

Revised Consolidated Guidelines On Non-Member Participation In APEC Activities

(Approved by the 17th APEC Ministerial Meeting held in Busan, Republic of Korea on November 15-16, 2005)

Introduction

This document sets out the guidelines governing the participation of non-members in the activities of APEC fora. They are applicable to APEC Working Groups, the Committee on Trade and Investment, the SOM Committee on Economic and Technical Cooperation (ESC), the Economic Committee, the Budget and Management Committee, all existing and new SOM task forces, Electronic Commerce Steering Group (ECSG) and to all of their subsidiary bodies. It is understood that APEC activities are those events and activities approved and conducted by the APEC fora concerned and participated in by a large number of APEC members, including meetings of the fora workshops, seminars, symposiums, training courses, etc. APEC welcomes non-member participation that can: facilitate the attainment of APEC goals and the implementation of APEC initiatives through appropriate partnerships; strengthen the quality of APEC's work by drawing on relevant insight and expertise; and strengthen understanding and support for APEC's work by projecting its openness and transparency and its interest in the perspectives on relevant issues of stakeholders in our communities.

In general, non-member economies, organisations, business/private sector representatives, and academic bodies and other experts may apply and/or be invited to APEC activities subject to the following guidelines.

Categories of Participants

In general, APEC has only five categories of participants in its activities:

- Members (It is up to each member to decide whom to include in its own member delegation);
- APEC Business Advisory Council (ABAC)
- APEC Secretariat;
- Observers [currently the Secretariat of the Association of South East Asian Nations (ASEAN Secretariat), the Pacific Economic Cooperation Council (PECC) and the Pacific Islands Forum Secretariat (PIF)]; and
- Guests, which include all participants other than the four categories above.

Within the category of "guests" there are four sub-categories:

- Non-member economies;
- Other relevant regional/international organizations and bodies; and
- Business/private sector representatives not included as members of economy delegations.
- Organizations, academic bodies and other experts who are not included as members of economy delegations

Principles

1. It is important that APEC be a process which is open and transparent and which draws on the talents and creativity of its people. In implementing this principle expressed by APEC Economic Leaders. It is also important to give due weight to the need for consolidation and effectiveness.

2. The following principles should be used in considering any application/proposed invitation:

(a) Non-member participation in any forum should be determined by the individual forum concerned by consensus, subject to approval by the SOM (see Management section below);

(b) Each application/proposed invitation should be considered on its own merits;

(c) The principal criteria for considering non-member applications are: relevance of the applicant to the issues addressed by the forum, demonstrated interest in the APEC region and in the issues APEC addresses, capacity to make a pertinent contribution of the work of the forum in question, and geographic location; and

(d) Participation in the forum must be clearly understood not to imply any tacit endorsement of future membership or observer status in other APEC activities.

3. This last principle is particularly important. There must be no linkage between participation in APEC fora and any application for a full membership of APEC. In other words, participation in a forum is neither necessary nor sufficient for a successful application to become an APEC member.

Management (Procedures)

The participation by non-members should be managed as follows:

1. The APEC Secretariat in Singapore is the formal point of contact for non-members who wish to participate in APEC activities and for proposed invitations by APEC members;

2. The APEC Secretariat will inform of the Lead Shepherd/Chair of the relevant forum, of any application/proposed invitation in order to allow the Lead Shepherd/Chair to seek the views of the relevant forum, with a copy to all APEC Senior Officials;

3. Once consensus has been reached in the forum concerned, the Lead Shepherd/Chair should seek covering approval from the Senior Officials of all member economies through the APEC Secretariat. However, SOM has decided to delegate the authority to the above-mentioned APEC fora under the SOM direct supervision to approve non-member participation for a renewed trial period of 3 years, through 2008;

4. Once the application/proposed invitation is approved, the terms of participation should then be conveyed to the guests in standard form by the APEC Secretariat;

5. Guest status should be granted for the calendar year in which the application/proposed invitation is made and for the following two calendar years, with

renewal of participation subject to the same procedure as a new application/proposed invitation;

6. Guest participation in one-off non-policy APEC activities such as symposia, workshops and seminars, including joint activities with other organisations, can be approved by the relevant forum by consensus on the delegated authority of the SOM. In such cases, the rules above do not apply.

7. For detailed procedures on processing an application or proposed invitation, see the Annex.

Terms of Non-Member Participation

The following terms spell out the rights of participation by non-members in APEC fora meetings, and the supporting role of the Chair in controlling non-member participation in such meetings and ensuring that it conforms with all APEC procedures and requirements:

1. Guests may be invited/allowed by the Chair to address a forum meeting on an agreed topic where this is relevant to the item under consideration and while the views may be taken into account by the forum, the guests cannot take part in the decision-making process;

2. Guests may be invited by the Chair to respond to questions that arise in a forum meeting;

3. Guests, with the agreement of the Chair, may be permitted to circulate documents on relevant subjects during APEC fora meetings;

4. Guests should respect the confidentiality of the discussions of the meetings and the documents received;

5. Guests and observers should be invited to leave the meeting room when the issue of non-member participation is discussed; and

6. The Chair may also convene closed sessions of fora meetings excluding observers and guests.

It is further recommended that when non-members will be taking part in fora meetings, the Chair convene preparatory discussions, excluding guests, to arrive at a consensus among members present as to possible topics which the non-member participants may be invited by the Chair to address during the open session, and the type of information or documentation to be made available to participating non-members.

NOTE: Nothing in these terms changes the status of official observers - ASEAN Secretariat, PECC and PIF. Should these organisations send representatives to an APEC meeting, they have the same full access to documents and the information that they have at Senior Officials Meetings and Ministerial Meetings.

These guidelines replace the "Revised *Consolidated Guidelines on Non-Member Participation in APEC Activities*" approved by AMM in October 2002 in Los Cabos, Mexico.

ANNEX

PROCEDURES ON PROCESSING APPLICATIONS/PROPOSED INVITATIONS FOR NON-MEMBER PARTICIPATION

1. Applications/proposed invitations for all non-member participation in a forum should be forwarded to the APEC Secretariat for proper recording and transmission. The Secretariat will inform the Lead Shepherd/Chair of the relevant forum, of an application/proposed invitation in order to enable the Lead Shepherd/Chair to consult members, with a copy to all APEC Senior Officials,
2. As soon as an application/proposed invitation is received in writing for non-member participation, the Lead Shepherd/Chair should immediately inform the Members of the forum, consulting their views.
3. When informing the forum Members, the Lead Shepherd/Chair might choose to offer views on whether or not the applicant/proposed invitee meets the principles set out above.
4. The Lead Shepherd/Chair should remind members that the question posed is a "technical" one, i.e. to develop a view with regard to point 2c under the Principles of the present guidelines.
5. Replies would normally be written.
6. The Lead Shepherd/Chair should be left to ensure that consensus is sought on participation of non-members. In accordance with APEC practice, silence after the deadline for response is assumed to reflect assent.
7. A fourteen day time limit for response by the forum to the Secretariat is encouraged.
8. The Lead Shepherd/Chair must, as soon as possible after the deadline, report through the Secretariat the results of the consultation to the Chair of the SOM for circulation to Senior Officials. If additional information is required from the applicant/proposed invitee, the Secretariat will seek such information at the same time the report is forwarded to the Chair. However, SOM has decided to delegate the authority to APEC fora to approve non-member participation for a renewed trial period of three years, through 2008.
9. In making a final consideration on the application/proposed invitation, Senior Officials will bear in mind both the broader context and the "technical" consultation as per paragraph 4 above. However, SOM has decided to delegate the authority to APEC fora to approve non-member participation for a renewed trial period of three years, through 2008.
10. A positive decision taken on an application/proposed invitation will be valid for the calendar year in which the application/invitation is made and for the following two calendar years. To renew such non-member participation, the same procedures as a new application/proposed invitation will apply.

11. Prior to a decision, when approached by any inquiries about the status of the application/proposed invitation, the Secretariat, Lead Shepherd/Chair or any member economy should respond with a standard formulation, "When a decision is made we will inform you."
12. Fora may establish their own set of specifications to guide them in the technical evaluation of applications/proposed invitations. These criteria, however, will have to be consistent with the present overall guidelines for non-member participation as approved by Ministers.
13. Fora should advance decisions on non-member participation on an inter-sessional basis.
14. When a decision has been reached, the Secretariat will forward the decision to the non-member making application/being invited to participate. With reference to a positive decision, the Secretariat will forward a copy of the "Terms of Non-Member Participation" as well as the name and address of the Lead Shepherd/Chair who will be copied on all correspondence.