
NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS
42ND CONSTITUTION REGULAR SESSION, 2021



Republic of the Marshall Islands
Jepilpilin Ke Ejukaan

RESOLUTION 35

A **RESOLUTION** requesting the *Nitijela* to approve the final legal entry into force of the Marshall Islands denouncement of the *Agreement Establishing the Pacific Islands Forum*.

WHEREAS, the *Agreement Establishing the Pacific Islands Forum* (hereinafter “the Agreement”), a copy of which is attached as Exhibit “A”, was adopted by the Pacific Islands Forum on 27 October 2005 and signed by the Republic of the Marshall Islands on that day, and ratified on September 23rd, 2009;

WHEREAS, the Agreement supersedes the Agreement Establishing the Pacific Islands Forum Secretariat (2000), also ratified by the Republic, and both instruments govern the Pacific Islands Forum, including with similar denouncement provisions;

WHEREAS, the Agreement sets forward important principles and structures originally intended to strengthen regional cooperation by all members and subregions through the Pacific Way on an open, equal and transparent basis, and that the Forum’s informal agreement on the principle of sub-regional rotation in leadership is vital to demonstrating leadership;

WHEREAS, the Leaders of the Micronesian Presidents' Summit (the Federated States of Micronesia, Republic of Kiribati, Republic of the Marshall Islands, Republic of Nauru and Republic of Palau) in 2019 endorsed H.E. Mr. Gerald Zackios for the position of Secretary General of the Pacific Islands Forum, which was also endorsed by the *Nitijela* in Resolution 33 as approved on 3 February 2021;

WHEREAS, certain practices and actions of other Forum Members during the recent Secretary General selection process were contrary to the Pacific Way in a manner which fails the Agreement's intent of equal participation and has deeply eroded mutual trust and respect between Forum Members;

WHEREAS, the Leaders of the Micronesian Presidents' Summit released the Mekreos Communique in October 2020, through which they agree that there was no value in further participation in the Forum if the longstanding agreement on sub-regional rotation was not respected, and met again on 8 February 2021, agreeing through a joint communique to initiate withdrawal from Forum membership through respective national processes;

WHEREAS, the Government of the Republic of the Marshall Islands is desirous of strengthening both sub-regional identity, including through the Micronesian Presidents' Summit, as well as Pacific regionalism through cooperative action with other Pacific island nations, on a fair and equal basis, to advance common objectives, and remains dedicated to continuing peaceful and effective international partnership to promote development, security, democratic values and human rights;

WHEREAS, the Cabinet, at its meeting on February 11th, 2021, approved the Republic's submission of notification of denouncement of the Agreement, upon the condition that Nitijela approval be completed before the denouncement takes legal effect one year from the notification;

WHEREAS, Article V, Section 1(3)(d) of the Constitution requires that no treaty shall be finally accepted without the approval of the *Nitijela*, signified by Resolution, and recalling Nitijela's approval of the ratification of the Agreement by resolution on September 23rd, 2009.

NOW THEREFORE BE IT RESOLVED, by the People of the Republic of the Marshall Islands, through their *Nitijela*, at its 42nd Constitutional Regular Session further to Article V, Section 1(3)(d) of the Constitution, that the *Nitijela* hereby approves the Republic of the Marshall Islands' denouncement of the *Agreement to Establish the Pacific Islands Forum*.

BE IT FURTHER RESOLVED that the Minister of Foreign Affairs shall not withdraw the notification of denouncement submitted to Agreement's depository state on _____ 2021, pursuant to the Agreement's Article XI(8), thus allowing the notification to take full legal effect.

CERTIFICATE

I hereby certify:

1. That Nitijela Resolution No: 35 was passed by the Nitijela of the Republic of the Marshall Islands on the 25th day of February 2021; and
2. That I am satisfied that Nitijela Resolution No: 35 was passed in accordance with the relevant provisions of the Constitution of the Republic of the Marshall Islands and the Rules of Procedures of the Nitijela.

I hereby place my signature before the Clerk this 5th day of March 2021.



Hon. Kenneth A. Kedi
Speaker
Nitijela of the Marshall Islands

Attest:



Morean S. Watak
Clerk
Nitijela of the Marshall Islands



