export marketing of produce and is likely to conduce to greater efficiency in these fields.
- (2) Promote, assist or undertake, either independently or in collaboration with such specialized agencies of the United Nations, with the South Pacific Commission and with other intergovernmental organizations, as may be appropriate
  - (a) studies, analyses and interpretations of the short-term supply and demand prospects, and price movements of produce in external markets, as well as the longer term trends and their underlying factors;
  - (b) studies of the national production and marketing policies of exporting countries and of the trade policies of importing countries for the purpose of evaluating the effects of such policies upon the produce industries of Member Countries;
  - (c) studies of the factors influencing consumption of produce generally, and of the possibilities to increase consumption and effective demand, including research into the practicability of any process which would create demand;
  - (d) studies of ways and means to secure that such economic difficulties as may arise from time to time for the produce industries of Member Countries, through unfavourable trading conditions and other relevant developments in external produce markets, may be avoided or at least mitigated.

- (3) Conduct from time to time negotiations on behalf of Member Countries collectively with respect to
  - (a) export selling prices;
  - (b) questions relating to the determination and allocation (including adjustments of allocation) of export quotas;
  - (c) evolving improved trade procedures and practices acceptable both to exporters and importers.
- (4) Study and assess the economies of scale in relation to the external bulk purchase of such materials as may be required by Member Countries in connection with the production and marketing of produce; and to conduct such negotiations on behalf of the Member Countries collectively as may be appropriate.
- (5) Promote, assist or undertake, either independently or jointly with other persons, research or investigations into any scientific, technological or economic questions (including costs, improved methods and equipment) relating to any aspect of production and export marketing of produce, including the physical handling of produce from the point of production to the point of consumption.
- (6) Study and seek ways and means of improving and establishing uniform standards of quality, packing and presentation of produce with a view not only to improving the efficiency of marketing and creating demand but also to securing higher rewards to the producers for better quality production.
- (7) Promote, assist or undertake, either independently or jointly with other persons, studies of the problems associated with both internal and external transport of produce, including shipping facilities, and in particular the question of freight rates.
- (8) Promote and encourage trading in Island produce between Member Countries to the greatest possible extent, taking advantage of such seasonal opportunities as may present themselves owing to varying climatic conditions; and to this end
  - (a) act as a focal point for the receiving and disseminating of information with respect to seasonal surpluses and shortages as they occur;
  - (b) study and consider ways and means of facilitating the development of inter-island trading in produce through the harmonization of tariff policies and the removal, where practicable, of trade restrictions militating against such development, having due regard to
    - (i) the balance of payments;
    - (ii) other relevant economic circumstances; and
    - (iii) the quarantine and phyto-sanitary regulations, of the countries concerned.
- (9) Promote, assist or undertake, either independently or jointly with other persons, market surveys and market research in any country with a view to finding new markets and to expanding existing markets for produce.
- (10) Promote, assist or undertake, either independently or jointly with other persons, publicity campaigns or other like arrangements in any country for the purpose of advertising the merits of produce with a view to stimulating consumption.
- (11) Make request on behalf of Member Countries for financial and other forms of assistance in support of projects and studies relating to rural industries.

- (12) Receive and administer, where appropriate, such financial and other assistance as may be offered to the Association under the various assistance programmes of the United Nations and its specialized agencies, by the South Pacific Commission, or which may be offered from other sources, including Member Countries.
- (13) Perform any other functions which the Association may determine to be expedient to be exercised for the achievement of the purpose of the Association as set forth in the preamble.

#### *Article IV. MEMBERSHIP*

1. The original Member Countries of the Association shall be such of the countries specified hereunder as accept this Constitution in accordance with the provisions of article XX:

Countries eligible for original membership

Cook Islands  
Fiji  
Niue  
Tonga (Kingdom)  
Western Samoa

2. Any other country of the Pacific area whose application for membership of the Association has been approved by the Conference shall become a member of the Association upon submission of a declaration made in a formal instrument that it will accept the obligations of the Constitution as in force at the date of such acceptance.

#### *Article V. STRUCTURE*

The Association shall have a Conference and such subsidiary bodies as may be established under article VIII. There shall also be a Secretariat consisting of an Executive Secretary and staff.

#### *Article VI. THE CONFERENCE*

1. There shall be a Conference of the Association in which each Member Country shall be represented by one delegate.

2. Each Member Country may, if it so desires, appoint one or more alternates and one or more advisers to its delegate; so, however, that each Member Country shall give consideration to the practicability of including one or more *bona fide* producers of produce among such advisers as may be appointed. The Conference may determine the conditions for the participation of alternates and advisers in its proceedings.

3. No delegate may represent more than one Member Country.

4. Save as expressly provided in the provisions of this Constitution or by rules made by the Conference, all decisions of the Conference shall be unanimous.

5. The Conference may invite a representative of the government of any non-member country to participate in an observer capacity in the consideration by the Conference of any matter which may be of particular concern to that non-member country.

6. The Conference may invite any specialized agency of the United Nations, the South Pacific Commission and any other intergovernmental organization, which has interests or responsibilities in any matter pertaining to the purpose of the Association, to send an observer to its meetings.

7. The Conference shall meet once in each year in regular session at such locations as may be decided from time to time by the Conference. The Conference may meet in special session

(a) if at any regular session the Conference decides to meet during the interval between that regular session and the following regular session;

(b) if the President, after consultation with Member Countries and with the Executive Secretary, so instructs the Executive Secretary, or if not less than one-third of the Member Countries so request.

#### *Article VII.* FUNCTIONS OF THE CONFERENCE

1. The functions attributed to the Association by this Constitution and the final authority to determine the policies of the Association shall be vested in the Conference.

2. The Conference may assign to such subsidiary bodies as may be established under article VIII any function of the Association except such specific functions as are expressly conferred or imposed upon the Conference by this Constitution.

3. The Conference shall adopt Rules of Procedure for the Association which shall include rules for the convening of the sessions of the Conference, the notices to be given of the sessions, the proceedings thereat, and the recording of such proceedings. The Conference may, in its Rules of Procedure, provide a procedure whereby specific questions may be decided between sessions of the Conference.

4. The Conference shall approve the budget of the Association and shall apportion the expenditures of the Association among the Member Countries in accordance with the provisions of article XV.

5. The Conference may enter into any arrangement, agreement or undertaking with any person or competent authority for or in connection with any matter pertaining to the purpose of the Association.

6. The Conference may make recommendations to Member Countries concerning questions relating to produce of rural industries, for consideration by them with a view to implementation by national action.

7. The Conference may make recommendations to other intergovernmental organisations on any subject within the scope of this Constitution.

8. At the first regular session of the Conference occurring after the entry into force of this Constitution, the Conference shall elect a President of the Association who shall be a national of a Member Country. The term of office of the President shall be two years.

9. Upon the expiration of the term of office of the President, the Conference shall elect successors to the President for like periods from representatives of the Member Countries on a rotational basis. The manner of the rotational basis shall be such as the Conference may from time to time determine.

10. One or more Vice-Presidents shall be elected by the Conference who shall

hold office for such term and, subject to the provisions of this Constitution, shall exercise such authority as the Conference may from time to time determine.

#### *Article VIII. THE COMMITTEES*

1. For the purpose of this article, the term "Committees" includes Sub-Committees and Working Parties; and the term "functions", in relation to Committees, includes terms of reference.

2. The Conference may establish such Standing or *Ad Hoc* Committees as may be required for the performance of the functions of the Association. The Committees shall have such functions as the Conference may decide. They shall perform such tasks as the Conference may assign to them, and shall report to the Conference.

3. The Committees shall be composed of persons whose appointment, unless the Conference decides otherwise, shall be made by selected Member Countries. In all cases, these persons shall be qualified by training and experience to carry out the functions of the Committee to which they are appointed.

4. The number of members, which for each Committee shall normally not exceed three, shall be determined by the Conference.

5. Each Committee shall elect a Chairman. It shall adopt its own rules of procedure and amendments thereto.

#### *Article IX. SECRETARIAT*

The Association shall be serviced by a Secretariat consisting of an Executive Secretary and such supporting staff as the Conference may decide.

#### *Article X. THE EXECUTIVE SECRETARY AND THE STAFF*

1. The Executive Secretary may be appointed by the Conference or, with the approval of the Conference, in circumstances where an external official body provides his services under technical assistance arrangements.

2. The Executive Secretary shall be the chief administrative officer of the Association and shall be responsible to the Conference for the performance of any duties devolving upon him in the administration of this Constitution.

3. Subject to the general supervision of the Conference, and in accordance with the Rules of Procedure and the Financial Regulations of the Association, the Executive Secretary shall have such powers and authority as are necessary to enable him to administer and execute effectively the day-to-day work of the Association.

4. The Executive Secretary shall act in that capacity at all meetings of the Conference. He may appoint another member of the staff to take his place at any meeting.

5. The Executive Secretary

(a) shall present to the Conference such reports on the work of the Association as the Conference may from time to time request and require;

(b) may, on his own motion, make to the Conference either oral or written statements on any matter pertaining to the work of the Association, being a

matter appearing to the Executive Secretary to merit the attention of the Conference.

6. Subject to the approval of the Conference as to numbers, categories and terms of service, and in accordance with such procedure as may be determined by the Conference, the Executive Secretary may appoint from time to time such supporting staff as may be deemed to be necessary for the proper conduct of the work of the Association.

7. The staff shall be under the direction of the Executive Secretary.

8. The Executive Secretary may delegate to other members of the staff such of his functions as he considers necessary for the effective implementation of the provisions of this Constitution, the Rules of Procedure and the Financial Regulations.

9. The responsibilities of the Executive Secretary and of the members of the staff shall be exclusively international in character. In the discharge of their duties, they shall not seek or receive instructions from any government or from any other authority external to the Association. They shall refrain from any action which might reflect on their position as international officials responsible only to the Association.

#### *Article XI.* REPORTS BY MEMBER COUNTRIES

1. Each Member Country shall communicate periodically to the Association reports on the progress made towards achieving the purpose of the Association set forth in the preamble and on the action taken on the basis of recommendations made by the Conference.

2. These reports shall be made at such times and in such form and shall contain such particulars as the Conference may request.

3. The Executive Secretary shall submit these reports, together with analyses thereof, to the Conference and shall publish such reports and analyses as may be approved for publication by the Conference, together with any reports relating thereto adopted by the Conference.

4. The Executive Secretary may request any Member Country to submit information relating to the purpose of the Association.

5. Each Member Country shall, on request, communicate to the Association, on publication, all laws and regulations and official reports and statistics concerning produce of rural industries.

#### *Article XII.* RELATIONS AND CO-OPERATION WITH THE UNITED NATIONS, THE SOUTH PACIFIC COMMISSION, AND OTHER ORGANISATIONS

The Association may make suitable arrangements through appropriate channels, for establishing liaison and maintaining close relations with the United Nations and its specialized agencies, with the South Pacific Commission and with other intergovernmental organizations on a regional basis or otherwise. In carrying out its functions in any particular field the Association, may, where appropriate, seek to consult and co-operate with the competent authorities of such of the bodies or organizations aforementioned as have related responsibilities or interests in that field.



*Article XIII. TRUSTEE*

1. The Executive Secretary shall be the Trustee of the Association and shall hold all the property and assets and choses in action of the Association at all times on trust for the Association and shall perform all such acts as may from time to time be necessary for the proper management of the financial, contractual and day to day affairs of the Association.

2. Neither the Executive Secretary nor any member of the duly appointed staff of the Association shall be personally liable for any loss, damage or expense to the Association arising from any act or default done or omitted to be done in good faith in the course of their duties under the provisions of this article or under the provisions of any other article of the Constitution, the Rules of Procedure and the Financial Regulations of the Association.

*Article XIV. FINANCE*

1. The financial period of the Association shall be the period commencing with the entry into force of this Constitution and ending with such date falling not more than twelve months later as the Conference may determine, or any subsequent period of not more than twelve months, beginning with the end of the previous financial period.

2. The Executive Secretary shall present to the Conference such financial statements of the Association as the Conference may from time to time request and require.

3. The Conference shall adopt such Financial Regulations governing the financial administration of the Association as may be appropriate.

4. The expenses of delegations to the Conference, and of members of any of the subsidiary bodies as may be established under article VIII, shall be met by their respective Member Countries.

5. The other expenses necessary for the administration of this Constitution shall be met by annual contributions from the Member Countries in accordance with the provisions of article XV.

*Article XV. BUDGET AND CONTRIBUTIONS*

1. The Executive Secretary shall submit to each regular session of the Conference the annual budget of estimates of the Association for approval.

2. Each Member Country undertakes to contribute annually to the Association its share of the budget as apportioned by the Conference in accordance with a scale of contributions to be fixed from time to time by the Conference. When determining the scale of contributions to be paid by the Member Countries, the Conference shall take into account the relative economic circumstances of the Member Countries.

*Article XVI. CHANNEL OF COMMUNICATIONS*

Each Member Country shall designate an appropriate official entity with which the Association may communicate in connection with any matter arising under this Constitution.

*Article XVII.* WITHDRAWAL

1. Any Member Country may give notice of withdrawal from the Association at any time after the expiration of one year from the date of its acceptance of this Constitution. Such notice shall take effect ninety days after the date of its communication to the Executive Secretary. The Executive Secretary shall immediately notify the Member Countries of any notice of withdrawal which he may receive under the provisions of this article.

2. The financial obligation to the Association of a Member Country which has given notice of withdrawal shall include the entire financial period in which the notice takes effect.

*Article XVIII.* AMENDMENT OF CONSTITUTION

The Conference may, subject to the following provisions, amend this Constitution

- (a) where any proposed amendment does not alter the obligations of Member Countries, the proposed amendment shall become effective upon the approval of the majority of Member Countries represented at the Conference;
- (b) where any proposed amendment substantially alters the obligations of Member Countries, the proposed amendment shall only become effective upon the unanimous approval of all the Member Countries.

*Article XIX.* TERMINATION OF CONSTITUTION

This Constitution may be terminated at any time by agreement of the majority of the Member Countries.

*Article XX.* ENTRY INTO FORCE OF CONSTITUTION

1. This Constitution shall be open to acceptance by the Countries specified in paragraph 1 of article IV.

2. The Government of each Country accepting this Constitution shall deposit an instrument of acceptance with the Executive Secretary of the Association who shall notify receipt of such instruments of acceptance to the Governments of the Countries specified in paragraph 1 of article IV.

3. This Constitution shall enter into force immediately between those Countries whose Governments have deposited instruments of acceptance when not less than three of them have deposited such instruments.

4. Subject to the provisions of article IV, this Constitution shall enter into force for any Country whose Government subsequently deposits an instrument of acceptance, on the date of such deposit.

*Article XXI.* PROVISIONS RELATING TO INTERIM ASSOCIATION

1. For the purposes of this article

(a) the "Interim Association" means the Shadow body, formerly known as the Pacific Islands Producers' Secretariat and, latterly, as the Pacific Islands Producers' Association, which has performed divers functions in connection with produce since September 1965 on a *de facto* basis;

(b) the "Association" means the Association established under the provisions of this Constitution upon its entry into force.

2. All acts done by the Interim Association prior to the entry into force of this Constitution, provided that such acts are not inconsistent with the provisions of this Constitution, shall be of as full force and effect as if such acts had been done at the material time or times by the Association.

3. Upon the entry into force of this Constitution, all the assets and liabilities of the Interim Association, wherever situate, shall be transferred to and shall vest in the Association by virtue of this article and without further assurance.

4. All deeds, bonds, instruments and agreements subsisting immediately before the entry into force of this Constitution to which the Interim Association is a party shall be of as full force and effect against or in favour of the Association, and enforceable as fully and effectually as if, instead of the Interim Association, the Association had been a party thereto.

#### *Article XXII.* APPROVAL DEEMED GIVEN

Whenever the approval of any Member Country is required before any act may be done by the Association, approval shall be deemed to have been given unless the Member Country presents any objection within such reasonable time as the Executive Secretary may fix in notifying the Member Country of the proposed act:

Provided always that the Executive Secretary shall give not less than fourteen days notice by telegram to the Member Country of his intention to apply the provisions of this article.

#### *Article XXIII.* DISSOLUTION AND WINDING UP OF THE ASSOCIATION

1. If this Constitution shall be terminated under the provisions of article XIX, the Association shall be wound up by the Executive Secretary who in his capacity as Trustee of the Association shall realise the assets of the Association and, insofar as the proceeds of realisation of the assets permit, meet the liabilities thereof and the expenses of the winding up and do such other things as may be necessary for the beneficial winding up of the Association.

2. If during the course of the winding up of the Association it is determined by the Executive Secretary that any moneys or other assets belonging to the Association are not required or will not be required to meet the liabilities of the Association and the expenses of the winding up, he shall divide such surplus moneys or assets among the Member Countries, in cash or in kind, in due proportion to the amounts contributed by each Member Country to the Association.

#### *Article XXIV.* ANNEXES

The annexes to this Constitution form an integral part thereof.

#### *Article XXV.* AUTHENTICITY OF TEXT AND DATE OF CONSTITUTION

1. The authentic text of this Constitution shall be in the English language and shall be authoritative for the purposes of the interpretation of this Constitution.

2. The date of this Constitution shall be 12th June 1970.

## A N N E X A

## RULES OF PROCEDURE

*Rule I. SESSIONS OF THE CONFERENCE*

1. The regular session of the Conference shall be held at such location and at such time as may be decided by the Conference at the previous regular session. For the purposes of these Rules the term "regular session" means the annual session contemplated by paragraph 7 of article VI of the Constitution. Any other session, whether convened in pursuance of a decision of the Conference or under paragraph 2 of this Rule, shall be a special session.

2. If, in accordance with paragraph 7 (b) of article VI of the Constitution, the President should so direct, or if at least one third of the Member Countries should so request, the Executive Secretary shall convene the Conference to meet in special session within 60 days of such direction or request at such time and place as the Executive Secretary, after consultation with the President and with Member Countries, may designate.

3. Any number of separate meetings may be held during any session of the Conference.

4. Meetings of the sessions of the Conference shall be held in private unless the Conference decides otherwise.

5. Presence of the delegates of a majority of the Member Countries shall constitute a quorum for any formal action by the Conference.

*Rule II. NOTICES*

Notices convening a regular session of the Conference shall be dispatched by the Executive Secretary not less than 60 days, and notices convening a special session not less than 30 days, before the date fixed for the opening of the session, to Member Countries, and to such non-member Countries and such organizations as may be represented at the Conference in an observer capacity in pursuance of paragraphs 5 and 6 of article VI of the Constitution. These non-member countries and organisations are hereinafter referred to in these Rules as "participating bodies".

*Rule III. AGENDA**Regular Sessions*

1. The Executive Secretary shall prepare a provisional agenda for each regular session of the Conference and, as far as practicable, circulate it, at least 60 days in advance of the date fixed for the opening of the session, to Member Countries and to participating bodies.

*Special Sessions*

2. The Executive Secretary shall prepare a provisional agenda for each special session of the Conference and, as far as practicable, circulate it, at least 30 days in advance of the date fixed for the opening session, to Member Countries and, where appropriate, to participating bodies.

3. Documents not already circulated shall be dispatched with the provisional agenda or as soon as possible thereafter.

*Regular and Special Sessions*

4. Any Member Country, or any participating body acting within its competence, may, not less than 30 days before the date fixed for the opening of a session, request the Executive Secretary to include specific items on the agenda. These items shall be placed on a supplementary list, which, as far as practicable, shall be dispatched to Member Countries and participating bodies not less than 20 days before the date fixed for the opening of the session. Such supplementary list shall be presented to the Conference.

5. During any session the Conference may add to the Agenda any item proposed by a Member Country or a participating body.

6. All agenda proposals made by Member Countries or participating bodies shall be accompanied by explanatory memoranda and, where appropriate, by draft resolutions.

7. At each session of the Conference the provisional agenda, together with any items on the supplementary list, if any, shall be submitted to the Conference for approval as soon as possible after the formal opening of the session, and on approval by the Conference, with or without amendment, shall become the agenda of the Conference.

#### *Rule IV. ELECTION OF PRESIDENT AND VICE-PRESIDENTS*

1. In pursuance of paragraphs 8, 9 and 10 of article VII of the Constitution, the Conference, at the first regular session of the Conference occurring after the entry into force of the Constitution, shall elect a President of the Association who shall be a national of a Member Country. The term of office of the President shall be two years.

2. Upon the expiration of the term of office of the President, the Conference shall elect successors to the President for like periods from representatives of the Member Countries on a rotational basis. The manner of the rotational basis shall be such as the Conference may from time to time determine.

3. One or more Vice-Presidents shall be elected by the Conference who shall hold office for such term and, subject to the provisions of the Constitution, shall exercise such authority as the Conference may from time to time determine.

#### *Rule V. POWERS AND DUTIES OF PRESIDENT AND VICE-PRESIDENTS OF THE CONFERENCE*

1. In addition to exercising such powers as are conferred upon him elsewhere by these Rules, the President of the Association shall preside at each plenary meeting of any session of the Conference. He shall declare the opening and closing of each plenary meeting of the session. He shall direct the discussions in plenary meetings, and at such meetings accord the right to speak, put questions and announce decisions. He shall rule on points of order and shall have complete control over the proceedings at any meetings. He may, in the course of the discussion of an item, propose to the Conference the limitation of time to be allowed to speakers, the number of times each delegation may speak on any question, the closure of the list of speakers, the suspension or adjournment of the meeting, or the adjournment or closure of the debate on the item under discussion.

2. In the absence of the President during a plenary meeting or any part thereof, one of the Vice-Presidents shall preside. A Vice-President acting as President shall have the same powers and duties as the President.

3. The President, or the Vice-President acting as President, shall participate in the meeting of the Conference in his capacity as such, and not as the representative of the Member Country by whom he was accredited. The Conference shall admit an alternate to represent that Member Country in the meetings of the Conference and to exercise its rights.

4. The President, in the exercise of his functions, remains under the authority of the Conference.

#### *Rule VI. RECORDS OF PROCEEDINGS*

1. Records shall be made by the Executive Secretary of each session of the Conference. These records may be in the form of summary minutes or summary reports as the Conference may determine, and shall embody all resolutions, recommendations and other formal decisions adopted or approved by the Conference.

2. Records of each session shall be circulated by the Executive Secretary as soon as possible after the end of the session to all Member Countries and participating bodies.

*Rule VII. PROCEDURE FOR DECIDING SPECIFIC QUESTIONS BETWEEN SESSIONS*

If during any interval between the regular sessions of the Conference, a specific question, appearing to have policy or financial implications, arises out of the exercise of the functions of the Association, being a question not justifying the convening of a special session of the Conference, but nevertheless, being of sufficient importance and urgency as to require a decision without undue delay, then the following procedure shall apply

- (a) the Executive Secretary shall prepare and circulate to Member Countries an explanatory memorandum concerning the matter in question which shall include a proposed course of action;
- (b) subject to the unanimous agreement of the Member Countries concerned as to the proposed course of action to be taken, the Executive Secretary shall proceed to take such action and shall report thereon at the following session of the Conference.

*Rule VIII. PRESS COMMUNIQUÉS*

The Conference shall determine the procedures with regard to press communiqués concerning its activities.

*Rule IX. WORKING LANGUAGE*

The working language of the Association shall be English.

*Rule X. SUSPENSION AND AMENDMENT OF RULES*

1. Subject to the provisions of the Constitution, any of the foregoing Rules may be suspended at any plenary meeting of the Conference, provided that notice of the intention to propose the suspension has been communicated to the delegates not less than 24 hours before the meeting at which the proposal is to be made. Such notice may be waived if no delegate objects.

2. Amendments of, or additions to, these Rules may be adopted at any plenary meeting of the Conference, provided that the intention to propose the amendment or addition has been communicated to the delegates not less than 24 hours before the meeting at which the proposal is to be considered, and provided further that the Conference has received and considered a report by an appropriate committee.

A N N E X B

FINANCIAL REGULATIONS

*Regulation I. APPLICABILITY*

These Regulations shall govern the financial administration of the Pacific Islands Producers' Association.

*Regulation II. THE FINANCIAL PERIOD*

In accordance with paragraph 1 of article XIV of the Constitution, the financial period of the Association shall be the period commencing with the entry into force of the Constitution and ending with such date falling not more than twelve months later as the Conference may determine, or any subsequent period of not more than twelve months, beginning with the end of the previous financial period.

*Regulation III. THE BUDGET*

1. The budget estimates shall be prepared by the Executive Secretary.
2. The estimates shall cover the revenue and expenditure of the Association for the period to which they relate.
3. The estimates of expenditure shall, where appropriate, show sub-heads and items under each head of expenditure.
4. The Executive Secretary shall submit to each regular session of the Conference the budget estimates for the ensuing financial period. The estimates shall be dispatched to all Member Countries not less than 30 days before the date fixed for the opening of the session.
5. The budget for the ensuing financial period shall be approved by the Conference at its regular session, after due examination of the estimates.
6. Supplementary estimates to cover emergency expenditure may be submitted by the Executive Secretary when and as he may deem necessary.

*Regulation IV. PROVISIONS RELATING TO THE ESTIMATES OF EXPENDITURE*

1. Approval by the Conference of the estimates of expenditure for the ensuing financial period shall constitute an authorization to the Executive Secretary to incur obligations and make payments for the purposes for which the estimates of expenditure were approved and up to the amounts so approved.
2. The Executive Secretary may also incur obligations against future periods before the estimates of expenditure are approved when such obligations are necessary for the continued effective functioning of the Association, provided that such obligations are restricted to administrative requirements of a continuing nature not exceeding the scale of such requirements as authorized in the budget of the current financial period.
3. Subject to a general authorization by the Conference, the Executive Secretary, may, in exigent circumstances alter the proportions assigned to the sub-heads and items under a head of expenditure shown in the estimates referred to in Regulation III or create a new item, and may apply in aid of any sub-head or item which may be deficient, or of any new item, a further sum out of any surplus arising on any other sub-head or item of the same head:

Provided that

- (a) the amount approved under any head of expenditure by the Conference is not thereby exceeded; and
- (b) the ambit of any new item shall be within the ambit of the sub-head within which it is created.

Provided further that the Executive Secretary shall report thereon to the Conference at its following session.

*Regulation V. FINANCING OF THE BUDGET*

1. The budget for each financial period shall be financed by annual contributions from Member Countries. Contributions from Member Countries shall be assessed in accordance with a scale determined by the Conference.
2. As soon as possible after the approval of the budget and the determination of the scale of contributions by the Conference in respect of the ensuing financial period, the Executive Secretary shall
  - (a) inform Member Countries of their obligations in respect of their annual contributions to the budget;
  - (b) request Member Countries to remit all contributions due.
3. Contributions shall be due and payable in full within 30 days of the receipt of the

communication of the Executive Secretary referred to in the last foregoing paragraph, or as of the first day of the financial period to which they relate, whichever is the later.

4. Any country which becomes a member of the Association in accordance with the provisions of paragraph 2 of article IV of the Constitution shall pay a contribution to the budget for the financial period in which the membership becomes effective. Such contributions shall be an amount determined by the Conference and shall begin with the quarter in which the application was approved.

5. The Executive Secretary shall report to the Conference at each regular session on the matter of the receipt of contributions from Member Countries since the previous session.

#### *Regulation VI. FUNDS AND RESOURCES OF THE ASSOCIATION*

The funds and resources of the Association shall include

- (a) moneys derived from contributions which become payable by Member Countries under Regulation V, including any voluntary advances which may be made by Member Countries;
- (b) moneys accruing to the Association as a result of the exercise of any of its functions under the Constitution;
- (c) moneys earned or arising from any property or investments acquired by or vested in the Association;
- (d) moneys accepted by the Association from any person or organization by way of grant or otherwise, for general or specific purposes, being purposes relating to the functions of the Association;
- (e) moneys raised by loan under the power to borrow vested in the Association by Regulation XI;
- (f) all other sums or assets which may, in any manner, become payable to or vested in the Association in respect of any matter incidental or ancillary to its functions.

#### *Regulation VII. EXPENDITURE*

The Association may apply funds at its disposal

- (a) for and in connection with all or any of the functions exercisable by the Association under the provisions of the Constitution;
- (b) to payments of any expenses lawfully incurred by the Association in connection with its administration, including legal, audit and other fees, costs and charges;
- (c) to payments to contingencies or other reserves;
- (d) to the payment of the salaries, allowances, gratuities or pensions of the staff of the Secretariat of the Association;
- (e) to the cost of research and investigations into all matters affecting produce of rural industries, including the granting from time to time of sums of money towards institutions established for such research or for such investigations;
- (f) to such formation and establishment expenses which may have been incurred on behalf of the Association prior to the entry into force of the Constitution;
- (g) to any purpose which the Association has a duty to apply its funds under the Constitution or under any law;
- (h) to the payment to any persons in respect of the performance by them of such functions in relation to produce of rural industries as in the opinion of the Association is likely to conduce to greater economic efficiency and development of the rural industries; and the Association may enter into agreements with such persons as to the terms and conditions on which such payments shall be made;



- (i) to the payment of interest or principal, or either of them, in respect of any moneys borrowed under Regulation XI;
- (j) to the provision of office accommodation, furnishings, equipment and supplies for the Secretariat of the Association.

*Regulation VIII. CUSTODY OF FUNDS AND BANKING ARRANGEMENTS*

1. The funds of the Association shall be kept with such bank as the Conference may from time to time decide.

2. Such bank as the Conference decides to appoint as bankers to the Association may be authorized by the Conference

- (a) to honour and comply with all cheques, drafts, bills of exchange, promissory notes, acceptances, negotiable instruments and orders expressed to be drawn, accepted, made or given on behalf of the Association at any time or times, whether the banking account or accounts of the Association are overdrawn by any payment of or in relation thereto, or are in credit, or otherwise;
- (b) to accept any indemnities given on behalf of the Association;
- (c) to honour and comply with all instructions to purchase and sell securities, foreign exchange, and property, and to deliver or dispose of any securities or documents or property held by the bank on behalf of the Association:

Provided that any such cheques, drafts, bills of exchange, promissory notes, acceptances, negotiable instruments, orders, instructions and indemnities are signed conjointly by the Executive Secretary and any one of the holders of the undermentioned offices, whether substantive or acting

- (i) Secretary, Chief Minister's Office, Fiji;
- (ii) Secretary for Finance, Fiji;
- (iii) Secretary for Natural Resources, Fiji:

Provided further that the Executive Secretary may delegate his powers to sign to his Personal Assistant;

- (d) to treat all cheques and other instruments requiring the endorsement of the Association as being endorsed on behalf of the Association, provided that such endorsements are signed by the Executive Secretary, or by his Personal Assistant, or by any one of the holders of the offices designated in the last foregoing subparagraph.

*Regulation IX. RESERVE FUND*

The Conference may establish and thereafter maintain a Reserve Fund for the purposes of the functions of the Association under the Constitution.

*Regulation X. INVESTMENT OF FUNDS*

Any moneys for the time being standing to the credit of the Association may be left on current account or on deposit account in any bank, or if not for the time being required for the exercise of the functions of the Association, may be invested in such securities as may be approved by the Conference, and the Association may from time to time sell any or all of such securities.

*Regulation XI. BORROWING POWERS*

For the purpose of enabling the Association to meet its obligations, discharge any of its functions or provide necessary working capital, the Conference may authorize, either generally or specially, the borrowing by the Association by means of advances from Member Countries

or from any bank, by means of a fluctuating overdraft or otherwise, amounts not exceeding such total as may be approved from time to time by the Conference.

*Regulation XII. ACCOUNTS AND AUDIT*

1. The Conference shall

- (a) cause proper books of account to be kept with respect to
  - (i) all sums of money received and expended by the Association and the matters in respect of which the receipt and expenditure takes place; and
  - (ii) the assets and liabilities of the Association;
- (b) cause to be prepared an annual statement of accounts in such form and containing such particulars, and compiled in such manner, as shall present a true and fair view of the financial position of the Association for the financial period to which it relates.

2. The accounts of the Association shall be presented in such currency as the Conference may from time to time determine.

3. The accounts shall be audited by an auditor approved by the Conference.

4. The Executive Secretary shall as soon as possible after the end of each financial period, present to the Conference at its regular session a statement of the audited accounts and a copy of any report made by the auditor on that statement or on the accounts of the Association.

5. The Conference shall, at each regular session, examine and adopt the accounts for the preceding financial period.

*Regulation XIII. WRITE-OFF*

The Conference may

- (a) write off losses or deficiencies of Association moneys;
- (b) abandon irrecoverable amounts of revenue, debts and overpayments;
- (c) approve *ex gratia* refunds or payments;
- (d) approve that nugatory expenditure shall stand charged in the accounts.

*Regulation XIV. GENERAL PROVISIONS*

1. These Regulations shall be effective from the beginning of the financial period following their approval by the Conference.

2. These Regulations may be amended by the Conference in the same manner as provided for amendments of the Rules of Procedure of the Association (vide paragraph 2 of Rule X).

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TERMINATION

In the course of the Conference of the Pacific Islands Producers' Association held at Rarotonga, Cook Islands, on 15 March 1974, it was unanimously agreed that the Constitution of 12 June 1970 establishing the Pacific Islands Producer's Association be terminated, the functions of the Association having been absorbed by the South Pacific Bureau for Economic Co-operation. The decision took effect on 15 March 1974, in accordance with article XIX of the Constitution.