

AGREEMENT ESTABLISHING THE MELANESIAN SPEARHEAD GROUP

The Republic of the Fiji Islands, The Independent State of Papua New Guinea, Solomon Islands, The Republic of Vanuatu and Front de Liberation Nationale Kanak et Socialiste (hereinafter referred to as “FLNKS”) of New Caledonia:

Believing the Melanesian region within the Pacific can be a region of solidarity and cooperation in accordance with shared national interest with the objective of strengthening wider institutions of regional and international cooperation;

Determined to have a region that is respected for the quality of its governance, the sustainable management of its resources, the respect for and promotion of its Melanesian cultures, traditions and values and for its defence and promotion of independence as the inalienable right of indigenous peoples of Melanesia and the promotion of their human rights;

Respecting the principles of international law governing relations between nations, such as principles of sovereignty, equality of independence of all states and non – interference in the domestic affairs of states;

Recalling the Agreed Principles of Co-operation Among Independent States of Melanesia signed by the parties in Port Vila in 1988 as well as the Agreed Principles of Co-operation Among Independent States in Melanesia signed by the parties at Kiriwina, Trobriand Island on 7th June, 1996 wherein the parties undertake inter alia to promote economic co-operation between States;

Convinced that the promotion of harmonious economic development of their States calls for effective economic co – operation largely through a determined and concerted policy of greater self reliance;

Desiring to further these goals through the strengthening and deepening of links between countries of the Pacific region including through the Revised Trade Agreement among the Melanesian Spearhead Group Countries.

Wishing formally to establish the Melanesian Spearhead Group as a sub – regional organization in its own right and to provide for its purpose and operation by means of a Secretariat;

Having previously consolidated as the “Melanesian Spearhead Group”;

HAVE AGREED as follows:

ARTICLE 1

Melanesian Spearhead Group

1. The Melanesian Spearhead Group (hereinafter referred to as “the MSG”) is hereby established as a sub - regional organization.
2. The MSG comprises the Republic of the Fiji Islands, Independent State of Papua New Guinea, Solomon Islands, the Republic of Vanuatu and FLNKS of New Caledonia.
3. The MSG Leader’s summit (hereinafter referred to as “the Leaders’ Summit”) may determine from time to time, the criteria for observer and associate membership and the nature and extent of such rights and obligations or whereby other governments, territories or organizations may be admitted to observer and associate membership of the MSG.
4. The MSG Leaders may from time to time invite other countries, territories and intergovernmental organizations to be either MSG observers or Special Guests. The nature and extent of such rights and obligations of such observer status shall be determined by the MSG Leaders from time to time.

ARTICLE 2

Purpose

The purpose of the MSG is to promote and strengthen inter – membership trade, exchange of Melanesian cultures, traditions and values, sovereign equality, economic and technical cooperation between states and the alignment of policies in order to further MSG members’ shared goals of economic growth, sustainable development, good governance and security.

ARTICLE 3

Establishment of the Melanesian Spearhead Group Secretariat

1. Pursuant to Article 19.5 of the Revised MSG Trade Agreement between the members thereto, it is hereby established a Secretariat for the MSG and which establishment is to be known as “the Secretariat”.
2. The headquarters of the Secretariat shall be located in Port Vila, Efate in the Republic of Vanuatu.
3. The working languages of the Secretariat including all the constituent bodies of the MSG shall be English and French.

ARTICLE 4

Principle of Dialogue

1. The parties agree to adopt the principle of open dialogue as the means of engaging one with the other. They also agree to engage regularly in a balanced and comprehensive political dialogue leading to commitments by all parties.
2. The objective of the dialogue shall be to foster mutual understanding, exchange information and to facilitate the establishment of agreed priorities and common interests, in particular by recognizing existing links between the various aspects of relations between the parties and the various areas of cooperation laid down in the Agreement.
3. The dialogue shall cover all the aims and objectives laid down in this agreement. The parties shall contribute to a peaceful, secure and stable democratic political environment in the MSG region by pursuing broad based policies to promote peace and to prevent, manage and resolve conflicts, through dialogue.
4. The dialogue shall be conducted in a flexible manner either formally or informally according to the need, and conducted within and outside the institutional framework, including through the Melanesian culture, tradition and spirit of dialogue, mediation and consensus.

ARTICLE 5

Sustainable Development and Human Rights

1. The parties agree to direct their cooperation towards sustainable development centered on the human person, who is the main protagonist and beneficiary of development; this entails respect for and promotion of human rights, including communal rights and the rights of indigenous peoples and communities.
2. Respect for all human rights and fundamental freedoms, including respect for fundamental social, cultural and indigenous rights, democracy based on the rule of law and transparent and accountable governance shall be an integral part of sustainable development within the MSG region.
3. The parties affirm that democratization, development and the protection of fundamental freedoms and human rights and mutual reinforcing are interrelated. In addition thereto, the parties further affirm that, democratic principles are universally recognized principles underpinning the organization of the state to ensure the legitimacy of its authority, the legality of its actions reflected in its constitutional, legislative and regulatory system.

ARTICLE 6

Rule of Law and Good Governance

1. Except for parties which are otherwise not sovereign states, the parties agree that the provisions espoused in their respective national constitutions in relation to the prevalence of the rule of law and the prerogatives of the different powers therein and in particular for the effective and accessible means of legal redress, an independent judiciary and legal system guaranteeing equality before the law and an executive which is fully subject to the law, shall be upheld and observed.
2. Respect for human rights, democratic principles and the rule of law shall underpin the domestic and international policies of the parties and constitute the essential elements of the contractual nature of the relations between the parties to this Agreement.
3. The parties affirm that good governance is the transparent and accountable management of human, natural, economic and financial resources for the purpose of equitable and sustainable development. It entails clear decision-making procedures at the level of public authorities, the primacy of law in the management and distribution of resources and capacity building.

ARTICLE 7

Legal Status, Privileges and Immunities

1. For avoidance of doubt, this Agreement shall take precedence over the Revised MSG Trade Agreement previously entered into by the parties thereto.
2. The MSG shall have such legal personality as is necessary for it to carry out its functions and responsibilities and, in particular, shall have the capacity to contract, to acquire and dispose of movable and immovable property and to sue and be sued.
3. Except for Members which are otherwise not Sovereign States, the MSG shall enjoy in the territory of each Member of the MSG, such privileges and immunities as may be necessary to enable the MSG to fulfill its purpose and carry out its functions. The specific privileges and immunities referred to in this paragraph shall be defined in separate agreements to be entered into between the MSG and Members of the MSG when the prospect of activities of the MSG in the territory of such Members of the MSG makes such agreements appropriate.

ARTICLE 8

Organizational Structure

1. The Secretariat is the administrative arm of the MSG, based in Port Vila, Efate in the Republic of Vanuatu.
2. The MSG shall comprise:
 - (a) A Leaders' Summit;
 - (b) A Foreign Ministers' Meeting;
 - (c) A Senior Officials' Meeting;
 - (d) A Trade and Economic Officials' Meeting; and
 - (e) Ministerial Meetings that may be held and such other technical advisory committees or groups as may be established from time to time.
3. The reporting structure of the MSG shall be as follows:
 - (i) Technical Advisory Committees shall report either to the Trade and Economic Officials Meeting or the Senior Officials Meeting depending on their mandate;
 - (ii) Trade and Economic Officials' Meeting shall report to the Senior Officials' Meeting;
 - (iii) Senior Officials Meeting shall report to the Foreign Ministers' Meeting;
 - (iv) Ministerial Committees shall provide the outcomes of their meetings to the Foreign Ministers' Meeting for transmission to the Leaders' Summit; and
 - (v) The Foreign Ministers' Meeting shall report directly to the Leaders' Summit.

ARTICLE 9

The MSG Leader's Summit

1. The preeminent decision making body of the MSG shall be the Leaders' Summit.
2. The Leaders' Summit shall consist of the Heads of Government of each member country or the nominee; and in the case of a member organization, the Head or the duly authorized representative.

Powers and Responsibilities

3. The MSG Leaders' Summit shall be responsible for the:
 - (a) approval of the general policies of the MSG;
 - (b) appointment of the Director General including the termination of the Director General;
 - (c) establishment of Ministerial Committees as may be deemed necessary;
 - (d) making of decisions in accordance with the general principles of this Agreement and where necessary, directing the relevant constituent bodies of the MSG to undertake further action in relation thereto;
 - (e) approval of any proposed amendments to the Agreement from time to time;
 - (f) approval of the establishment of or any proposed amendments to the regulations or rules of procedure for the administration of the MSG and all its constituent bodies; and
 - (g) carrying out of such other functions as may be necessary to give effect to the purpose of this Agreement from time to time.

Sessions

4. The Leaders' Summit shall hold a regular biennial session to be known as the Leaders' Summit. In addition, a special session of the Leaders' Summit shall be held at any time upon the request of the Chair of the Leaders' Summit. Following such a request or decision, the Director General shall convene a special session of the Leaders' Summit as soon as is reasonably practicable and at any venue where it is most suitable.
5. The biennial session of the MSG Leaders' Summit shall be held, unless otherwise decided, in the countries of Members of the MSG on a rotational basis.
6. The MSG Leaders' Summit at its biennial or special session shall:
 - (a) adopt such further reports as it may require from time to time; and
 - (b) make such decisions as may be required.

Chairman

7. For purposes of a meeting of any of the constituent bodies of the MSG, the Chairman shall be referred to as "Chair".
8. The Leaders' Summit shall, by consensus appoint a Chair at each of its biennial sessions from among the Members. The Chair shall retain that office for a period of two years. In the event of the Chair resigning the office or is incapacitated in any manner from retaining the role of Chair, then his or her successor or representative as the case may be,

shall exercise all functions and powers of the Chair until the expiration of the Chair's term of office.

9. Subject to the preceding paragraph, the Chair of the Leaders' Summit shall be appointed on a rotational basis amongst the Members.
10. The Chair shall have the power to take decisions on behalf of the MSG between sessions of the Leaders' Summit on policy questions of urgency after consultation with the Members.
11. The Chairmanship at all meetings of the constituent bodies of the MSG shall be held by the Member that hosts the Leaders' Summit.

Decision Making

12. The Leaders' Summit shall take decisions at its sessions by consensus of all the Leaders present. If consensus cannot be achieved, further dialogue and consultation shall be encouraged and pursued until a decision is made.

Participation

13. The Chair of the Leaders' Summit may invite representatives of any Governments, international agencies, academic and research organizations, foundation, and private industry, or advisors to participate in meetings of any of the constituent bodies of MSG in a consultative capacity or otherwise whether in respect of specific agenda items or more generally, in accordance with such criteria as the Leaders' Summit may determine from time to time.

Procedures

14. All sessions of the Leaders' Summit shall be closed to the public unless the Leaders' Summit may decide otherwise.

ARTICLE 10

Foreign Ministers' Meeting

1. The Foreign Ministers' Meeting shall be held annually comprising of the Foreign Ministers of each Member country or in their stead, a representative who shall be an alternate Government Minister.

Powers and Responsibilities

2. The MSG Foreign Ministers' Meeting shall be responsible for the:
 - (a) determination of the general policies of the MSG;

- (b) recommendation to the Leaders' Summit of a candidate for appointment as Director General;
- (c) approval of the budget for the annual financial year;
- (d) adoption of the annual report of the Director General;
- (e) establishment of other Committees from time to time with such mandates as may be deemed necessary;
- (f) performance of such functions which promote the general principles of this Agreement and where necessary, directing the relevant subsidiary MSG constituent bodies to undertake further action in relation thereto;
- (g) endorsement of any proposed amendments to the regulations or rules of procedure for the administration of the MSG and all its constituent bodies; and
- (h) carrying out of such other functions as may be directed by the Leaders' Summit from time to time.

Sessions

3. The Foreign Ministers shall hold an annual session to be known as the Foreign Ministers' Meeting. In addition, a special session of the Foreign Ministers' Meeting shall be held at any time upon the request of the Leaders' Summit or the Chair of the Foreign Ministers' Meeting. Following such a request or decision, the Director General shall convene a special session of the Foreign Ministers' Meeting as soon as is reasonably practicable and at any venue where it is most suitable.
4. The annual session of the Foreign Ministers' Meeting shall be held, unless otherwise decided, in the country of the current Chair.
5. The Foreign Ministers' Meeting at its annual or special session shall:
 - (a) consider the annual report of the Director General;
 - (b) consider the Budget for the succeeding year; and
 - (c) determine further reports as the MSG Leaders' Summit may require from time to time.

Chairman

6. Subject to Article 9.11 the Foreign Ministers' Meeting shall by consensus appoint a Chair at each of its annual session from among the Members. The Chair shall retain that office for a period of two years. In the event of the Chair resigning from office or is incapacitated in any manner from retaining the role of Chair, the successor or representative as the case may be, shall exercise all functions and powers of the Chair until the expiration of the Chair's term of office.

7. Subject to the preceding paragraph, the Chair of the Foreign Ministers' Meeting shall be appointed on a rotational basis amongst the Members.
8. The Chair shall have the power to take decisions on behalf of the MSG between sessions of the Foreign Ministers' Meeting on policy questions of urgency after consultation with the Members.

Decision Making

9. The MSG Foreign Ministers' Meeting shall take decisions at its sessions by consensus of all the Foreign Ministers present. If consensus cannot be achieved, further dialogue and consultation shall be encouraged and pursued until a decision is made.

Procedures

10. Subject to Article 9.3(f) the Foreign Ministers' Meeting may establish its own rules of procedure.
11. All sessions of the Foreign Ministers' Meeting shall be closed to the public unless the Leaders' Summit shall decide otherwise.

ARTICLE 11

Senior Officials' Meeting

1. The MSG shall have a Committee to be known as the Senior Officials' Meeting (hereinafter referred to as "SOM").
2. SOM shall comprise representatives of each Member of the MSG.
3. Meetings of the SOM shall be held annually in conjunction with the Foreign Ministers' meetings. SOM shall also be convened at such other times and places as the Leaders' Summit or the Foreign Ministers' Meeting may request or as circumstances may determine from time to time.
4. The SOM chair shall be as provided for in Article 9.11 of this Agreement.
5. The Director General shall, in consultation with or at the request of the SOM Chair, convene meetings of the SOM.
6. The SOM shall take decisions at its sessions by consensus of the member Heads of Delegations of Senior Officials present. If consensus cannot be achieved, further dialogue and consultation shall be encouraged and pursued until a decision is made.
7. Subject to Article 9.3(f) the SOM shall establish its own rules of procedure in consultation with the Secretariat.

8. The powers and functions of the SOM shall be to give policy directions to the Secretariat and to make reports and recommendations to the Leaders in accordance with Article 8.3 (iii). In addition to the foregoing, the SOM shall:
 - (a) Consider the annual budget of the Secretariat and any interim budget and the annual work programme submitted by the Director General;
 - (b) Receive, examine, comment and where necessary, make recommendations on the Annual Report of the Director General on the operations of the Secretariat; the Staff Establishment and the Remuneration Policy of the Secretariat and its Staff Regulations and Financial Regulations, including any subsequent amendments in relation thereto; and
 - (c) Undertake all such tasks necessary for the recruitment of a candidate for the post of Director General and to make recommendations in relation thereto to the Foreign Ministers' Meeting.

ARTICLE 12

Trade and Economic Officials Meeting

1. The MSG shall have a Committee to be known as the Trade and Economic Officials' Meeting (hereinafter referred to as "TEOM").
2. TEOM shall comprise representatives of each Member of the MSG.
3. Meetings of the TEOM shall be held annually in conjunction with the SOM. TEOM may also be convened at such other times and places as the Leaders' Summit, the Foreign Ministers' Meeting or the SOM may request or as circumstances may determine from time to time.
4. The Committee Chair shall be as provided for in Article 9.11 herein.
5. The Director General shall, in consultation with or at the request of the TEOM Chair, convene meetings of the TEOM.
6. The TEOM shall take decisions at its sessions by consensus of the Member Heads of Delegations of Trade and Economic Officials present. If consensus cannot be achieved, further dialogue and consultation shall be encouraged and pursued until a decision is made.
7. Subject to Article 9.3(f) the TEOM shall establish its own rules of procedure in consultation with the Secretariat and which rules may provide but not limited to, matters such as the attendance of Special Guests or observers at the TEOM.
8. The powers and functions of the TEOM shall be to:
 - (a) provide technical advise and assistance on the implementation of the MSG Revised Trade Agreement as well as any matters in relation thereto;

- (b) recommend the establishment of sub-committees on specific issues relating to trade within the MSG sub-region; and
- (c) make reports and recommendations to the SOM.

ARTICLE 13

Special Mission

1. The Chair of the Leaders' Summit, with the consent of the country concerned, may where and when necessary, appoint an eminent person or persons on a Special Mission to Member countries with respect to:
 - (a) Mediation and promotion of reconciliation where dispute has arisen between Members of the MSG or between a Member of the MSG and a consenting third party; or
 - (b) Undertake a good-will and solidarity mission to MSG countries.
2. When the Chair of the Leaders' Summit has agreed to dispatch a Special Mission and where it is relevant, the mission may for the time being, be guided by the Biketawa Declaration of the Pacific Islands Forum.
3. Any Special Mission appointed under paragraph 1 above, shall report to the Chair of the Leaders' Summit.

ARTICLE 14

Other Meetings

1. Other Ministerial Meetings may be established from time to time.
2. Pursuant to Article 8.2(e) of this Agreement, other technical and advisory committees or groups shall be referred to as "Sub-Committees".
3. A Ministerial Meeting may be established by the Leaders' Summit.
4. A Sub-Committee may be established on the recommendation of the Leaders' Summit, the Foreign Ministers' Meeting, SOM or TEOM.
5. A Ministerial Meeting and a Sub-Committee shall have such specific powers and functions as their mandate may provide from time to time.
6. A Ministerial Meeting and a Sub-Committee shall by consensus, determine their own manner of conducting meetings, however they shall produce the outcomes of their meetings in written form.

7. A Ministerial Meeting and a Sub-Committee shall make all their decisions by consensus where a decision is required in the circumstances.

ARTICLE 15

The Secretariat

1. The Secretariat shall be headed by the Director General who shall be appointed by the Leaders' Summit.

Functions

2. The functions of the Secretariat shall be carried out by the staff.
3. The Secretariat shall be responsible for the administration and management of the affairs of the MSG, provision of policy advice, coordination and assistance in implementing the decisions of the constituent bodies of the MSG and such further functions consistent with its purpose that may be determined from time to time.
4. Subject to the paragraph Article 15.3, the Secretariat shall:
 - (a) promote, undertake and coordinate the implementation of the work programme;
 - (b) establish working arrangements with relevant regional and international organisations;
 - (c) promote manpower development and training;
 - (d) subject to appropriate authorization, disseminate relevant information and data to Members of the MSG in the interpretation and evaluation of technical data;
 - (e) advise Members of the MSG on problems and opportunities with regard to activities consistent with the purpose of the MSG;
 - (f) review and report regularly the progress made with all projects included in the work programme;
 - (g) undertake such other activities and follow such procedures as the Leaders' Summit may decide;
 - (h) work to advance the Agreed Principles of Co-operation Among Independent states in Melanesia as signed by the parties;
 - (i) provide technical advise on the Revised MSG Trade Agreement of 2005 among the members as well as provide avenue for resolution of conflicts among the members;
 - (j) promote the identity and activities of the Secretariat; and

- (k) undertake such activities as are necessary for the attainment of the MSG's purpose.
- 4. The Secretariat shall provide support services to the MSG Leaders' Summit as well as meetings of other constituent bodies of the MSG.
- 5. The Secretariat shall communicate with Members through their Ministries of Foreign Affairs or such other contact points as may be nominated by the respective Members.

ARTICLE 16

Appointment of Secretariat Staff

- 1. The Secretariat staff (hereinafter referred to as "the staff") shall consist of a Director General, a Deputy Director General, professional staff and such other staff as may be appointed by the Director General in accordance with the corporate structure as well as the Staff Regulations as may be amended from time to time.
- 2. The Director General shall be appointed by the Leaders' Summit under such terms and conditions as the Leaders may determine. If for any reason the post of Director General is vacant, the Deputy Director General may be directed by the SOM Chairman at that time, to carry out the functions of the Director General on an interim basis until the position is filled.
- 3. The Director General shall upon consultation with the SOM Chair, appoint a Deputy Director General upon such terms and conditions, as shall be deemed fit.
- 4. The Director General shall appoint all other staff in accordance with the Staff Regulations, the Staff Establishment and the remuneration policy determined by the Leaders' Summit.
- 5. The Director General shall be appointed for a term of three years and shall be eligible for reappointment. The Director General's appointment shall however, not exceed two consecutive terms.
- 6. All professional staff including the Deputy Director General shall not be appointed for more than two terms.

ARTICLE 17

Director General

1. The Director General shall be the chief executive officer of the Secretariat.

Functions

2. The Director General shall be ex - officio member to meetings of the MSG Leaders' Summit, the Foreign Ministers' Meeting, the Senior Officials' Meeting, Trade and Economic Officials Meeting as well as such other technical advisory committees or groups.
3. The Director General shall:
 - (a) be responsible for the administration of the work programme and other activities of the MSG;
 - (b) prepare and submit to the Leaders' Summit for review and approval at its biennial Session, a report on the past and projected activities of the Secretariat, the annual budget and the accounts of the Secretariat;
 - (c) make arrangements for meetings of the Leaders' Summit and the constituent bodies of the MSG;
 - (d) arrange all matters relating to the publication of materials produced by the Secretariat;
 - (e) appoint professional and administrative staff of the Secretariat on such terms and conditions as may be determined;
 - (f) seek out and attract possible sources of financial and technical support for any secretariat projects; and
 - (g) perform such other duties as may be required or delegated by the Leaders' Summit, Foreign Ministers' Meeting or the SOM from time to time.

ARTICLE 18

Budget

1. The annual budget of the MSG shall be prepared by the Director General for consideration and recommendations by the SOM as referred to in Article 11.8 (a) prior to final approval by the MSG Leaders.
2. The budget of the MSG and all issues related to it shall be approved by the MSG Foreign Ministers.

3. The budget shall be financed by:
 - (a) assessed contributions from Governments and organization which are members of the MSG;
 - (b) by extra budgetary support from Members of the MSG or other Governments, administration, organizations and institutions;
 - (c) from investments, fees, grants and other sources as approved by the Leaders' Summit; and
4. In advance of the Leaders' Summit adopting the budget, the Director General shall be entitled to authorize expenditure up to a limit not exceeding one quarter of the previous year's actual expenditure.
5. The Leaders' Summit shall adopt financial regulations for the administration of its finances, including the administration of contributions received from Governments, interested organizations or institutions which are not members of the MSG.

ARTICLE 19

Signature, Ratification, Accession, Entry into Force

1. This Agreement shall be subject to ratification by the Parties and shall enter into force on the day following the day on which they deposit instruments of ratification.
2. The MSG Secretariat Headquarters in Port Vila, Efate, Vanuatu shall be the Depository of the instruments of ratification and the Director General shall retain the originals in the archives.
3. A copy of this agreement in the French language shall be taken to be authentic together with the original in the English language.
4. Subject to Article 1.3, this Agreement shall enter into force for any such governments, territories or organizations thirty days after the date of deposit of its instrument of accession.
5. Reservations to the Agreement shall only be permitted for Members which are organizations or territories and not otherwise Sovereign States.

ARTICLE 20

Amendment

1. Only the MSG Members who are the original signatories to this Agreement may propose amendments to the agreement for consideration by the Leaders' Summit. The text of any amendment shall be circulated to members of the MSG no less than three months in advance of any session of the Leaders' Summit.
2. Any amendments to this Agreement proposed by a Member of the MSG shall only be adopted by a consensus of all Members of the MSG represented at the session and shall enter into force thirty days after receipt by the Depositary of instruments of acceptance from all Members of the MSG.

ARTICLE 21

Withdrawal

1. Any Member of the MSG may withdraw from this Agreement by giving written notice to the Depositary. The Depositary shall immediately inform all Members of the MSG of receipt of a withdrawal notice. Withdrawal shall take effect one year after receipt of such notice by the Depositary.
2. A withdrawing Member of the MSG shall remain liable for all obligations to the MSG to which it was subject at the date of receipt by the depositary of the withdrawal notice. If the withdrawal becomes finally effective, the Member of the MSG shall not incur any liability for obligations resulting from operation of the MSG effected after the date on which the withdrawal notice was received by the Depositary.

ARTICLE 22

Dissolution or Suspension

1. The Leaders' Summit may resolve that the MSG be dissolved or that its activities be suspended.
2. Such a resolution shall take effect immediately following the conclusion of the next biennial Session of the Leaders' Summit provided that it has at the time of the next biennial Session been ratified by two thirds of the Members of the MSG. The Leaders' Summit shall at that next biennial Session decide the manner in which the assets and obligations of the MSG should be liquidated, distributed or borne, prior to the dissolution or suspension of the MSG.
3. The Leaders' Summit shall also at that next biennial session adopt a declaration prescribing the date on which the MSG shall be deemed dissolved or suspended. The

declaration shall be communicated by the Chairman of the MSG to the Members and Associate Members of the MSG.

4. In the case of a resolution of suspension, the MSG shall in its declaration prescribe the procedure whereby the suspension may be terminated and the organization revived.

ARTICLE 23

Transition

Upon signing of this Agreement, the Officer In Charge (OIC) of the MSG Secretariat, in consultation with the Chair of SOM, is vested with the requisite powers to appoint appropriate professional staff to occupy certain posts within the Secretariat as well as to perform such other duties and responsibilities deemed necessary prior to the substantive position of Director General being occupied as provided for in Article 9.3(b) of this Agreement. Such appointments shall be deemed to have been made pursuant to the MSG Staff Regulations and Financial Regulations.

IN WITNESS WHEREOF the undersigned, being duly authorized by the respective Parties, have signed this Agreement this.....day of March, 2007.

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FOR THE REPUBLIC OF THE FIJI ISLANDS

.....
FOR THE INDEPENDENT STATE OF PAPUA NEW GUINEA

.....
FOR SOLOMON ISLANDS

.....
FOR THE REPUBLIC OF VANUATU

.....
FOR FRONT DE LIBERATION NATIONAL KANAK ET SOCIALISTE (FLNKS) OF NEW CALEDONIA

Pursuant to Article 19.5 hereof, on signing this Agreement, FLNKS makes Reservations in relation to Article 10, Article 11 and 12.