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Treaty text Falepili Union

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- Australia-Tuvalu

The Government of Tuvalu (“Tuvalu”) and the Government of Australia (“Australia”) (together, “the Parties”)

RESOLUTE in reaffirming the Parties' sovereignty, territorial integrity, and political independence;

UNDERPINNED by the concept of *Falepili* which connotes the traditional values of good neighbourliness, duty of care and mutual respect;

RECOGNISING that as Pacific countries the Parties' interests are intertwined and decisions taken by one Party affect the interests of the other;

REAFFIRMING a shared commitment to Pacific values as envisioned in the *2050 Strategy for the Blue Pacific Continent*, the guiding principles outlined in the *Framework for Resilient Development in the Pacific*, and the *Boe Declaration on Regional Security,* which affirms an expanded concept of security;

RECOGNISING the traditional, warm and close ties between Australia and Tuvalu on development, economic and security matters;

COMMITTED to enhancing their partnership to promote and protect the Parties' shared interest in each other's prosperity, stability and security, including by responding to current and emerging security challenges, such as climate change;

COMMITTED to work together to address Tuvalu's development needs, including through enhanced development assistance and by exploring opportunities to build capability, collaborate on delivery of government services and support key infrastructure priorities;

RECOGNISING the special and unique circumstances faced by Tuvalu and that climate change is Tuvalu's greatest national security concern;

COMMITTED to working together in support of the international rules-based order;

REAFFIRMING their respective obligations under international and domestic law;

HAVE AGREED as follows:

Article 1: Purpose

The main purpose of this agreement is to:

a. establish a Falepili Union based on values of good neighbourliness, care and mutual respect

Falepili Union treaty [PDF 76 KB] (/web/20250425121550/https://www.dfat.gov.au/sites/default/files/tuvalu-falepili-union-treaty.pdf)

and elevate the Parties' relationship to one which is advanced, integrated and comprehensive;

b. provide the citizens of Tuvalu with a special human mobility pathway to access Australia underpinned by a shared understanding and commitment to ensuring human mobility with dignity; and

c. protect and promote each Party's and the Parties' collective security and sovereignty.

Article 2: Climate cooperation

1. The Parties, in the spirit of friendship, mutual respect and support for enduring shared interests, including each other's stability, security, prosperity and resilience, commit to work together in the face of the existential threat posed by climate change.
2. The Parties recognise:
    a. the desire of Tuvalu's people to continue to live in their territory where possible and Tuvalu's deep, ancestral connections to land and sea;
    b. the statehood and sovereignty of Tuvalu will continue, and the rights and duties inherent thereto will be maintained, notwithstanding the impact of climate change-related sea-level rise;
    c. that more recent technological developments provide additional adaptation opportunities.
3. The Parties commit to work together to help the citizens of Tuvalu to stay in their homes with safety and dignity, including by promoting Tuvalu's adaptation interests to other countries, including through regional and international forums.

Article 3: Human mobility with dignity

1. Australia shall arrange for a special human mobility pathway for citizens of Tuvalu to access Australia which shall enable citizens of Tuvalu to:
    a. live, study and work in Australia;
    b. access Australian education, health, and key income and family support on arrival.
2. To support the implementation of the pathway, Tuvalu shall ensure that its immigration,

passport, citizenship and border controls are robust and meet international standards for integrity and security and are compatible with and accessible to Australia.

3. Australia shall provide assistance to Tuvalu to enable it to meet its obligations under paragraph 2 of this article.

Article 4: Cooperation for security and stability

1. Australia shall, in accordance with its international law obligations, international commitments, domestic processes and capacity, and following a request from Tuvalu, provide assistance to Tuvalu in response to:
    a. a major natural disaster;
    b. a public health emergency of international concern;
    c. military aggression against Tuvalu.
2. The Parties shall enter into an instrument to set out the conditions and timeframes applicable to Australian personnel operating in Tuvalu's territory.
3. In addition to the Parties' rights and freedoms under international law, provided that advance notice is given by Australia, Tuvalu shall provide Australia rights to access, presence within, and overflight of Tuvalu's territory, if the activities are necessary for the provision of assistance requested by Tuvalu under this agreement.
4. Tuvalu shall mutually agree with Australia any partnership, arrangement or engagement with any other State or entity on security and defence-related matters. Such matters include but are not limited to defence, policing, border protection, cyber security and critical infrastructure, including ports, telecommunications and energy infrastructure.

Article 5: Consultation and responses

1. Tuvalu and Australia shall establish a Joint Committee that shall meet at least every twelve months to discuss matters arising under this agreement.
2. In the event that either Tuvalu or Australia determines it necessary to discuss an obligation contained in this agreement or its implementation, the Joint Committee shall be

convened within two weeks following notification by either Party, to determine individual or joint responses.

Article 6: Settlement of disputes

1. Any dispute arising under this agreement with respect to its interpretation, application or implementation shall be settled by consultation or negotiation between the Parties, and shall not be referred to any national or international tribunal or court or any other third party for resolution.
2. The Parties agree the Joint Committee will resolve disputes relating to the interpretation, application or implementation of this agreement, should such a dispute arise.
3. Either Party, following provision of written notice, can suspend compliance with their obligations under the agreement pending resolution of a dispute.

Article 7: Amendment

1. This agreement may be amended in writing by mutual consent of both Parties.
2. Any amendment to this agreement shall come into force on the date of the later notification by either Party of the completion of their respective requirements for entry into force of the relevant amendment.

Article 8: Entry into force, duration and termination

1. This agreement shall enter into force on the date of receipt of the last notification by which the Parties notify each other in writing, through an exchange of diplomatic notes, that their respective requirements for the entry into force of this agreement have been completed.
2. This agreement shall continue in force unless terminated in accordance with this article.
3. The Parties may agree in writing to terminate this agreement at any time. Such termination shall become effective on the date agreed by the Parties.

4. Either Party may terminate this agreement upon written notice to the other Party. Such termination shall become effective twelve months following the date on which the other Party receives the written notice of termination.

IN WITNESS WHEREOF, the undersigned, being duly authorised by their respective Governments, have signed this agreement.

DONE at , this day of , , in duplicate.

FOR THE GOVERNMENT OF AUSTRALIA	FOR THE GOVERNMENT OF TUVALU

Department of Foreign Affairs and Trade

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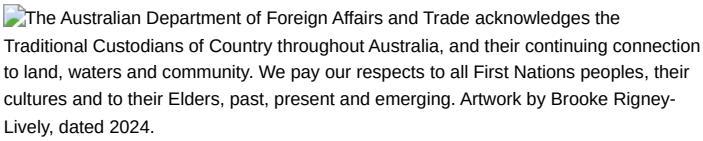
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The Australian Department of Foreign Affairs and Trade acknowledges the Traditional Custodians of Country throughout Australia, and their continuing connection to land, waters and community. We pay our respects to all First Nations peoples, their cultures and to their Elders, past, present and emerging. Artwork by Brooke Rigney-Lively, dated 2024.

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