

Proposed Revisions to the Guidelines on Managing Cooperation with Non-Members

Executive Summary

The review of the *Updated Guidelines on Managing Cooperation with Non-Members*, which began in October 2014, received significant feedback and comments from member economies. On 8 June 2015, the APEC Secretariat submitted to Senior Official the fourth draft of the revised Guidelines for comments by 30 June 2015. With further consultation, all member economies have now expressed their agreement to this draft document.

Required Action / Decision Point

Senior Officials to endorse the revised *Guidelines on Managing Cooperation with Non-Members*.

Guidelines on Managing Cooperation with Non-Members

These Guidelines, approved by Senior Officials at the third Senior Officials Meeting in Cebu, the Philippines on 5 – 6 August 2015, replace the "Updated APEC Guidelines on Managing Cooperation with Non-Members" (2012/CSOM/012).

I- Introduction

In 2000, Leaders noted that APEC must have an open and transparent process that draws on the talents and creativity of its people. In implementing this principle, it is also important to give due consideration to the effective use of APEC's resources, and to an appropriate balance in participation levels of APEC members and non-member entities and/or individuals.

These Guidelines set out the principles and procedures for managing cooperation between APEC and non-member entities and individuals.

APEC welcomes cooperation with non-members that can:

- Facilitate the attainment of APEC goals and the implementation of APEC initiatives through partnerships as agreed to by APEC;
- Strengthen the quality of APEC's work by drawing on relevant insight and expertise; and
- Enhance the understanding of, and support for, APEC's work through openness, transparency and APEC's interest in the perspectives of stakeholders in our communities on relevant issues.

These Guidelines shall apply to:

- Committee on Trade and Investment (CTI);
- SOM Steering Committee on Economic and Technical Cooperation (SCE);
- Economic Committee (EC);
- Budget and Management Committee (BMC);
- Working Groups (WG) and all SOM Task Forces;
- all of the subsidiary bodies of the above fora; and
- APEC Secretariat.

Non-members include the following:

- Non-APEC economies;
- Regional or international organizations or multilateral bodies;
- Business and private sector representatives that are not included as members of economy delegations; and
- Organizations, academic bodies and experts that are not included as members of economy delegations.

In APEC, non-member participants could be grouped in three categories:

- APEC Observers, namely the Association of the South East Asian Nations (ASEAN), the Pacific Economic Cooperation Council (PECC), and the Pacific Islands Forum (PIF);
- One-off/single participating Guests;
- Three-year Guests of APEC fora or subsidiary bodies of an APEC forum.

Although APEC Observers are non-members, they are granted the privilege to attend all APEC activities up to Ministerial level. Should these Observers attend, they have the equivalent access to documents and information as APEC members. Therefore, these Guidelines in practice apply only to the participation of Guests, either one-off, or for three years, in APEC's activities.

Note: Media are not classified as participants. Their participation is regulated by the Guidelines on Hosting APEC Meetings (2014/SOM1/008) and the APEC Meetings Communications Guidelines (2014/SOM2/034).

Types of Cooperation with Non-Members

Three types of cooperation with non-members are addressed in this document:

Type A: Non-member participation in the APEC activities. APEC activities are those events approved and conducted by APEC with participation from APEC members. Such activities include regular official Meetings, approved informal or public – private dialogues as well as project events, including workshops, seminars, symposiums, and training courses. These activities may be partially or fully funded by APEC or completely self-funded by APEC member economies, and may be organized solely by APEC or jointly with non-members in accordance with the requirements set out in these Guidelines.

Type B: APEC outgoing participation in non-APEC activities, which are organized by non-members as defined in the *Introduction* of these Guidelines.

Type C: APEC's holding joint activities with non-members. Joint activities include meetings, workshops, seminars, symposiums, training courses, and publication organized jointly under the name of APEC and the non-members that are involved.

II- SOM's Delegation of Authority to Fora

Senior Officials grant the Delegation of Authority until 2023 (a three-year term basis) to APEC fora to decide on participation of non-members in APEC fora's activities. Regardless the Delegation of Authority, the final decision on cooperation with non-members lies with Senior Officials, and delegated fora can only act on behalf of Senior Officials given the valid Delegation of Authority.

Senior Officials have agreed to extend the SOM's Delegation of Authority to APEC fora to decide on the participation of non-members in APEC fora's activities (hereinafter referred to as the Delegation of Authority) as follows:

- (1) Fora under direct SOM supervision¹ are delegated the authority to decide on:
 - Applications for three-year Guest status in their fora and their subsidiary bodies;
 - Applications for one-off/single participation for Guests, including non-APEC economies and intergovernmental multilateral organizations;
 - Their fora's or the subsidiary bodies' out-going participation in non-APEC activities.
- (2) Subsidiary bodies of fora under direct SOM supervision are delegated the authority to decide:
 - Application for one-off/single participation by non-APEC entities, excluding non-APEC economies and intergovernmental organizations.
 - Their fora's or the subsidiary bodies' out-going participation in non-APEC activities.

¹ Fora under direct SOM's supervision include: CTI, SCE, EC, BMC, SOM's task forces, Working Groups under SCE.

Type of cooperation between APEC fora and Non-members	Fora under direct SOM's supervision	Subsidiary bodies of fora under direct SOM's supervision
3-year Guest status in APEC fora	X	-
Single participation of non-APEC economies and <u>intergovernmental multilateral organizations</u>	X	-
Single participation of other guest types (business and private sector, NGOs, etc)	X	X
Out-going participation in non-APEC activities	X	X

III- Managing Non-Member Participation in the APEC Activities (Type A)

1. Principles

The following principles should be observed when considering any application from a non-member or proposed invitation to a non-member to be a guest in APEC activities:

- (1) Non-member participation in any forum should be determined by the forum concerned by consensus (see Management Procedures below).
- (2) Each application or proposed invitation should be considered on its own merits.
- (3) The principal criteria for considering non-member applications or inviting a non-member to be a guest are:
 - relevance of the guest's expertise to the issues addressed by the forum;
 - capacity to make a pertinent contribution of the work of the forum in question;
 - demonstrated interest in the APEC region and in the issues APEC addresses, and geographic location.
- (4) It must be clearly understood that participation in the forum and its activities does not imply a tacit endorsement of future membership or observer status in other APEC activities. In particular, there must be no linkage between participation in APEC fora and their activities and any future application for full membership of APEC. In other words, participation in a forum and its activities is neither necessary nor sufficient for a successful application to become an APEC member.
- (5) Approval of a forum project proposal which presumes non-member participation will not be regarded as consensus with respect to invitations to non-members. The separate procedures regarding invitation for non-member participation should be conducted.

2. Management Procedures:

2.1. *Non-members' participation as Guests in APEC's SOM-level and above activities:*

- (1) Request for non-member participation in a SOM-level and above activity should be sent to the SOM Chair, with copy to the APEC Secretariat Executive Director, at least four weeks before the event's registration closes. If the request is proposed by an APEC forum, it must be endorsed by the concerned forum before the Lead Shepherd/Chair writes to the SOM Chair. The SOM Chair can exercise discretion in accepting and acting on requests received after the stated deadline.
- (2) The SOM Chair will write to seek Senior Officials' views.
- (3) Once the decision is made by Senior Officials, SOM Chair will inform, in writing, all Senior Officials, with copy to the APEC Secretariat Executive Director and the Lead Shepherd/Chair of the concerned fora where relevant. A response within fourteen days by Senior Officials is recommended.
- (4) The invitation letter will be issued and sent to the invited guests by the Organizers.

2.2. *Non-members' participation in fora's activities*

Guests in APEC fora's activities comprise:

- Non-members that are granted three-year guest status in the relevant fora. Non-members with three-year guest status are invited to attend all non-policy-making activities of the concerned fora without the need to go through the approval process, unless otherwise decided by the fora. Guest status in an APEC forum should be granted for the calendar year in which the application is approved and the following two calendar years.
- Non-members that are granted approval to participate in a separately held APEC event, including joint activities with other organizations, or specific discussion of a forum meeting agenda item. Approval for such participation request will be valid only for the duration of the separately held event of fora meeting.

2.2.1. *Approval of three-year guest status in APEC fora:*

- (1) Request for three-year guest status in an APEC forum should be sent to the APEC Secretariat Executive Director in writing.
- (2) The APEC Secretariat Executive Director will write to inform the Lead Shepherd/Chair of the applicable forum, with copy to Senior Officials and the Chair of the parent forum (where relevant), to allow the Lead Shepherd/Chair to seek the views of the members of the relevant forum.
- (3) The Lead Shepherd/Chair will inform and seek views of the forum members. When informing the forum members, the Lead Shepherd/Chair might offer views on whether or not the applicant or proposed invitee meets the principles set out in these Guidelines.
If the Lead Shepherd/Chair is not available (due to transition or other reasons), the APEC Secretariat will coordinate with the member economies of the forum concerned to carry out the necessary procedures.
- (4) APEC fora under SOM's direct supervision can by consensus decide on requests for three-year guest status in the applicable fora.

Subsidiary bodies of a forum under SOM's direct supervision will need to seek the latter's (the forum's) approval once a positive agreement is reached within the concerned subsidiary bodies.

- (5) When a decision has been reached in the applicable forum, and its supervising forum where relevant, the Lead Shepherd/Chair of the applicable forum will write to the APEC Secretariat

Executive Director to communicate the result. A fourteen-day time limit for response by the forum to the Secretariat is recommended. In accordance with APEC practice, no response after the deadline for response will mean assent.

Prior to the decision, any inquiries about the result should be responded by the Secretariat, the Lead Shepherd/Chair or any member economy with a standard formulation: "When a decision is made, we will inform you".

- (6) The APEC Secretariat Executive Director will write to the applicants, copying Senior Officials and Lead Shepherd/Chair of the concerned fora, to inform the result. In the case of a positive decision, the Secretariat will forward to the Guest a copy of the "Terms of Participation of Approved Guests" (Annex A).
- (7) To renew a guest status, the same procedures as a new application is applicable.
- (8) Fora may establish their own set of specifications to guide them in the technical evaluation of applications by non-members or proposed invitations to non-members. These criteria, however, will have to be consistent with the "Guidelines on Managing Cooperation with Non-Members".

2.2.2. Approval of non-members' single participation in APEC activities

Guests' single participation in a separately held APEC event, including joint activities with other organizations, can be approved by consensus by the relevant fora in accordance with the aforementioned Delegation of Authority. Approval of participation will be valid only for the duration of the applied activity.

- (1) Request for Guest's participation in a forum's activity should be sent to the APEC Secretariat (Program Director) at least fourteen days before the event. The Secretariat will convey the request to the forum Lead Shepherd/Chair.

If the requests are received after the stated deadline, the Lead Shepherd/Chair can exercise discretion in accepting and processing on the request.

- (2) The Lead Shepherd/Chair, or the APEC Secretariat if authorized by the forum, will write to seek forum member's views.
 - Fora under SOM's direct supervision are delegated to decide on all cases of Guest's single participation.
 - Subsidiary bodies of a forum under SOM's direct supervision are delegated to decide on cases of Guest's single participation except for non-APEC economies or inter-governmental organizations. For these cases, after the applicable subsidiary bodies reach a positive consensus, the Chair, or the Secretariat (Program Directors) if authorized, will write to seek the parent forum's final approval.
- (3) When the consensus is made, the Lead Shepherd/Chair will inform all forum members and the APEC Secretariat (Program Director).
- (4) In the case of a decision to approve participation, the activity organizer will issue the invitation letter. APEC Secretariat will provide the Organizer with the "Terms of Participation of Approved Guests" (Annex A), to be sent with the invitation to guests.

Note: When one or more guests are taking part in fora meetings, the Chair may consider convening preparatory discussions, without the participation of the guest(s), to agree on (a) possible topics on

which the guest(s) may be invited to address, (b) the meeting session the guests could attend and (c) the type of information or documentation to be made available to the guest(s). This may be done inter-sessionally.

IV- Managing APEC Outgoing Participation in Non-APEC Activities (Type B) and Co-Hosting Joint Activities with Non-Members (Type C):

1. Principles:

The following principles should be observed when considering APEC fora's participation in non-APEC events and co-organization of joint activities with non-members:

- (1) SOM Chair, representatives from SOM Chair's Office, and the APEC Secretariat Executive Director are allowed discretion to represent APEC in non-APEC activities.
- (2) With SOM's delegation of authority, APEC fora's outgoing participation in non-APEC events will be considered by the concerned fora based on the consensus basis. Senior Officials will be informed of the proposed out-going participation to oversee and make the final decision where necessary.
- (3) If the Lead Shepherd/Chair or any other person of APEC fora is approved to represent APEC, they will attend in the capacity of the APEC forum's representative, rather than that of his/her economy, in the non-APEC activities.
 - Expenses incurred by APEC fora's outgoing participation in non-APEC activities should be borne by the sending member economy or the activities' sponsors;
 - The approved participant representing APEC can submit a presentation or report and join the discussion under the relevant agenda item of non-APEC activities;
 - The approved participant must follow the Terms of Outgoing Participation for APEC fora's Representative (Annex B) and must report the outcomes of the activities which he/she attended to his/her forum, with copy to APEC Secretariat.
- (4) If the joint activity is an APEC funded project, expenses incurred by the APEC delegate's participation may be funded by APEC in accordance with the requirements set out in the *Guidebook on APEC Projects*.

2. Management Procedures

2.1. *APEC's outgoing participation in non-APEC activities*

- (1) The APEC Secretariat serves as the contact point for APEC's outgoing participation in non-APEC activities. Such request should be informed in writing to the Secretariat well in advance of the event. The Secretariat will convey the request to the SOM Chair or to the Lead Shepherd/Chair of relevant fora copying Senior Officials, as appropriate, for consideration.
- (2) For high-level (Senior Official or above) attendance requests, SOM Chair will write to Senior Officials, copying the Secretariat Executive Director, in order to seek SOM's approval.
- (3) If the SOM Chair or representatives from SOM Chair's office are invited, they are allowed discretion to represent APEC.
- (4) When the APEC Secretariat receives an invitation to attend a non-APEC event, the Executive Director can, at his/her discretion allowed by SOM, decide to represent APEC. The Executive Director may assign APEC Secretariat staff to attend the activity on his/her behalf.

- (5) When an APEC forum proposes or is invited to attend a non-APEC event, the following procedure should apply:
- The APEC Secretariat will convey the request to Senior Officials for their attention, and to the forum Lead Shepherd/Chair for consultation with forum members.
 - Given the SOM's delegation of authority, the fora can approve the invitation by consensus. However, Senior Officials will make the final decision if otherwise necessary. It is recommended that Senior Officials make the final decision within a fourteen-day timeline.
 - If a positive decision is made by the relevant forum, the Lead Shepherd/Chair will write to inform the forum's members and the Secretariat.
 - The Secretariat will inform Senior Officials of the forum's consensus.
- (6) The approved participants must follow the Terms of Outgoing Participation for APEC fora's Representatives (Annex B) and must report the outcomes of the attended activities to his/her fora, with copy to the Secretariat.

2.2. *APEC's co-organizing joint activities with non-members*

The APEC Secretariat serves as the contact point to seek Senior Officials' approval on holding joint activities with non-members.

- (1) The APEC Secretariat Executive Director will convey the request to co-host a joint activity with non-members to the Lead Shepherd/Chair of the relevant fora for consultation with their members.

If a forum proposes a joint activities with non-members, the Lead Shepherd/Chair will first ensure all forum members agree.

- (2) The Lead Shepherd/Chair will write to the APEC Secretariat Executive Director to inform the forum's consensus.
- a) If the forum reaches a positive decision:
 - The Lead Shepherd/Chair will request the APEC Secretariat Executive Director to seek Senior Officials' approval.
 - The APEC Secretariat Executive Director will write to SOM Chair to seek Senior Officials' views.
 - b) If it is a negative decision, the APEC Secretariat Executive Director will write to inform the non-APEC partner.
- (3) Once Senior Officials have reached an agreement, SOM Chair will write to inform the APEC Secretariat Executive Director who will then inform the relevant forum's Lead Shepherd/Chair.

Annex A

Terms of Participation of Approved Guests

The following terms outline the rights of participation by approved guests in APEC fora meetings or separately held events, the supporting role of the Chair/Lead Shepherd in controlling approved guest participation in such meetings and separately held events, and ensuring that the fora conform to all relevant APEC procedures and requirements:

1. Guests should strictly follow APEC rules, Guidelines and practices during their attendance in APEC meetings and events;
2. Guests may be invited/allowed by the Chair/Lead Shepherd to address its forum meeting or separately held event on an agreed topic where the guests' expertise is relevant to the agenda item under consideration. While the guests' views may be taken into account by the forum, the guests cannot take part in the decision-making process;
3. Guests may be invited by the Chair/Lead Shepherd to respond to questions that arise in a forum meeting or a separately held event;
4. Guests, with the agreement of the Chair/Lead Shepherd, may be permitted to circulate documents for information on relevant subjects during APEC fora meetings or separately held event(s);
5. Guests should respect the confidentiality of meetings and if appropriate, of separately held event(s), and any meeting documents received;
6. Guests and Observers should be invited to leave the meeting room when the issue of non-member participation is discussed; and
7. The Chair/Lead Shepherd may also convene closed sessions of fora meetings excluding Observers and guests.

Annex B

Terms of Outgoing Participation for APEC Fora's Representative

The following terms outline the rights of the approved representative of APEC fora in outgoing participation, and the supporting role of the Chair/Lead Shepherd and the APEC Secretariat to facilitate the quality contribution of APEC while ensure that relevant APEC procedures and requirements are followed.

1. The representative may give presentation on APEC-related activities, comment and join the discussion as invited by the Chair of the activity within the expertise relevant to that of the sending APEC forum.
2. The representative may seek assistance from the Chair of the relevant forum on the information to be presented, and liaise with the APEC Secretariat regarding background information of APEC.
3. The representative is required to express only APEC's view as agreed by the Economy Leaders, Ministers and Senior Officials.
4. In terms of expertise, the representative is required to be compliant with the concerned APEC forum's mutual agreement and conclusions.
5. The representative should reflect the cooperative atmosphere among APEC member economies.
6. The representative must strictly follow APEC rules, Guidelines and practices during their attendance, including the use of APEC nomenclature in their speech and presentation. This information can be found at http://apec.org/~media/Files/AboutUs/PoliciesandProcedures/Publications/APECPubs_guide_Nov12v2.pdf.