

PACER Plus Committee on Services, Movement of Natural Persons and Investment (PP.SMNPI.01)

12 August 2021 – Held virtually via Zoom

Outcomes Summary

The inaugural meeting of the Committee on Services, Movement of Natural Persons and Investment took place virtually on 12 August 2021 and was attended by the following Members: Australia, Cook Islands, Kiribati, New Zealand, Niue, Samoa, Solomon Islands and Tonga (Chair). Nauru, Tuvalu and Vanuatu attended as Observers.

The meeting was chaired by Mrs Lorraine M. Kauhenga, Deputy Director for Policy and Planning, Ministry of Trade and Economic Development of Tonga.

1. Opening Prayer and Overview

1. The Chair called the meeting to order led the group in the opening prayer.
2. The Chair invited the Committee to consider the agenda and convey any additional items. The representative from Tonga requested for Agenda Item 3: Reflections on PACER Plus Ministerial Communique be considered first. No further comments were received and the agenda was adopted.
3. The Chair further noted that Ida-Tifitifi Fuimaono of the PACER Plus Implementation Unit (IU) would produce a summary of discussion of the meeting.
4. The Chair proposed the PPIU work with the Chair to prepare a short paper for the Joint Committee to consider discussions and key recommendations from the first meeting of the Committee.

2. Reflections on PACER Plus Ministerial Communique

5. Tonga presented paper PP.SMNPI.01/D.03 which reflected on the thematic areas from the Ministerial Communique adopted by Ministers at its recent meeting on 30 June 2021. Tonga noted the need for the Committee to consider how to facilitate seamless and favourable arrangements for trade in services, movement of natural persons and investment whereby considering the global pandemic amongst and other crisis. They further highlighted the risk of duplicating regional labour mobility initiatives and restrictive barriers to trade in services, investment and natural persons.
6. Australia noted how positive the Ministerial meeting went and the benefits outlined by Ministers in the Communique including expanding membership to more Pacific Island Countries and the strategic partnerships model recommended to attract further funding partners. Australia noted the positive work being accelerated under the Work Programme led by the PPIU Head and team and acknowledged Tonga's chairmanship of the Minister's Meeting. Australia supported all the recommendations in the paper.
7. New Zealand were pleased with the outcomes of the Ministerial Meeting. They advised that in their view the Committee focuses on the Movement of Natural Persons provisions under PACER Plus Agreement and that the Labour Mobility Working Group focuses on broader Labour Mobility issues. It may be helpful at some point for the Labour Mobility Working Group to report back to Committee on their initiatives and proposed to include a standing agenda item on this. New Zealand suggested deleting the first Risk in the paper.

8. Tonga clarified that in their view the Labour Mobility Working Group covers unskilled to low-skilled workers and the Committee on Services would cover semi-skilled and skilled workers.

Action Items:

1. **The Committee agreed to note the outcome from the Forum Trade Ministers meeting regarding the PACER Plus Ministerial Communiqué**
2. **The Committee noted the need for discussions on how to progress favourable arrangements whilst exploring areas of mutual interest for trade in services, movement of natural persons and investment.**
3. **The Committee agreed for the meeting paper to be declassified and publicly released.**

3. Formal Standing up of the Committee for Trade in Services, Movement of Natural Persons and Investment

3.1 Terms of Reference

9. The Chair presented the **Terms of Reference** drafted as per Article 2b in Chapter 12 of the PACER Plus Agreement which requires subsidiary bodies to propose their own Terms of Reference to be adopted by the Joint Committee. The key points of the Terms of Reference presented by the Chair:
 - Objectives of the Committee from treaty text;
 - The Joint Committee can assign any tasks to the Committee as they see fit;
 - Decision-making will be through consultation and consensus;
 - Propose that the Committee meet annually and adopt the rotational arrangement for the Chair prepared by the PPIU;
 - The Committee can recommend to the Joint Committee changes or alterations to the Terms of Reference at any time.
10. Samoa agreed with the Terms of Reference and recommended the Joint Committee approve the document. Samoa proposed to revise Recommendation 3 of the paper to agree to an "annual" rotational schedule for the chairing of the Committee to ensure consistency with the TORs of the other two subsidiary bodies. With minor editorial amendments, Samoa agreed to the rest of the recommendations in the paper.
11. Niue noted the proposed rotational schedule for the Chair and agreed with all recommendations in the paper.

Action Items:

4. **The Committee agreed to recommend the Terms of Reference for the Committee for Trade in Services, Movement of Natural Persons and Investment to the Joint Committee for approval.**
5. **The Committee agreed to recommend that the Joint Committee approve the annual rotational schedule proposed for the chairing of the Committee.**
6. **The Committee agreed for Parties to update the PPIU with relevant contact points for the purposes of this Committee on an ongoing basis.**
7. **The Committee agreed for the meeting paper and attached Terms of Reference to be declassified and publicly released once agreed by the Joint Committee.**

3.2 Observers

12. The Chair presented the paper on proposed observers for the Committee.
13. Australia noted that in other Committees and the Joint Committee, there has been discussion around the Pacific Islands Forum Secretariat (PIFS) being the preeminent regional organization in the Pacific and the importance coordinating the work to support the overarching broad regional agenda, and thus has been invited to participate in the recent Joint Committee meeting as well as the recent Ministerial Meeting. Australia noted that the Joint Committee has not finished conversation on permanent vs ad-hoc observers however there has been broad agreement in the Joint Committee that PIFS is top of the list in terms of observers. Given that PIFS are already an observer to the Joint Committee, proposes that the Committee clarify in the paper that PIFS is an observer to the Agreement but may only need to attend the meetings on an ad hoc basis in response to agenda items.
14. Samoa proposed to include an additional column in the Observers list to provide the rationale for the proposed observers. Samoa further sought clarity on recommendation 4 and whether the invitations would be conveyed to approved observers once agreed by the Joint Committee. The PPIU clarified that the recommendation confirmed that the PPIU would convey invitations to the observers approved by the Joint Committee, as agreed at its last meeting.
15. New Zealand supported the proposal by Samoa to include an additional column providing the rationale behind the recommended observers. New Zealand would welcome further discussion around having PIFS as a permanent observer given the regional work that they are carrying out.

Action Items:

- 8. The Committee agreed to include an additional column in the Observers table to provide rationale behind recommended observers.**
- 9. The Committee agreed to submit the list of proposed Observers to the Joint Committee at its next meeting as recommended ad-hoc observers.**
- 10. The Committee noted the importance of the Pacific Islands Forum Secretariat as the preeminent regional organization in the Pacific and that it is an approved observer to the Joint Committee.**
- 11. The Committee noted that it may consider recommending other observers to be invited on an ad hoc basis.**
- 12. The Committee agreed to add South Pacific Tourism Organisation to the list of proposed observers.**
- 13. The Committee agreed to declassify the meeting paper for public release once agreed by the Joint Committee.**

4. Rapid Needs Assessment

16. Australia presented the paper noting that the IIT has submitted the final draft and shared with countries for comment on their country-specific reports. Once comments are collated the final report will be finalized and submitted to the PPIU. The paper presented findings from the RNA consultations relating work areas overseen by the Committee on Services.
17. The Head of the PPIU advised that the Unit is using the RNA report to develop the Annual Plan. The Head of the Unit highlighted the importance of Parties priority activities for the next six months for the PPIU to implement in the next 3-6 months.
18. Cook Islands noted that the RNA is focused heavily on trade rather than services. They proposed to acknowledge the immigration passenger pathway module movement automated systems that are currently being implemented in some countries including the Cook Islands. Cook Islands noted that Immigration were not consulted during the RNA consultations which is why this may not have been included in the report. Cook Islands would like to see Pacific Islands as labour recipients and intra-regional labour mobility in the RNA.
19. New Zealand advised that the passenger pathway module, under the ASYCUDA World automated system, is being piloted in the Cook Islands and will be rolled out in the other five countries with funding from Australia and New Zealand. New Zealand noted the under-representation of labour mobility initiatives within the RNA report however the Labour Mobility Working Group will be meeting shortly to discuss the next PLMAM meeting of which New Zealand hopes will include an agenda item on intra-regional labour mobility.
20. New Zealand suggested to amend recommendation 3 to "review the RNA report and come back with priorities by September to submit to the Joint Committee for approval".
21. Niue advised that the ASYCUDA is important for tracing and would like this to be included as a priority in the report.
22. Solomon Islands noted the importance of trade in services for the RNA.

Action Items:

- 14. The Committee noted the findings and indicative needs related to the work of the Committee identified in Attachment A.**
- 15. The Committee agreed to amend Recommendation 3 to "review the report and come back with priorities by September to submit to the JC for approval".**

5. PACER Plus Qualifications Project

23. New Zealand through the representative of the New Zealand Qualifications Authority, presented the paper PP.SMNPI.01/D.05 providing an update on the PACER Plus Qualifications Recognition for Labour Mobility Project funded by the Ministry of Foreign Affairs and Trade and delivered by the New Zealand Qualifications Authority. The work has been ongoing with nine Pacific countries to strengthen their National Qualifications Framework (NQF), where an NQF exists, or their use of the Pacific Qualifications Framework (PQF) as a national Framework.

The intended conclusion of the Project is projected for 2027, with outcomes to enable labour mobility to include having the PQF fully utilized in the Pacific region to support qualifications recognition, all PACER Plus Signatories to become signatories to the UNESCO Asia-Pacific Regional Convention on the Recognition of Higher Education Qualifications and be able to apply international best practice principles in qualifications recognition.

Action Items:

16. The Committee agreed to all recommendations in the paper.

6. Any Other Matters

24. The Chair provided a summary of the meeting outcomes as follows:

- The PPIU to prepare and circulate a summary of discussion of this meeting.
- The PPIU to prepare a one-page report of the key issues from this meeting to submit to the Joint Committee at its next meeting.

7. Meeting Closure

The Cook Islands representative, Ms Kairangi Samuela, closed the meeting with a prayer.